

Modification of Development Consent

Section 4.55(2) of the *Environmental Planning and Assessment Act 1979*

As delegate of the Minister for Planning and Public Spaces, I approve the modification of the development consent referred to in Schedule 1, subject to the conditions in Schedule 2.



Anthony Witherdin
Director
Key Sites Assessments

Sydney: 24 May 2021

SCHEDULE 1

Development consent: **SSD 6471** granted by the Minister for Planning on 20 November 2018

For the following: Sydney Modern Expansion Project:

- demolition, earthworks and excavation works
- construction of new art gallery building
- remediation and conversion of former fuel bunker to gallery use
- construction of new entry plaza and associated canopy
- new loading dock with access from Lincoln Crescent
- installation of seawater heat exchange system
- public domain and landscaping works, including new footpaths, public lifts and tree planting
- subdivision.

Applicant: Art Gallery NSW Trust

Consent Authority: Minister for Planning and Public Spaces

The Land: Lot 102 DP 854472, Lot 103 DP 1199151, Lot 34 DP 39586, Lots 107, 108 and 109 DP 1105308, Lot 4 DP 259027, Lot 51 DP 47732, Lot 35 DP 39586, Lot 9 DP 1007656 (Woolloomooloo Bay), Lot 113 DP 1105308; Lot 1013 DP 1199151, and Lots 107, 108 and 115 DP 1105308 (Art Gallery Road), Mrs Macquaries Road, The Domain; and Lincoln Crescent and Cowper Wharf Road, Woolloomooloo

Modification 4: Landscape design amendments, including the forecourt plaza, entry plaza and land bridge.

SCHEDULE 2

1. The above approval is amended by the deletion of ~~striketrough~~ text and inclusion of **bold and underlined** text as follows:

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:

Architectural Drawings prepared by SANNA and Architectus Architects			
Drawing No.	Revision	Name of Plan	Date
DA_0054	J	Site Demolition Plan	06/08/18
DA_0055	Q <u>P</u>	Ancillary Works Plan	23/07/20 <u>03/11/20</u>
DA_0057	G <u>J</u>	Site and Building Areas	06/07/20 <u>03/11/20</u>
DA_0058	J <u>L</u>	Open Space/External Publicly Accessible Areas	23/07/20 <u>03/11/20</u>
DA_0059	H <u>K</u>	Land Subject to Landscape Embellishments	06/07/20 <u>03/11/20</u>
DA_0100	Q <u>S</u>	Proposed Site Plan	23/07/20 <u>03/11/20</u>
DA_1000	P <u>R</u>	Roof Plan	23/07/20 <u>03/11/20</u>
DA_1001	P <u>R</u>	Entry Level Plan	23/07/20 <u>03/11/20</u>
DA_1002	O	Lower Level 1 Plan	23/07/20
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	L <u>I</u>	Lower Level 3 Plan – Proposed Plan	09/09/20 <u>06/07/20</u>
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
DA_1007	I	Lower Level 4 Plan – Proposed Plan	01/07/20
DA_2000	K	Sections AA & BB	06/08/18
DA_2001	K	Sections CC & DD	06/08/18
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-1300 X01	C	Bulk Earthworks Plan	30/04/20

DA_2006	D	Proposed Excavation Sections	06/08/18
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 and 2 – Zone M	01/07/20
DA_2054	A	Section 3 and 4 – Zone M	01/07/20
DA_2055	A	Section 1 and 2 – Plant room	01/07/20
DA_3000	J	North and South Elevations	06/08/18
DA_3001	J	East and West Elevations	06/08/18
DA_3002	F	Overall West Elevation	06/08/18
DA_3010	E	North Part Elevation A	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
DA_5000	J	Gross Floor Area Calculation	06/07/20
DA_5001	K	Gross Floor Area Diagrams	06/07/20
DA_6001	A	External Materials	21/09/18
Subdivision Drawings prepared by Ysco Geomatics			
0714/12C Sheet 1 of 2	-	Proposed subdivision of Lot 34 in DP 39586	18/10/18
0714/12C Sheet 2 of 2	-	Proposed subdivision of Lot 34 in DP 39586	18/10/18
0741/14C Sheet 1 of 3	-	Proposed subdivision of part of Eastern Distributor, being Lot 108 in DP 1105308, Lot 4 in DP 259027 and Lot 52 in DP 1105375	22/10/18
0741/14C Sheet 2 of 3	-	Proposed subdivision of part of Eastern Distributor, being Lot 108 in DP 1105308, Lot 4 in DP 259027 and Lot 52 in DP 1105375	22/10/18
0741/14C Sheet 3 of 3	-	Proposed subdivision of part of Eastern Distributor, being Lot 108 in DP 1105308, Lot 4 in DP 259027 and Lot 52 in DP 1105375	22/10/18
0741/13C	-	Proposed subdivision of land bridge over Eastern Distributor, being Lot 3001 in Subdivision of Lot 108 in DP 1105308, Lot 4 in DP 259027 and Lot 52 in DP 1105375	23/10/18
Landscape Drawings prepared by McGregor Coxall			
Drawing No.	Revision	Name of Plan	Date
DA_00-01	X Z	Landscape Masterplan – Roof	03/07/20 <u>19/02/21</u>
DA_00-02	X Z	Landscape Masterplan – GF Level	03/07/20 <u>19/02/21</u>
DA_10-01	G I	Vernon Curtilage	14/08/18 <u>19/02/21</u>
DA_10-02	G I	Entry Plaza	14/08/18 <u>19/02/21</u>
DA_10-03	J L	Fuel Bunker Garden	03/07/20 <u>19/02/21</u>
DA_10-04	H	Sandstone Woodland	03/07/20

	<u>J</u>		<u>19/02/21</u>
DA_10-05	H <u>J</u>	Art Garden	03/07/20 <u>19/02/21</u>
DA_00-15	T <u>V</u>	Tree Significance	07/08/18 <u>19/02/21</u>
DA_00-17	I	Cooling Tower Corner	03/07/20
DA_00-18	H <u>J</u>	Tree Significance – High	14/08/18 <u>19/02/21</u>
DA_00-19	G <u>I</u>	Tree Significance – Medium	07/08/18 <u>19/02/21</u>
DA_00-20	G <u>I</u>	Tree Significance – Low	07/08/18 <u>19/02/21</u>
DA_20-01	F <u>H</u>	Sections	14/08/18 <u>19/02/21</u>
DA_20-02	E <u>G</u>	Sections	01/08/18 <u>19/02/21</u>
DA_20-03	G <u>I</u>	Sections	14/08/18 <u>19/02/21</u>
<u>DA_20-04</u>	<u>B</u>	<u>Sections</u>	<u>19/02/21</u>
<u>DA_20-05</u>	<u>B</u>	<u>Sections</u>	<u>19/02/21</u>
DA_30-01	H <u>J</u>	Plant Palette	01/08/18 <u>19/02/21</u>
DA_30-02	H <u>J</u>	Plant Palette	01/08/18 <u>19/02/21</u>
DA_30-03	J <u>L</u>	Plant Palette	07/08/18 <u>19/02/21</u>
DA_30-04	S	Existing Tree Plan	01/08/18
DA_30-05	X <u>Z</u>	Trees Proposed	03/07/20 <u>19/02/21</u>
DA_50-01	I	Cooling Tower Sections	03/07/20

New Steps, Ramp and Pedestrian Control Structures and Hostile Vehicle Management Measures

B20 Design details for the new steps and ramp at the end of the Domain path adjacent to the Art Gallery Road pedestrian crossing opposite the existing gallery building entry, and any pedestrian control structures at the western edge of Art Gallery Road, **and hostile vehicle management control measures** are to be submitted to the OEH Heritage Division for review and endorsement.

The form, materiality and spacing of bollards must also be finalised in consultation with City of Sydney Council.

Any pedestrian control structures must be visually recessive and lightweight and must not impede pedestrian access to the existing gallery building entry.

Details demonstrating compliance with this condition must be submitted to the Planning Secretary and the Certifying Authority prior to the commencement of the relevant works.

Crime Prevention Through Environmental Design

- D11 Prior to the commencement of use, evidence shall be submitted to the Certifying Authority demonstrating the recommendations of the CPTED Report dated 16 February 2018 (Appendix O of the RTS) **9 October 2020 (Appendix J of Mod 4)** (condition B67) have been fulfilled.

Tree Planting, Landscape and Public Domain Works

- E19 All tree planting, landscaping and public domain works approved by condition A2, including planting a minimum of ~~273~~**298** trees, are to be completed prior to the commencement of use. **All 14 potted trees located beneath the entry canopy are to be retained in this location.**

SCHEDULE 3

2. Add the following additional conditions of consent:

Land bridge artwork commission area landscape plan

D30 Prior to occupation or commencement of use, a final landscape plan for the land bridge artwork commission area, incorporating a minimum of 26 native trees, final tree locations and species and any artwork 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 NSW Heritage, TfNSW and Transurban, and submitted to the Planning Secretary for approval.

The final landscape plan must confirm the trees will be planted with a minimum depth of 1000 mm where feasible and will be grown to AS 2303:2015. The trees must be planted by an arborist with a minimum AQF level 2 qualification.

The final landscape plan must also nominate the approximate location and maximum height/size of future artworks within the artwork commission area (Condition E26).

Future artworks within the artwork commission area

E26 The Applicant may install art works permanently or from time to time within the 'Art Commission Area' shown on the approved Landscape drawing 'Art Garden' (DA 10-05, Revision J dated 19 February 2021), provided that it is consistent with the approved final landscape plan (Condition D30) and the approved minimum 26 native trees are retained in the Art Commission Area.

End of modification
(SSD 6471 MOD 4)