

Prepared for
Art Gallery of New South Wales Trust

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architectus™

Section 4.55(2) Modification

Art Gallery of NSW Expansion - Sydney Modern Project

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This Section 4.55(2) Modification has been prepared for the approved State Significant Development (SSD 6471) Application for the Sydney Modern Project, the major expansion of the Art Gallery of New South Wales.

SSD 6471 was approved by the Minister for Planning on 20 November 2018.

This Modification report has been prepared by Architectus on behalf of the Art Gallery of New South Wales Trust (AGNSW), the Applicant.

Executive Summary

This report has been prepared by Architectus Group Pty Ltd (Architectus) on behalf of the Art Gallery of New South Wales Trust, for submission to the NSW Department of Planning, Industry and Environment (DPIE) to accompany an application made pursuant to section 4.55(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act) to modify approved State Significant Development (SSD) 6471 for the Art Gallery of New South Wales (AGNSW) Expansion Project, known as the Sydney Modern Project. This is the fourth modification to the approved development (Proposed Modification 4).

The Sydney Modern Project development is located predominantly north of the existing AGNSW on underutilised and disturbed parts of the Domain, including the existing former naval Fuel Bunker, and the land bridge above the Eastern Distributor (the site).

The Proposed Modification comprises landscape design changes to SSD 6471.

The landscape design for the expanded Art Gallery of New South Wales (AGNSW) seeks to create a unified precinct connecting the existing Gallery building and the new Sydney Modern Project building via landscape. This connection will be physical, material and also experiential, through the creation of new public spaces and gardens arranged as an unfolding sequence of experiences.

The proposed landscape design builds on the design concept established in the approved landscape documentation under SSD 6471 and seeks to further integrate the architecture with the landscape. It maintains the core elements of the landscape design which are the Entry Plaza, paved forecourt at the front of the existing Gallery building, circular path and grassed area on the land bridge, landscaping to roof tops, publicly accessible terraces and vegetated areas.

The Proposed Modification enhances the approved landscape design with the following key elements:



1

Addition of reflection pools either side to the front entry of the existing Gallery building;

The changes to the landscape design will incorporate the design of landscape architect Kathryn Gustafson and international landscape architecture firm, GGN (Gustafson Guthrie Nichol) Landscape Architects, while maintaining the landscape design prepared by McGregor Coxall Landscape Architects to the remainder of the site, and complementing the architecture of the Sydney Modern Project building, designed by Pritzker Prize-winning architects, SANAA.

2

Reuse and reinterpretation of heritage walls in front of the existing Gallery building to their original alignment;

3

Enhanced universal pedestrian entry into The Domain from Art Gallery Road opposite the existing Gallery building;

4

Changes to the Entry Plaza, including to tree layout and addition of a 'rain catcher' at ground level to capture rainwater from the glazed roof canopy of the Entry Plaza;

5

Land bridge now incorporates a 'gathering space' bounded by a circular path system, surrounded by a sandstone channel capturing episodic water from the glazed roof canopy of the Entry Plaza and an elevated berm ('Crescent Hill') that will provide an acoustic barrier to the motorway below; an artwork commission zone has been indicated as the site for a future major art commission;

6

Extant paved area on land adjacent to the land bridge and adjoining the existing Gallery is proposed to be reinstated as a terrace area with trellis structure and planting over, accessed predominantly internally from the existing Gallery and bounded by a water feature;

7

Security measures to Art Gallery Road frontage;

8

Minor design changes including to planting areas, plant palette, tree numbers, path systems, retaining walls/seating, lighting, and landscape materials and finishes.

An assessment of environmental impacts has found there to be no significant adverse impacts, and any adverse impacts can be mitigated through design development. As the area of proposed works are landscape in nature and approved under SSD 6471, their impacts have largely been assessed. Furthermore, there are no site conditions that would hinder the development. Therefore, the site is suitable for the proposed development.

The Proposed Modification does not intensify the approved use and does not alter the built form, scale or design intent of the approved development. The landscape changes simply enhance and build on the landscape design already approved. The proposed Modification will therefore maintain design integrity and is considered to be substantially the same development as the development for which consent was originally granted.

The Proposed Modification is in the public interest as it will maintain the core components of the landscape design of the approved scheme, including facilities and amenity benefits, and further enhance these. The Proposed Modification will not alter accessibility to the already approved publicly accessible areas under SSD 6471. These landscape areas of the site will be used by both visitors to the Gallery and the general public as they traverse through the Domain. The Proposed Modification will provide for an enhanced visual and captivating experience for visitors to the existing Gallery building, through proposed modification works such as the addition of reflection pools. Additionally, new enjoyable gathering spaces will be delivered, facilitating Gallery programming and events. Therefore, the enhancement of the landscape spaces under this the Proposed Modification will benefit the broader public by improving visual amenity, providing captivating experiences for visitors, and delivering new enjoyable and comfortable spaces for public use.

Having regard to the matters discussed within this report, it is recommended that the Minister for Planning and Open Space, or their delegate, grant consent to the Proposed Modification.



1 Introduction

Introduction

1.1 Preliminary

This report has been prepared by Architectus Australia Pty Ltd (Architectus) on behalf of the Art Gallery of New South Wales Trust, for submission to the NSW Department of Planning, and Environment (DPIE) to accompany an application made pursuant to section 4.55(2) of the Environmental Planning and Assessment Act 1979 (EP&A Act) to modify approved State Significant Development (SSD) 6471 for the Art Gallery of New South Wales (AGNSW) Expansion Project, known as the Sydney Modern Project. This is the fourth modification to the approved development (proposed modification 4).

The Sydney Modern Project development is located predominantly north of the existing AGNSW on underutilised and disturbed parts of the Domain, including the existing former naval Fuel Bunker, and the land bridge above the Eastern Distributor (the site).

The Proposed Modification comprises landscape design changes to SSD 6471. The proposed landscape changes build on the design concept established in the landscape documentation under SSD 6471. The landscape design seeks to further integrate the Sydney Modern Project architecture with the landscape. It maintains the core elements of the landscape design which are the Entry Plaza, paved forecourt at the front of the existing Gallery building (including reuse and interpretation of heritage walls), landscaping and circular path on the land bridge, and landscaping to roof tops and publicly accessible terraces to the building.

The Proposed Modification is not considered to alter the design intent of the approved development and is considered to be substantially the same development as the development for which consent was originally granted.

A detailed description of the Proposed Modification is provided at Section 2 of this report.

This report provides an overview of the approved development, describes the proposed modifications and provides a planning assessment of the relevant matters for consideration under sections 4.55(2) and 4.15(1) of the EP&A Act.

This report is supported by the following documentation:

- **Appendix A:** Amended Landscape Plans, prepared by McGregor Coxall Landscape Architects, dated 15 July 2020;
- **Appendix B:** Landscape Design Narrative prepared by GGN Landscape Architects, dated 7 July 2020;
- **Appendix C:** Landscape Statement prepared by McGregor Coxall Landscape Architects, dated 21 August 2020;
- **Appendix D:** Amended Architectural Plans, prepared by Architectus with SANAA, dated 3 November 2020;
- **Appendix E:** Archaeological Assessment and Heritage Impact Statement prepared by GML Heritage, dated 21 October 2020;
- **Appendix F:** Structural Statement prepared by Arup, dated 27 October 2020;
- **Appendix G:** Stormwater Drainage Assessment prepared by Arup, dated 30 October 2020;
- **Appendix H:** Addendum to Terrestrial Biodiversity Impact Assessment prepared by WSP, dated 12 August 2020;
- **Appendix I:** Ecologically Sustainable Development (ESD) Statement prepared by LCI Consultants, dated 30 October 2020;
- **Appendix J:** Crime Prevention Through Environmental Design (CPTED) Statement prepared by Arup, dated 9 October 2020;
- **Appendix K:** Accessibility Review prepared by Group DLA, dated 30 October 2020;
- **Appendix L:** Letter of Opinion – Sydney Modern - Accessible Car Parking, prepared by Morris Goding Access Consulting, dated 1 May 2020;
- **Appendix M:** Lighting Design Statement prepared by Steensen Varming, dated 16 July 2020; and
- **Appendix N:** Letter of support for the proposed modification, prepared by the Royal Botanic Gardens and Domain Trust, Sydney, dated 10 September 2020.

Please refer to an overview of the site, overview of the planning framework

1.2 Subject site

The site has a total area of 23,045m² and is located within the Crescent Precinct of the Domain, to the east of the Phillip Precinct and Sydney CBD.

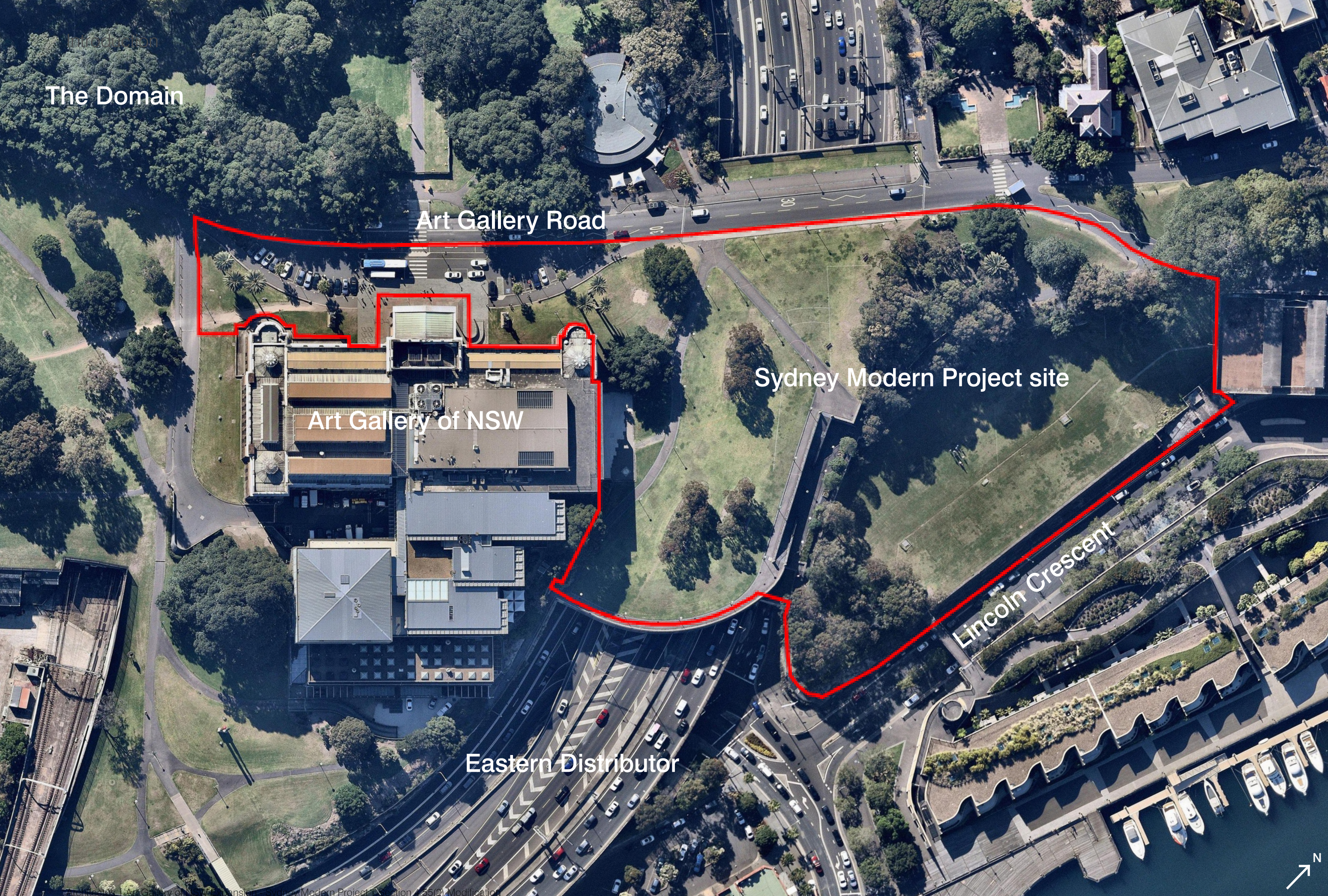
The proposed expansion area is predominantly north of the existing AGNSW on underutilised and disturbed parts of the Domain, including the former naval Fuel Bunker, and partly over the land bridge above the Eastern Distributor.

It is noted that following determination of SSD 6471, which provided approval for subdivision, the land title details at the site have changed from those described within the initial Application.

Works that are the subject of this modification application are primarily contained within Lots 1001 and 1002 DP 1249710. Note these are newly created lots, being the result of the approved subdivision granted by SSD 6471. Other landscaping works are proposed off-site to Lot 1013 DP 1199151 to the north and to the south-east of the existing Gallery building as they were under approved SSD 6471.

The site is shown outlined in red at Figure 1.

Figure 1. Site area
Site outlined in red
Source: NearMaps with Architectus overlay



1.3 Approved Development

The AGNSW Expansion Project, known as the Sydney Modern Project, was approved by the Minister for Planning on 20 November 2018.

The approved development, designed as a separate, stand-alone building, comprises a new Entry Plaza, new exhibition spaces, shop, food and beverage facilities, visitor amenities, art research and education spaces, multipurpose spaces, adaptive re-use of a former naval Fuel Bunker, new roof terraces and landscaping and associated site works and infrastructure, including loading and service areas, services infrastructure and an ancillary seawater heat exchange system.

The new building, designed by Pritzker Prize-winning architects, SANAA, together with the existing AGNSW will provide close to double the current exhibition space. The expansion will enable AGNSW to show more of its outstanding art collection and host more of the best exhibitions from around the world, increasing visitation to over two million people a year.

The expanded AGNSW includes a prominent destination for Aboriginal and Torres Strait Islander art; a large gallery for major exhibitions; a spectacular contemporary art space repurposed from a decommissioned WWII oil tank; and spaces for family, learning and educational programming to significantly increase student and teacher visits annually. A public art garden will link the new and existing buildings, for all visitors to AGNSW, the Domain and adjacent Royal Botanic Garden to enjoy.

The Sydney Modern Project development will provide a significant increase in the AGNSW capabilities to meet its charter as a State cultural institution with a collection valued at over \$1.7 billion, as well as accommodate future increases in patronage and remain competitive as a leading cultural institution in Australia, and as a major cultural destination in the wider Asia-Pacific region.

The Sydney Modern Project development will allow the AGNSW to reinforce its position as the State art gallery and Sydney’s pre-eminent cultural institution, contributing to the wellbeing and prosperity of Sydney, NSW and Australia.

Figure 2 – Photomontage of the approved gallery building facing west from Woolloomooloo
Produced by Kazuyo Sejima and Ryue Nishizawa / SANAA
Source: Art Gallery of New South Wales



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1.4 Summary of previous Modifications

Modifications previously submitted in relation to SSD 6471 include:

Mod 1: Cooling towers – deletion of seawater heat exchange system. Location of new cooling plant within approved excavated area with associated changes to landscaping above to allow for new vents (approved 17 September 2019).

Mod 2: Administrative changes to conditions – modifications to the referencing of conditions of consent (approved 13 December 2019).

Mod 3: Design development – design development changes to ensure more efficient construction processes and to manage irregularities that have become apparent during preliminary construction works and the addition of a new circular gallery space (lodged to DPIE for determination on 27 August 2020).

1.5 Overview of Proposed Modification

The Proposed Modification enhances the approved landscape design with the following key elements:

- 1 Addition of reflection pools either side to the front entry of the existing Gallery building;
- 2 Reuse and reinterpretation of heritage walls in front of the existing Gallery to their original alignment;
- 3 Enhanced universal pedestrian entry into The Domain from Art Gallery Road opposite the existing Gallery building;
- 4 Changes to the Entry Plaza, including to tree layout and addition of a ‘rain catcher’ at ground level to capture rainwater from the glazed roof canopy of the Entry Plaza;
- 5 Land bridge now incorporates a ‘gathering space’ bounded by a circular path system, surrounded by a sandstone channel capturing episodic water from the glazed roof canopy of the Entry Plaza and an elevated berm (‘Crescent Hill’) that will provide an acoustic barrier to the motorway below; an artwork commission zone has been indicated as the site for a future major art commission;
- 6 Extant paved area on land adjacent to the land bridge and adjoining the existing Gallery is proposed to be reinstated as a terrace area with trellis structure and planting over, accessed predominantly internally from the existing Gallery and bounded by a water feature;
- 7 Security measures to Art Gallery Road frontage;
- 8 Minor design changes including to planting areas, plant palette, tree numbers, path systems, retaining walls/ seating, lighting, and landscape materials and finishes.

1.6 Construction Status

Construction works associated with SSD 6471 commenced on 28 November 2019 and are currently underway.

Construction of the Sydney Modern Project is scheduled for completion in 2022.

1.7 Authorship

This report has been prepared by Jane Anderson, Senior Urban Planner and Jasmine Bautista, Student Planner, and has been reviewed by Jane Fielding, Senior Associate, Planning.

Figure 3. Photomontage of the approved gallery building facing east from Art Gallery Road.
Produced by Kazuyo Sejima and Ryue Nishizawa / SANAA
Source: Art Gallery of New South Wales



2 The proposal

Gallery's Vision for Landscape

2.1 Gallery's Vision for Landscape

The Sydney Modern Project, the expansion and transformation of the AGNSW, will create a new art museum with two buildings connected by an art garden.

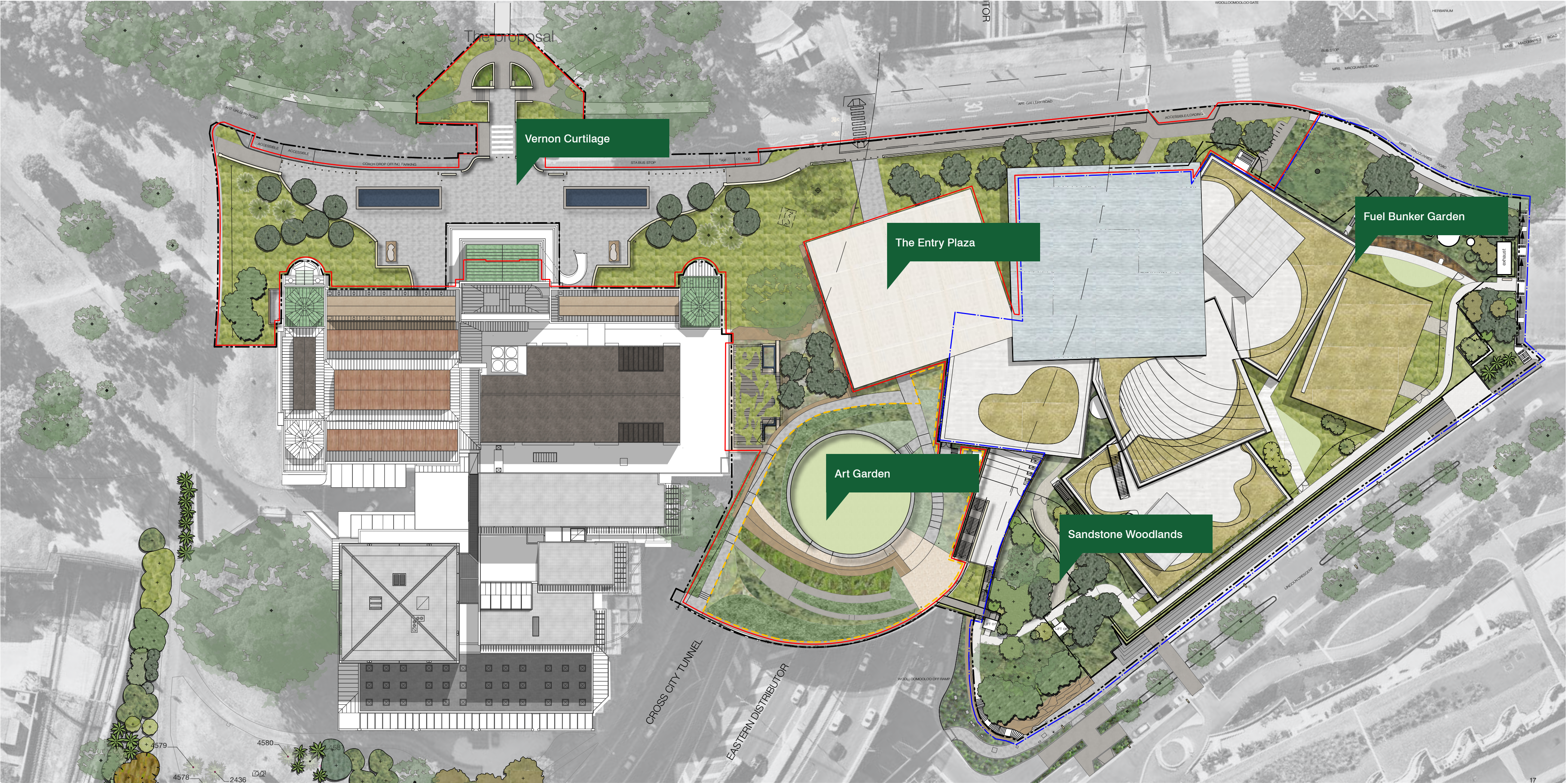
Sitting on Gadigal country, the expanded Gallery will provide an exceptional experience of art, architecture and landscape from an Australian perspective in one of the world's most beautiful locations. The new building, designed by Tokyo-based architects SANAA, will almost double existing exhibition space, creating seamless connections between indoor and outdoor spaces.

Utilising the highest standards of landscape architecture and design, the Gallery's unique parkland setting will provide opportunities for new types of visitor experiences, with the potential to become one of Australia's most significant public spaces.

The landscape design will include native endemic planting to reinstate historic Australian native species more in keeping with the original flora of the site.

The Gallery is also working with the Royal Botanic Gardens and Domain Trust to provide extensive landscape enhancement south-east of the existing Gallery building in order to improve the experience for all visitors and commuters to the precinct.

Figure 4. Proposed landscape changes
Source: GGN and McGregor Coxall Landscape Architects





Art within a garden

The art garden will occupy the area between the existing and new buildings, located between Art Gallery Road at the west and the land bridge at the east. The key goal of the art garden is to create a vibrant new civic space for Sydney. It will provide:

- A link between the Gallery’s existing and new buildings created through art and landscape;
- A garden and landscape setting for art that will be subject to a future major art commission;
- A place of culture and memory with a strong Indigenous voice;
- A place of congregation, rest, relaxation and play;
- Multiple spaces for programming and art-related events;
- A unique experience of native Australian plant species;
- Sightlines to the Gallery’s parkland setting, the city and the harbour; and
- Enhanced 24/7 universal pedestrian access between Woolloomooloo, The Domain and the city beyond through the centre of the expanded art museum site.



Revitalisation of the original AGNSW grand forecourt

The Sydney Modern Project encompasses the revitalisation of the existing Gallery building, which dates back to the end of the nineteenth century with significant additions that opened in 1972, 1988, 2003 and 2010. The Gallery’s aim is to reinstate and enhance the iconic historic building’s original architectural fabric.

This includes revitalising the original grand forecourt in front of the Vernon facade and adding two reflecting pools, creating an enhanced visitor welcome through this magnificent civic space that will also be better connected to pathways across Art Gallery Road and through The Domain.

(Michael Brand, Director, AGNSW)

2.1 Proposed Modification

The Proposed Modification comprises landscape design changes to SSD 6471.

Landscape Design Intent

The landscape design for the Sydney Modern Project seeks to create a unified precinct connecting the existing Gallery building and the new Sydney Modern Project building via landscape. This connection will be physical, material and also experiential, through the creation of new public spaces and gardens arranged as an unfolding sequence of experiences. The landscape design creates opportunities for the integration of artworks by the Gallery, resulting in a visitor journey where landscape and art are closely intertwined. The landscape design aims to better integrate the expanded Gallery into the context of the adjacent Royal Botanic Garden Sydney and The Domain, as well as to the broader city context, Sydney Harbour and Woolloomooloo.

The landscape design proposed under this modification builds on the design concept established in the currently approved landscape documentation design under SSD 6471 and seeks to further integrate the architecture with the landscape. It maintains the core elements of the landscape design which are the Entry Plaza, paved forecourt at the front of the existing Gallery building, circular path and grassed area on the land bridge, landscaping to roof tops, publicly accessible terraces and vegetated areas.

Refer to the Landscape Design Statement prepared by GGN Landscape Architects and McGregor Coxall Landscape Architects at **Appendix B** and **Appendix C** respectively.

Detailed Description of Modification

A detailed description of the Proposed Modification is described below, with the extent of the proposed modifications shown on the amended landscape and architectural plans at **Appendix A** and **Appendix D**.

- Addition of reflection pools either side to the front entry of the existing Gallery building;
- Reuse and reinterpretation of heritage walls in front of the existing Gallery to reflect their original alignment and height;
- Enhanced universal pedestrian entry into The Domain from Art Gallery Road opposite the existing Gallery building;
- Changes to Entry Plaza including to the tree layout, and addition of ‘rain catcher’ at ground level to capture rainwater from the glazed roof canopy of the Entry Plaza and a sandstone channel to collect rain runoff and weave it through the land bridge landscape area. Note the ephemeral water feature incorporates an extant sandstone escarpment;
- Land bridge now incorporates a ‘gathering space’ bounded by a circular path system, surrounded by a sandstone channel capturing episodic water from the glazed roof canopy of the Entry Plaza and an elevated berm (‘Crescent Hill’) that will provide an acoustic barrier to the motorway below; an artwork commission zone has been indicated as the site for a future major art commission;
- Extant paved area on land adjacent to the land bridge and adjoining the existing Gallery building (former ‘Northern Sculpture Court’) is proposed to be reinstated as a terrace area which will be accessed predominantly internally from the existing Gallery building and used as a sculpture terrace and, as required, for Gallery programming and events. It will have a trellis structure with planting over, and be bordered by a water feature that will distinguish it from the remainder of the land bridge;
- Security and safety measures to Art Gallery Road in the form of bollards, low walls and reflection pools that will act as Hostile Vehicle Mitigations for the site;
- Minor changes to planting areas in terms of tree/shrub/groundcover placement, refinements to plant palette, and an increase in proposed tree planting numbers;
- Minor design changes including to path systems, retaining walls/seating, lighting, landscape materials and finishes, and reduction in one accessible car space/loading bay length.

The proposal

Landscaping works

The changes to the landscape design will incorporate the design of landscape architect Kathryn Gustafson and international landscape architecture firm, GGN (Gustafson Guthrie Nichol) Landscape Architects, while maintaining the landscape design prepared by McGregor Coxall Landscape Architects to the remainder of the site, and complementing the architecture of the Sydney Modern Project building, designed by Pritzker Prize-winning architects, SANAA.

It should be noted that the Proposed Modification relies on the changes proposed under Modification 3 to SSDA 6471, including to architectural and landscape plans, which was lodged with DPIE on 27 August 2020.

The Vernon Curtilage

- Two new reflection pools positioned symmetrically in front of the existing Art Gallery of NSW building entrance
- New paving to the forecourt
- New bollards fronting Art Gallery Road
- New tree planting
- The existing stone wall surrounding the forecourt is to be partly retained and partly relocated with reuse of the existing stone
- New ramps, stairs and paving to match the forecourt in The Domain (far side of the Art Gallery Road pedestrian crossing) where possible reusing existing materials

It is noted the existing sculptures within the Vernon Curtilage area will be retained.

Approved

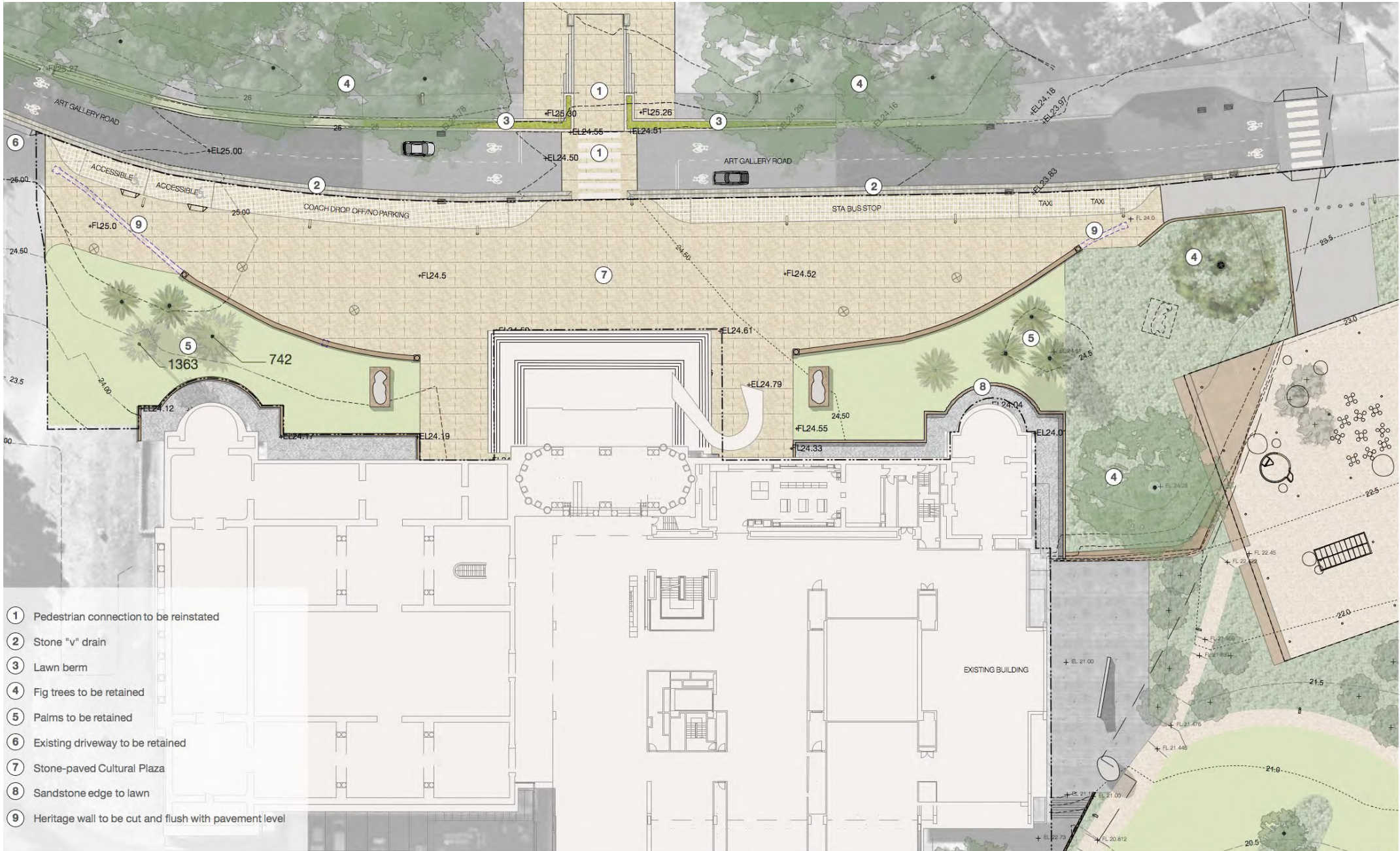


Figure 5. Landscape plan of the Vernon Curtilage, as approved under SSD 6471
Source: McGregor Coxall Landscape Architects

The proposal

Proposed

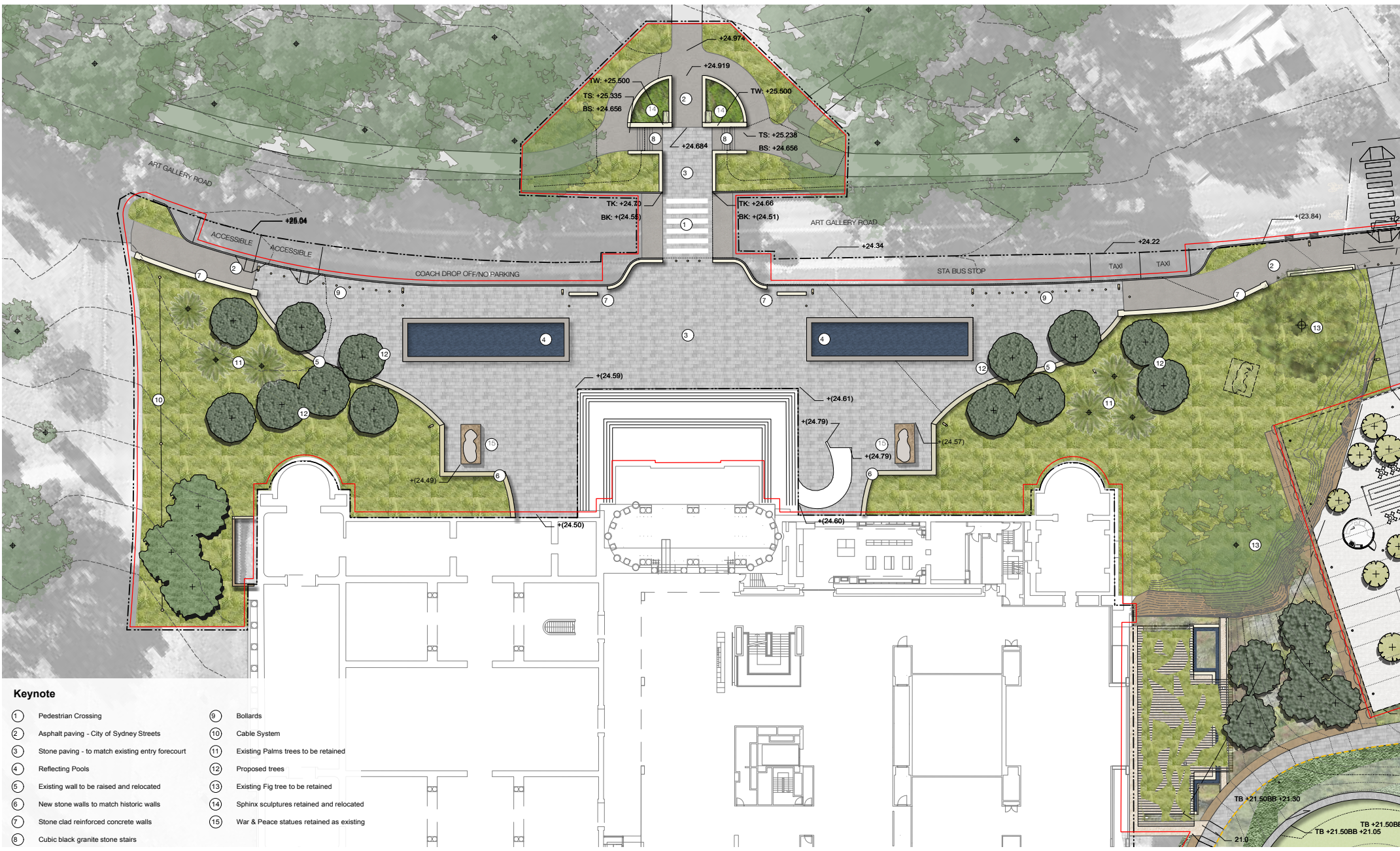


Figure 6. Proposed Landscape Plan of the Vernon Curtilage under the Proposed Modification
Source: Gustafson Guthrie Nichol (GGN) Landscape Architects and McGregor Coxall Landscape Architects

“Two new reflecting pools are introduced, positioned to maximise the reflection of the portico and sized to help give scale and structure to the new forecourt.”

GNN, Landscape Design Narrative.

The proposal

The Entry Plaza

- New paving along Art Gallery Road
- New low bench / retaining wall along Art Gallery Road
- New paving at the entrance to the Entry Plaza to match the forecourt paving in front of the existing Gallery building
- Inclusion of a rain catcher and sandstone channel adjacent to the Entry Plaza to catch water during rain events from the glazed roof canopy of the Entry Plaza
- Tree and shrub planting under the Entry Plaza canopy to be provided in free-standing planters, rather than in-ground planting

Approved

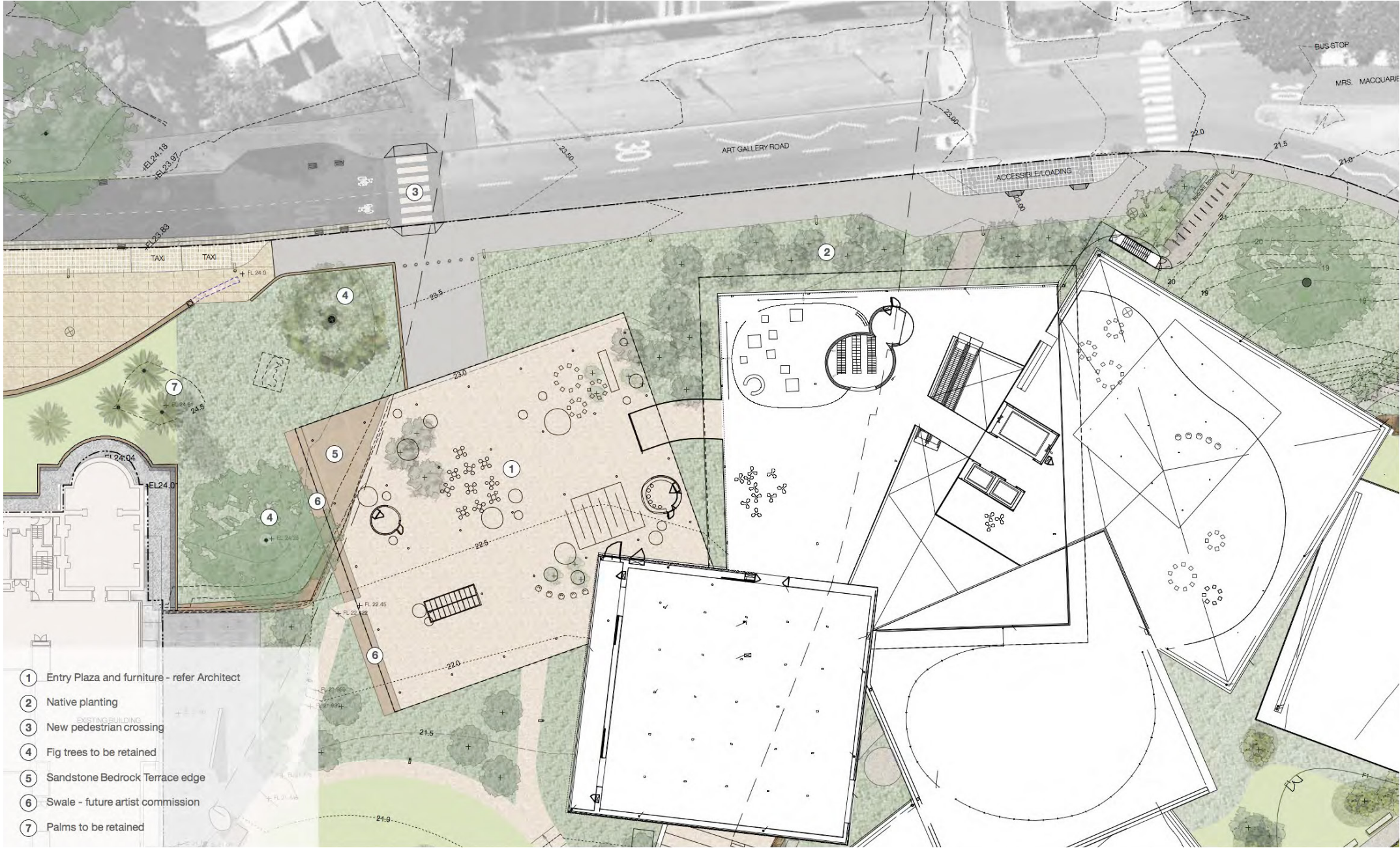


Figure 7. Landscape plan of the Entry Plaza, as approved under SSD 6471
Source: McGregor Coxall Landscape Architects

The proposal

Proposed



Figure 8. Proposed landscape plan of the Entry Plaza under the Proposed Modification
Source: Gustafson Guthrie Nichol (GGN) Landscape Architects and McGregor Coxall Landscape Architects

“The Entry Plaza is complemented by a proposed new circular outdoor gathering space with views out to Sydney Harbour and Woolloomooloo Bay. The Entry Plaza and new gathering space are connected by a network of pedestrian pathways designed to create a garden experience highlighting native endemic plants.”

GNN, Landscape Design Narrative.

The proposal

Area south-east of existing Gallery building

Additional tree planting is proposed off-site to Lot 1013 DP 1199151 to the south-east of the existing Gallery building and will be predominantly native endemic species.

The planting proposed to the south-east of the existing Gallery building was approved under SSD 6471.

The Gallery is working with the Royal Botanic Gardens and Domain Trust to provide extensive landscape enhancement south-east of the existing Gallery building in order to improve the experience for all visitors and commuters to the precinct."

Approved



Figure 9. Landscape plan showing the area south-east of the existing Gallery Building, as approved under SSD 6471
Source: McGregor Coxall Landscape Architects

The proposal

Proposed



Figure 10. Proposed landscape plan showing the area south-east of the existing Gallery Building, under the Proposed Modification
Source: Gustafson Guthrie Nichol (GGN) Landscape Architects and McGregor Coxall Landscape Architects

“The planting will be predominantly a New South Wales native endemic species palette and will be designed with input from Indigenous communities and the Royal Botanic Garden to create a garden that feels grounded in the region.”

GNN, Landscape Design Narrative.

The proposal

The Gathering Space and Crescent Hill

- A large circular central area ('Gathering Space') surrounded by a stone bench / wall on the western side of the site
- New paving to match the forecourt paving in front of the existing Gallery building
- New sandstone paving
- New asphalt footpath
- Inclusion of a sandstone channel connected to the Entry Plaza rain catcher
- New crescent-shaped earth berm ('Crescent Hill') adjacent to the edge of the land bridge, including new tree and shrub planting
- An artwork commission zone as the site for a future major art commission with provision for new tree planting
- Reinstatement of terrace, new trellis structure and water feature adjacent to the existing Gallery building in place of the area formerly known as the 'Northern Sculpture Court'. The area will be associated with the existing Gallery building and will have controlled access via the art garden. Access will predominantly be via existing doors within the northern façade of the existing Gallery building. The area will include new planting.

Approved



Figure 11. Landscape plan of the Gathering Space and Crescent Hill, as approved under SSD 6471
Source: McGregor Coxall Landscape Architects

The proposal

Proposed

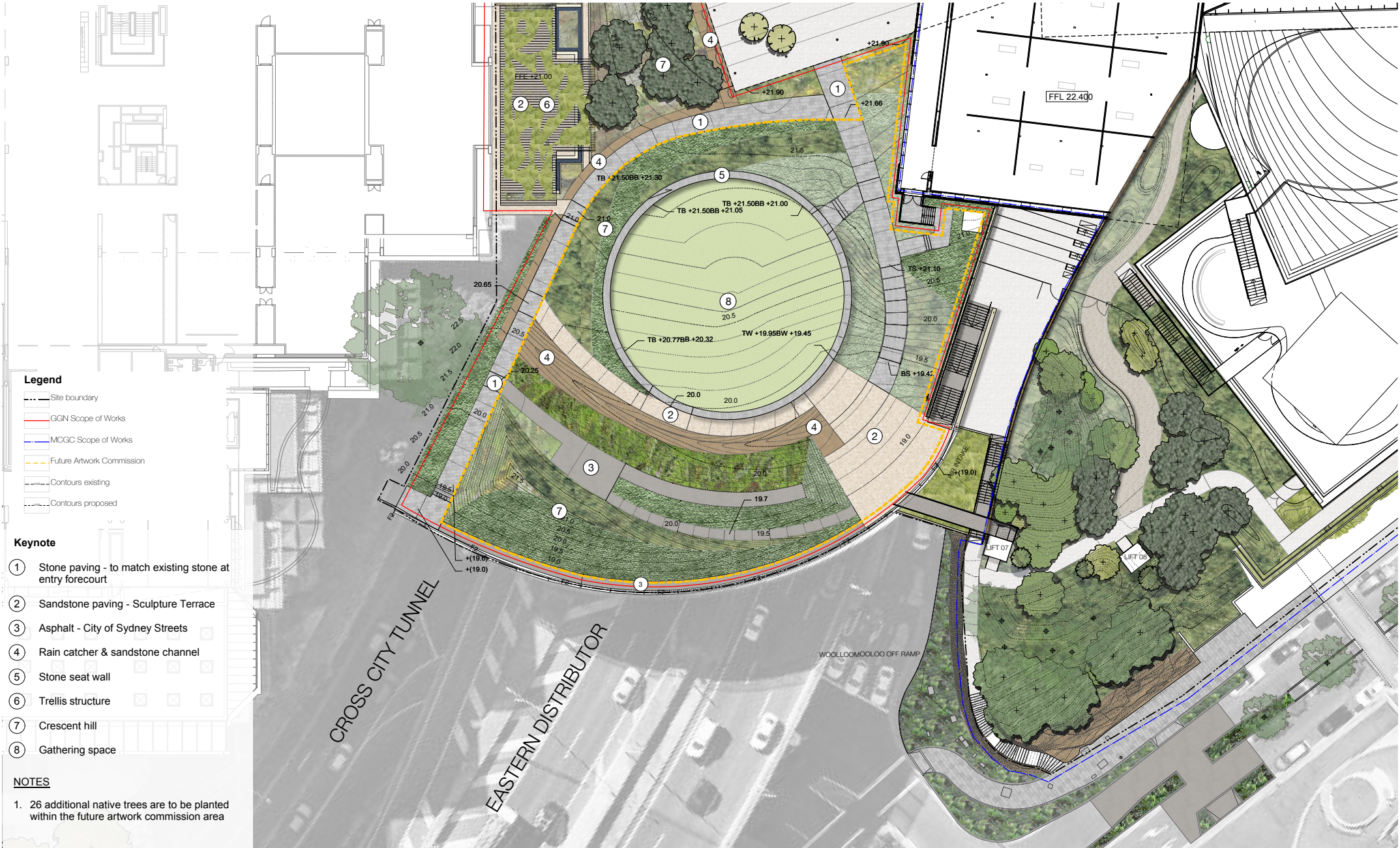


Figure 12. Proposed landscape plan of the Gathering Space and Crescent Hill under the Proposed Modification
Source: Gustafson Guthrie Nichol (GGN) Landscape Architects and McGregor Coxall Landscape Architects

“Paralleling the pathways is a sandstone channel that starts along the southern edge of the Entry Plaza. This channel is intended to catch rainwater from the glazed roof of the Entry Plaza and convey it to a receiving basin on the eastern end of the land bridge.”

GNN, Landscape Design Narrative.

The Art Garden and its use as a major art commission space

SSD 6471 approved the land bridge for the use of an Art Garden, and therefore, as a space for installation of artworks that will constantly change over time in line with AGNSW's curatorial demands and engagement with the public.

The Environmental Impact Statement (EIS) for SSD 6471 included the following references to the Art Garden:

- Proposed Development description: “*Landscaping and public domain improvements including... Enhancement of the public open space on the land bridge to create a landscape and art connection between the two buildings.*”
- “*The Art Garden will provide a central public lawn for visitors to the AGNSW including significant art commissions and provide amenity for all persons utilising adjacent through-site links.*”
- “*The integrated approach to creating a landscape that links both the architectural and cultural elements of the site will enhance the public's enjoyment and create a significant new civic space for the city to be enjoyed by residents and tourists alike.*”
- “*There will be placement of sculptures amongst the new garden spaces as part of the proposal, including new Art Garden.*”
- “*A number of significant Aboriginal and Torres Islander artwork commissions have been identified as part of the development of the Art Garden and Entry Plaza.*”
- “*Creating a new relationship of bringing the garden into the gallery and gallery into the garden through new landscaped spaces which complement the gallery spaces...*”

The Art Garden has been set aside for a major art commission and AGNSW is currently in discussions regarding the proposed work. This will be delivered in time for the new Gallery's opening in 2022.

While some of the artworks throughout the Art Garden, and other landscaped areas of the site, will be permanent, others will be ephemeral and will grow and change over time. It will be an evolving landscape, with art, planting and other public domain elements intertwined. While the space for this art is already the subject of approval under SSD-6471, the landscaping in and around the Art Garden is proposed to be amended as part of this Proposed Modification to reflect updated design. These physical changes include key structural elements in the landscape encompassing the proposed pathway system, retaining walls, lawn area and planter beds. Refer to the revised landscape plan for the Art Garden at **Appendix A**.

Further, the amended landscape plan for the Art Garden shows a boundary and associated note specifying a total of twenty-six (26) additional (native) trees that will be planted on the landbridge. The trees are not precisely positioned on the amended landscape plan because their location will be determined once details of the artwork commission are developed, taking into account the structural loads of the land bridge. Existing Condition E19 under SSD 6471 consent will also be amended to specify that a minimum of 299 trees are to be planted for the project that incorporates these 26 trees.

Art commissions elsewhere on site (outside of the Art Garden and new Gallery building)

AGNSW intends to install artworks within the landscaped/external areas of the site outside of the Art Garden and the new building. As noted above, SSD 6471 has approved the placement of art in the new garden spaces, and the artworks that will be on display, like those of the Art Garden, may be either permanent or ephemeral, in nature, and will be managed through the curatorial program of AGNSW to support its engagement with the public.

Accordingly, while further approval is not required for the placement of ephemeral artworks in the garden spaces outside of the Art Garden, approval is sought for the proposed amendments to the landscaping in these areas, as shown in the plans at **Appendix A**. Refer to **Section 3.2** for details.

Tree loss – note not under this Modification

The following existing fourteen (14) trees have been lost on the site in accordance with the conditions of consent for the Sydney Modern Project:

- Two (2) existing trees that were approved to be relocated – one (1) Moreton Bay Fig (T1228) and one (1) Canary Island Palm (T742) – were unable to be transplanted and were removed.

The Moreton Bay Fig was found to be located over a live high voltage Ausgrid cable that connects to the zone substation (adjacent to the site), which provides power to central Sydney. The relocation of the tree was not possible due to the tree roots and the high voltage cable being severely interwoven.

During the process of transplanting the Canary Island Palm, a number of issues arose that impacted the long-term viability of the tree. These issues included a reduced size root ball, pest infestation of the tree and, at the proposed transplant location, shallow bedrock was discovered.

The conditions of the respective trees were verified, and management recommendations made by a Level 5 certified Arborist.

- Nine (9) trees (Tree No.'s 2405, 2406, 2407, 2408, 2409, 2410, 2411, 4738 and 4739) on the land bridge died due to drought. These trees were investigated by a Level 5 certified Arborist who confirmed the trees to be dead and that drought was the cause of their decline.
- One (1) tree (T3726) adjacent to Lift 8 was removed due to safety reasons. The tree was investigated by a Level 5 certified Arborist who declared the single tree to be unsafe.
- Two (2) trees were already dead: T2971 was noted as being dead, with nil life expectancy, and very low retention value; while T4817 was on the arborist plans but not on site (must have died/been very small).

The above is provided for information only and does not form part of the Proposed Modification.

It should be noted a future artwork pertaining to the legacy of the Canary Island Palm has been commissioned by the Gallery.

Proposed tree planting

The Proposed Modification will provide tree planting, totaling to 299 trees to be planted on and surrounding the site. This represents an increase of 26 additional new trees from the 273 required to be planted under Condition E19 of SSD 6471 (and Modification 3 currently under assessment by the consent authority). However, when considering the 14 trees lost, this results in a net increase of 12.

The trees in the Entry Plaza have been changed from trees planted in the ground to trees planted in pots. This is to allow AGNSW the flexibility in use of the Entry Plaza space, to accommodate artworks as well as changes in visitor behaviour and events, as the trees will be able to be moved around. Also, given the trees will be under a glass canopy, and it is unknown exactly how they will fare under that material, the Proposed Modification will allow them to be moved around to suit the microclimates under the canopy and their preferred conditions.

The trees proposed to the forecourt of existing Gallery building have been replaced with new species and locations in response to comments from the project heritage consultant and the Office of Environment and Heritage (OEH). Refer to Section 4.2 on 'Heritage' below and Section 2.3 on 'Consultation' below.

Some of the additional trees are proposed to be planted to the south-east of existing Gallery building on the direction of the RBG&D Trust. Refer to landscape plans LD_DA_00-01 and LD_DA_00-02 at **Appendix A**.

The planting will be predominantly native endemic species. Landscaping will be designed with input from Indigenous communities and the Royal Botanic Garden and Domain Trust to create a garden that feels grounded in the region.

Condition E19 of SSD 6471 requires a minimum of 273 trees to be planted for the project. These conditions will need to be amended to specify 299 trees to be planted (note includes 14 trees in pots).

Table 1. Tree Data – Site and Surroundings

Tree Data – site and surroundings	No.
Trees Proposed	
SSD-6471 & proposed Mod 3 under assessment	273
Mod 4 (this Mod):	299:
<i>RBG land</i>	246
<i>RMS land</i>	13
<i>Potted trees (Entry Plaza)</i>	14
<i>Defined Art Commission Area (land bridge)</i>	26
Trees lost (died, other)	14
Proposed trees under Mod 4 & less those lost	285
Net increase of trees	12

Accessible parking

The approved landscape drawings under SSD 6471 show two accessible parking bays to Art Gallery Road. To inform this, Arup Traffic demonstrated a compliant solution for the two accessible spaces, including the required clearance (7.5m) from the existing pedestrian crossing. However, it has since been found that this setout overlaps with the Art Gallery Road Bridge construction.

The bay has therefore been reduced in length from the approved scheme, due to the constraints imposed by the road bridge construction joint to the south, and pedestrian crossing to the north. This has seen a reduction of the accessible parking / loading area to 12.0m x 3.2m. This is suitable for one accessible parking space or one 8-tonne medium rigid vehicle (MRV) with a length of 8m (e.g. Pantech truck with dimensions of 8m x 2.5m).

AGNSW is currently working with the Royal Botanic Gardens and Domain Trust on a broader transport strategy for the precinct.

2.2 Consultation

The following consultation was undertaken for the purposes of this Proposed Modification. Refer to a detailed summary of consultation activities at **Appendix P**.

City of Sydney Council

A meeting between AGNSW and the City of Sydney Council was held on 30 June 2020. The meeting was attended by Council representative Graham Jahn, Director of City Planning, Development & Transport. Overall, the City of Sydney response to the proposed design was positive with no significant changes requested.

SMP Design Integrity Review Panel

A briefing of the SMP Design Integrity Review Panel was held on 30 June 2020 for the Proposed Modification. The Panel provided a written report post the meeting noting:

‘The Panel welcomed the presentation and believes that the landscape design will not only define memorable specific spaces with thin the project, but can also help unify the old and new Gallery buildings, Botanic Gardens and other surrounding public domain elements including the Domain, Art Gallery Road and pedestrian pathways as a Gallery Campus in a future Cultural Plaza.’

The Gallery will continue to engage with the Panel as part of the detailed design development.

Office of Environment and Heritage

A briefing of the Heritage Division of the Office of Environment and Heritage (OEH) (now Heritage NSW) was held on 3 June 2020. OEH provided positive feedback on the overall design as well as some commentary about reuse of materials at the Domain entry point and commentary on tree species for those proposed in the forecourt. In response to comments by OEH, some alternate tree species are now proposed. The Gallery will continue to engage with OEH as part of the detailed design development.

Royal Botanic Gardens and Domain Trust

A briefing of the RBGDT was held on 18 June 2020 and 24 June 2020 for the Proposed Modification. The RBGDT provided positive feedback and a letter of support is included at **Appendix N**.

Transport for NSW

A briefing of Transport for NSW (TfNSW) was held on 24 June 2020 for the Proposed Modification. TfNSW provided positive commentary with no significant recommendations.

As there were no specific comments from TfNSW to address, the Gallery will continue to engage with TfNSW as part of the detailed design development

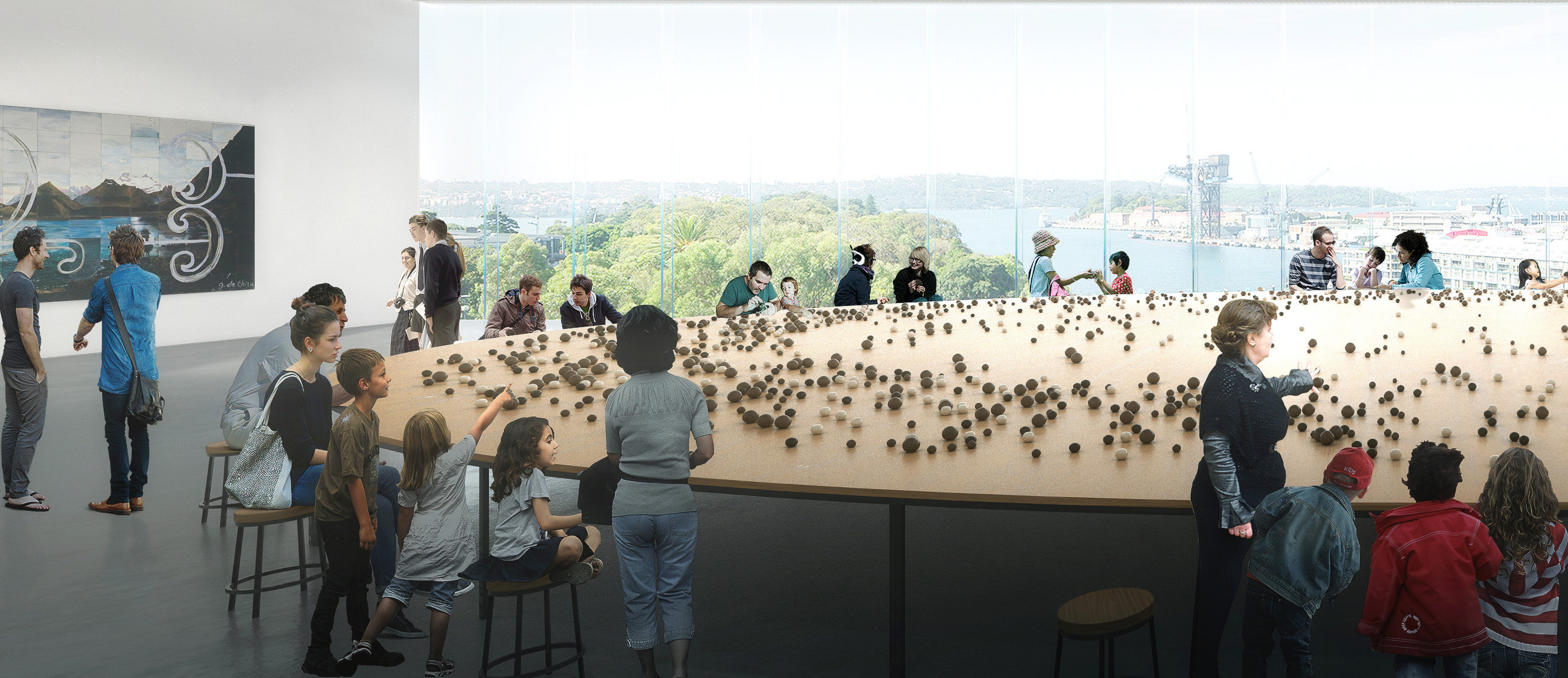
Since this meeting, correspondence has occurred between TfNSW and the RBGDT about the proposed tree planting in the vicinity of the rail corridor, to the south-east of the existing Gallery building. As a result of this discussion, the extent of proposed tree planting has been pulled back outside of the constraints as shown in Figure 3 below. Note the tree shown between the easement and 3m offset line is an existing tree.



Airport Motorways Limited / Transurban Group

A briefing of AML/Transurban was held on 24 June 2020 for the Proposed Modification. AML/Transurban provided positive commentary with no significant recommendations. As there were no specific comments from Transurban to address, the Gallery will continue to engage with Airport Motorways Limited / Transurban Group as part of the detailed design development.

Figure 14. Photomontage of Gallery 2 inside the approved gallery building
Produced by Kazuyo Sejima and Ryue Nishizawa / SANAA
Source: Art Gallery of New South Wales



3 Planning context and regulatory framework

3.1 Applicable Planning Framework

The Environmental Impact Statement (EIS) dated 3 November 2017 submitted for SSD 6471 took into consideration, and found that original the proposal is consistent with the relevant legislation and regulations applicable to the proposal, including Environment Protection and Biodiversity Conservation Act 1999, the Environmental Planning and Assessment Act 1979 (EP&A Act), the Royal Botanic Gardens and Domain Trust Act 1980; the Art Gallery of New South Wales Act 1980, the Marine Pollution Act 2012; the Fisheries Management Act 1994; the Protection of the Environment Operations Act 1997; the Biodiversity Conservation Act 2016; the Contaminated Land Management Act 1997; the Heritage Act 1977; the National Parks and Wildlife Act 1974 and applicable Regulations.

The Proposed Modification does not engage any further legislative provisions, and the overall use of the Sydney Modern Project remains the same. Accordingly, the same legislative consideration as was undertaken for the approved SSD 6471 remains applicable to the Proposed Modification.

3.2 Substantially the Same Development

Section 4.55(2) of the EP&A Act provides that:

“A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—

- a. it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- b. it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- c. it has notified the application in accordance with—*
 - i. the regulations, if the regulations so require, or*
 - ii. a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- d. it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

Subsections (1) and (1A) do not apply to such a modification.”

The Proposed Modification comprises landscape design changes, as described at Section 2.2 of this report.

The Proposed Modification does not intensify the approved use and does not alter the built form, scale or design intent of the approved development. The landscape changes simply enhance and build on the landscape design already approved. It maintains the core elements of the landscape design which are the Entry Plaza, paved forecourt at the front of the existing Gallery building, circular path and grassed area on the land bridge, landscaping to roof tops, publicly accessible terraces and vegetated areas.

It is therefore considered that the development as it is proposed to be modified is substantially the same as the development for which the consent was originally granted.

It is anticipated that the Proposed Modification will be notified in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000. A response will be provided to any submissions raised during this period.



Figure 16. Photomontage of a studio inside the approved gallery building
Produced by Kazuyo Sejima and Ryue Nishizawa / SANAA
Source: Art Gallery of New South Wales



4 Environmental Assessment

4.1 Section 4.15 (1)(a) Matters for Consideration – General

Matters for consideration under this clause have been addressed in Section 4 of this report.

The Proposed Modification does not propose changes to the bulk, scale, setback, siting or use of the approved development under SSD 6471, with the exception of a minor addition adjoining the existing Gallery building described at Section 4.2 ‘Built Form and Massing’ below with proposed trellis structure to reinstated terrace. As such there are no substantive provisions under the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) or Sydney Development Control Plan 2012 (Sydney DCP 2012) are enlivened by the Proposed Modification. Refer to Section 4.2 below, which provides consideration of likely impacts, including potential impacts to heritage, Aboriginal and historical archaeology, and more.

Clause 6.21 Design Excellence of Sydney LEP 2012

The relevant objectives of Clause 6.21 of the Sydney LEP 2012 provides that:

- 1. The objective of this clause is to deliver the highest standard of architectural, urban and landscape design.
- 2. This clause applies to development involving the erection of a new building or external alterations to an existing building on land to which this Plan applies.
- 3. Development consent must not be granted to development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence.

SSD 6471 was subject to a design competition in accordance with the clause.

As provided elsewhere in this report, the proposed landscape design builds on the design concept established in the approved landscape documentation under SSD 6471 and seeks to further integrate the architecture with the landscape. It maintains the core elements of the landscape design which are the Entry Plaza, paved forecourt at the front of the existing Gallery building, circular path and grassed area on the land bridge, landscaping to roof tops, publicly accessible terraces and vegetated areas. The proposal thereby maintains design integrity of the approved SSD 6471 and is substantially the same development.

In accordance with condition of consent no. B2 under SSD 6471, the approved development shall be subject to a design integrity process throughout the design development and construction documentation period in consultation with the Government Architect NSW (GANSW) and through the State Design Review Panel (SDRP) Pilot Program.

As set out at Section 2.3 above, a meeting of the SMP Design Integrity Review Panel was held on 30 June 2020 for the Proposed Modification and the Panel will again be consulted during the notification period.

4.2 Section 4.15 (1)(b) The Likely Impacts

A discussion of the likely anticipated impacts resulting from the Proposed Modification is set out below.

Built Form and Massing

The proposed landscape changes will not alter the bulk, scale, setback or siting of the approved development. The Proposed Modification is limited to landscape changes. The Proposed Modification will not affect the built form or overall presentation of the approved Gallery building.

Reinstated terrace and new trellis structure

The north east facade of the existing Gallery building was designed by Andrew Andersons in 1972 and provides a direct interface to the art garden. The original design of the façade included extensive glazing connecting the interior of the Gallery with an external secure courtyard area. The Gallery intends to reinstate the glazing on this façade (note this is existing but is currently covered by hoarding) including the existing doorway, to restore this important connection. Note these works are not part of the Proposed Modification.

As part of the Proposed Modification works, a trellis structure is proposed adjacent, but separate to, the north east façade of the existing Gallery to provide cover to the extant external paved area. The trellis has been designed to complement key architectural elements of the original façade and will be aligned to the height of Lower Level 1 of the existing Gallery. The material palette of the trellis will align with the stone and concrete used in the existing façade. This area will be primarily accessed from Lower Level 1 of the existing Gallery building; however, provision will also be made for access via the landscape through a secure gate. The terrace area is proposed to have a secure boundary provided by landscape and a water feature. Thus, it is anticipated that the reinstated terrace and new trellis structure is to have positive impact by improving visual amenity for users of the space.

Heritage

An Archaeological Assessment and Heritage Impact Statement has been prepared for the proposed works by GML Heritage (dated 14th August 2020). Refer to this Statement at **Appendix E**. This provides an assessment of the proposal in relation to historical archaeology, aboriginal archaeology and built heritage and landscape. Their summary and recommendations are extracted below.

Summary of Impacts

In summary, the proposed design modifications will not result in any detrimental impact on Aboriginal or historical archaeology. However, the existing management procedures for Aboriginal or historical archaeology management should be continued.

Works to the Entry Plaza, Landbridge, Fuel Bunker Garden and Art Garden will not increase the heritage impacts from those of the approved design. The Trellis Garden and its pergola will not adversely impact the heritage values of the Vernon Wing or the significant oil tanks and will not disturb key significant views; however, this element will require materials, set out and detailing to be confirmed in detailed design development to ensure heritage impacts are mitigated.

The proposed design modifications to the forecourt of the Vernon Wing (the Vernon Curtilage) includes elements that retain and reveal the heritage significance of the place such as the serpentine dwarf wall's reconstruction and the removal of the stark parking area. However, elements of the design of the forecourt—principally hostile vehicle management measures and the addition of potentially very tall groves of trees—would change the historic setting and may interrupt some key views to the existing gallery, thereby having potentially adverse impacts on the heritage values of the existing gallery.

The treatment of the landscape at the southwestern corner of the Vernon Wing has potential to cause direct impacts to the material conservation of the building which is showing damage by damp in this location.

Detailed design should investigate and rectify moisture ingress at this location and elsewhere at the interface with the Vernon Wing so as to not only not exacerbate current defects but to remediate defects and put in place measures to care for the building in the long term.

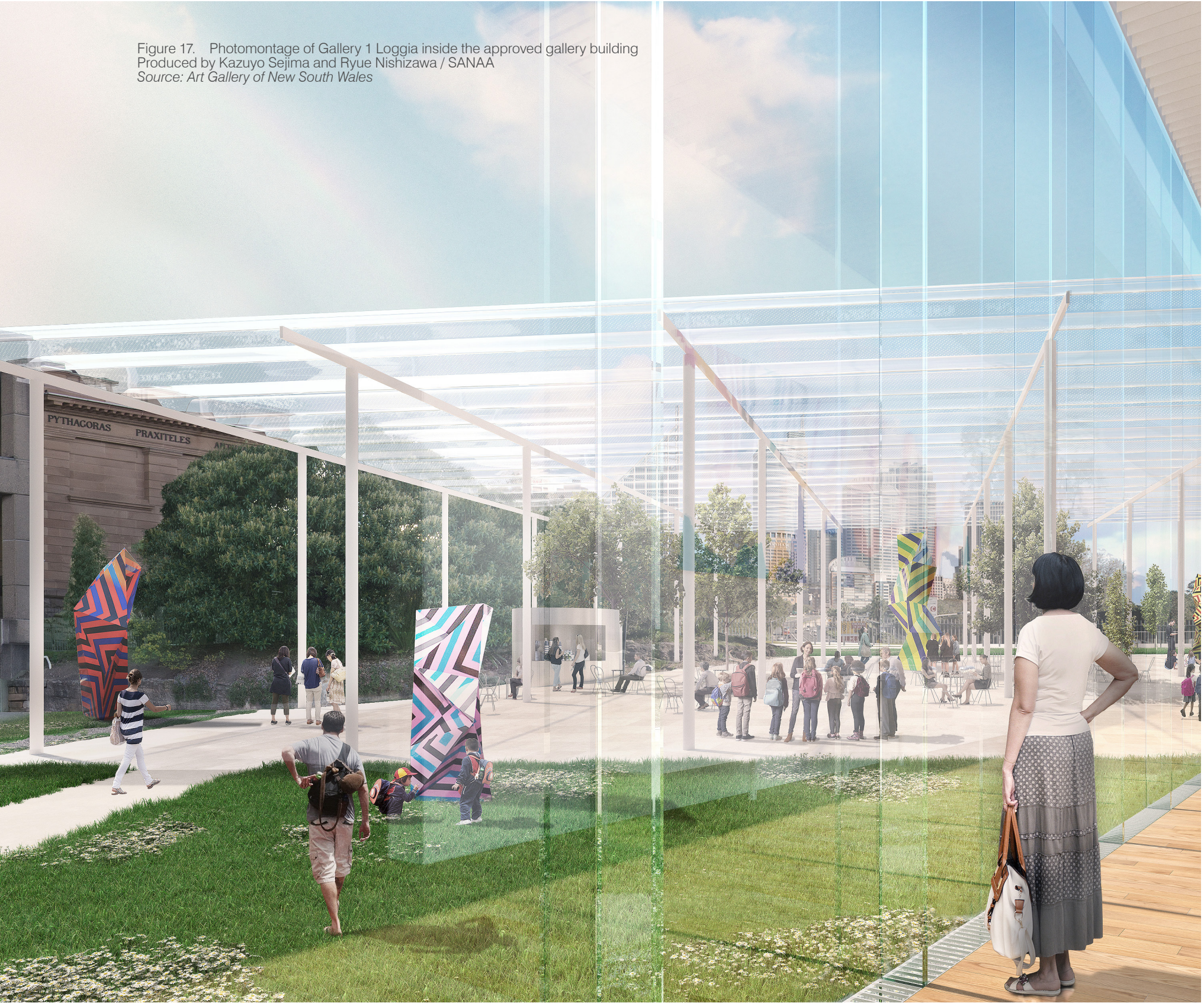


Figure 17. Photomontage of Gallery 1 Loggia inside the approved gallery building
Produced by Kazuyo Sejima and Ryue Nishizawa / SANAA
Source: Art Gallery of New South Wales

Recommended Mitigation Measures

The following recommendations should be implemented during the detailed design and construction phases of the project to mitigate heritage impacts. This should be done with ongoing review and heritage advice by a heritage specialist.

- 1. Existing management procedures for historical and Aboriginal archaeology management should be continued. These are outlined in Attachments C and D, respectively.
- 2. The materials, set out and detailing of the pergola/trellis structure of the Trellis Garden should be reviewed and confirmed in detailed design development.
- 3. The details regarding the hostile vehicle management measures (including bollards and pools) and tree planting the forecourt of the Vernon Wing (the Vernon Curtilage) should be reviewed— particularly with regard to keeping views to the Wing from the north and south as open and uncluttered as possible.
- 4. The detailed design of the landscape at the southwestern corner of the Vernon Wing and along its western interface should include investigation and rectification of moisture ingress into the significant masonry fabric of the Wing and a strategy for the long term conservation of this fabric should be implemented as part of the works.
- 5. If trees are functionally essential in the forecourt, further investigation should be undertaken to select a species with a lower and more open habit. The location of individual trees should also be reviewed to minimise view impacts.
- 6. The proposed concrete retaining walls adjacent to Art Gallery Road should be reviewed in detail to confirm they are compatible with the significant elements and landscape setting of the Vernon Wing.
- 7. Vibration monitoring of works in progress should continue to protect the significant Vernon Wing.

Stormwater drainage

A Stormwater Drainage Assessment has been prepared by Arup (dated 21 July 2020). Refer to the assessment at **Appendix G**.

The assessment reviews each of the areas where landscaping is proposed to change and provides an assessment of the stormwater design.

With regards to the art garden, the stormwater drainage design will be addressed during design development and will be reflected in an updated Water and Stormwater Management Plan. Key features of the drainage design will include the proposed strategy for discharge, detention and water quality.

Arup note that the overall stormwater drainage design intent is to have neutral impact considering it remains consistent with the previously approved scheme.

Structural

A Structural Statement has been prepared by Arup (dated 21 July 2020). Refer to the assessment at **Appendix F**.

Land bridge capacity

The statement provides a review of the loading from the proposed landscaping inclusive of the proposed changes to soil depths, trees and paving. The statement confirms that the loading is within the capacity of the existing land bridge. The statement notes the current load allowance of the land bridge has been maintained with the addition of the landscaping mass, and the proposed security measures (raised planter wall) can be accommodated on the existing land bridge.

Trellis structure

Arup note that the trellis structure, retaining walls and other landscaping structures will be designed in accordance with the Building Code of Australia 2016 (BCA) incorporating NCC 2019 and all relevant Australian Standards. Thus, the structural works part of the Proposed Modification are not anticipated to have any significant detrimental impact to the existing and new Gallery building.

Ecology

An Addendum Terrestrial Biodiversity Impact Assessment has been prepared by WSP (dated 6 July 2020) and is attached at **Appendix H**.

WSP have concluded that the Proposed Modification will not result in any additional or increased negative impact on the current approved footprint in terms of biodiversity, WSP provide that they consider the application is subject to section 7.17(2)(c) of the Biodiversity Conservation Act 2016 and as such no further biodiversity impact assessment is required.

Ecologically Sustainable Development

An Ecologically Sustainable Development Statement has been prepared by LCI Consultants (dated 13 July 2020) and is attached at **Appendix I**.

The statement advises that the proposed landscape changes are not anticipated to adversely affect the Water Efficiency and Green Star aspirations for the project. LCI Consultants note that the reflection pools at the forecourt of the existing Gallery will slightly increase onsite potable water demand, however the overall water efficiency of the project will not be adversely affected.

The consultant advises the 6 Star Green Star rating is achievable for the Sydney Modern Project, with input from an updated Water and Stormwater Management Plan and further consultation with the Green Building Council of Australia.

Trees

There are no existing trees that will be impacted or are proposed to be removed as part of the works.

A total of 299 new trees are proposed to be planted under SSD 6471. This represents an increase of 26 additional new trees to be planted from the number of new trees approved under SSD 6471 and in subsequent Modification 3 (currently under assessment), however with 14 trees lost, represents a net increase of 12 trees.

Accessibility

A disability access design assessment of the proposed landscape design changes has been undertaken by Group DLA, with findings presented in the Accessibility Statement (dated 28 July 2020) at **Appendix K**.

Following the access assessment, Group DLA determined that at this schematic design stage, based on the information and level of detail provided, the landscape design is generally capable of providing reasonable access provisions for people with disability from the Art Gallery Road public footpath and transport linkages to the new and existing building, and majority of key areas/features within the public domain project area. They provide that further review and refinement of the landscape design will be required during ongoing design development and detailing stages.

A Letter of Opinion was prepared by Morris Goding Access Consulting (dated 1 May 2020) for the proposed reduction of one accessible parking space on Art Gallery Road. Refer to this statement at **Appendix L**. This finds there is no requirement under BCA or DDA Premises Standards 2010 for the provision of street accessible car parking. The new scheme shows there will be a total of 3 accessible car bays, outside the entrance to the Art Gallery and Sydney Modern extension. This is an increase in provision, compared with the 1 accessible car bay that currently exists. The consultant concludes the provision of 3 accessible car bays will allow inclusive, equitable access for users of the Art Gallery. It is an enhanced amenity above the requirements of the deemed to satisfy provisions of the BCA and the DDA Premises Standards.

Therefore, the Proposed Modification is not anticipated to adversely affect accessibility to the new and existing Gallery building.

External Lighting

A Lighting Design Statement prepared by Steensen Varming (dated 16 July 2020) provides that exterior lighting, including street lighting, pedestrian lighting and feature lighting, will be designed to meet relevant Australian Standards and City of Sydney guidelines. The lighting delivers benefits to the public and visitors of the new Gallery building, as it will be integrated into the overall architectural design, landscape design and public art strategy to enhance viewing conditions for art and provide for public safety.

Refer to the Lighting Design Statement at **Appendix N**.

Crime Prevention through Environmental Design (CPTED)

A Crime Prevention through Environmental Design (CPTED) Statement was prepared for the Proposed Modification works by Arup (dated 16th July 2020). Refer to this Statement at **Appendix J**.

The CPTED Statement evaluated the following CPTED principles in relation to the revised landscaped design across the different garden areas:

- Natural Surveillance
- Natural Access Control and Legibility
- Territoriality and Space Management
- It found the following considerations may increase the effectiveness of these CPTED principles in the design, including:
- Fixtures, fittings and surfaces that are vandal or graffiti resistant and easy to clean;
- Maintenance of landscaping and the removal of vandalism and graffiti (including allowing for access by maintenance vehicles);
- Lighting that supports surveillance and allows visitors to safely observe the space around them, especially at night;
- Wayfinding signage that clearly indicates the designated pathways for visitors;
- CCTV in public areas external to buildings; and
- Building glazing that allows for additional surveillance from buildings above, particularly in areas that are disrupted from public view at ground level.

All of the above recommendations, with the exception of the last, can be addressed in existing condition D11, which requires evidence of compliance with the recommendations in the CPTED report to be submitted to the Certifying Authority. Thereby, the Proposed Modification is not anticipated to have to adversely affect the safety of the public.

4.3 Section 4.15 (1)(c) Suitability of the Site

There are no known site conditions that would hinder the Proposed Modification. The proposed changes are predominantly to landscape, and to areas that were already assessed for site conditions and their impacts on the proposal under SSD 6471 and in subsequent modifications. There will be no additional or increased impact to Aboriginal or historical archaeology, stormwater drainage or biodiversity on site.

The site remains suitable for the Sydney Modern Project development for the reasons outlined in the original SSD Application for SSD 6471.

4.4 Section 4.15 (1)(d) Submissions Made

Any submissions made on the Proposed Modification application will be duly considered and addressed.

4.5 Section 4.15 (1)(e) The Public Interest

The Proposed Modification will provide considerable public benefits by enhancing the public's enjoyment of the new Sydney Modern Project building and creating significant new civic spaces to be enjoyed by residents and tourists, thereby contributing to the enjoyment and livability of the city for its communities.

The Proposed Modification will maintain the core components of the landscape design of the approved scheme and further enhance these by creating a unified precinct connecting the existing gallery building and the new Sydney Modern Project building via the landscape. The landscape design creates opportunities for the integration of artworks, resulting in a visitor journey where landscape and art are closely intertwined.

The landscape design aims to better integrate the expanded gallery into the context of the adjacent Royal Botanic Garden Sydney and The Domain, as well as to the broader city context, Sydney Harbour and Woolloomooloo.

Tree planting will be provided throughout the site in accordance with Condition E19 of SSD 6471, which requires a minimum of 273 trees to be planted for the project. A total of 299 trees are proposed to be planted on and surrounding the site, which represents an increase of 26 additional new trees as part of the Proposed Modification. However, based on those trees lost as described above (less 14 trees), this results in a net increase of 12 trees by the SMP proposal.

Those areas of the site that are publicly accessible under approved SSD 6471 are not proposed to be changing under the Proposed Modification. These landscape areas will be used by both visitors to the Gallery and the general public as they traverse through the Domain. Therefore, the enhancement of the landscape spaces under the Proposed Modification will benefit the broader public. Therefore, the development as it is proposed to be modified remains in the public interest, for the reasons outlined in the original SSD Application for SSD 6471.

Figure 18. Photomontage of Lower Level 2 inside the approved gallery building
Produced by Kazuyo Sejima and Ryue Nishizawa / SANAA
Source: Art Gallery of New South Wales



5 Mitigation measures

5.1 Amendment to Condition A2 (Approved Drawings)

To facilitate the proposed design modifications outlined above, it is proposed to amend Condition A2 of SSD 6471, being the schedule of approved drawings to incorporate the amended architectural and landscape plans respectively.

It is proposed to amend Condition A2 of SSD 6471 to read as follows (as emphasised by Architectus in **red**):

Terms of Consent

A2. The development may only be carried out:

- a. In compliance with the conditions of this consent;
- b. In accordance with all written directions of the Planning Secretary;
- c. In accordance with the EIS and RTS; and
- d. In accordance with the approved plans in the table below:

Note: Plans updated as part of Mod Design Development have asterisk (*) added

Architectural drawings prepared by SAANA and Architectus Architects			
Drawing No.	Revision	Name of Plan	Date
DA_0054	J	Site Demolition Plan	06/08/18
DA_0055	Θ* P	Ancillary Works Plan	23/07/20* 03/11/20
DA_0056*	I*	Sea Water Heat Exchange System Plan*	06/08/18*
DA_0057	G* J	Site and Building Areas	06/07/20* 03/11/20
DA_0058	J* L	Open Space / External Publicly Accessible Areas	23/07/20* 03/11/20
DA_0059	H* K	Land Subject to Landscape Embellishments	06/07/20* 03/11/20
DA_0100	Q* S	Proposed Site Plan	23/07/20* 03/11/20
DA_1000	P* R	Roof Plan	23/07/20* 03/11/20
DA_1001	P* R	Entry Level Plan	23/07/20* 03/11/20
DA_1002	O*	Lower Level 1 Plan	07/08/20*
DA_1003	P*	Lower Level 2 Plan	23/07/20*
DA_1003.5	B	Lower Level 3 Mezzanine	22/08/19
DA_1004	J	Lower Level 3 Plan – Demolition Plan	06/08/18
DA_1005.0	K*	Lower Level 3 Plan – Proposed Plan (confidential)	06/07/20*
DA_1005	I*	Lower Level 3 Plan – Proposed Plan	06/07/20*
DA_1006	J	Lower Level 4 Plan – Demolition Plan	06/08/18
DA_1007.0	K*	Lower Level 4 Plan – Proposed Plan (confidential)	01/07/20*

Architectural drawings prepared by SAANA and Architectus Architects			
DA_1007	I*	Lower Level 4 Plan – Proposed Plan	01/07/20*
DA_2000	K M	Sections AA & BB	06/08/18 07/08/20
DA_2001	K M	Sections CC & DD	06/08/18 07/08/20
DA_2002	F	Perspective Section Sheet 1	06/08/18
DA_2003	F	Perspective Section Sheet 2	06/08/18
DA_2004	G*	Perspective Section Sheet 3	01/07/20*
SMP-C-1300X01	C*	Building Structure Bulk Earthworks Plan, Cut and Fill	30/04/20*
DA_2006	D	Proposed Excavation Sections	06/08/18
DA_2007	B*	Photomontage	23/07/20*
DA_2008	B*	Photomontage	23/07/20*
DA_2009*	A*	Perspective Section Sheet 4*	01/07/20*
DA_2051	A	Section 1 and 2 – Zone B	22/08/19
DA_2052	B*	Section 3 and 4 – Zone B	23/07/20*
DA_2053*	A*	Section 1 & 2 – Zone M*	01/07/20*
DA_2054*	A*	Section 3 & 4 – Zone M*	01/07/20*
DA_2055*	A*	Section 1 & 2 – Plant Room*	23/07/20*
DA_3000	J	North & South Elevations	06/08/18
DA_3001	J	East & West Elevation	06/08/18
DA_3002	F	Overall West Elevation	06/08/18
DA_3011	E	North Part Elevation B	06/08/18
DA_3012	E	South Elevation	06/08/18
DA_3013	E	East Part Elevation A	06/08/18
DA_3014	E	East Part Elevation B	06/08/18
DA_3015	E	West Part Elevations	06/08/18

Architectural drawings prepared by SAANA and Architectus Architects			
DA_5000	J*	GFA - Gross Floor Area Calculation	06/07/20*
DA_5001	K*	GFA - Gross Floor Area Diagrams	06/07/20*
SMP-C-1300X01	C*	Building Structure Bulk Earthworks Plan Cut & Fill	30/04/20*

Landscape drawings prepared by Gustafson Guthrie Nichol (GGN) Landscape Architects and McGregor Coxall Landscape Architects			
Drawing No.	Revision	Name of Plan	Date
DA_00-01	X* Y	Landscape Masterplan – Roof	03/07/20* 15/07/20
DA_00-02	X* Y	Landscape Masterplan – GF Level	03/07/20* 15/07/20
DA_10-01	G H	Vernon Curtilage	14/08/18 15/07/20
DA_10-02	G H	Entry Plaza	14/08/18 15/07/20
DA_10-03	J* K	Fuel Bunker Garden	03/07/20* 15/07/20
DA_10-04	H* I	Sandstone Woodland	03/07/20* 15/07/20
DA_10-05	H* I	Art Garden	03/07/20* 15/07/20
DA_00-15	Ʀ U	Tree Significance	07/08/18 15/07/20
DA_00-17	I*	Tree Significance	03/07/20*
DA_00-18	H I	Tree Significance – High	14/08/18 15/07/20
DA_00-19	G H	Tree Significance – Medium	07/08/18 15/07/20

Landscape drawings prepared by Gustafson Guthrie Nichol (GGN) Landscape Architects and McGregor Coxall Landscape Architects			
DA_00-20	G H	Tree Significance – Low	07/08/18 15/07/20
DA_20-01	F G	Sections	14/08/18 15/07/20
DA_20-02	E F	Sections	01/08/18 15/07/20
DA_20-03	G H	Sections	14/08/18 15/07/20
DA_20-04	A	Sections	15/07/20
DA_20-05	A	Sections	15/07/20
DA_30-01	H I	Plant Palette	01/08/18 15/07/20
DA_30-02	H I	Plant Palette	01/08/18 15/07/20
DA_30-03	J K	Plant Palette	07/08/18 15/07/20
DA_30-04	S	Existing Tree Plan	01/08/18
DA_30-05	X* Y	Trees Proposed	03/07/20* 15/07/20
DA_50-01	I*	Cooling Tower Sections	03/07/20*

5.2 New condition – Artwork Commission Area

The proposed Artwork Commission Area, as discussed at Section 2.2 above, provides for 26 new (native) trees to be planted in the area. Given these trees are intended to be planted on the land bridge, the location of the trees and their respective impact on structural loading needs to be evaluated prior to these tree plantings being carried out. Accordingly, a new condition of consent could be added as follows:

"A final landscape plan incorporating final tree locations and species, and any proposed artworks structures, together with a structural plan/report prepared by a suitably qualified structural engineer demonstrating compliance with the BCA, are to be developed in consultation with Transurban and Transport for NSW and provided to the Secretary to their satisfaction."

5.3 Amendment to conditions

D11 Crime Prevention through Environmental Design

This condition will need to be amended to accommodate CPTED statement under the Proposed Modification.

E19 Tree Planting, Landscape Domain and Public Domain Works

This condition could be modified to require a minimum 299 trees to be planted as part of the proposed development (note includes 14 trees in pots).

5.4 Comment on existing conditions

B2 Design Excellence and Design Integrity

The proposed development has been subject to a design integrity process with establishment of a Design Integrity Panel. This Panel has already been consulted on the changes under this Modification, and it is anticipated the Panel will be further consulted during the public exhibition period and beyond during construction.

B3 Entry Plaza Canopy

The proposed landscape plans under this Modification accommodate changes to the Entry Canopy as is required under this condition.

B4 Provision of Green Roof to Gallery 1

The proposed landscape plans under this Modification accommodate provision of a green roof to Gallery 1 as is required under this condition.

B20 New Steps, Ramp and Pedestrian Control Structures

The steps, ramp and pedestrian control structure to Art Gallery Road in the Domain opposite the existing Gallery have now significantly changed from what was shown under SSD 6471.



Figure 19. Photomontage of Lower Level 1 inside the approved gallery building
Produced by Kazuyo Sejima and Ryue Nishizawa / SANAA
Source: Art Gallery of New South Wales

6 Conclusion

Conclusion

This report has been prepared by Architectus on behalf of the Art Gallery of New South Wales Trust to modify SSD 6471 for the approved AGNSW Expansion Project, known as the Sydney Modern Project, pursuant to section 4.55(2) of the EP&A Act.

The Proposed Modification comprises landscape design changes to the approved Sydney Modern Project SSD 6471.

The proposed landscape changes build on the design concept established in the approved landscape documentation under SSD 6471. The landscape design seeks to further integrate the Sydney Modern Project architecture with the landscape. It maintains the core elements of the landscape design which are the Entry Plaza, paved forecourt at the front of the existing Gallery building (including reuse and interpretation of heritage walls), landscaping and circular path on the land bridge, and landscaping to roof tops and publicly accessible terraces to the building.

The Proposed Modification does not intensify the approved use and does not alter the built form, scale or design intent of the approved development. The landscape changes simply enhance and build on the landscape design already approved. The Proposed Modification will therefore maintain design integrity, and is considered to be substantially the same development as the development for which consent was originally granted.

An assessment of environmental impacts has found there to be no significant adverse impacts, and any adverse impacts can be mitigated through design development. There will be significant benefits afforded to visitors of the Gallery and the Domain by the proposed landscape enhancements which will integrate the landscape with the new and existing Gallery buildings. The site is suitable for the proposed development and overall, the proposal is significantly in the public interest by improving visual amenity, providing captivating experiences for visitors, and delivering new enjoyable and comfortable spaces for public use.

Having regard to the matters discussed within this report, it is recommended that the Minister for Planning and Open Space, or their delegate, grant consent to the Proposed Modification.

Conclusion



