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produced by Kazuyo Sejima + Ryue
Nishizawa / SANAA (c) Art Gallery of
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Section 4.55(1A) Modification – Minor Design Changes

Art Gallery of NSW Expansion Project – Sydney Modern

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Prepared by Architectus Architects
- B** **Architectural Design Statement**
Prepared by Architectus Architects
- C** **Letter regarding building pressurisation system**
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1. 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, Industry and Environment (DPIE) to accompany an application made pursuant to section 4.55(1A) 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 sixth modification to the approved development (Proposed Modification 6).

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 is for minor design changes that are the result of ongoing design development to ensure the functioning of the building, and to improve amenity and cost efficiency of the project.

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(1A) and s4.55(3) of the EP&A Act. For reasons set out in **Section 3** below, we consider that the application is within the requirements for a modification pursuant to section 4.55(1A).

This report is supported by the following documentation:

- **Appendix A:** Amended Architectural Plans, prepared by Architectus,
- **Appendix B:** Architectural Design Statement prepared by Architectus,
- **Appendix C:** Letter regarding building pressurisation system, prepared by D&E Air Conditioning Pty Ltd;
- **Appendix D:** Acoustic advice regarding building pressurisation system, prepared by Arup.

Refer to an overview of the site, and the planning framework and assessment of environmental impacts below.

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.

The site is shown outlined in red at **Figure 1** below.

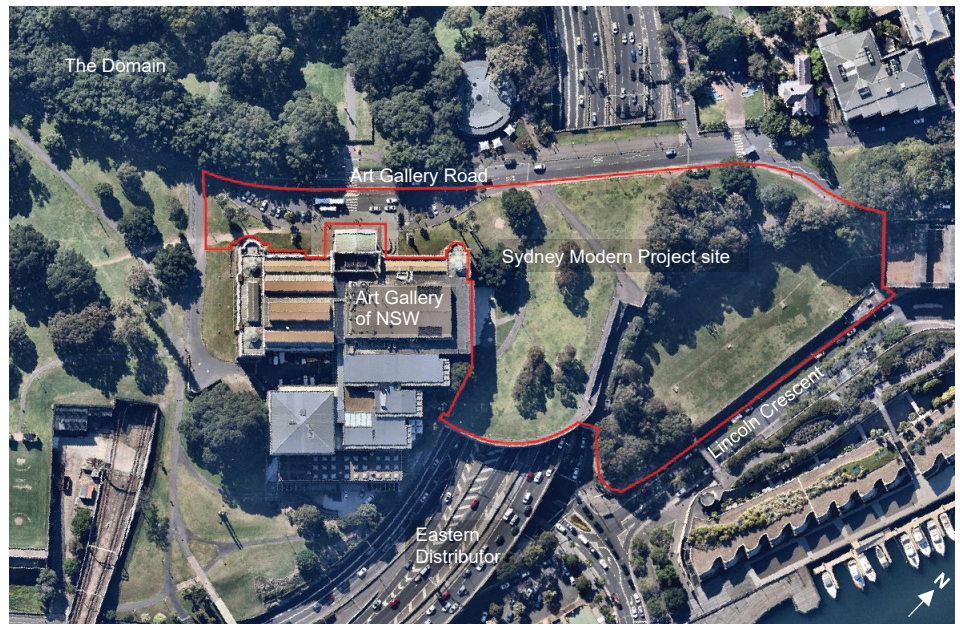


Figure 1 Site Location Plan

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 east from Woolloomooloo
Produced by Kazuyo Sejima and Ryue Nishizawa / SANAA
Source: AGNSW

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 (approved 18 November 2020).

Mod 4: Landscape amendments – various modifications to the approved landscape design, including the forecourt plaza, entry plaza and land bridge (approved 24 May 2021).

Mod 5: Design amendments – design changes to ensure more efficient construction processes, improve aspects of safety and accessibility, and to improve amenity. In addition, the modification amended conditions relating to the art commission area (approved 22 October 2021).

1.5 Overview of Proposed Modification

A detailed description of the Proposed Modification is provided at **Section 2.1** of this report. The Proposed Modification comprises minor architectural design changes to the approved SSD 6471.

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 Boris Santana, Senior Planner, and Jasmine Bautista, Student Planner.

Jane Fielding, Senior Associate, Urban Planning has reviewed the report.

2. The Proposal

2.1 Proposed Modification

The Proposed Modification comprises architectural changes to the approved SSD 6471 and is the result of ongoing design development to ensure the functioning of the building, and to improve amenity and the cost efficiency of the project.

The Proposed Modification seeks to change from a 'passive' to an 'active' building pressurisation system, located within the Entry Pavilion (directly above the Gallery 1 entrance). The initial selection of a 'passive' building pressurisation system is highly dependent on external weather effects; hence, the switch to an 'active' building pressurisation system would allow for improved control over the temperature and humidity conditions within critically conditioned spaces, such as the gallery spaces.

It is proposed that a low height screen is added to conceal the building pressurisation system. The screen is to conceal the associated extraction fans, ductwork and dampers. The screen will be a solid acoustic screen 1000mm to 1050mm high with a level top, clad in aluminium, anodised or similar powdercoat colour. The height of the screen is lower than the height of the entry pavilion roof which sits directly north of Gallery 1 roof

The roof to Gallery 1 is proposed to be changed to a stone ballast roof in place of the previous pigmented concrete roof in this location. This has been done on the basis of cost and aesthetics. This roof is not trafficable except for maintenance purposes. The green roof component will remain unchanged.

Refer to the amended architectural plans prepared by Architectus at **Appendix A**, and to extracts at **Figure 3** and **Figure 4** below.

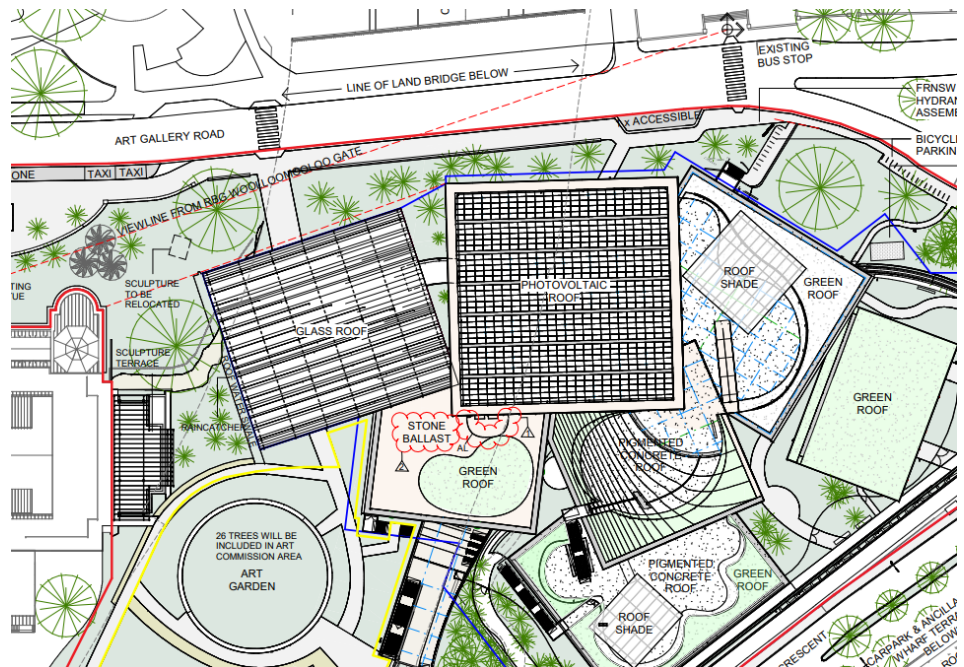


Figure 3 Proposed Site Plan – Drawing no. DA_1001

Note that areas subject to this proposed modification are shown in red clouds.

Source: SANAA and Architectus Architects (2021)

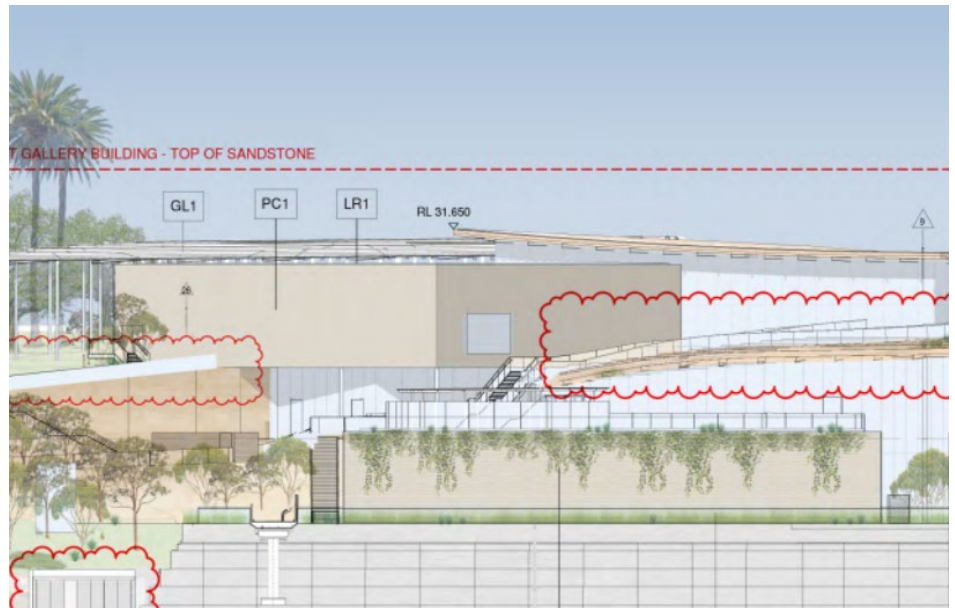


Figure 4 Approved East Elevation – Drawing no. DA_3001
 Note that red clouds were works part of Modification 5.
 Source: SANAA and Architectus Architects (2021)

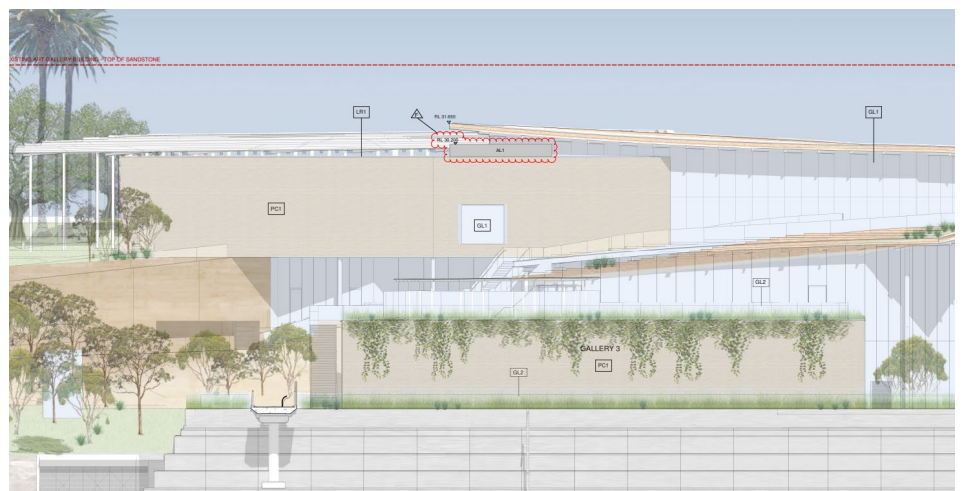


Figure 5 Proposed East Elevation A – Drawing no. DA_3013
 Note that areas subject to this proposed modification are shown in red clouds.
 Source: SANAA and Architectus Architects (2021)

These changes are shown in the Amended Architectural Plans at **Appendix A** with their description in Architectural Design Statement at **Appendix B**. The changes are described here for ease of reference:

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:

Architectural drawings prepared by SAANA and Architectus Architects

Drawing No.	Revision	Name of Plan	Date
DA_0054	K	Site Demolition Plan	11/06/21
DA_0055	Q	Ancillary Works Plan	11/06/21
DA_0057	K	Site and Building Areas	11/06/21
DA_0058	M	Open Space / External Publicly Accessible Areas	11/06/21
DA_0059	L	Land Subject to Landscape Embellishments	11/06/21
DA_0100	T U	Proposed Site Plan	11/06/21 30/09/21
DA_1000	S T	Roof Plan	11/06/21 30/09/21
DA_1001	S	Entry Level Plan	11/06/21
DA_1002	Q	Lower Level 1 Plan	11/06/21
DA_1003	R	Lower Level 2 Plan	11/06/21
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	Lower Level 3 Plan – Proposed Plan	11/06/21
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	J	Lower Level 4 Plan – Proposed Plan	11/06/21
DA_2000	K	Sections AA & BB	06/08/18
DA_2001	N O	Sections CC & DD	11/06/21 30/09/21
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_2009	A	Perspective Section Sheet 4	01/07/20
DA_2051	C	Section 1 and 2 – Zone B	11/06/21
DA_2052	C	Section 3 and 4 – Zone B	11/06/21
DA_2053	B	Section 1 & 2 – Zone M	11/06/21
DA_2054	B	Section 3 & 4 – Zone M	11/06/21
DA_2055	B	Section 1 & 2 – Plant Room	11/06/21
DA_3000	J	North & South Elevations	06/08/18
DA_3001	M	East & West Elevation	11/06/21

	P		27/10/21
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 F	East Part Elevation A	06/08/18 03/11/21
DA_3014	E	East Part Elevation B	06/08/18
DA_3015	E	West Part Elevations	06/08/18
DA-5000	K	Gross Floor Area Calculation	11/06/21
DA-5001	L	Gross Floor Area Diagrams	11/06/21
DA-6001	A	External Materials	21/09/18

2.2 Consultation

Consultation was not undertaken for the purposes of this Proposed Modification given it constitutes only minor design changes.

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 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.

Having regard to the above, 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(1A) 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 proposed modification is of minimal environmental impact, and*
- b) *it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), 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.”*

For the Minister, or their delegate, to approve a 4.55(1A) modification, they must be satisfied that the modification will be 'substantially the same development' and the modification will have 'minimal environmental impacts.' For the reasons set out below, and elsewhere in this report, it is considered that the proposed modification meets these requirements. The Proposed Modification generally comprises minor architectural design changes, as described at **Section 2** of this report.

The Proposed Modification does not alter the floor space, built form, scale, or design intent of the approved development. 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.

Overall, the Proposed Modification is considered to result in minimal environmental impact.

3.3 Consideration of the Reasons Given by The Consent Authority for The Grant of The Consent That Is Sought to Be Modified

Section 4.55(3) of the EP&A Act provides that:

“In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified.”

Having regard to Notice of Decision for SSD 6471, the Proposed Modification is consistent with the key reasons for granting consent to the application, as follows:

- Benefits: the project will refine aspects of the original development to ensure operational efficiency of building systems, and acoustic and visual amenity.
- Consistent with NSW Government Policy: the proposed development, inclusive of the proposed design modifications, is permissible with development consent and is consistent with NSW Government Policies.
- Community views considered: the views raised by the community during consultation of the original development, as well as during subsequent modification applications, have been considered where relevant to ensure that the design changes are sympathetic to these views. Furthermore, the proposed modifications do not introduce any matters that would require changes to any conditions, particularly those imposed to address issues raised by the community.
- Public Interest: weighing all relevant considerations, the Proposed Modification is in the public interest. Refer to **Section 4.5** below.

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.

There are no substantive provisions under the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) or Sydney Development Control Plan 2012 (Sydney DCP 2012) that relate to the Proposed Modification. The Proposed Modification does not propose significant changes to the floor area, bulk, scale, setback, siting or use of the approved development under SSD 6471. Refer to **Section 4.2** below, which provides consideration of likely impacts.

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 Modification is limited to minor external amendments to the rooftop of the Gallery 1 building envelope. Having regard to the screen, although this results in the addition of a structure on the roof of Gallery 1, the height of the screen is RL 30.200m which is level with the adjacent elements of the Gallery roof (RL. 31.650m). This ensures there is no increase in the maximum height of the Gallery, as well as no significant changes to the overall built form or presentation of the approved Gallery building. In addition, there will be no additional or increased impacts as it relates to overshadowing and privacy.

Visual Impact

The Proposed Modification retains the main elements that will be viewed from the public domain. The amendments do not affect any views from surrounds, including the Domain, Royal Botanical Gardens (RBG), from the east and along Lincoln Crescent.

The proposed change in material of the Gallery 1 roof from pigmented concrete to stone ballast will have minimal visual impact. The stone ballast will be Scoria Stone or similar, which is characterised by its earthy, warm tone. When compared with the previously selected pigmented concrete roof in a warm colour tone, the stone ballast roof is visually similar and will retain the character of the previous roof material.

Notwithstanding this, having regard to the visual impact assessment undertaken for the original proposal, the Gallery 1 roof is not visible from any key vantage points. The roof sits to the rear of the entry pavilion at approximately the same height as the photovoltaic roof, which is the highest point of the new Gallery building. Hence, any change to the roof material is not perceptible from the public domain.

The proposed solid acoustic screen will conceal unattractive aspects of the 'active' building pressurisation system, to improve visual amenity and the presentation of the Gallery. Although the screen is visible from the public domain it will be virtually imperceptible as the height, location, and selected material and finishes will ensure that the screen blends into, and is sympathetic to, the façade of the entry pavilion.

In this regard, it is considered that the Proposed Modification will result in negligible additional visual impact and view loss.

Acoustic Impacts

An acoustic assessment for noise emission from the proposed building pressurization system fans has been carried out by acoustic consultant, Arup. Refer to their advice at **Attachment D**.

The following acoustic treatments have been proposed and included in the design modification to mitigate the noise emission:

- Ductwork to be lined with minimum 100mm internal lining to attenuate the in-duct noise;
- Acoustic lagging to the building pressurisation fans to reduce the casing radiated noise; and
- A solid acoustic screen (1000mm-1050mm high) around the area of building pressurisation fans.

Based on the acoustic predictions with proposed acoustic mitigation measures, Arup find compliance to the noise limits is achieved to the nearest noise sensitive receivers including onsite occupiable areas.

Heritage Impacts

Heritage impacts to the existing Gallery, RGB and Domain as well as the fuel bunker will not change because of the minor amendments. The proposed roof material is unlikely to be visible from any vantage point, particularly to and from existing heritage items. Regarding the screen, although it can be viewed from certain vantage points, it does not detract any views to and from heritage items. The height, material, and location of the screen relative to the proposed entry pavilion ensures that this new feature is a minimal addition which visually blends into the approved design of the proposed gallery building. ***Tree Removal and Biodiversity***

The Proposed Modification does not require additional tree removal or impact on biodiversity.

Open Space

The Proposed Modification does not change the amount of public domain and open space approved for the development, as it only relates to architectural changes at the roof of Gallery 1 which is not publicly accessible.

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 minor, 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.

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 this the Proposed Modification application will be duly considered and addressed.

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

For the reasons discussed within this report, 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 under SSD 6471. The resulting impacts from the Proposed Modification are collectively considered to be minimal, and are about improving the functioning and efficiency of the building's design and operation.

The Proposed Modification will continue to support the NSW Government's vision for an expanded Art Gallery of NSW contributing to Sydney's art and cultural ribbon. In addition, the Proposed Modification would also continue to facilitate Sydney as an international arts and cultural destination; hence, providing significant social, economic, and environmental benefits to the State.

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.

5. Conclusion

This report has been prepared by Architectus Australia Pty Ltd 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(1A) of the EP&A Act.

The Proposed Modification (Modification 6) is for minor design changes that are as the result of ongoing design development to ensure the functioning of the building, and to improve amenity and the cost efficiency of the project.

It is considered the Proposed Modification does not intensify the approved use and does not significantly alter the overall built form, scale, or design intent of the approved development. It is considered to be substantially the same development as the development for which consent was originally granted. Further, the Proposed Modification is considered to result in minimal environmental impact.

The Proposed Modification will continue to support the NSW Government's vision for an expanded Art Gallery of NSW contributing to Sydney's art and cultural ribbon and continue to facilitate Sydney as an international arts and cultural destination.

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