

10 October 2018

218139

Ms Carolyn McNally
Secretary
NSW Planning and Environment
320 Pitt Street
SYDNEY NSW 2000

Dear Ms McNally

**RE: Request for Waiver from Clauses 6.21 and 7.20 of Sydney LEP 2012
The Australian Museum, Alterations and Additions SSDA**

This request for a waiver from the requirements of clauses 6.21 and 7.20 of Sydney Local Environmental Plan 2012 (Sydney LEP 2012) has been prepared on behalf of the Australian Museum in regard to a State Significant Development Application (SSD 9452) for the first stage of the Museum's redevelopment at 1 William Street, Sydney.

Given the nature of the proposal, the critical timing of the development and the ability to achieve design excellence, we are of the view that it would be unreasonable and unnecessary for the Australian Museum to comply with these provisions of Sydney LEP 2012, as outlined below.

Clause 6.21 Design Excellence

The design excellence provisions at clause 6.21 of Sydney LEP 2012 seek to deliver the highest standard of architecture and urban design, and apply to development involving the construction of a new building, as well as external alterations to an existing building.

Clause 6.21(4) requires the consent authority to consider a number of elements in determining whether a development achieves design excellence. Clause 6.21(5) requires a competitive design process to be held if the proposed development would trigger the requirement to prepare a development control plan under clause 7.20 of Sydney LEP 2012.

Whilst the proposed development would trigger the requirement for a competitive design process, clause 6.21(6) goes on to say that:

...

(6) A competitive design process is not required under subclause (5) if the consent authority is satisfied that such a process would be unreasonable or unnecessary in the circumstances or that the development:

- (a) involves only alterations or additions to an existing building, and*
- (b) does not significantly increase the height or gross floor area of the building, and*
- (c) does not have significant adverse impacts on adjoining buildings and the public domain, and*
- (d) does not significantly alter any aspect of the building when viewed from public places.*

....

We are of the view that a design excellence process is not required on the basis that:

- The proposal only involves internal alterations to an existing building, and a minor external addition in the form of an extension to the existing Crystal Hall.
- The proposal does not increase the height of the building, and will only result in a small increase in the amount of external GFA (associated with the extension to the Crystal Hall) and will decrease the overall site GFA.

- There will be no adverse impacts on the adjoining buildings, and only a minor (but beneficial) impact on the public domain resulting from the Crystal Hall extension.
- The proposal will not significantly alter the building when viewed from the public domain. The extension to the Crystal Hall is considered minor in the context of the existing buildings on the site. There will be no change to the building's presentation to College Street.

Further, a design excellence process would be unnecessary and unreasonable in the circumstances, as outlined below.

Undertaking a competitive design process would be unreasonable in these circumstances because:

- The proposal represents an important piece of cultural infrastructure and will provide significant public benefit.
- The proposal will enable the Museum to host international blockbuster exhibitions, including the Tutankhamun exhibition which will bring 1 million visitors to the Museum over a 6 month period from December 2020. Sydney will be the only city to host the exhibition in South East Asia, representing an opportunity to re-establish the Australian Museum as Australia's preeminent museum. The time and expense associated with conducting a competitive design process as set out in the Competitive Design Policy would delay the delivery of the facility, and would preclude the Museum from hosting the exhibition.
- The best museum designs arise from the architect and users working in a creative partnership, and this develops over time through collaboration and through building trust - a design competition would not facilitate this.
- The design is highly specialised and is largely informed by the Museum's existing heritage, infrastructure and operational requirements. The building is not of a use or function that lends itself to alternative design solutions.

Undertaking a competitive design process would be unnecessary in these circumstances because:

- The design team that has been selected (Hames Sharley and Neeson Murcutt Architects) have extensive experience in the delivery of Museum projects. Neeson Murcutt Architects designed the existing, award winning Crystal Hall entry and will have an ongoing role in this component of the project.
- The team is working with Art of Fact, an International design firm specialising in exhibition design and visitor experience.
- The specialist nature of museum design. The proposed building envelope responds to the very specific functional, resource, spatial and connectivity needs of the proposed use and the existing Museum buildings and that, in effect, there are no other options.
- In responding to the Museum's brief, the design team is continuing to explore a range of design options in order to achieve the best outcome from a functional, heritage and aesthetic perspective.
- The proposed works are largely internalised. The only works that will be visible from the public domain are the Crystal Hall extension, which will present as a continuation of the existing Crystal Hall.
- It is possible to achieve a high level of design, equal to the Council standards achieved through design competitions, by proceeding with the proposed design team and through a consultative process including Council and Departmental officers.

Whilst the Museum does not intend to undertake a competitive design process, the Museum and its design team is committed to achieving design excellence in accordance with clause 6.21(4) of Sydney LEP 2012. This has been achieved through the appointment of a specialist design team with the skills and experience to deliver a museum which meets the Australian Museum's functional requirements. An assessment of the proposal against the design excellence criteria of the clause 6.21 is included at Section 6.2 of the EIS.

This collaborative approach has been adopted to achieve design excellence, with a series of internal workshops carried out between Hames Sharley, Neeson Murcutt Architects and Art of Fact. The workshops have been attended by key members of each architectural team. The process of achieving design excellence has also involved external stakeholder meetings over the duration of the project, including with Museum staff and preliminary discussions with Council officers and the Office of the Government Architect.

Clause 7.20 Development Requiring Preparation of a Development Control Plan

Clause 7.20(2)(a) requires the preparation of a DCP for development that increases the gross floor area of an existing building on land in Central Sydney, if the site area for the development is more than 1,500sqm. The proposal will result in a minor increase to the external GFA, associated with the Crystal Hall extension, but will reduce the overall GFA of the site. It is considered that a waiver from this requirement is appropriate on the basis that the development is consistent with the thresholds contained at clause 7.20(3)(a)-(d) and it would be unreasonable or unnecessary to prepare a DCP, or undertake a two-stage DA process in these circumstances.

The reasons for this are generally consistent with those outlined above with respect to the competitive design process and relate to: the largely internalised nature of the proposed works, the minimal nature of the proposed Crystal Hall extension (which represents the only external works), the constrained nature of the site, the specialist nature and functional requirements of museum design, the absence of significant impacts on surrounding properties, as well as the need to provide this important piece of social infrastructure without being delayed by costly and time consuming planning processes.

We trust that this information provides the Department with the detail required to form a view that strict compliance with clauses 6.21 and 7.20 of Sydney LEP 2012 is not reasonable or necessary in these circumstances, and request that the Department provides the Australian Museum with written confirmation of this exemption.

Yours sincerely,



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