



Sydney Modern

*State Significant
Development
Modification
Assessment
(SSD 6471 MOD 2)*

December 2019

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Glossary

Abbreviation	Definition
AGNSW	Art Gallery of NSW
Applicant	Art Gallery of NSW Trust
Consent	Development Consent
Department	Department of Planning and Environment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
LGA	Local Government Area
Minister	Minister for Planning and Public Spaces
RBG	Royal Botanic Gardens
RBGDT	Royal Botanic Gardens and Domain Trust
SSD	State Significant Development
SWHES	Seawater Heat Exchange System
Sydney Modern	Sydney Modern Expansion Project



1. Introduction

This report is an assessment of an application to modify the State significant development (SSD) approval (SSD 6471) for the Sydney Modern Expansion Project at the Art Gallery of NSW (AGNSW). The consent includes demolition, earthworks, excavation, construction of a new art gallery building, remediation and conversion of a fuel bunker to art gallery use, public domain and landscaping works, and installation of a seawater heat exchange system (SWHES).

The modification application has been lodged by the Art Gallery of NSW Trust (the Applicant) pursuant to section 4.55(1) of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The modification application proposes to update a number of incorrect references to conditions in the SSD 6471 approval.

1.1 Background

The AGNSW is located at The Domain, within the Sydney local government area (LGA). The Sydney Modern Expansion Project (Sydney Modern) is located adjacent to the existing gallery building at 2B Art Gallery Road (**Figure 1**). The site is situated within the eastern portion of the Domain (Crescent and Yurong Precincts) and adjacent to the south-east corner of the Middle Gardens Precinct of the Royal Botanic Gardens (RBG). The Domain and RBG are managed by the Royal Botanic Gardens and Domain Trust (RBGDT).



Figure 1 | Site Location (highlighted in red) (Source: Department's SSD 6471 Assessment Report)

The Sydney Modern site (**Figure 2**) excludes the existing AGNSW building but includes the following:

- the area of the land bridge over the Eastern Distributor to the north-east of the existing gallery building
- parts of the Domain to the north-east of the land bridge, including the area above the fuel bunker and the fuel bunker itself
- the forecourt of the existing gallery building fronting Art Gallery Road.

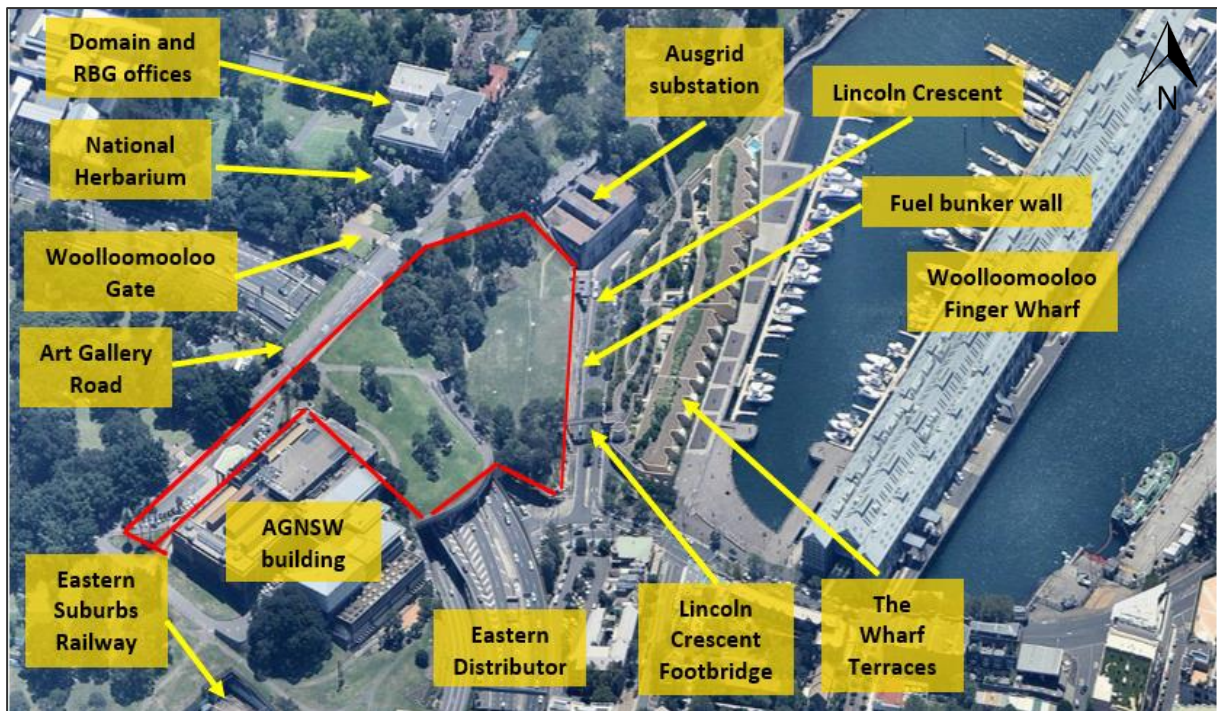


Figure 2 | Aerial view of the site looking north (site outlined in red) (Source: Department's SSD 6471 Assessment Report)

The approved development also included works related to the SWHES at the Woolloomooloo foreshore, north of Lincoln Crescent.

1.2 Approval History

On 20 November 2018, the former Minister for Planning approved SSD 6471 for the Sydney Modern Expansion Project. The consent included:

- demolition, earthworks and excavation works
- construction of a new art gallery building
- remediation and change of use of former fuel bunker converted to gallery space
- construction of new entry plaza and associated canopy
- new loading dock with access from Lincoln Crescent
- installation of a SWHES
- public domain and landscaping work, including new footpaths, public lifts and tree planting
- subdivision.

The development consent has been modified on one occasion (see **Table 1**)

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Approval Date
MOD 1	<ul style="list-style-type: none">• deletion of the SWHES• provision of three cooling towers within unused void in the approved excavation footprint and provision of new outlet vent• landscaping amendments, including minor reduction in publicly accessible area• reconfiguration of fire stair and egress pathway from Gallery 2• changes to condition A2 to reflect the revised architectural and landscape plans.	Director	4.55(1A)	17 September 2019



2. Proposed Modification

On 21 November 2019, the Applicant lodged a modification application (SSD 6471 MOD 2) seeking approval, under section 4.55(1) of the EP&A Act to update a number of references to conditions in the SSD 6471 approval. The proposed amendments to the conditions are presented in Table 2.

Table 2 | Summary of Modifications

Condition	Existing Condition	Proposed Amendment
B12	Condition B12(vii) references B9	Amend reference to B11
B14	Condition B14(a) references B11	Amended reference to B13
B15	Condition B15(a) references B12	Amend reference to B14
B24	Condition B24(b) references B23	Amend reference to B25
B25	Condition B25(b) references B22	Amend reference to B24
B67	Condition B67 references D12	Amend reference to D11
C16	Condition C16 references B21	Amend reference to B23
C25	Condition C25 references B63	Amend reference to B65
C38	Condition C38 references A3	Amend reference to A2
D11	Condition D11 references B65	Amend reference to B67
D24	Condition D24 references B45	Amend reference to B47



3. Statutory Context

3.1 Scope of Modifications

Section 4.55(1) of the EP&A Act allows the consent authority to modify a development consent to correct a minor error, misdescription or miscalculation.

Given the proposed changes to the conditions are administrative changes and relate to updating condition references, the Department is satisfied the proposed modification is within the scope of section 4.55(1) of the EP&A Act.

3.2 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application. However, the Director, Key Sites Assessments, may determine the application under delegation as:

- the relevant local council has not made an objection
- a political disclosure statement has not been made
- there are no submissions in the nature of an objection.



4. Assessment

In assessing the merits of the proposal, the Department has considered:

- the modification application and associated documents
- the Environmental Assessment and conditions of approval for the original application
- relevant environmental planning instruments, policies and guidelines
- the requirements of the EP&A Act.

The proposal seeks approval to update a number of references to conditions in the SSD 6471 approval. The Department has reviewed the Applicant's modification application and notes the references to several conditions in the SSD 6471 approval require updating.

The proposed changes are considered to be acceptable as:

- they are administrative only
- would accurately reflect the condition numbers
- would not change the intent or purpose of the original conditions.

The Department therefore concludes the proposed changes are reasonable and acceptable.



5. Evaluation

The Department has assessed the merits of the application in accordance with the relevant requirements of the EP&A Act.

The Department is satisfied the proposed modification simply updates some condition references and would not change the intent or purpose of the conditions.

Consequently, the Department considers the development is in the public interest and should be approved.



6. Recommendation

It is recommended that the Director, Key Sites Assessments, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report; and
- **determines** that the application SSD 6471 MOD 2 falls within the scope of section 4.55(1) of the EP&A Act;
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application;
- **modify** the consent SSD 6471
- **signs** the attached approval of the modification (Attachment A).

Recommended by:

Minoshi Weerasinghe

Planning Officer

Key Sites Assessments

Recommended by:

Cameron Sargent

Team Leader

Key Sites Assessments



7. Determination

The recommendation is: **Adopted** / ~~Not adopted by:~~

13/12/19

Anthony Witherdin

Director

Key Sites Assessments



Appendices

Appendix A – Modification Instrument