



Fort Street Public School Redevelopment

State Significant Development Assessment

SSD-10340

October 2020



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Glossary

Abbreviation	Definition
AQA	Air Quality Assessment
BCA	Building Code of Australia
Cahill Cut	A deep road cutting surrounding the site that contains the Cahill Expressway
CIV	Capital Investment Value
CMP	Conservation Management Plan
COLA	Covered Outdoor Learning Area
Council	City of Sydney
Department	Department of Planning, Industry and Environment
DSI	Detailed Site Investigation
Education SEPP	State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
EEC Building	Environmental Education Centre Building
EES Group	Environment, Energy and Science Group, Department of Planning, Industry and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FSPS Building	Fort Street Public School Building
GANSW	Government Architect NSW
GTP	Green Travel Plan
Heritage NSW	Heritage NSW, Department of Premier and Cabinet
HMMP	Hazardous Materials Management Plan
INCG	Interim Construction Noise Guideline

LEP	Local Environmental Plan
LoS	Level of service
Minister	Minister for Planning and Public Spaces
NVAR	Noise and Vibration Assessment Report
OOSH	Out of School Hours
PA	Public address
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
RSA	Road Safety Audit
SEARs	Planning Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SRTs	Supplementary Response to Submissions
SSD	State Significant Development
STP	School Travel Plan
TfNSW	Transport for NSW
TIA	Traffic Impact Assessment
TPZ	Tree Protection Zone
VIA	Visual Impact Assessment

Executive Summary

This report provides an assessment of a State significant development (SSD) application for the Fort Street Public School Redevelopment (SSD-10340). The site is located at Upper Fort Street, Millers Point within the City of Sydney Local Government Area, and the Applicant is the NSW Department of Education (the Applicant). The Department of Planning, Industry and Environment (the Department) considers that the proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* (EP&A Act), would restore and respect existing heritage items and provide new educational facilities in the inner-city community. The Department concludes the proposal is in the public interest and recommends that the application be approved subject to conditions.

The proposal seeks approval for the demolition of buildings and structures, refurbishment and alterations to three existing buildings of heritage value, construction of four new buildings, and associated works including tree removal, landscaping and access improvements. The proposal would increase capacity of the school from 220 to 550 students.

The Department identified traffic, transport and accessibility, and built form and urban design as the key issues for assessment. The Department has considered the merits of the proposal in accordance with relevant matters under section 4.15(1) EP&A Act, principles of ecologically sustainable development, and issues raised in submissions and the Applicant's response to these. The Department is satisfied the impacts of the proposal have been addressed by the Applicant or can be adequately managed through conditions of consent.

The Department considers that the road network has capacity to accommodate additional traffic generated by the proposal and satisfactory drop-off / pick-up arrangements have been proposed to safely manage interaction between pedestrians, drivers and cyclists. Recommended conditions to manage impacts of the construction and operation of the school and the interaction with the Sydney Harbour Bridge cycleway that runs along Upper Fort Street at the front of the site, are proposed.

The Department considers that the proposed alterations to the existing buildings and proposed new buildings have been sensitively designed to respect the heritage values of the site and surrounding area. The proposed new built form would be of a scale and design that remains subservient to the heritage items and would not significantly impact existing views to or through the site.

The proposed development has a Capital Investment Value of \$53,893,955 and would generate 229 construction jobs and 20 operational jobs. The application was exhibited between 2 April 2020 and 29 April 2020 (28 days). The Department received a total of 22 submissions, comprising eight submissions from public authorities (including Council), four submissions from community organisations and ten public submissions. Of these community submissions, eight objected to the proposal. Five late public submissions were also received, all objected to the proposal. Matters raised in the submissions included traffic, drop-off / pick up arrangements and built form and design.

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1 Introduction

This report provides an assessment of a state significant development (SSD) application for the redevelopment of Fort Street Public School at Upper Fort Street, Millers Point (the site) (SSD 10340).

The application seeks to provide improved school facilities and increased capacity for up to 550 students. Proposed works include demolition of selected buildings and structures, construction of four new buildings, refurbishment of existing retained buildings, alterations to drop-off and pick-up arrangements and associated works including tree removal and landscaping. The proposal also includes the consolidation of existing lots that make up the site.

The application has been lodged by NSW Department of Education (the Applicant) and the site is within City of Sydney local government area (LGA).

1.1 Site Description

The site is located at Upper Fort Street, Millers Point and is legally described as:

- Lots 106, 107 and 108 in DP 748340.
- Lots 2, 3, 4 and 9 in DP 732592.
- Lot 2 in DP 244444.
- Lot 5 in DP 258013.

The site is located north of the Sydney Central Business District (CBD), approximately 620 metres (m) from Wynyard Station. The site is a circular shaped parcel of land, bounded by the Cahill Expressway located in a deep cutting known as the Cahill Cut, and the Western Distributor. The site has an area of 6,192 square metres (m²). The location of the site is shown in **Figure 1**.



Figure 1 | Context Map (Source: Nearmap 2020)

1.2 Existing Development and Use

The site is currently occupied by Fort Street Public School and contains the following buildings:

- Fort Street Public School Building (FSPS Building), a part one and part two storey building arranged in an L-shaped configuration with a hall block and attached amenity block, currently used as classrooms. The building is listed as an item of local heritage significance in the Sydney Local Environmental Plan 2012 (SLEP). Most of the original built form constructed around 1940-1941 remains intact.
- Messenger's Cottage, a single storey building located in the centre of the site and currently used as administration space. This is listed as an item of local heritage significance in the SLEP and was formerly a cottage for messengers serving the Sydney Observatory. Several modifications have been undertaken to the building since its construction in 1862.
- Bureau of Meteorology Building (the Met Building), a three storey building located immediately to the west of Messenger's Cottage. This is currently vacant and in poor condition. It is also listed as an item of local heritage significance in the SLEP that was formerly occupied by the Bureau of Meteorology. Some modifications have been undertaken to the building since its construction in 1922.
- Environmental Education Centre (EEC Building), a part one and part two storey building occupied by staff facilities, home base units and the school's Environmental Education Centre.

The buildings are arranged to the north and south of an east-west access driveway that gains access to the site from the southern end of Upper Fort Street immediately east of the site. A staff carpark, providing 15 spaces is located at the western end of the driveway.

Pedestrian access is available to the school along Upper Fort Street to the north and to the south over a shared pedestrian and bicycle bridge over the Cahill Cut to the south-east of the entrance to the site. An additional pedestrian bridge over the Cahill Cut is located to the south of the EEC Building. This is currently gated and locked.

A significant Morten Bay Fig Tree is located at the entrance of the school to the east of the FSPS Building. A number of other exotic and native trees are also located on the site.

Below the existing EEC Building, historical archaeological test excavations have confirmed the archaeological remains of the former Surgeon's Cottage. The Heritage Impact Statement submitted with the Environmental Impact Statement (EIS), identifies these archaeological resources as being of State significance as they have the potential to provide information about government establishment from the early colony.

An aerial view of the site is shown in **Figure 2**.



Figure 2 | Existing site conditions (Source: Nearmap 2020)

1.3 Surrounding Development

The Cahill Cut immediately adjoins the northern, western and southern boundaries of the site. The Cahill Expressway emerges into the Cahill Cut from the Bradfield Tunnel to the north-east of the site, then encircles the site to join the Western Distributor to the south-west of the site.

Sydney Observatory, a public observatory and museum of astronomy and meteorology, and Observatory Hill Park, are located immediately north and north-west of the Cahill Cut. Sydney Observatory is listed as a site of heritage significance on the State Heritage Register.

The Rocks is located to the east of the site, separated by the Western Distributor. Several high-rise commercial and retail developments directly overlook the site. Further to the east of The Rocks is Circular Quay and the Royal Botanic Gardens.

The National Trust Centre is located to the south of the Cahill Cut. This is listed as a site of heritage significance on the State Heritage Register and includes the S.H. Ervin Gallery, gallery administration, cafe and former caretaker's cottage. Wynyard Station and Sydney CBD are located further to the south.

The Agar Steps, which lead down to low density residential dwellings on Kent Street are located to the west of the site. Barangaroo South is located further to the west.

The Sydney Harbour Bridge cycleway runs from the along Upper Fort Street to the east of the site, connecting to the CBD over the shared pedestrian / cycleway bridge to the south-east of the school entrance.

The site, Observatory Park and the National Trust Centre form part of the State Heritage Register curtilage of the Millers Point and Dawes Point Village Precinct.

The surrounding development is shown in **Figure 3**.

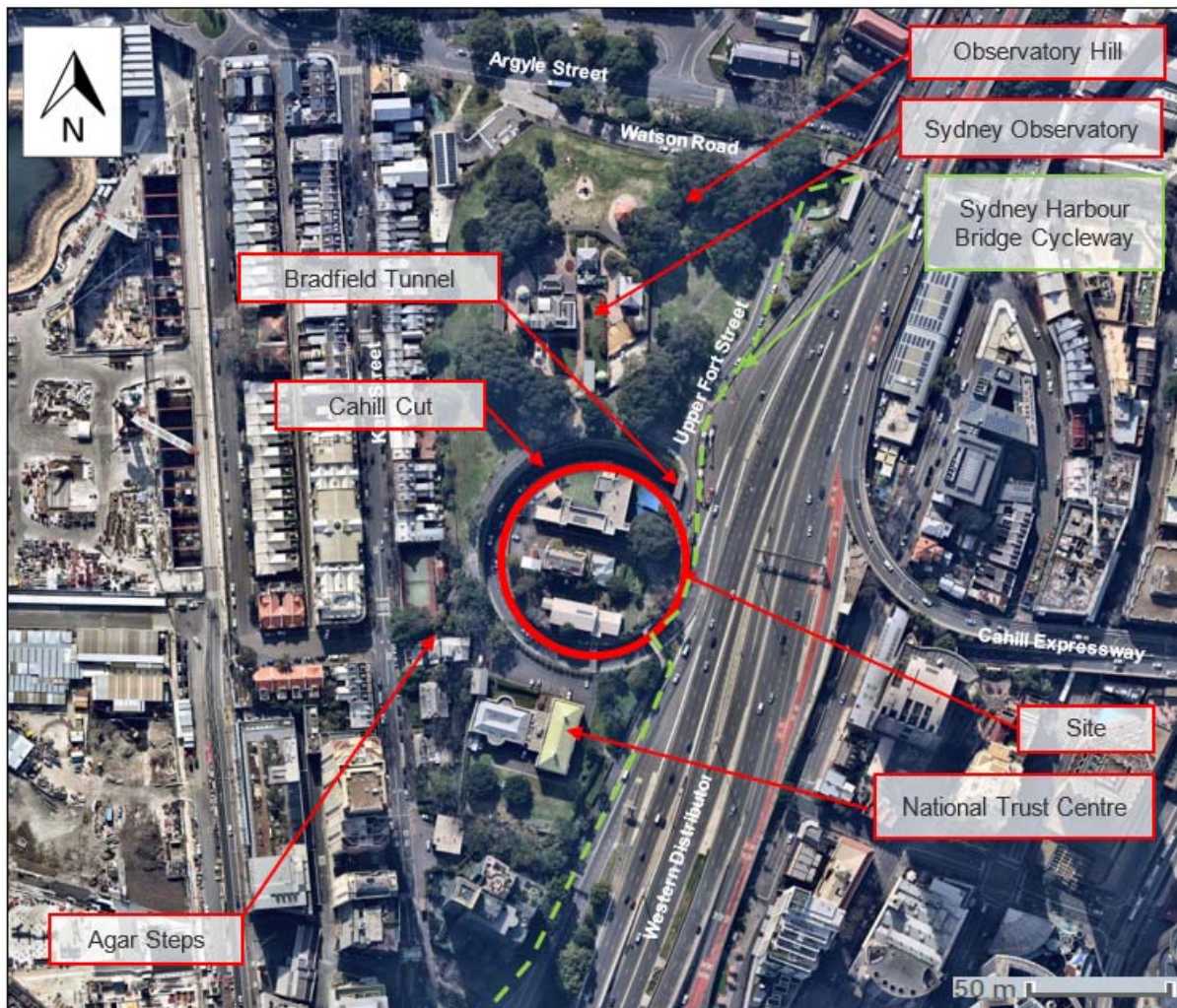


Figure 3 | Surrounding Site Context Map (Source: Nearmap 2020)

2 Project

The key components and features of the proposal are provided in **Table 1**.

Table 1 | Main Components of the Project

Aspect	Description
Project Summary	Redevelopment of Fort Street Public School comprising demolition of selected buildings and structures, construction of four new buildings, refurbishment of existing retained buildings, alterations to drop-off and pick-up arrangements and associated works including tree removal, landscaping and consolidation of existing lots.
Demolition	<ul style="list-style-type: none"> Demolition of: <ul style="list-style-type: none"> EEC Building. the garage and storage shed adjoining the Met Building. the toilet block adjoining the FSPS Building. selective removal of various elements of the FSPS Building.
Built form	<ul style="list-style-type: none"> Construction of four new buildings comprising: <ul style="list-style-type: none"> single storey staff room (Building F). single storey community hall, including canteen and kitchen, with basement storage (Building G). two two-storey buildings with learning spaces and accessible roofs providing learning and outdoor space (Buildings H and Building J).
Consolidation of lots	<ul style="list-style-type: none"> Consolidation of nine lots into two lots.
Site area	<ul style="list-style-type: none"> 6,192.2m².
Gross floor area (GFA)	<ul style="list-style-type: none"> Proposed – 1,949.1m² Total – 4,023m².
Uses	<ul style="list-style-type: none"> Public school catering to Kindergarten to Year 6 for up to 550 students. Community use after school hours by community.
Access	<ul style="list-style-type: none"> Vehicular access via Upper Fort Street. Pedestrian access via Upper Fort Street and shared pedestrian and cycle path to the south-east.
Car parking	<ul style="list-style-type: none"> 15 existing parking spaces to be removed as part of the development resulting in no on-site parking.
Bicycle parking	<ul style="list-style-type: none"> 35 bicycle spaces and 30 scooter spaces.
Public domain and landscaping	<ul style="list-style-type: none"> Removal of 17 trees. Retention of five trees, two of these as a result of recommended conditions. Replacement planting including 59 new trees.

Hours of operation

- School - 8am to 4pm.
- Out of School Hours (OOSH) – 7am to 8:30am and 3pm to 6pm.
- Community use – weekdays 6pm to 10pm and weekends 6am to 10pm.

Jobs

- 229 construction jobs.
- 20 operational jobs.

CIV

- \$53,893,955.

2.1 Physical layout and design

The proposal includes the retention and alteration of the FSPS Building, Met Building and Messenger's Cottage immediately north and south of the existing central driveway. The four proposed new buildings would be located along the southern perimeter of the site, immediately south and west of the Met Building and Messenger's Cottage.

The existing central driveway and car parking would be removed, and the areas landscaped along with the remainder of the non-built on areas of the site to provide new and improved outdoor play space. **Figure 4** details the proposed site layout.

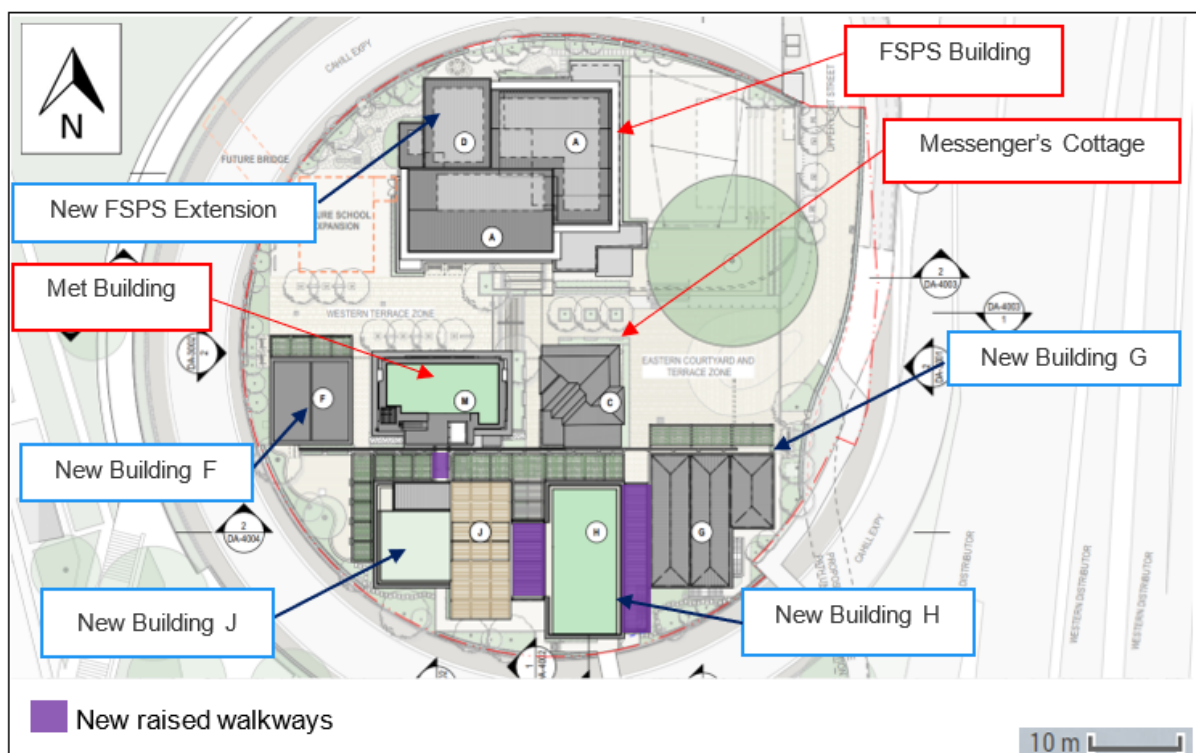


Figure 4 | Proposed Site Layout (Base Source: Applicant's EIS 2020)

2.1.1 Alterations and additions

Alterations and additions to the retained heritage listed buildings, include:

- FSPS Building:
 - internal refurbishment and alterations to provide improved learning spaces, presentation areas, practical activities areas and teachers' amenities on ground and first floors.

- extension to the north-western corner of the building to provide a new covered outdoor learning area (COLA) at ground level with classroom above.
- a new lift to improve accessibility.
- installation of photovoltaic panels on the roof.
- Met Building:
 - internal refurbishment and alterations to ground and first floor to facilitate use as a library, office/workroom and resource store and to second floor to accommodate a new programs space and covered outdoor terrace area.
 - alterations to the roof level to provide a new outdoor play and learning area.
 - two new raised walkways on the first and second floors to provide direct access to the first floor and roof level of Building J.
- Messenger's Cottage:
 - minor addition to the south-western corner of the building to create an interview room.

2.1.2 Proposed new buildings

Four new buildings are proposed, being Buildings F, G, H and J:

- Building F would be a new single storey staff room with externally-accessed student amenities.
- Building G would be a single storey community hall including a canteen and kitchen with direct access to Building H. A basement level connecting building G and H is proposed for storage, plant and servicing.
- Buildings H and J would be two storeys (plus basement) and be linked at all three levels. These buildings would:
 - provide formal and informal learning spaces, presentation areas, practical activities areas, clerical/administration areas, student amenities, teachers' area and storage.
 - include accessible areas at roof level to be used for outdoor play areas.
 - include two areas of mechanical plant on the roof of Building J surrounded by a 3m high acoustic screen with a louvered structure over the top.
 - be linked to the Met Building via raised walkways at first floor and roof level.
 - incorporate portions that would be initially constructed as a 'cold' (empty) shell for future internal fit out when funding is secured.

A floor by floor layout of the development is detailed in **Figure 5 to Figure 9**. Elevations and Sections are included in **Figure 10 to Figure 13**.



Figure 5 | Basement Level (Base Source: Applicant's EIS 2020)

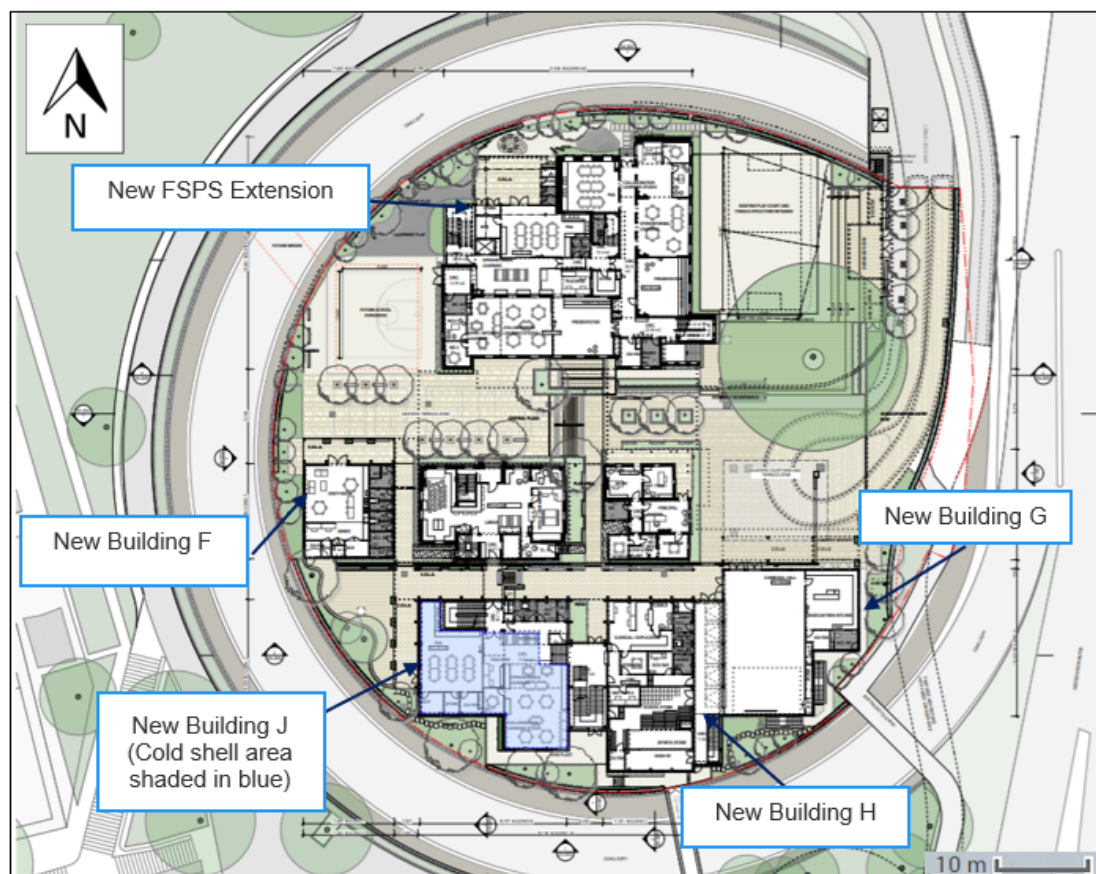


Figure 6 | Level 1 (ground floor) (Source: Applicant's EIS 2020)

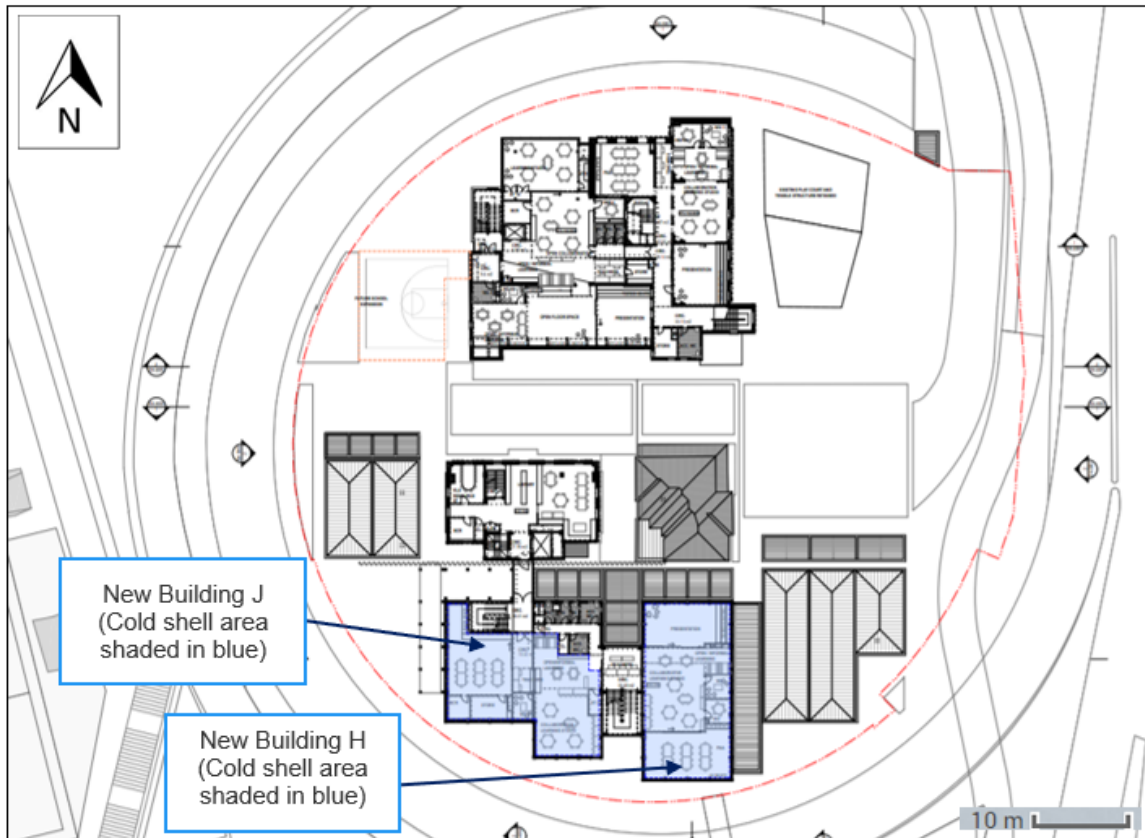


Figure 7 | Level 2 (first floor) (Source: Applicant's EIS 2020)



Figure 8 | Level 3 (second floor) (Source: Applicant's EIS 2020)

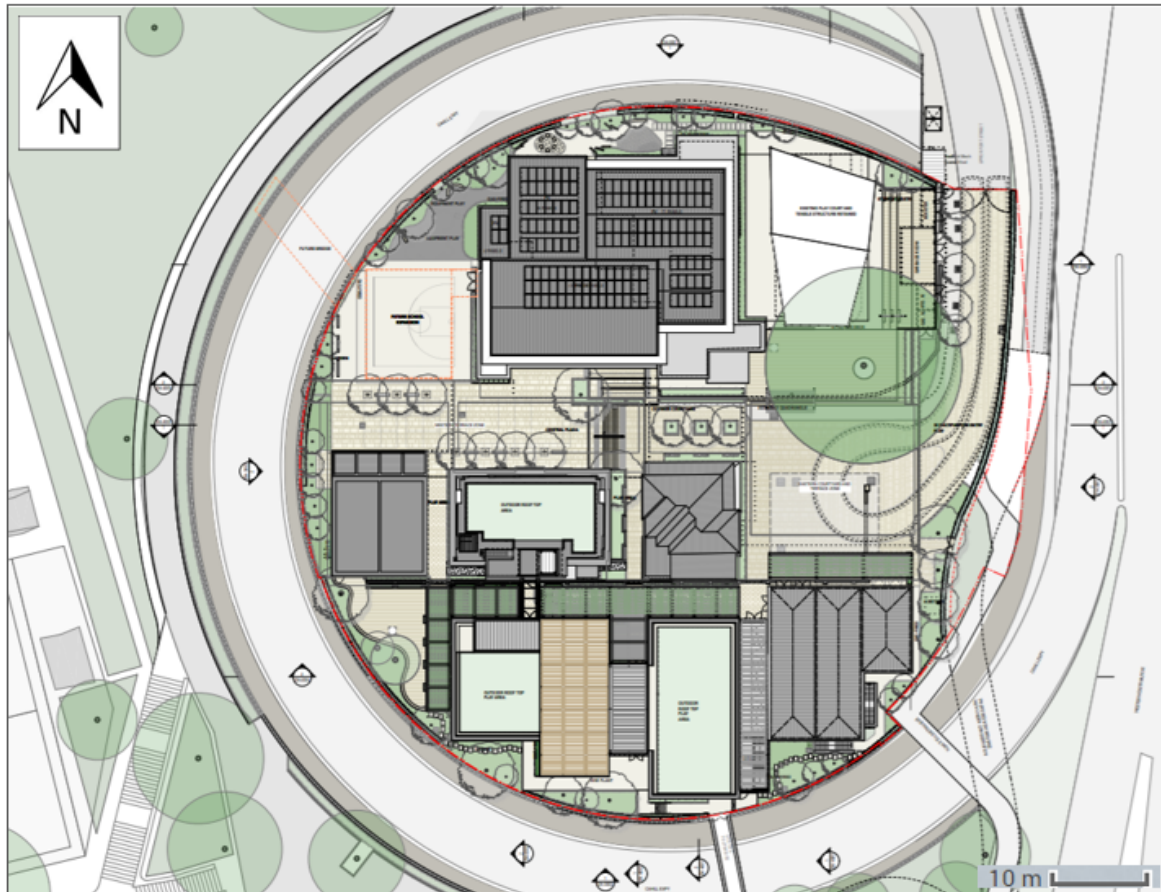


Figure 9 | Roof Level (roof) (Source: Applicant's EIS 2020)

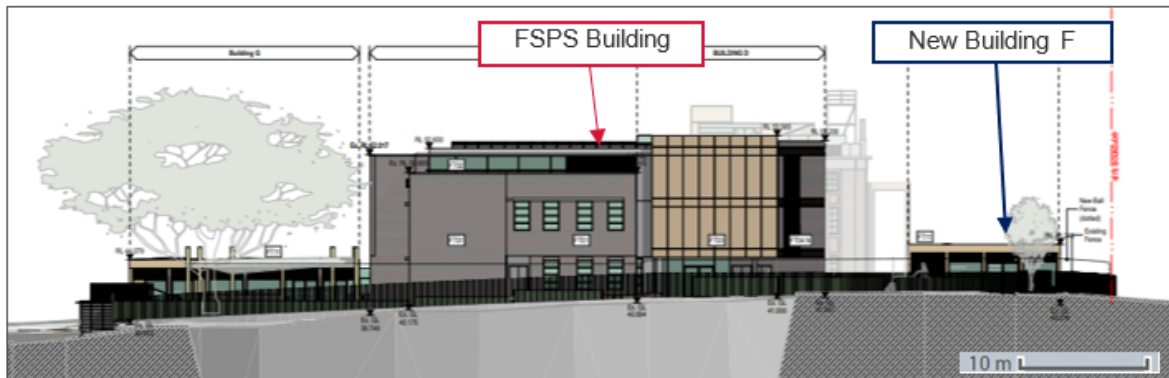


Figure 10 | Northern elevation (Source: Applicant's RtS 2020)

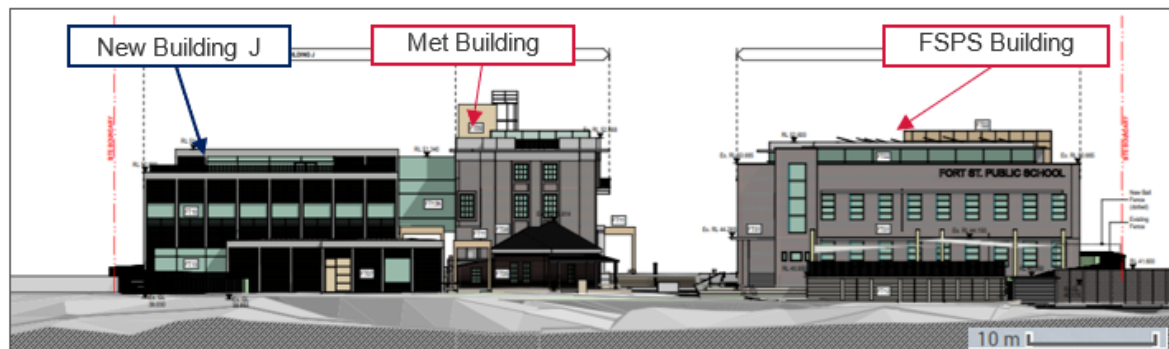


Figure 11 | Eastern elevation (Source: Applicant's RtS 2020)

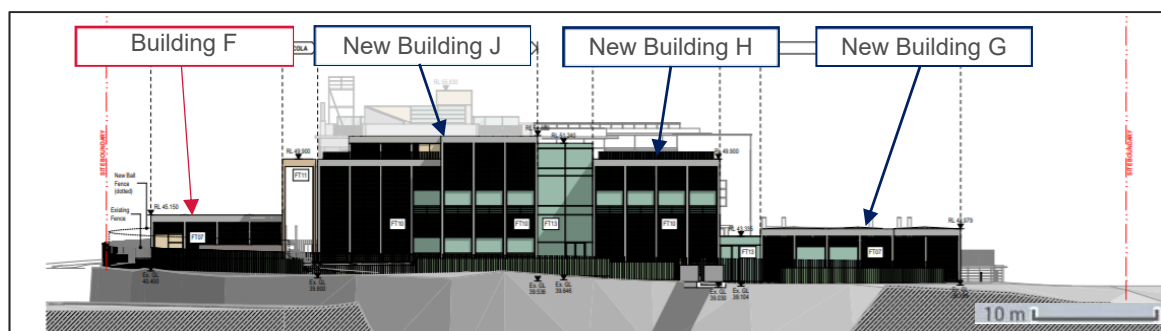


Figure 12 | Southern elevation (Source: Applicant's RtS 2020)

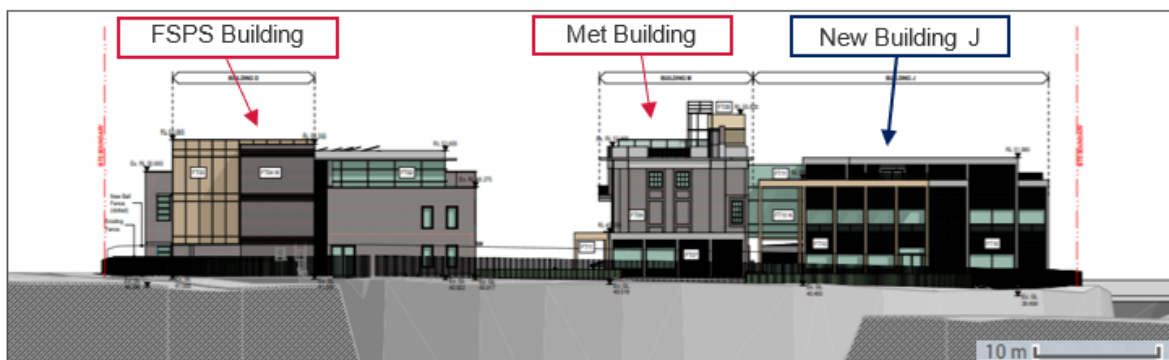


Figure 13 | Western elevation (Source: Applicant's RtS 2020)

A plan showing the proposed consolidation of lots is included in **Figure 14**.

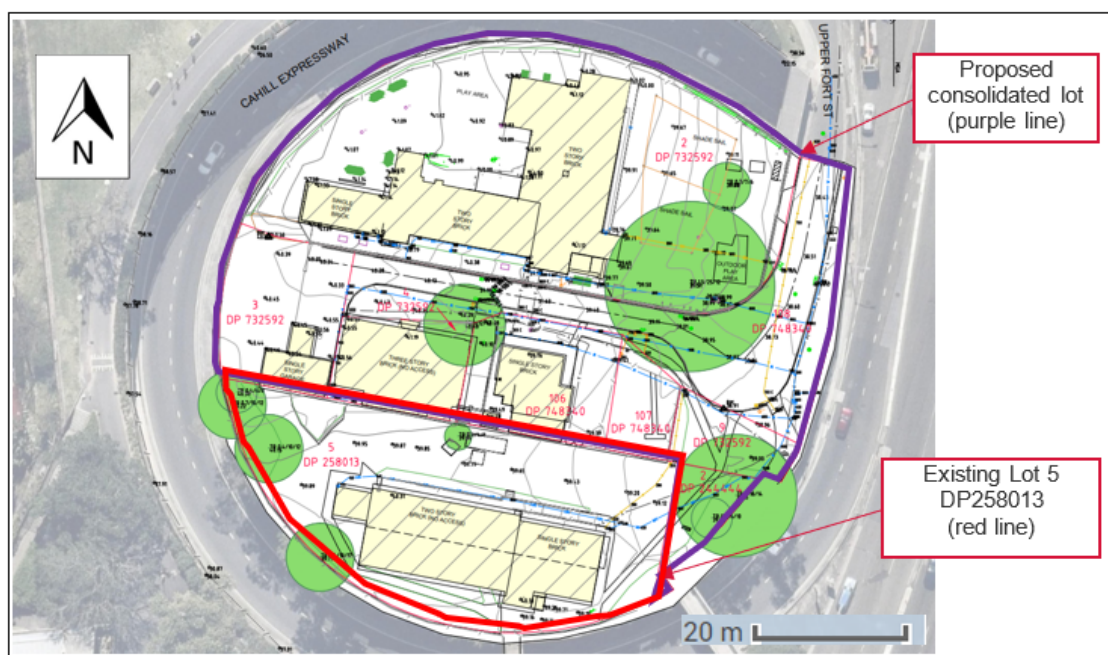


Figure 14 | Proposed lot layout (Source: Applicant's RtS 2020)

2.2 Uses and activities

The proposal would continue the use of the site as an educational establishment, including OOSH care. The proposal also seeks to include community use of proposed school hall to accommodate up to 300 people and the accessible rooftop area of Building M to accommodate up to 50 people. The proposed community uses range from meetings and events by local sporting groups, community groups and the Australian Electoral Commission.

2.3 Construction staging and ongoing school operations

The proposed redevelopment of the school would be undertaken in one stage. Given the small size of the site and significant constraints, school operations would be temporarily relocated to Wentworth Park to facilitate redevelopment works. This would occur at the beginning of Term 4, 2020 to allow for relocation of the school to occur over the school holidays and ensure a smooth transition for students. The school would remain at Wentworth Park for the duration of the construction works.

2.4 Future potential development

The EIS notes potential future works that may be undertaken on or adjacent to the site that do not form part of this SSD application but have been considered in the design of the proposed development. The works include:

- a potential new school building immediately west of the FSPS Building that may be developed by the Applicant in the future, subject to a separate assessment process.
- a new pedestrian bridge over the Cahill Cut immediately west of the above future school building that may be developed by the Applicant in the future, subject to a separate assessment process.
- enhancement of the Kent Street-Sydney Harbour Bridge cycleway that may be undertaken by Transport for NSW (TfNSW). Proposals include works to separate cyclists and pedestrians from motorists on Upper Fort Street through the provision of a new pedestrian / cycle bridge over the Cahill Cut to the south-east of the school entrance. A separated cycleway and pedestrian path would then run from the new bridge alongside Upper Fort Street (**Figure 15** and **Figure 16**). The Applicant has committed to liaise with TfNSW throughout the development of the proposals.

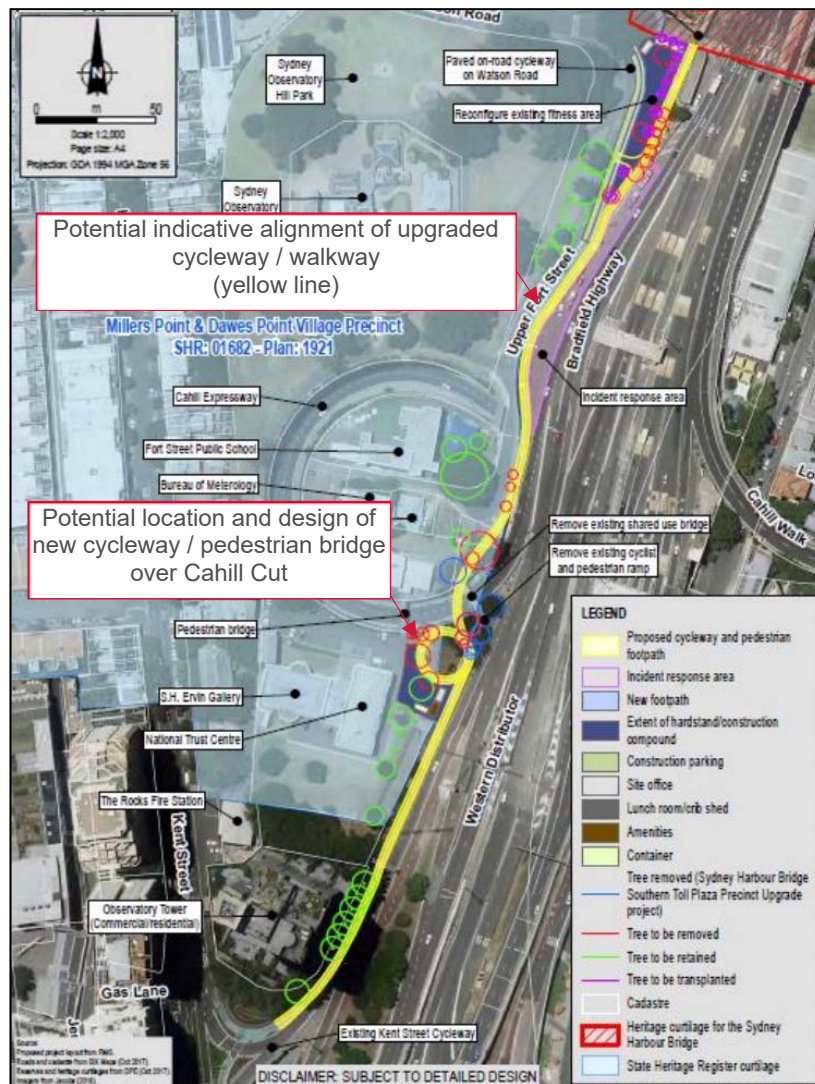


Figure 15 | Potential layout of potential cycleway / walkway upgrade (Source: Applicant's RtS 2020)



Figure 16 | Artist's perspective of potential cycleway / walkway upgrade (Source: Applicant's RtS 2020)

3 Strategic context

It is anticipated that there will be a 21% growth in student numbers by 2031 across NSW compared to 2017. This means NSW schools will need to accommodate an extra 269,000 students, with 164,000 of these students in the public system. In response to the need for additional public education infrastructure as a result of increased demand, the NSW Department of Education is investing \$6.7 billion over the next four years to deliver new schools and upgrade existing schools.

The Department considers that the proposal is appropriate for the site given it is consistent with the:

- Greater Sydney Region Plan, *A Metropolis of Three Cities*, as it proposes improved school facilities to meet the growing needs of Sydney.
- Greater Sydney Commission's Eastern City District Plan, as it would provide much needed school infrastructure conveniently located near existing public transport services and opportunities to co-share facilities with the local community.
- Transport for NSW's *Future Transport Strategy 2056*, as it would provide an improved educational facility in an accessible location and provide access to additional new employment opportunities close to public transport.
- State Infrastructure Strategy 2018 – 2038 Building the Momentum, as it proposes:
 - improved school facilities to support the growth in demand for primary student enrolments.
 - a school design to accommodate infrastructure and facilities sharing with communities.
- Sydney's Cycling Future 2013, as it would promote and cater for bicycle use through the provision of end-of-trip facilities.

The proposal would also provide direct investment in the region of approximately \$53,893,955, which would support 229 construction jobs and 20 operational jobs.

4 Statutory Context

4.1 State significance

The proposal is SSD under section 4.36 *Environmental Planning and Assessment Act 1979* (EP&A Act) as the development has a CIV in excess of \$20 million and is for the purpose of alterations or additions to an existing school under clause 15 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRDP SEPP).

The Minister for Planning and Public Spaces is the consent authority under section 4.5 of the EP&A Act. In accordance with the Minister for Planning and Public Spaces delegation to determine SSD applications, signed on 9 March 2020, the Executive Director, Infrastructure Assessments may determine this application as:

- the relevant Council has not made an objection.
- there are less than 50 public submissions in the nature of objection.
- a political disclosure statement has not been made.

4.2 Permissibility

The site is identified as being located within the B8 Metropolitan Centre zone under the SLEP 2012. The proposed redevelopment of an existing educational establishment is permissible with consent. The proposal also includes shared use of some facilities, including the school hall, for the community which would be ancillary to the use as an Educational Establishment and is also permissible with consent. Therefore, the Minister for Planning and Public Spaces or a delegate may determine the carrying out of the development.

4.3 Other approvals

Under section 4.41 EP&A Act, several other approvals are integrated into the SSD approval process, and consequently are not required to be separately obtained for the proposal.

Under section 4.42 EP&A Act, several further approvals are required, but must be substantially consistent with any development consent for the proposal (e.g. approvals for any works under the *Roads Act 1993*).

The Department has consulted with the relevant public authorities responsible for integrated and other approvals, considered their advice in its assessment of the project, and included suitable conditions in the recommended conditions of consent (**Appendix C**).

4.4 Mandatory Matters for Consideration

4.4.1 Environmental Planning Instruments

Under section 4.15 of the EP&A Act, the consent authority is required to take into consideration any environmental planning instrument (EPI) that is of relevance to the development the subject of the development application. Therefore, the assessment report must include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been considered in the assessment.

The Department has assessed of the relevant EPIs in **Appendix B** and is satisfied the application is consistent with the requirements of the EPIs.

4.4.2 Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant consent / approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment, the objects should be considered to the extent they are relevant. A response to the objects of the EP&A Act is provided at **Table 2**.

Table 2 | Response to the objects of section 1.3 EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The proposal involves the redevelopment of an existing primary school to cater for demand in a developing inner urban area. The site remains suitable for the use as an educational establishment and its development would not negatively impact the economic welfare of the community, or the natural environment.
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	The proposal includes measures to deliver ecologically sustainable development (ESD) (Section 4.4.3).
(c) to promote the orderly and economic use and development of land,	The proposal is an orderly and economic development and use of the land as it is consistent with the site's historical use as an educational establishment and would provide improved educational facilities to support demand in a growing inner urban area.
(d) to promote the delivery and maintenance of affordable housing,	Not applicable.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposal would protect the environment, as detailed in Section 6 of this report. The proposal would not affect any protected or threatened species or vegetation communities. The proposal involves landscaping and planting that would provide for new habitat opportunities.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The site contains several items of local heritage significance, is adjacent to items of State and local heritage significance, including Sydney

	<p>Observatory and the National Trust Centre, and is located within the State Heritage Register Curtilage of Millers Point and Dawes Point Village Precinct. The works proposed are contextually appropriate and suitable within the heritage setting (Section 6.2).</p> <p>An Aboriginal Cultural Heritage Assessment Report (ACHAR) was included in the EIS which identified the Aboriginal cultural heritage values of the site in consultation with Aboriginal communities and set out appropriate mitigation measures to protect these values (Section 6.3).</p>
(g) to promote good design and amenity of the built environment,	The proposed development has been designed to minimise potential amenity impacts whilst maximising its internal amenity and ensuring good design is achieved (Section 6.2).
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal would promote proper construction and maintenance of buildings subject to recommended conditions of consent.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal, which included consultation with Council, other public authorities and consideration of their responses (Sections 5 and 6).
(i) to provide increased opportunity for community participation in environmental planning and assessment.	<p>The Department publicly exhibited the application, which included notifying adjoining landowners, placing a notice in newspapers and displaying the proposal on the Department's website and at Council during the exhibition period.</p> <p>Issues raised in the submissions have been considered in Section 6.</p>

4.4.3 Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle.
- inter-generational equity.
- conservation of biological diversity and ecological integrity.
- improved valuation, pricing and incentive mechanisms.

The development proposes ESD initiatives and sustainability measures, including:

- use of certified / best practice materials and consideration of durability, recycled content, location, embodied carbon and toxicity in their selection.
- use of efficient materials, including high performance glazing, and installation of insulation to reduce heat transfer and consequent heat loss in winter and heat gain in summer.
- energy efficient design, including maximum use of natural light utilising suitably located windows and shading structures to reduce solar heat gain.
- installation of a photovoltaic solar system to provide on-site renewable energy.
- use of water conservation measures, including highly efficient water fittings and fixtures, roof water harvesting and low water-dependent landscaping.

The Applicant is targeting an equivalent 4-Star Green Star (Australian Best Practice) rating which is in accordance with the suggested 4-Star Green Star rating in the Educational Facilities Standards and Guidelines (NSW Department of Education).

The Department has considered the proposed development in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process via a thorough and rigorous assessment of the environmental impacts of the proposed development.

To ensure a 4-Star Green Star Rating is achieved, the Department has recommended a condition that that requires the Applicant register for a minimum 4-star Green Star rating with the Green Building Council Australia, or an alternative certification process as agreed by the Planning Secretary, prior to the commencement of building works.

Subject to this condition, the proposed development is consistent with ESD principles as described in Section 5.12 and Appendix N of the Applicant's EIS, which has been prepared in accordance with the requirements of Schedule 2 of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

4.4.4 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

4.4.5 Planning Secretary's Environmental Assessment Requirements

The EIS is compliant with the Planning Secretary's Environmental Assessment Requirements (SEARs) and is sufficient to enable an adequate consideration and assessment of the proposal for determination purposes.

4.4.6 Section 5.15(1) matters for consideration

Table 3 identifies the matters for consideration under section 4.15 EP&A Act that apply to SSD in accordance with section 4.40 EP&A Act. The table represents a summary for which additional information and consideration is provided for in **Section 6** and relevant appendices or other sections of this report and EIS, referenced in the table.

Table 3 | Section 4.15(1) matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in Appendix B .
(a)(ii) any proposed instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided in Appendix B .
(a)(iii) any development control plan (DCP)	Under clause 11 SRD SEPP, DCPs do not apply to SSD.
(a)(iia) any planning agreement	Not applicable.
(a)(iv) the regulations <i>Refer Division 8 of the EP&A Regulation</i>	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6 of the EP&A Regulation), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(b) the likely impacts of that development including environmental impacts on both the natural and built environments, and social and economic impacts in the locality	The impacts of the proposed development have been appropriately mitigated or conditioned (Section 6).
(c) the suitability of the site for the development	The site is suitable for the development as discussed in (Section 6).
(d) any submissions	Consideration has been given to the submissions received during the exhibition period (Sections 5 and 6).
(e) the public interest	The proposal is considered to be in the public interest (Section 6).

4.4.7 Biodiversity Conservation Act 2016

Under section 7.9(2) *Biodiversity Conservation Act 2016* (BC Act), SSD applications are to be accompanied by a biodiversity development assessment report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.

A BDAR was provided with the EIS. The BDAR provided an assessment of the biodiversity on the site in accordance with the BC Act. The BDAR identified that no ecosystem credits for plant community types are required as the site is already disturbed but one specie credit is required for Magenta Lilly Pilly (*Syzygium paniculatum*) found on-site. The BDAR recommended that pre-development surveys be undertaken for microbats (*Microchiropteran bats*) and noted that additional species credits may be required if they are found. EESG advised that the BDAR was acceptable. The Department has recommended conditions to give effect to the BDAR recommendations.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 EP&A Act, the Department publicly exhibited the application from Thursday 2 April 2020 to 29 April 2020 (28 days). The application was exhibited at the Department's website.

The Department placed a public exhibition notice in The Daily Telegraph and The Sydney Morning Herald on Wednesday 1 April 2020 and notified adjoining landholders and relevant state and local government authorities in writing. Department representatives visited the site to provide an informed assessment of the development.

Following the exhibition of the EIS, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

The Department has considered the comments raised in the public authority and public submissions during the assessment of the application (**Section 5 and 6**) and /or by way of recommended conditions in the instrument of consent at **Appendix C**.

5.2 Summary of submissions

The Department received a total of 22 submissions, comprising eight submissions from public authorities (including Council), four submissions from community organisations and ten public submissions. Of these, eight objected to the proposal. Following exhibition, five further letters were received from the public raising objections with the proposed development.

A summary of the issues raised in the submissions is provided at **Section 5.3 and 5.4** and copies of the submissions are in **Appendix A**.

5.3 Public authority submissions

A summary of the issues raised in the public authority submissions is provided at **Table 4** below.

Table 4 | Summary of public authority submissions to the EIS exhibition

Council

Council advised that it did not object to the proposal but had concerns in relation to some aspects of the proposal. Council made the following comments:

- traffic:
 - the multipurpose use of the turning circle for a drop-off / pick-up zone, waste collection area and play area is not supported as it results in poor landscape and school design. Council recommended that drop-off / pick-up occur on Upper Fort Street separate to the play area.
 - insufficient information has been provided in relation to the management of the delivery and waste collection services. Entry and exit of such vehicles from the site must be in a forward direction only.

-
- a whole government approach is required for Sydney Harbour Bridge cycleway enhancement works and staging of construction works is recommended to ensure safety of cyclists and pedestrians.
 - a Transport Access Guide should be developed to maintain the good school culture of walking and cycling.
 - safety between students and vehicles is a key issue at the site – a traffic safety review is required to confirm the proposed traffic calming measures.
 - while proposed bicycle parking is reasonable, additional parking is recommended to encourage future demand.
 - landscaping:
 - insufficient information has been provided in relation to tree management and landscaping.
 - the removal of Trees 2, 7, 15, 16 and 20 and the use of AstroTurf for play areas is not supported.
 - insufficient information has been provided in relation to the roof gardens, including equitable inclusive access, levels and planters.
 - roof water harvesting is encouraged on the FSPS Building and new buildings F, G and J.
 - heritage:
 - the proposed works to the heritage items is supported and it is recommended that a heritage consultant be involved throughout the detailed design phase.
 - water and energy efficiency:
 - proposed water efficiency measures are lacking and the addition of rainwater use for one toilet is recommended for educational purposes.
 - other:
 - the Department may wish to consider alternative measures to the 3m high acoustic barrier to mitigate acoustic impacts from mechanical plant equipment on the rooftop given the impacts of such a barrier. The Department may also wish to consider the need for recessing of mechanical plant into the roofscape.
 - complete remediation of the contaminate fill is recommended instead of on-sit containment as proposed given the onerous nature of long-term containment.
 - the incorporation of longer construction hours under the *City's Construction Code of Practice CBD* is not supported as the site is not located within the CBD. Standard hours of work under the Interim Construction Noise Guidelines (ICNG) should be applied on Saturdays.
 - the Applicant's request for an exemption from section 6.1 Contributions will be determined by Council's Chief Executive Officer.
 - it is recommended the Applicant adopt the competitive design processes and provisions of the SLEP 2012.
 - inadequate information has been provided in relation to the 3D model, the Wind Assessment Report and the schedule of external finishes and materials.

Health NSW advised that it supports the Green Travel Plan (GTP) as it seeks to encourage active transport and that the tree canopy on the site should be maximised to mitigate the urban heat island effect.

NSW Environment Protection Authority (EPA)

EPA made the following comments:

- noise and vibration:
 - the incorporation of longer construction hours under the *City's Construction Code of Practice CBD* is not supported as the site is not within the CBD and the development should comply with standard hours of work under the ICNG.
 - further information is required in relation to the design, siting and use of the public announcement system and school bell.
 - recommends that all mechanical services plant be designed to achieve specified noise levels at the closest noise sensitive receiver/s.
 - further information is required in relation to the use of the accessible rooftop for communal events. EPA recommends that limitations be placed on the use of outdoor spaces to manage noise impacts on the community.
- contamination:
 - a detailed hazardous materials survey report is required along with an Interim Audit Advice from an EPA-accredited Site Auditor commenting on the nature and extent of the contamination of the works.

Heritage NSW

Heritage NSW made the following comments:

- advice provided by Heritage NSW to date has recommended consideration of opportunities to explore a reduction in the density of the development to reduce its cumulative impacts on the cultural significance of the site and precinct, including the FSPS Building and east-west boundary wall which are considered to be exceptionally significant.
- there is no whole-of-government strategic framework to coordinate development in precinct. The establishment of a steering committee is recommended to guide development around Observatory Hill and a master plan or precinct-wide strategic framework should be prepared for the area.
- the preparation of an updated Conservation Management Plan for the site is supported. However, further information is required in relation to:
 - the form, massing and height of new structures, including detailed justification and guidelines.
 - in relation to the discussion of, and guidelines for, permissible alterations (external and internal) and additions (vertical and horizontal) to the FSPS Building.
- the Heritage Impact Statement assessment of the heritage impact to the FSPS is inadequate in its findings of the impacts of the proposed changes, including the new roof and photovoltaic solar system.
- further information is required in relation to the impact of the development on the significance of the Cahill Cut.

- the Applicant's assessment of the historical archaeological and potential significance of the site is supported.
- Heritage NSW should be engaged throughout the detailed design stage and the post-approval stage.
- advice should be sought from Council in relation to the local heritage items.

Heritage NSW provided recommended conditions of consent, including conditions requiring:

- the establishment of a steering committee and preparation of masterplan for the precinct.
- the further assessment of the proposed works to the Met Building following surveys to confirm the physical and structural condition of the building. A further Heritage Impact Statement is to be prepared to support the assessment in consultation with Heritage NSW.
- consultation with Heritage NSW throughout the detailed design development.
- a peer review (and revision where required) of the Conservation Management Plan.
- appointment of a heritage consultant to guide the development.
- archival recording of the site prior to works commencing.
- preparation of a heritage interpretation strategy and unexpected finds procedure.
- implementation of recommendations of the Aboriginal Cultural Heritage Assessment Report.
- nomination of an excavation director and preparation of a design and methodology for archaeological works.

Environment, Energy and Science Group of the Department of Planning, Industry and Environment (EES Group)

EES Group advised the BDAR was suitable and noted additional species credits may be required as a result of the pre-development microbat survey. EESG also advised that the recommendations of the ACHAR should form conditions of consent.

Sydney Water

Sydney Water advised that water supply and wastewater services are available to service the proposed development. The requisite approvals would be required prior to commencement of works.

Ausgrid

Ausgrid did not make any comments in relation to the proposed development and advised that the Applicant should discuss requirements of the development with Ausgrid directly.

Transport for NSW (TfNSW)

TfNSW made the following comments:

- a Construction Pedestrian and Traffic Management Plan is required to be prepared in consultation with the Sydney Coordination Office (SCO) within TfNSW.
- a Green Travel Plan (GTP) is required to be prepared in consultation with TfNSW.
- a Road Safety Audit (RSA) for the school drop-off / pick-up area in accordance with *Austroads Guide to Road Safety Part 6: Managing Road Safety Audits* and *Austroads Guide to Road*

Safety Part 6A: Implementing Road Safety Audits is required. Following this audit, safety measures should be implemented the Applicant in consultation with TfNSW.

- a draft School Operation Management Plan should be prepared in consultation with TfNSW as part of the RtS, detailing management of the drop-off / pick-up zone, staggered start and finish times of classes and management of conflicts between students and cyclists.

5.4 Public submissions

Community organisations that lodged submissions included the Millers Point Community Resident Action Group, Fort Street Public School Parents and Citizens' Association, the National Trust and the Museum of Applied Arts and Sciences. The Millers Point Community Resident Action Group and the Fort Street Public School Parents and Citizens' Association objected to the proposal.

Key concerns raised in the public and community organisation submissions included:

- construction and operational traffic:
 - traffic generated by the development would result in increased conflict between pedestrians, cyclists and drivers during peak hour.
 - diversion of the cycleway would inconvenience cyclists. It was requested that the upgrade be undertaken before commencement of the school redevelopment.
 - construction traffic, queuing associated with the drop-off / pick-up zone and limited car parking proposed would increase traffic on the surrounding road network.
- construction noise and dust.
- social impacts associated with the temporary relocation of the school to accommodate construction works.
- design:
 - the proposed external colours and finishes are inappropriate as they do not mimic the existing heritage items.
 - lack of outdoor play area provided for students.
 - lack of entrance points to the school.
- impacts on key views from Kent Street and the Harbour Bridge – Cahill Expressway.
- the development should be aligned with the Observatory Hill Master Plan and that a whole of government approach to the redevelopment of the surrounding precinct be undertaken.

The submission lodged by the Millers Point Community Resident Action Group included a copy of correspondence from Alex Greenwich MP supporting concerns raised in relation to the Sydney Harbour Cycleway. The Millers Point Community Action Resident Group primarily objected to construction impacts, including the diversion of the cycleway, and operational traffic.

The Fort Street Public School Parents and Citizens' Association mainly objected to aspects of the proposed design, including pedestrian access arrangements, and the temporary relocation of the school.

Copies of the public submissions received during the exhibition period may be viewed at **Appendix A**.

5.5 Response to Submissions

Following the exhibition of the EIS, the Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised in the submissions.

On 20 July 2020, the Applicant provided an RtS (**Appendix A**) on the issues raised during exhibition of the development. The RtS included:

- updated elevations and sections providing additional architectural detail.
- updated landscape plans and Arboricultural Impact Assessment providing additional detail requested by Council.
- revised contamination reports and interim audit advice from an EPA accredited auditor.
- a from the acoustic consultant that prepared the Noise and Vibration Assessment Report responding to the comments made in the submissions.
- a final Aboriginal Cultural Heritage Assessment Report incorporating outcomes of consultation with stakeholders.
- a detailed response to Heritage NSW and Council comments from the Applicant's heritage consultants.

The RtS also confirmed that school operations would be temporarily relocated to Wentworth Park at the beginning of Term 4, 2020 to facilitate redevelopment works. The school would remain at Wentworth Park for the duration of the construction works.

The RtS was made publicly available on the Department's website and referred to relevant public authorities. An additional five submissions were received from public authorities. A summary of issues raised in the public authority submissions is provided in **Table 6** and copies the submissions may be viewed at **Appendix A**.

Two further public submissions were received from the Fort Street Public School Parents and Citizens' Association and the National Trust. These advised that the Applicant's RtS did not address or respond to concerns raised, including in relation to operational traffic and outdoor play space.

Table 5 | Summary of public authority submissions to the RtS

Council

Council advised that it did not object to the proposal subject to conditions recommended in its earlier submission and additional conditions to address outstanding issues. Recommended conditions related to:

- submission of updated Landscape Plans, Arboricultural Development Impact Assessment and Tree Protection Plan that:
 - include the retention of trees 2, 7, 16 and 20.
 - provide additional details regarding tree protection.
 - include additional details of landscaping treatment, including materials, levels and soil depths.
- preparation of an Operational Management Plan, Loading and Servicing Management Plan and revised Waste Management Plan to address potential conflicts between out of school care traffic and vehicular access arrangements for waste collection.
- the submission of a Long-Term Environmental Management Plan to the Department for review and enforcement by conditions of consent.

- approval of the Remedial Action Plan and Environmental Management Plan by NSW EPA Accredited Site Auditor.
- imposition of standard hours of work under the Interim Construction Noise Guidelines.

EPA

EPA reiterated that it does not support extended construction hours and recommended conditions requiring compliance with standard hours of work. Conditions were also recommended for the preparation of a Construction Noise and Vibration Management Plan and Operational Noise Management Plan.

EPA advised that the provided Interim Audit Advice confirmed the Remediation Action Plan is satisfactory and requested conditions be imposed in relation to contamination.

Heritage NSW

Heritage NSW advised that it considered the RtS to be satisfactory and made minor amendments to the previously recommended conditions in relation to the timing of submission of the Conservation Management Plan and additional elements to be addressed during the detailed design stage including the proposed photovoltaic solar systems.

EES Group

EES Group requested that its previous recommended conditions be applied.

TfNSW

TfNSW advised that it considered the RtS to be satisfactory and that it had no further comments to make.

5.6 Supplementary Response to Submissions

On 24 September 2020, the Applicant submitted a Supplementary Response to Submissions (SRtS) which responded to the Council's comments on the RtS and matters raised by the Department. The SRtS included:

- a detailed response to Council's comments and recommended conditions.
- updated plans detailing the proposed landscaping treatment before and after any upgrades to the Sydney Harbour Bridge Cycleway, including fencing details, and the location of bicycle and scooter parking spaces on-site.
- updated Arboricultural Development Impact Assessment and Tree Management Plan that:
 - include the potential retention of trees 16 and 20.
 - provide additional details regarding tree protection.
 - clarification of landscaping treatment.

The SRtS also confirmed that the community use of the rooftop areas, other than the Met Building, are not permitted. The rooftop of the Met Building will be available for community uses such as small boutique events and classes, including community arts, pilates and yoga. The Applicant stated that use of the rooftop of the Met Building is not classified as an Entertainment Venue as the capacity of community events and functions will be controlled.

6 Assessment

The Department has considered the EIS, the issues raised in submissions and the Applicant's RtS in its assessment of the development. The Department considers the key issues associated with the proposal are:

- traffic, transport and accessibility.
- built form, heritage and urban design.

Each of these issues is discussed in the following sections of this report. Other issues taken into consideration during the assessment of the application are discussed at **Section 6.3**.

6.1 Traffic, Transport and Accessibility

The application was supported by a Traffic Impact Assessment (TIA) which provided an assessment of the development's potential traffic, transport and accessibility impacts. A Road Safety Audit (RSA) and Preliminary Construction Traffic Management Plan and preliminary Green Travel Plan (GTP), were also submitted as part of the EIS.

6.1.1 Existing conditions

Vehicular access to the site is via Upper Fort Street, Watson Street and Argyle Street to the north.

Upper Fort Street is a single lane, two-way local road with restricted parking. As well as providing direct access to the school, Upper Fort Street is also the main access point to National Trust Centre and S.H Ervin Gallery to the south of the site and the Sydney Observatory and Observatory Hill Park to the north of the site.

The Upper Fort Street footpath is shared by pedestrians and cyclists accessing the Sydney Harbour Bridge cycleway, which links to the Kent Street cycleway to the south of the site. The footpath on Upper Fort Street provides access to Observatory Hill, Watson Street and Argyle Street to the north and Kent Street and the Agar Steps to the west. A shared pedestrian / bicycle bridge over the Cahill Cut provides access to the site from the south, including Kent Street. A second pedestrian bridge, accessed via stairs, provides access to the site over the Cahill Cut from the carpark of the National Trust Centre. However, this is currently gated and is not used.

The site is approximately 10-minute walking distance from Wynyard Station and Circular Quay. There is no existing school bus directly servicing the school and the closest public bus stops are located on Argyle Street. School excursion busses pick-up and drop-off students on Argyle Street. Students walk along Upper Fort Street and Watson Road between the school and the pick-up / drop-off zone.

Figure 17 shows the existing vehicular, pedestrian and bicycle access routes to the site.

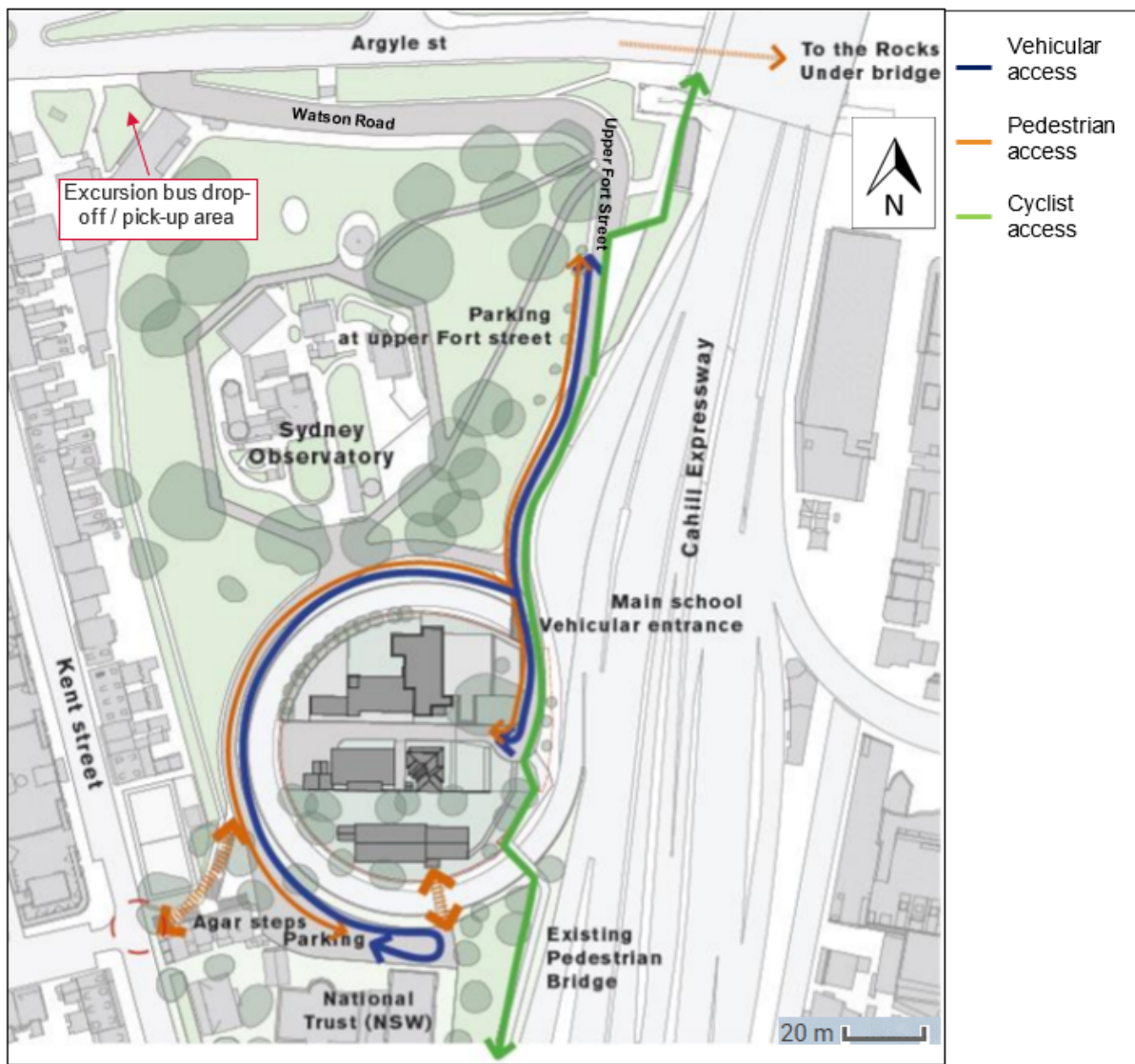


Figure 17 | Existing access routes (Source: Applicant's EIS 2020)

6.1.2 Construction traffic and parking

A preliminary Construction Traffic Management Plan was included in the EIS which advised:

- construction worker parking would not be provided on-site. However, impacts from construction worker parking would be limited as the use of public transport and carpooling would be encouraged.
- appropriate traffic management would need to be implemented during works to protect pedestrian movements on Upper Fort Street during construction.
- the cycleway from Kent Street to the Sydney Harbour Bridge cycleway would be diverted around the site via Watson Road and Argyle Street (**Figure 18**). Detour routes have been discussed with Council bicycle and traffic representatives, Bicycle NSW and TfNSW.

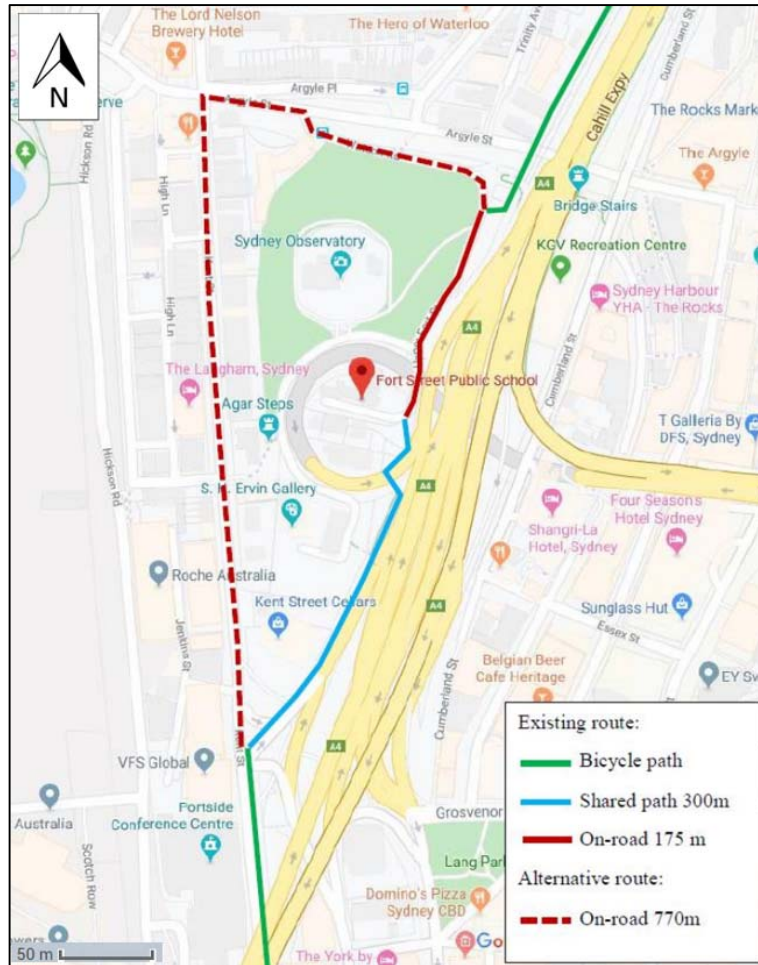


Figure 18 | Indicative cycleway diversion (Source: Applicant's EIS 2020)

Council did not make any comments in relation to construction traffic in its submissions to EIS.

TfNSW noted that appropriate traffic arrangements should be implemented during construction and recommended a Construction Traffic and Pedestrian Management Plan be developed in conjunction with and approval of TfNSW prior to the commencement construction.

A revised Construction Traffic Management Plan was submitted as part of the RtS which clarified that the anticipated number of truck movements during the construction works would be 25-50 vehicles per day. These would use Upper Fort Street, Watson Road, Argyle Street, Sussex Street, Kent Street and Clarence Street to access the regional road network. The Applicant noted that the truck routes would be confirmed in consultation with TfNSW.

Figure 19 shows the proposed truck arrival and departure routes during construction.

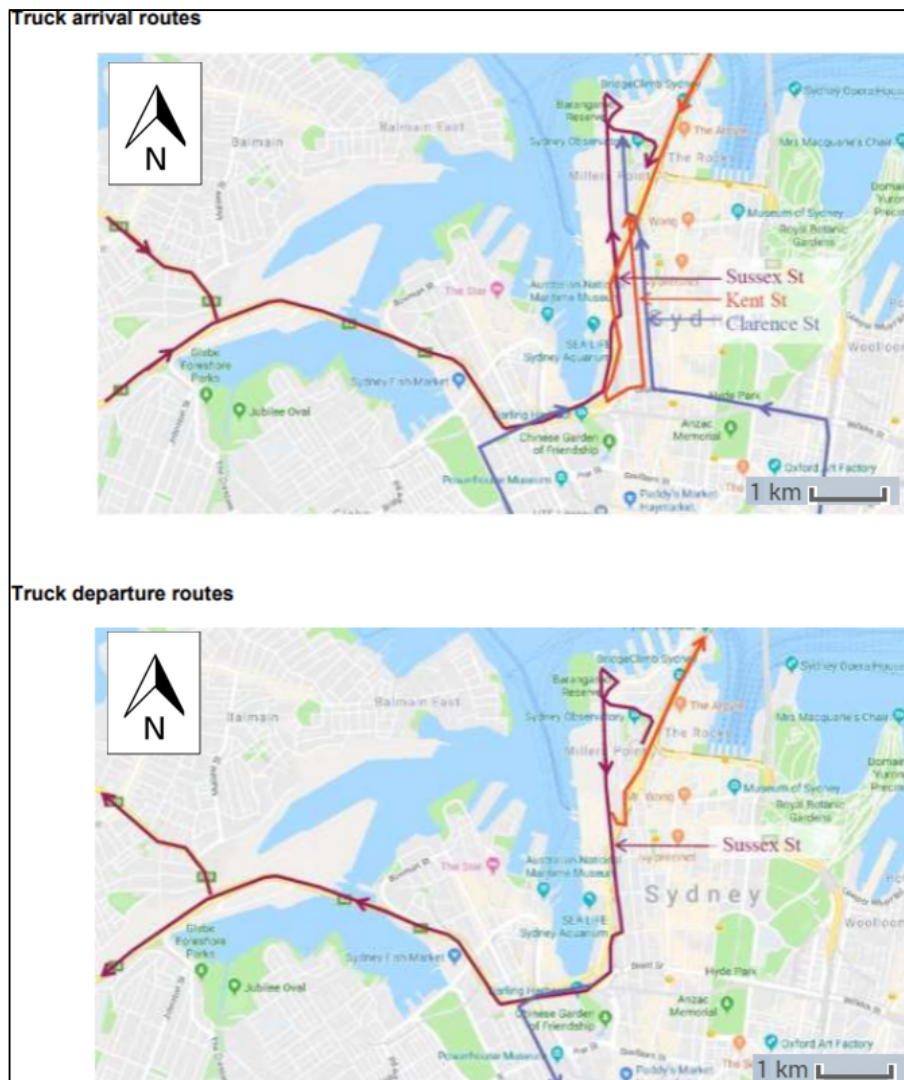


Figure 19 | Truck arrival and departure routes (Source: Applicant's EIS 2020)

The Department notes that the school would cease operation during construction and be temporarily relocated to Wentworth Park. The removal of operational traffic would avoid cumulative impacts during the two-year construction period. It would also reduce potential traffic conflicts given the highly constrained nature of the local road network.

The Department has reviewed the preliminary Construction Traffic Management Plan and is satisfied that construction traffic could be adequately managed, subject to finalisation in consultation with TfNSW prior to the commencement of construction. This would detail more specific construction management measures to mitigate potential cumulative traffic, public transport and pedestrian movement impacts.

The Department acknowledges that there would be no on-site car parking available for construction workers and that street parking is limited. However, it is recognised that the site is located close to Sydney CBD with excellent public transport connectivity. Accordingly, the Department recommends a condition requiring the preparation of a Construction Worker Transportation Strategy which details travel arrangements for construction workers, including public transport routes.

The Department notes that the Sydney Harbour Bridge cycleway would be diverted for the duration of the construction works from late 2020 to 2022. Public and community organisation submissions raised

concerns regarding the diversion of the cycleway and recommended that upgrades to the cycleway (**Section 2.3**) be undertaken prior to the proposed school redevelopment works.

While the Department recognises that this would inconvenience cyclists by adding approximately 300m to the route, the Department accepts that it is necessary for the safety of cyclists given the narrowness of Upper Fort Street at the front of the site and difficulty in managing mixed traffic in the constrained space. The Department recommends the temporary diversion of the cycleway be planned in consultation with Council, Bicycle NSW and TfNSW to minimise impacts on cyclists and ensure appropriate measures are in place to provide a safe and functional diversionary route.

The Department acknowledges the concerns raised by public submitters and considers that upgrades to the cycleway (**Section 2.3**) should ideally be coordinated with the proposed school redevelopment works. This would avoid additional diversions of the cycleway and enable coordination of the construction works and design of the interface at the front of the school. The Department acknowledges that the Applicant has met with TfNSW on a number of occasions in order to consider opportunities to coordinate the works. The Department has also held discussions with TfNSW and the Applicant to discuss the two projects and advocate for coordination of the works. The Department encourages ongoing consultation between the Applicant and the TfNSW to try to ensure that the upgrade to the cycleway is complete during the school upgrade works and has recommended a condition to this effect.

6.1.3 Operational traffic

The TIA assessed the impacts of the proposal on operational traffic. **Table 6** summarises the results of the mode share survey conducted as part of the TIA.

Table 6 | Student and staff mode share (Base source: Applicant's EIS 2020)

Mode share	Student AM peak	Student PM peak	Staff
Public transport	33%	25%	20%
Car	37%	39%	65%
Walk / cycle / scooter (only)	30%	36%	15%

Using the existing mode share, the TIA estimated that the proposal would be likely to result in additional 89 vehicle movements during the morning peak period (7.45am to 8.45am) and 58 vehicle additional movements during the afternoon peak period (2.30pm to 3.30pm).

Additional trips were added to the modelled 10-year traffic flows on the surrounding road network in a SIDRA analysis to forecast the expected future performance of the Kent Street and Argyle Street and Watson Road and Argyle Street intersections (**Figure 20**). The SIDRA analysis found that the two key intersections would be expected to operate at a level of service (LoS) A. On the basis of these results, the TIA concluded that the proposed school would not be expected to impact the efficiency of the road network.



Figure 20 | Key intersections (Source: Nearmap 2020)

TfNSW recommended that a School Operational Management Plan, detailing staggered starting and finishing times, be developed in conjunction with TfNSW to alleviate traffic strain on local roads. Public submissions, including the submission lodged by the National Trust, raised concerns with the potential traffic impacts to the surrounding streets.

The Applicant's RtS advised that no changes are proposed to the existing private access arrangement to the National Trust Centre.

The Department is satisfied that the Applicant has demonstrated that the future local road network could reasonably accommodate the additional traffic generated by the development. The Department acknowledges that the school solely relies on vehicular access via Upper Fort Street which is a narrow road that also provides access to the National Trust Centre and Sydney Observatory. The widening of Upper Fort Street and formalisation of a drop-off / pick-up area, including a queuing area on Upper Fort Street, is expected to alleviate congestion during peak periods (**Section 6.1.4**).

The Department has recommended conditions requiring the preparation, implementation, monitoring and review of a School Transport Plan (STP) to manage operational transport arrangements and mitigate impacts on the local road network. This includes a requirement to consider the need for staggered starting and finishing time classes to reduce peak travel. The STP is to be developed in consultation with and be approved by TfNSW.

6.1.4 Drop-off and pick-up

The TIA advised that students are currently dropped-off / picked up in the existing turning area at the front of the school which is on land owned by the school but currently appears as if it is a public road. The TIA noted a maximum 19 cars queuing were observed along Upper Fort Street in the afternoon peak when parents and carers arrive prior to the end of the school day. While there are few parked vehicles at these times, the TIA noted that the narrow width of Upper Fort Street means that any parked vehicles results in queuing as school traffic needs to move into the opposite side of the carriageway to pass parked vehicles (**Figure 21**). The TIA also noted that this also occurs at a 'pinch-point' at the entry of the school where the road narrows further where it runs adjacent to a service building above the Bradfield Tunnel which carries the Cahill Expressway under the Western Distributor (**Figure 22**).



Figure 21 | Looking north along Upper Fort Street (Source: Google maps 2020)

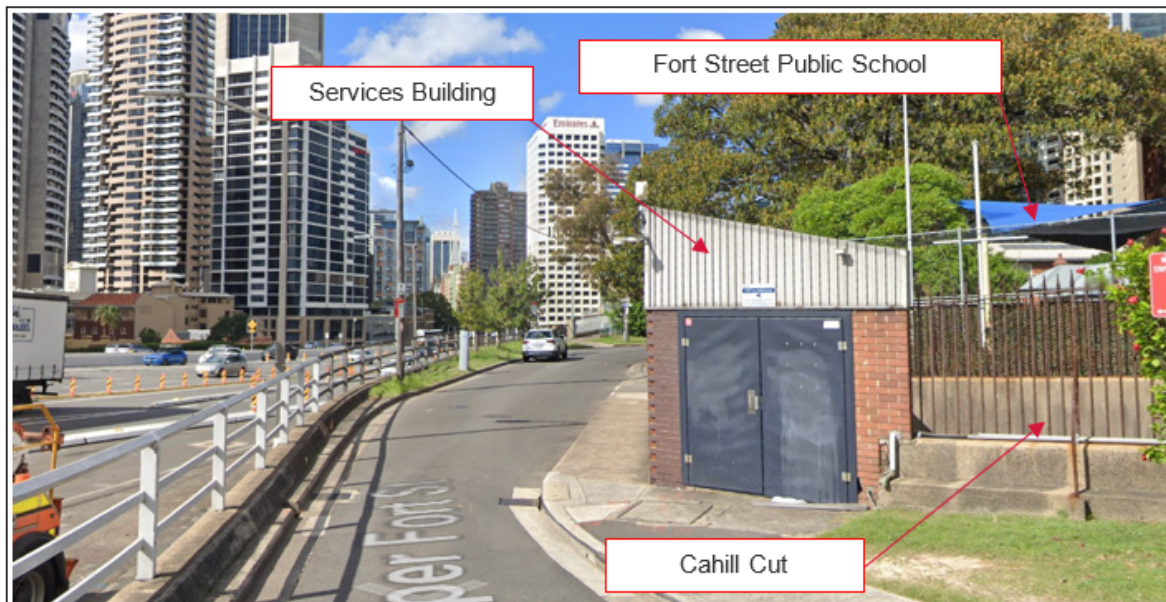


Figure 22 | Pinch point on Upper Fort Street above Bradfield Tunnel (Source: Google maps 2020)

The TIA advised that drop-off / pick up arrangements would continue generally as currently is the case and estimated a maximum 39 cars queuing in the afternoon peak. To alleviate the impact of the 'pinch-point', Upper Fort Street would be widened, as part of the proposal, to over 6m at this point through the modification (reduction) of the Bradfield Tunnel Services Building (**Figure 23**). These

The site plan illustrates the proposed layout for the Bradfield Mech Access Shed and its surrounding infrastructure. Key features include:

- Existing road kerb (dashed black line):** The current boundary of the road.
- Proposed road kerb (thin black line):** The new boundary of the road.
- Footprint of existing services building to be removed (red dashed line):** The area of the existing building that will be demolished.
- New paved area providing minimum 2m wide footpath:** A new paved area adjacent to the road.
- Proposed reduced footprint of services building (thick red line):** The new, smaller footprint of the services building.

Other labeled features include: Existing road kerb, Proposed road kerb, Footprint of existing services building to be removed, New paved area providing minimum 2m wide footpath, Proposed reduced footprint of services building, Existing road kerb, Proposed road kerb, Footprint of existing services building to be removed, New paved area providing minimum 2m wide footpath, Proposed reduced footprint of services building, Existing road kerb, Proposed road kerb, Footprint of existing services building to be removed, New paved area providing minimum 2m wide footpath, Proposed reduced footprint of services building.

Proposed parking restrictions would provide capacity for vehicle queuing for up to 48 cars along Upper Fort Street and Watson Street (**Figure 24**). The Applicant advised, given the proposed arrangement, that car queuing during peak school hours would be contained to Watson Street. Staff would manage the operation of the area.

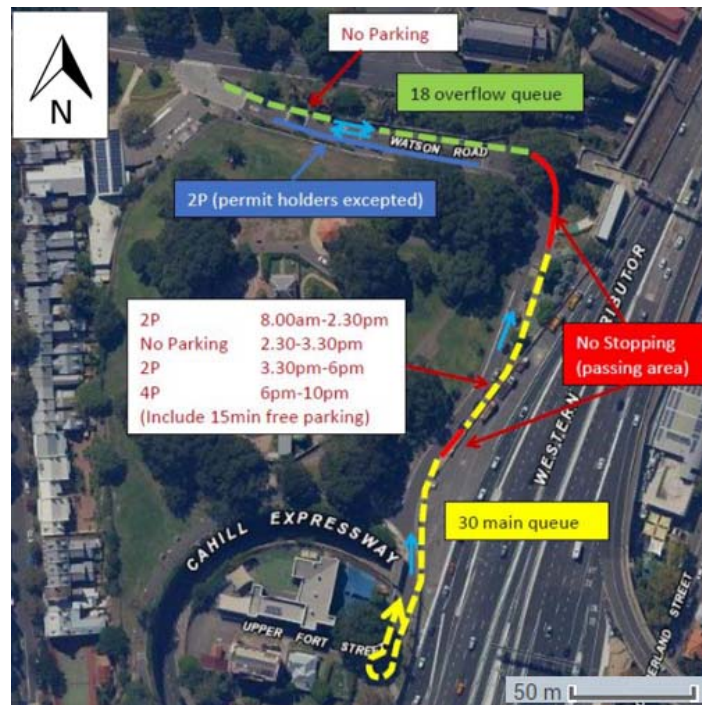


Figure 24 | Proposed queuing area / parking restrictions (Source: Applicant's EIS 2020)

In addition, the area at the front of the school would be redesigned to provide a new multi-purpose paved area for drop-off / pick-up area during school start / finish times (accommodating three spaces) and an outdoor play area during other times of the day. The area, owned by the school but currently appearing as part of the Upper Fort Street public road, would also be landscaped and fenced to form part of the school grounds.

Two phases of landscaping and fencing treatments are proposed so that the school operations accommodate the existing Sydney Harbour Bridge cycleway arrangements (Phase 1) as well as the potential upgrades (Phase 2) as follows (**Figure 25** to **Figure 27**):

- Phase 1 (before the cycleway upgrade): a large sliding gate generally parallel with the existing front fence line would be used to close off the drop-off / pick-up area outside of school start / finish times. This would be located after the on-site queuing area at the southern end of Upper Fort Street to allow pedestrians to travel through the queuing area to continue onto Upper Fort Street.
- Phase 2 (after the cycleway upgrade): a pair of hinged gates located at the entrance to the site across the southern end of Upper Fort Street would be used to close off the drop-off / pick-up and on-site queuing area outside of school start / finish times. The new cycleway / walkway to the east of the site would allow cyclists and pedestrians to travel around the school site, including the on-site queuing area which would be used as additional play space when closed to drop-off / pick-up.

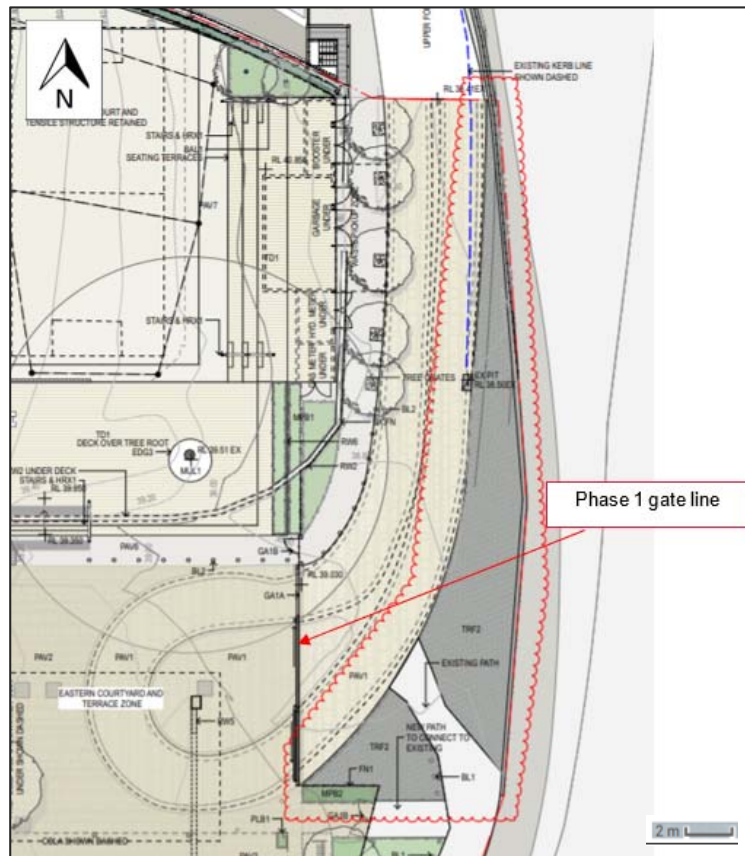


Figure 25 | Proposed phase 1 entry treatment (Source: Applicant's SRtS 2020)

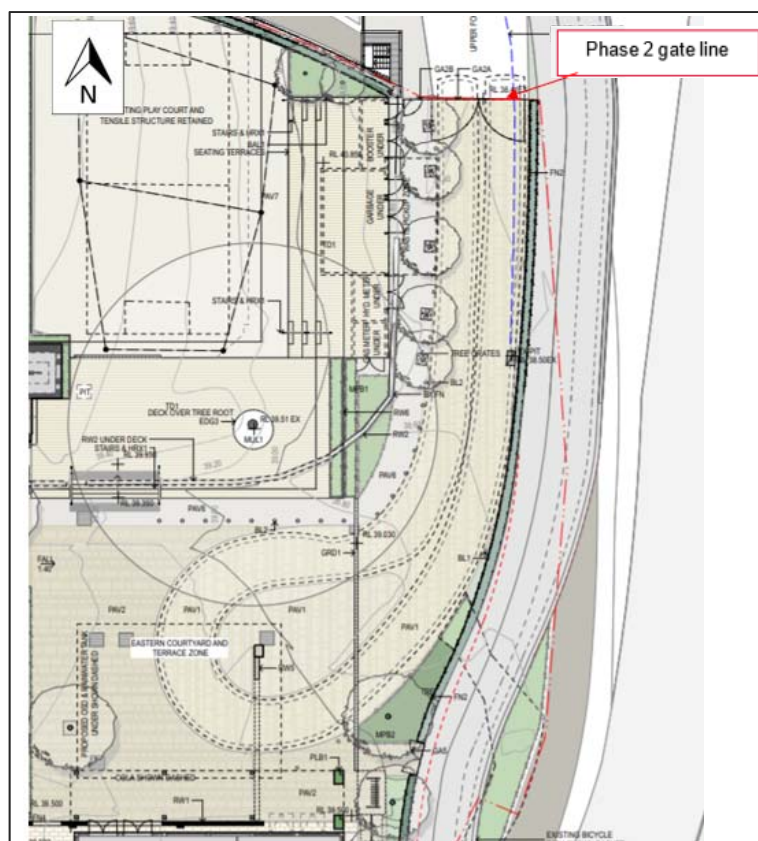


Figure 26 | Proposed phase 2 entry treatment (Source: Applicant's SRtS 2020)

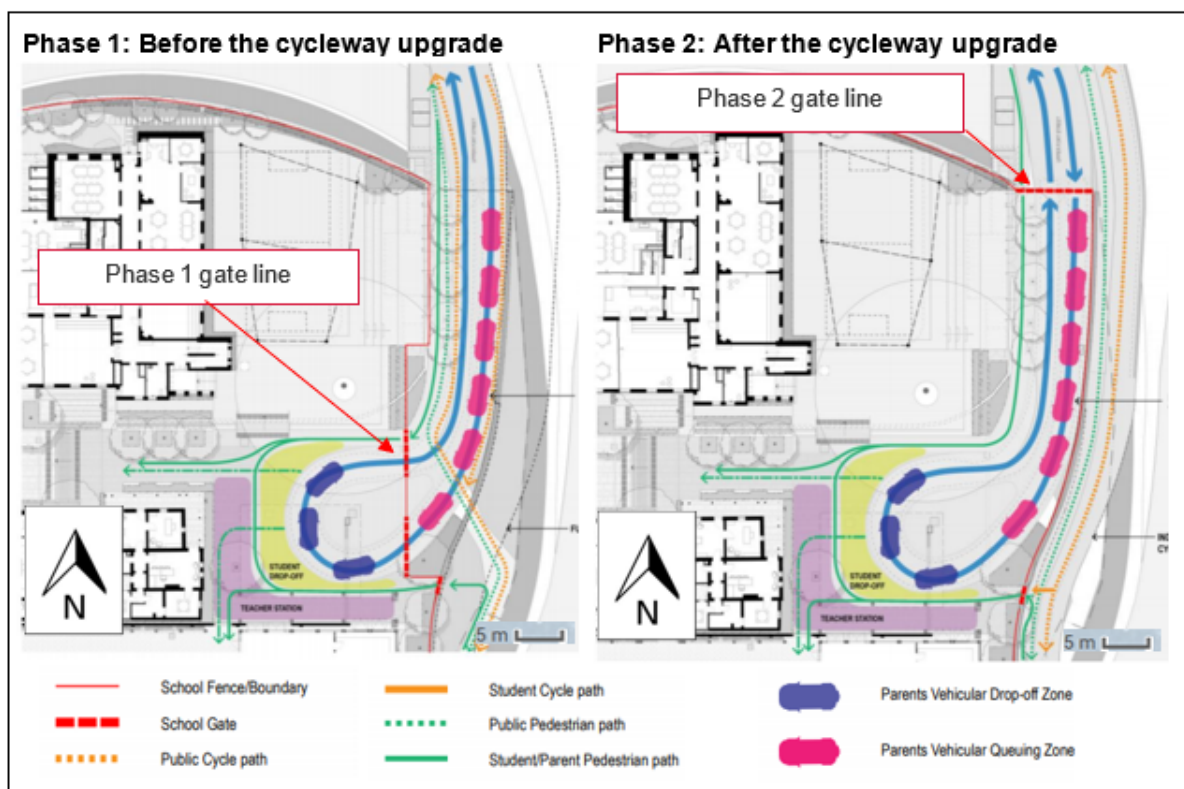


Figure 27 | Phase 1 and Phase 2 access (Source: Applicant's RtS 2020)

Council and Government Architect NSW (GANSW) advised that they do not support the shared use of the drop-off / pick-up area and the play area due to potential conflict between vehicles, students and cyclists. TfNSW recommended that a School Operational Management Plan be prepared to detail kerbside management of the drop-off / pick-up area to minimise conflicts between cars, pedestrians and cyclists. TfNSW did not raise any objections to the proposed modification of the Bradfield Tunnel Services Building.

Public submissions raised concerns regarding potential safety issues with the interaction between students, cyclists and drivers in the drop-off / pick-up area during peak hours.

The Applicant's RtS advised the following in response to the comments made:

- the site and surrounding road network are heavily constrained and is not able to accommodate a separated linear drop-off / pick-up zone.
- two alternative options were considered for the location of a drop-off / pick-up zone, including:
 - Kent Street and Argyle Street. However, these were not selected as they would have adversely interrupt local traffic and parking and would be located a significant distance from the school entrance which would not be viable for the dropping-off / picking-up of primary school students.
 - Observatory Hill roundabout. However, this would result in the loss of over 200sqm of open space, would not provide enough queuing area and would also be separated from the school entrance.
- drop-off / pick-up zone would be managed as follows to ensure the safety of all users:
 - staff would clear any students from multi-purpose play area / drop-off / pick-up zone 30 minutes before the morning drop-off period.

- at 8.30am, staff would open the school gates to allow vehicular access to the drop-off / pick-up zone. Staff would then close the gate at 9am to allow for student play during the school day.
- staff would clear any students from multi-purpose play area / drop-off / pick-up zone 30 minutes before the afternoon pick-up period. Staff would then open the gate at 3:00pm to allow for student pick-up and close the gate when finished at 3:30pm.

A sign would be installed on Upper Pitt Street before the school entrance to advise of the proposed drop-off / pick-up times.

The Department has considered the comments made in the submissions and information provided by the Applicant in the EIS and RtS. The Department acknowledges that the site is constrained and accepts the Applicant's advice that the proposed arrangements are necessary to provide functional drop-off / pick-up operations within the existing constraints. However, the Department also acknowledges the concerns raised regarding potential conflict between students, pedestrians, cyclists and vehicles. To ensure the safety of students during the drop-off and pick-up period, the Department's recommended conditions require that the STP to be prepared by the Applicant details measures to be implemented to manage drop-off / pick-up operations and any potential conflicts. In addition, the Department has recommended conditions that require the installation of retractable bollards or the like to separate the drop-off / pick-up circulation area from the surrounding pedestrian paved spaces on-site as recommended by Council.

To ensure the effectiveness of the STP in managing the safe interaction between pedestrians, cyclists and drivers, the Department's recommended conditions require the STP to be reviewed on an annual basis in consultation with Bicycle NSW, Council and TfNSW, until such time that an alternative frequency is considered appropriate by the Planning Secretary. This would also ensure that the STP reflects any changes made to the cycleway. In this regard, as discussed in **Section 6.1.2**, the Department considers that upgrades to the cycleway should be coordinated with the proposed school redevelopment works. If undertaken as proposed in the indicative TfNSW design, this would separate Harbour Bridge cyclist and pedestrian traffic from Upper Fort Street, significantly improving safety for all users. The Department has held discussions with TfNSW and the Applicant to discuss the two projects and advocate for coordination of the works.

The Department notes that the operation of the drop-off and pick-up zone should be accessible. The Department recommends that the STP include arrangements for accessible drop-off and pick-up operations during and outside of the drop-off and pick-up times.

The Department notes that the proposed changes to Upper Fort Street and the Bradfield Tunnel Services Building are subject to approval of TfNSW. Changes to parking restrictions to allow for queuing areas is also subject to the approval of Council. The Department has recommended conditions that require the formal approval and implementation of these works prior to the commencement of operation.

6.1.5 Pedestrian access and safety

Following the proposed redevelopment works, the main pedestrian and vehicular entrance to the school would be located north-east of the site providing access to Upper Fort Street. A second pedestrian entrance would be located south-east of the site using the existing / proposed cycleway and pedestrian bridge over the Cahill Cut that provides access to Kent Street.

GANSW raised concerns regarding the limited pedestrian access to the site, including the 1.2m wide pedestrian entry footpath from Upper Fort Street. GANSW supported the immediate provision of the future proposed north-western pedestrian link as an additional access point to the site (**Section 2.3**). Public submissions raised concerns regarding the location of the main entry adjacent to Upper Fort Street due to potential conflicts between pedestrians, cyclists and drivers and supported the provision of additional entry points, particularly from the western side of the site to facilitate direct access from the Agar Steps.

The Applicant's EIS / TIA stated:

- proposed works to widen Upper Fort Street at the 'pinch point' (**Section 6.1.4**) would provide a minimum 2m wide footpath alongside the widened Upper Fort Street roadway. This would provide significantly improved pedestrian access to the site from the north.
- the school catchment is predominantly to the south and west of the site and most of the walk-in catchment approach the school from Kent Street using either via the Agar Steps or the Kent Street-Sydney Harbour Bridge cycleway/walkway to access the school.
- public transport connections are also mainly focused to the south of the site meaning that pedestrians approach from that direction.
- the potential future new pedestrian bridge over the Cahill Cut on the north-western side of the site requires significant further investigation of its structural and operational feasibility given that it would be above the Cahill Cut, consultation with TfNSW and funding.

The Department has considered GANSW's advice and information provided by the Applicant. The Department recognises that the site is constrained by the Cahill Cut which limits pedestrian access to the existing points. The Department agrees with GANSW on the benefit of an additional pedestrian access point to the north-west which would provide improved access from the Agar Steps and Observatory Hill. However, it is recognised that any new pedestrian access points would require the construction of structures above the Cahill Cut which requires significant further investigation of structural, safety and heritage matters in consultation with TfNSW. The Department supports the ongoing consideration of an additional pedestrian bridge in this location.

To manage the proposed pedestrian access arrangements, the Department's recommended conditions include a requirement that the STP to be prepared by the Applicant, includes details of the available pedestrian routes and mechanisms to monitor their use and any issues that arise. The STP would also be required to consider alternative routes and/or public transport arrangements, such as a dedicated school bus, if required to alleviate strain on the pedestrian entries.

6.1.6 Car and Bicycle Parking

The site currently contains 15 car parking spaces. The proposal seeks to remove all car parking spaces so no on-site parking is provided. However, 35 bicycle parking spaces, including 5 staff spaces, and 30 scooter parking spaces would be provided as part of the proposal.

Clause 7.9(3) of the SLEP prescribes a maximum number of car parking spaces for educational establishments, being one space for every 200 square metres of gross floor area used for educational purposes. The SLEP does not prescribe minimum parking requirements for the development.

No submissions raised concerns regarding the proposed the lack of on-site parking. Council noted that while the proposed bicycle parking rate is considered to be reasonable, additional parking was recommended to encourage future demand.

In response to the comments made, the Applicant's RtS advised that opportunities for the provision of additional bicycle parking are limited given the constrained nature of the site and additional bicycle parking would reduce the proposed outdoor play area available for students.

The Department considers the provision of no on-site car parking is acceptable given:

- the proposal complies with Council's standards which do not require a minimum number of spaces to be provided.
- the site is located in a central inner urban area with excellent access to public transport, being within walking distance from public bus routes, Wynyard Station, the Circular Quay Light Rail Stop and Ferry Wharfs and the future Sydney Metro Barangaroo Station.
- the school already has high levels of walking and public transport travel by students and teachers (**Section 6.1.3**).
- non-car based travel will be encouraged through a STP (**Section 6.1.7**).

6.1.7 School Transport Plan

The TIA identified that approximately 35% of staff currently travel to the school by non-car based travel modes (**Section 6.1.3**). It also found that approximately 66% of students travel by non-car modes in the AM peak, with 61% travelling by non-car modes in the PM peak.

Based on results of parents, carers and staff questionnaires, the TIA proposes a 25% reduction in car usage, having regard to expected increased use of public transport following the opening of the Light Rail line to Circular Quay and future Sydney Metro operations to Barangaroo.

The preliminary GTP submitted with the EIS included a number of measures to encourage sustainable transport methods including:

- the provision of interest-free loans for staff to purchase a bicycle and accessories.
- arrangement of school travel passes to use on all local busses for students.
- the supply of a 'green toolkit' for staff and students, including puncture repair equipment, bike pump and spare lock.

Council recommended that a Transport Access Guide be developed to promote walking and cycling. TfNSW recommended that the GTP be finalised in conjunction with the TfNSW prior to the commencement operation.

The Department's recommended conditions require the STP to be prepared by the Applicant to incorporate measures to encourage sustainable travel modes and reduce car-based trips, drawing upon the preliminary GTP. This would be done in consultation with TfNSW and Council and incorporate monitoring and review of the plan to ensure the objectives of the plan are met.

6.2 Built form, heritage and urban design

The proposed development includes alterations and additions to three locally listed heritage items and the construction of four new buildings. The application was supported by an Architectural Design Report prepared which provided a detailed site investigation and design justification. A Heritage Impact Statement (HIS), Aboriginal Cultural Heritage Assessment Report (ACHAR) and Conservation Management Plan prepared were also submitted as part of the EIS.

6.2.1 Heritage

The site is located within the Millers Point and Dawes Point Village Precinct, which is curtilage listed on the State Heritage Register. The site is also within the Millers Point Heritage Conservation Area and contains three locally listed heritage items under the SLEP. The site is located between the Sydney Observatory to the north, which is listed on the State Heritage Register, and the National Trust Centre to the south which is a locally listed item under the SLEP.

The HIS identified the key heritage items and elements on the site (**Figure 28** and **Figure 29**), including:

- FSPS Building.
- a kerb wall at the front of the FSPS Building.
- a Stone Pier and kerb at the entrance to the school.
- Met Building.
- Messenger's Cottage.
- 1830's wall along the rear of the Met Building and Messenger's Cottage.
- iron fencing along the top of the Cahill Cut stone walls and the FSPS Building.



Figure 28 | Heritage Items and elements (Source: Applicant's EIS 2020)



Figure 29 | Photos of selected heritage elements (Source: Applicant's EIS and Google Maps 2020)

Significant archaeological remains on the site are discussed in **Section 6.3**.

The submitted Architectural Design Report and HIS stated:

- the three locally listed heritage items proposed to be retained on-site are the Met Building, the FSPS Building (and their interiors, fig trees and grounds) and the Messenger's Cottage.
- the fencing on top of the Cahill Cut, the Morten Bay Fig Tree at the front of the school, the kerb wall at the front of the FSPS Building, the heritage wall to the south of the site and the sandstone pier to the east of the Messenger's Cottage would also be retained.
- physical intervention to heritage items has been reduced as much as possible and the proposed alterations and additions would bring the buildings up to comply with current teaching standards in accordance with the Department of Education's Educational Facilities Standards and Guidelines.
- new additions or buildings have been designed to be subservient to the existing heritage forms.
- to maintain key heritage view lines, the retained heritage items have been clearly delineated from the proposed new buildings via the use of offsets and shadow gaps.
- articulation of raised walkways and glazing has been used to create visual connections between the retained heritage items and proposed new buildings.
- the proposed material and colour scheme of new buildings would be sympathetic to, but not mimic or detract from the existing heritage buildings and the overall heritage character.

Council did not raise any objections in relation to heritage. However, Council noted that the removal of the EEC Building should be reconsidered and requested further information be provided detailing the new roof and additions to the FSPS Building and the Met Building.

Heritage NSW recommended that a strategic approach be taken to guide development of the precinct, including appointment of a steering committee and preparation of a masterplan. Heritage NSW also raised concerns with the HIS and the Conservation Management Plan included in the EIS and requested a more comprehensive assessment of the proposed alterations and additions to the FSPS Building (**Section 5.3**).

GANSW expressed support for the maintenance of key heritage sight lines and the proposed building envelopes.

The Applicant's RtS stated the following in relation to the comments made:

- the EES Building is not heritage listed and:
 - was originally constructed for use as a gymnasium and is representative of typical post-war school gyms.
 - is no longer fit for use.
 - the Statement of Significance for the site states that the building has little aesthetic distinction. The building is therefore considered as having little heritage value.
- works to the existing heritage buildings have been designed to be as minimal as practically possible whilst providing visual connection to the new buildings and through the site.
- the proposed amendments to the FSPS Building are necessary to ensure the building can continue to facilitate the school's teaching requirements.
- the detailed design of all new roofs, including photovoltaic systems would be carried out in consultation with Heritage NSW.

- the final Conservation Management Plan would be developed in consultation with Heritage NSW.
- existing draft masterplans developed by Council have been considered where relevant.
- the Applicant commits to engaging in the development of future masterplans led by Council for the surrounding precinct.

The RtS included a detailed response to the comments made by Heritage NSW and Council from the Applicant's heritage consultant.

Council and Heritage NSW advised that the RtS was acceptable and recommended conditions of consent address outstanding matters.

The Department has considered the advice of Heritage NSW and Council and the information provided by the Applicant. The Department accepts the Applicant's justification for the need for the proposed works to the heritage items and the demolition of the EEC Building. The Department considers that the proposed alterations to the existing buildings have been designed to minimise the extent of intervention and retain important fabric, while bringing the buildings up to modern standards to meet the educational needs of students. In addition, the proposed new buildings have been located and designed to be respectful of the existing heritage buildings, while providing much needed facilities for the school and capacity for the growing area.

The Department has recommended conditions that require:

- finalisation of the detailed design of the new roof of the FSPS Building containing photovoltaic panels, the lift overrun above the Met Building and rooftop plant and equipment on Building J and H, in consultation with Heritage NSW.
- archival recording of items before works commence.
- appointment of a heritage consultant to guide and inform the development throughout detailed design and construction works phases.
- preparation of a heritage interpretation strategy and unexpected finds procedure.
- finalisation of the Conservation Management Plan in consultation with Heritage NSW within 12 months of the completion of the redevelopment.

The Department supports Heritage NSW's comments in relation to the need for a strategic framework to guide development in the precinct and notes the Applicant's commitment to this approach if it were taken forward.

6.2.2 Visual amenity

A Visual Impact Assessment (VIA) was included in the EIS which concluded:

- the site is located on an elevated peninsula which protrudes into the Sydney Harbour. The primary visual catchment surrounding the school encompasses colonial heritage and a prominent line of fig trees with a contrasting backdrop of the CBD skyline.
- the visual catchment is dominated by older buildings.
- there is no apparent visual connection between the site and the Millers Point and The Rocks due to the surrounding topography.
- the development would impact views from the:
 - Sydney Observatory as shown in **Figure 30**. From this viewpoint, the enlarged FSPS Building would appear a maximum height of three storeys amongst the CBD skyline backdrop.

- National Trust Centre as shown in **Figure 31**. From this location, the three storey form of Buildings H and J would be visible. While this would appear larger than the existing two storey form of the EEC Building, the magnitude of change is lessened given that the views from the National Trust are separated by a private carpark and associated landscaping.
- Agar Steps as shown in **Figure 32**. From this point, the site would appear a set of buildings varying in scale amongst the CBD skyline backdrop.
- Sydney Harbour Bridge footpath / Cahill Expressway as shown in **Figure 33**. From this location the addition to the FSPS Building would be visible. Changes to the forecourt / play area at the front of the FSPS Building may also have a minor visual impact to drivers or pedestrians with more immediate views to the front of the site. However, landscaping, including the existing Morten Bay Fig tree, would soften views of the site and the existing red brick of the FSPS Building would remain the most prominent feature of the site from this direction.
- aerial views are considered important given the location of the site and the proposed lift overrun above the Met Building may result in a minor visual impact from the surrounding areas. However, this would be offset by sensitive use of materials and colours and the careful design of rooftop mechanical plant.

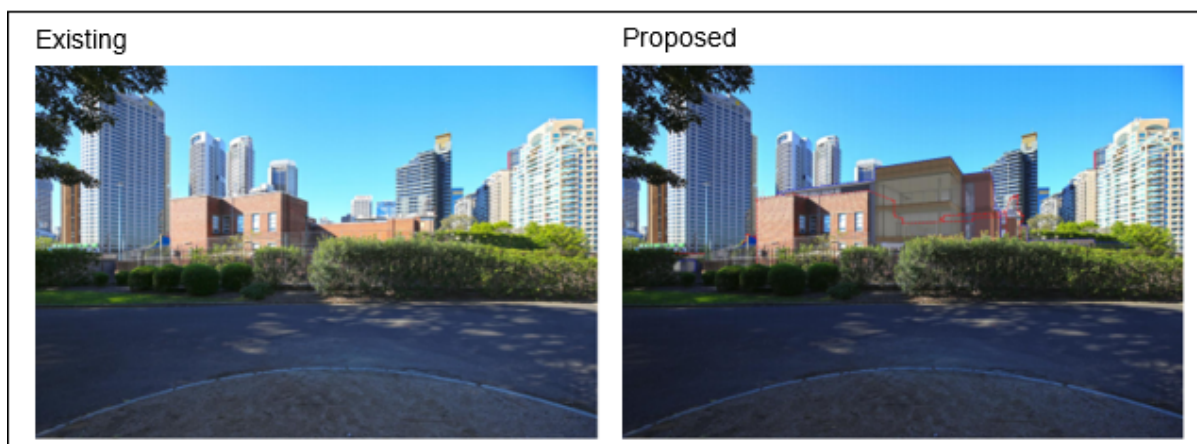


Figure 30 | View impacts from the Sydney Observatory (Source: Applicant's EIS 2020)



Figure 31 | View impacts from the Sydney Observatory (Source: Applicant's EIS 2020)

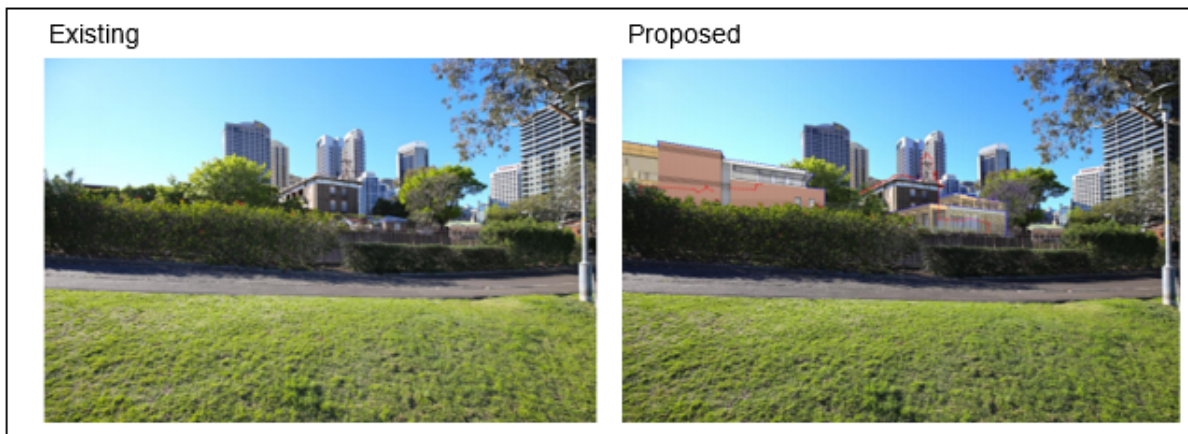


Figure 32 | View impacts from the Agar Steps (Source: Applicant's EIS 2020)

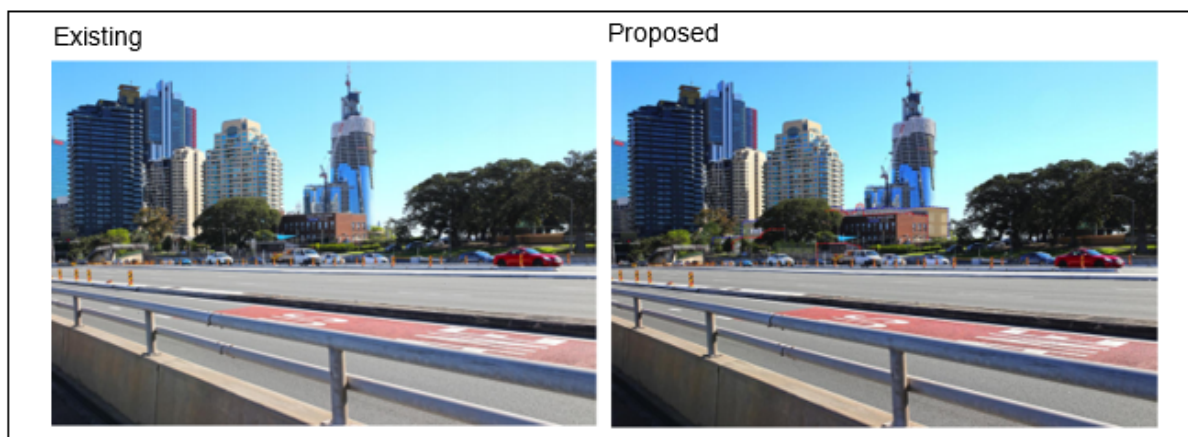


Figure 33 | View impacts from the Sydney Harbour Bridge footpath / Cahill Expressway (Source: Applicant's EIS 2020)

GANSW expressed concern that the lift overrun proposed on the Met Building (**Figure 34**) would be overly intrusive and requested that it be redesigned to have a minimal overrun (such as through the use of underslung lifts). Council also raised concern with the lift overrun and requested further information regarding its design. One public submission objected to the proposal due to its impacts on views from the Agar Steps and the Sydney Harbour Bridge.

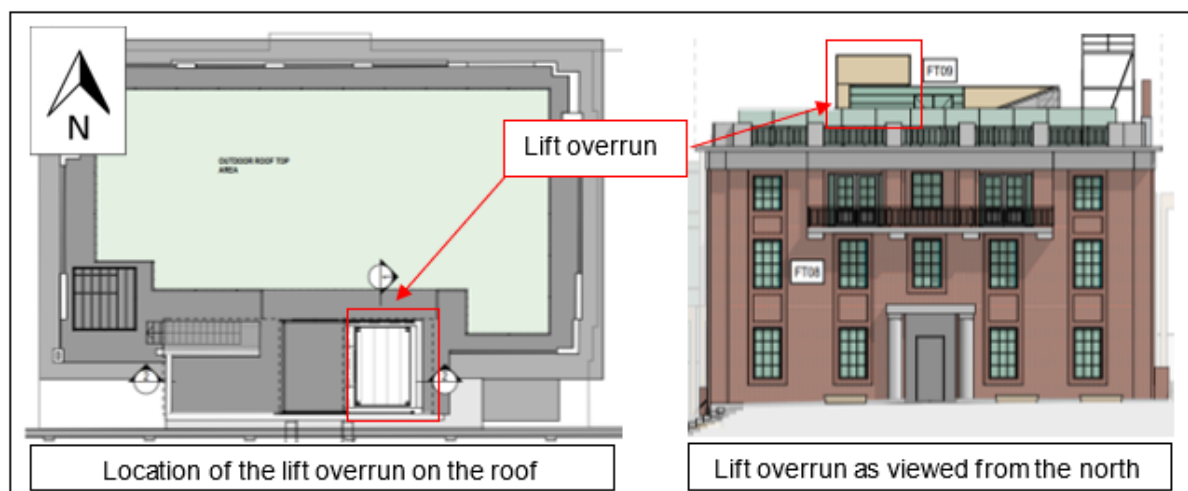


Figure 34 | Plan and elevation of the lift overrun on the Met Building (Source: Applicant's EIS and RtS 2020)

The Applicant's RtS acknowledged that the proposal would have visual impacts, but that these were unavoidable given the need to provide improved facilities and increased capacity at the school. The RtS noted that the proposed overall building heights would not exceed the height of the existing Met Building and that the buildings would be distributed across the site to avoid one large continuous mass. In addition, the RtS argued that the development appropriately responded to the siting of the existing buildings, including the eastern (front) setback of buildings, and has considered feedback received from GANSW. The RtS also argued that the lift overrun / motor room would be set back from the roof parapet to minimise its visual impact. Sensitive selection of materials and colours would also reduce the visual prominence of the structure.

The Department has considered the impact of the proposal on the views from the abovementioned locations in the public domain, taking into consideration the established planning principles established by the Land and Environment Court in *Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor* [2013] NSWLEC 1046 (principles of view sharing: the impact on the public domain). The first part of the process to analysing the public domain impacts requires the identification of:

1. the nature and scope of the existing views from the public domain.
2. the locations in the public domain from which the potentially interrupted view is enjoyed.
3. the extent of the obstruction at each relevant location.
4. the intensity of public use of those locations where that enjoyment will be obscured, in whole or in part, by the proposed private development.
5. whether there is any document that identifies the importance of the view to be assessed.

The second part of the process to analysing the public domain impacts requires a quantitative and qualitative evaluation of the impacts. The quantitative evaluation considers the extent of the existing view and the extent to which the view would be obstructed. The qualitative evaluation establishes notable factors and elements of the view and the magnitude to which it contributes towards the aesthetic. The quantitative evaluation should also factor in any planning document with an objective/aim for the maintenance, protection and/or enhancement of public domain views.

The Department has carefully considered the concerns raised in the public submissions and the assessment in the Applicant's VIA. The Department has undertaken its own assessment of the impacts of the proposal on key views from the public domain having regard the established planning principles in **Table 7**.

Table 7 | Department's assessment of impacts on key views from public domain

Consideration	Department's Assessment
1. the nature and scope of the existing views from the public domain.	<p>Views are available to the site from a number of locations surrounding the site (Figure 35) including from:</p> <ul style="list-style-type: none"> • Sydney Observatory. • National Trust Centre. • Agar Steps. • Sydney Harbour Bridge footpath / Cahill Expressway. <p>The topography of the site and surrounding land means that views generally take in selected parts of the site from</p>

	<p>ground level with the site visible in the context of the surrounding city and sky. Views are not generally available through the site and/or to significant features or landmarks.</p>
2. the locations in the public domain from which the potentially interrupted view is enjoyed.	<p>While the proposal would result in additional built form being visible from each location, the additional built form would not generally obstruct views through the site to important features or landmarks. Only partial, lower portions of views to the sky would be affected.</p>
3. the extent of the obstruction at each relevant location.	<p><u>Sydney Observatory</u> – existing large fig trees limit views from the Observatory site itself. From the southern entry of the Sydney Observatory, the proposal would appear to have increased in height. However, remains low scale contrasted against the CBD skyline.</p> <p><u>National Trust Centre</u> – the proposal would appear to have increased vertically by an additional storey, and horizontally. However, the view is separated (and impact moderated) by the existing private carpark of the National Trust Centre.</p> <p><u>Agar Steps</u> – the built form would notably increase vertically and horizontally. The lift overrun above the Met Building would not be readily visible from the Agar Steps due to its setback from the roof edge and the height difference in between the site and the Agar Steps. Overall, the proposed varied building height and setback against the CBD skyline in the background would alleviate the magnitude of visual impact.</p> <p><u>Sydney Harbour Bridge footpath / Cahill Expressway</u> – clear views to the site, including the lift overrun above the Met Building, are obscured by the Western Distributor, Cahill Expressway and the existing Morten Bay Fig Tree. New hardstand areas would be offset by additional tree planting. The prominent red brick of the FSPS Building would remain the dominant feature.</p>
4. the intensity of public use of those locations where that enjoyment will be obscured, in whole or in part, by the proposed private development.	<p>The proposal would not obstruct views through the site to important features or landmarks. Only partial, lower portions of views to the sky would be affected. These are viewed by:</p> <ul style="list-style-type: none"> • <u>Sydney Observatory</u> – visitors entering and exiting the southern side of the Observatory as well as people walking through Observatory Park to / from the Agar Steps. Views would generally be momentary. • <u>National Trust Centre</u> – visitors entering and exiting the northern side of the National Trust

Centre via the main car park. Views would generally be momentary.

- Agar Steps – pedestrians accessing Observatory Hill Park to visit the park, the Sydney Observatory, the National Trust Centre or access areas beyond the park such as The Rocks. Views would generally be transitory.
- Sydney Harbour Bridge footpath / Cahill Expressway – pedestrians and cyclists from Circular Quay using the Sydney Harbour Bridge footpath and the Bridge Stairs. Views would generally be transitory as they are interrupted by vehicles on the Western Distributor and Cahill Expressway.

5. whether there is any document that identifies the importance of the view to be assessed.

The HIS and Conservation Management Plan included in the EIS detail important views to the site. These have been considered in the Department's assessment of view impacts and heritage impacts (**Section 6.2.1**)

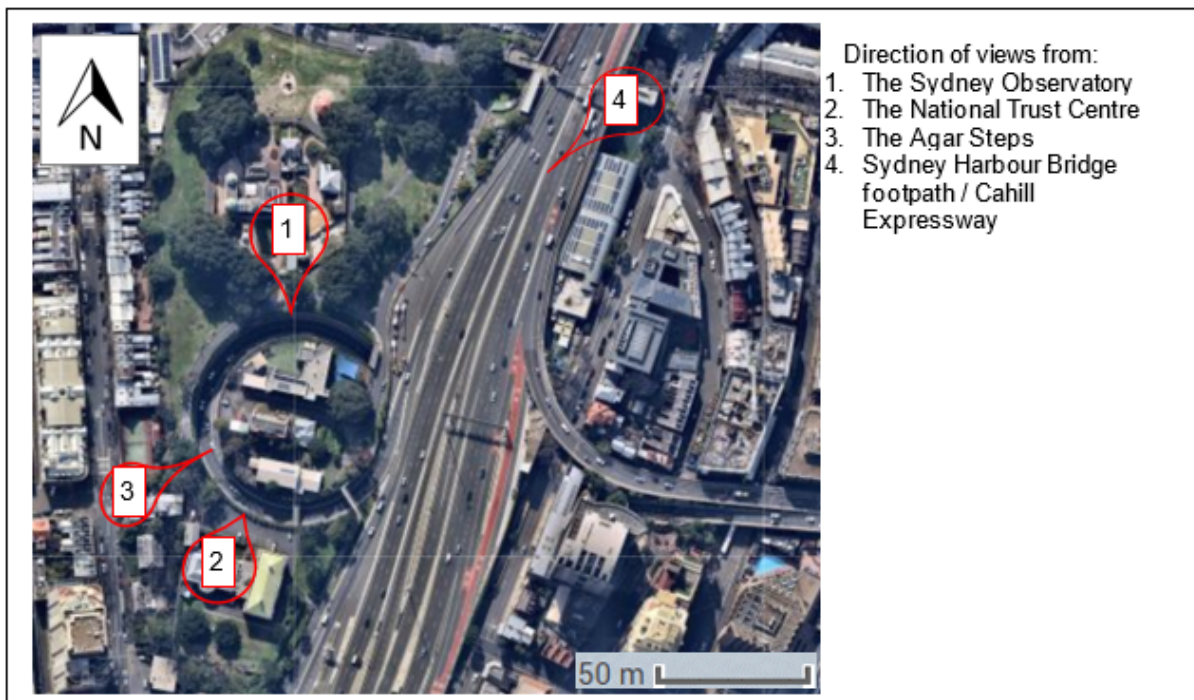


Figure 35 | Key viewpoints from public domain (Base source: Nearmap 2020)

The Department's assessment concludes that the proposal would have limited impacts on views from the public domain and would not obstruct any views through the site to important elements or landmarks. Direct views of the site from key viewpoints are obscured by vegetation or are from a distance through the Cahill Cut. Overall, the proposed new built form would appear as infill development within the surrounding cityscape.

In addition, in considering the reasonableness of the impact with consideration of compliance with the development standards, the site is neither subject to a Height of Building or Floor Space Ratio

controls. The Department concludes that the VIA is acceptable as it has demonstrated that public domain views would be reasonable and that the proposal has been designed with respect to the surrounding area.

The Department has recommended conditions requiring the detailed design of rooftop facilities to be finalised in consultation with Heritage NSW (**Section 6.2.1**). The Department has recommended that the design minimises the visual impact of these facilities from surrounding development.

6.2.3 Bulk and scale

The Applicant's EIS stated that the proposed bulk and scale have been considered with respect to:

- minimisation of disruption to the heritage items retained.
- retention of key views. The proposed maximum building height has been designed not to exceed the height of the existing Met Building.
- need to minimise disruption of archaeology (Section 6.3).

Public submissions raised concern that the new buildings represented an over-development of the site. However, the public submissions supported the proposed overall height being below the Met Building.

The Applicant's RtS clarified that while the proposed height of the new buildings and addition to the FSPS Building when measured from ground level, exceed the Met Building, the slope of the site means that the Met Building remains as the highest building on-site (see **Figure 36** and **Figure 37**).

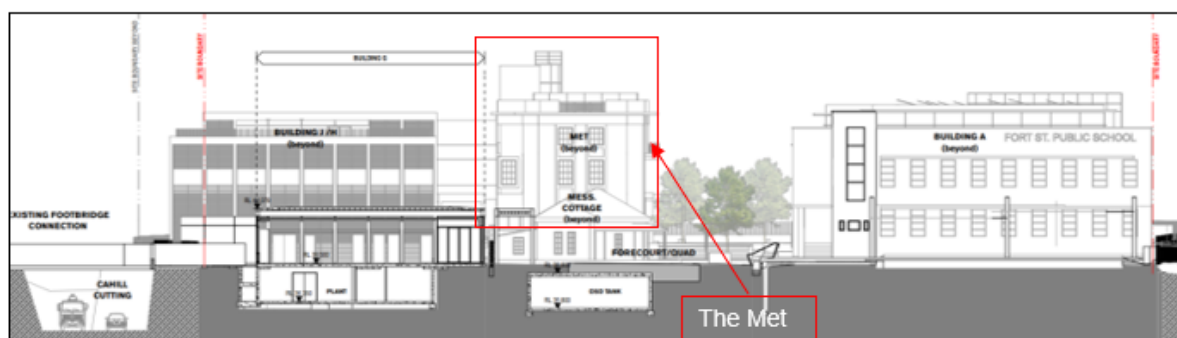


Figure 36 | North-south section (Source: Applicant's RtS 2020)

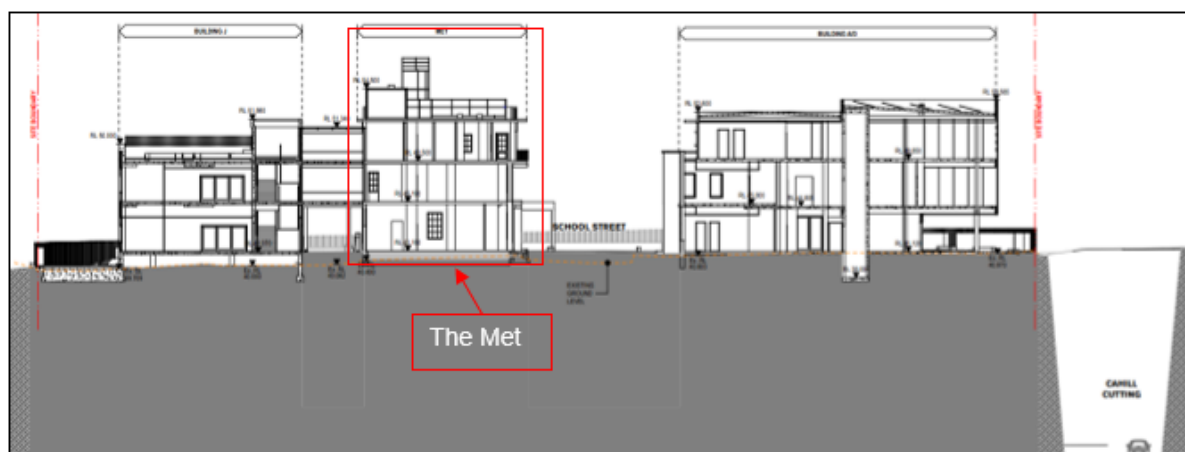


Figure 37 | East-west section (Source: Applicant's RtS 2020)

The RtS noted that the built form has been designed to be low scale to provide an appropriate visual transition from the built form on and immediately adjoining the site (including the Sydney Observatory

and National Trust Centre) and the larger scale surrounding development in the CBD and Barangaroo (Figure 38, Figure 39 and Figure 40).



Figure 38 | Barangaroo to the south-west of the development (Source: Applicant's EIS 2020)



Figure 39 | Circular Quay to the east of the development (Source: Applicant's EIS 2020)

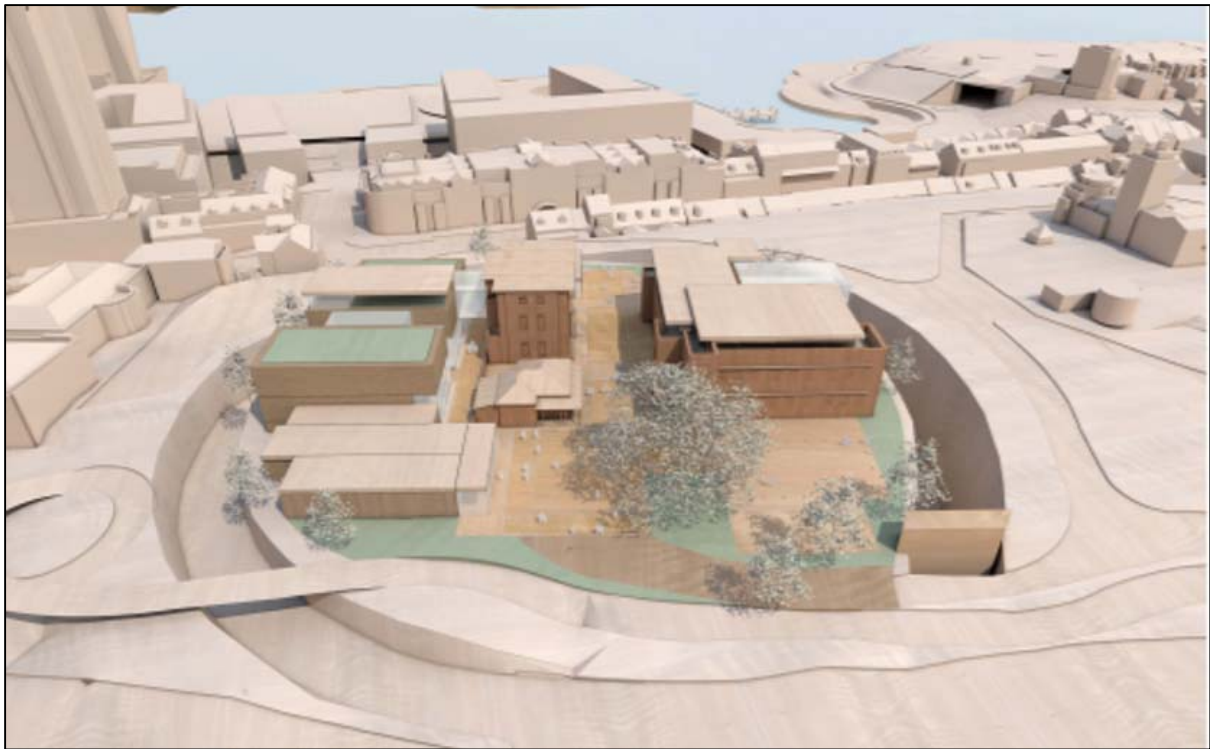


Figure 40 | Miller's Point to the west of the development (Source: Applicant's EIS 2020)

The Department notes that there are no maximum building height or floor space ratio standards applicable to the site under the SLEP 2012. The Department has considered the information provided by the Applicant, the comments made in the submissions and the proposed built form in context of the existing buildings on and surrounding the site. The Department concludes the proposed bulk and scale would be acceptable as the proposal would:

- generally be consistent with the scale of existing development on the site and would not exceed the viewed height of the Met Building.
- be relatively low scale compared to the scale of existing and emerging development on land surrounding the site, including the northern end of the CBD, The Rocks and Barangaroo.
- incorporate new built form that would be subservient to the existing heritage buildings, including through sensitive building setback and separation (**Section 6.2.1**).
- maintain key views to and across the site (**Section 6.2.2**).
- protect important archaeological resources on the site (**Section 6.3**).
- have acceptable amenity impacts as surrounding properties are sufficiently separated from the proposed buildings to minimise any overlooking or overshadowing.

Accordingly, the Department considers that the proposed bulk and scale is acceptable and that the proposed development is well-sited within the context of the surrounding area.

6.2.4 External colours and finishes

The Applicant's EIS, Heritage Impact Statement (HIS) and Architectural Design Report stated the following in relation to the proposed external colours and finishes:

- the FSPS Building and the Met Building define the character of the site. Materials should complement the existing palettes of masonry (rendered and face brick), sandstone and painted timber and any new fabric should be 'quiet'.

- the proposed materials complement the heritage items and overall heritage character, as well as being economical, functional, durable and sustainable.
- colours should not mimic but be sympathetic to the heritage items and the natural landscape setting.
- the proposed colours and finishes includes timber, clear glazing, lightweight metal cladding and aluminium, textured brickwork and sandstone paving in predominantly neutral and natural tones of brown, grey and black.

In its submissions to the EIS, Council requested that a more detailed materials and colour schedule be provided given that the EIS included generic details such as 'brickwork'. Two public submissions objected to the proposed colours and finishes, noting that 'light colours' should be avoided.

The Applicant's RtS included a more detailed materials schedule and stated that the proposed colours are responsive of the existing buildings and the surrounding landscapes.

Council advised that the RtS was acceptable and reiterated its recommended conditions of consent to address outstanding matters.

GANSW supported the proposed external colours and finishes and advised that the proposal responds to the heritage items and support good environmental performance.

The Department has considered the comments made in the submissions, information from the Applicant and the comments of GANSW. The Department is satisfied that the proposed external materials, finishes and colours are appropriate and respect the heritage buildings on and surrounding the site.

6.2.5 Tree removal and Landscaping

An Arboricultural Development Impact Assessment, Landscape Architecture Design Statement and landscape plans were submitted as part of the EIS. The submitted documents stated the following in relation to landscaping:

- 19 of the 22 existing trees would be removed as they encroach the development. The three trees to be retained include Tree 1, a Morten Bay Fig Tree (*Ficus macrophylla*) at the front of the FSPS Building, Tree 18 Sydney Peppermint (*Eucalyptus piperita*) and Tree 19 Sydney Blue Gum (*Eucalyptus saligna*) located in the southwestern corner of the site.
- landscape works at ground level include:
 - construction of a new raised timber amphitheatre at the front of the FSPS Building adjacent to the existing COLA which is to be retained. This would step up towards Upper Fort Street to provide an enclosed play space for students that is screened from the Western Distributor immediately east of the site.
 - fire hydrant, utilities and a waste storage area would be located under the structure hidden behind timber access doors incorporated into the rear wall of the amphitheatre structure.
 - a timber deck around the Morten Bay Fig tree.
 - new paved central plaza with a colonnade of trees in raised planter boxes. This would connect the main school buildings and the shared play and drop-off / pick-up area at the eastern end of the site.
 - playground and half games court in the north-western corner of the site.
 - soft landscaping around the perimeter of the site.
 - climbing plants along proposed new fencing at the front of the school.

- significant tree planting across the site with 59 trees to be planted.
- landscape works on the accessible roofs include:
 - permaculture garden.
 - interpretive Indigenous planted garden.
 - seating area.

The proposed ground level landscaping is shown in **Figure 41** and rooftop landscaping in **Figure 42**.

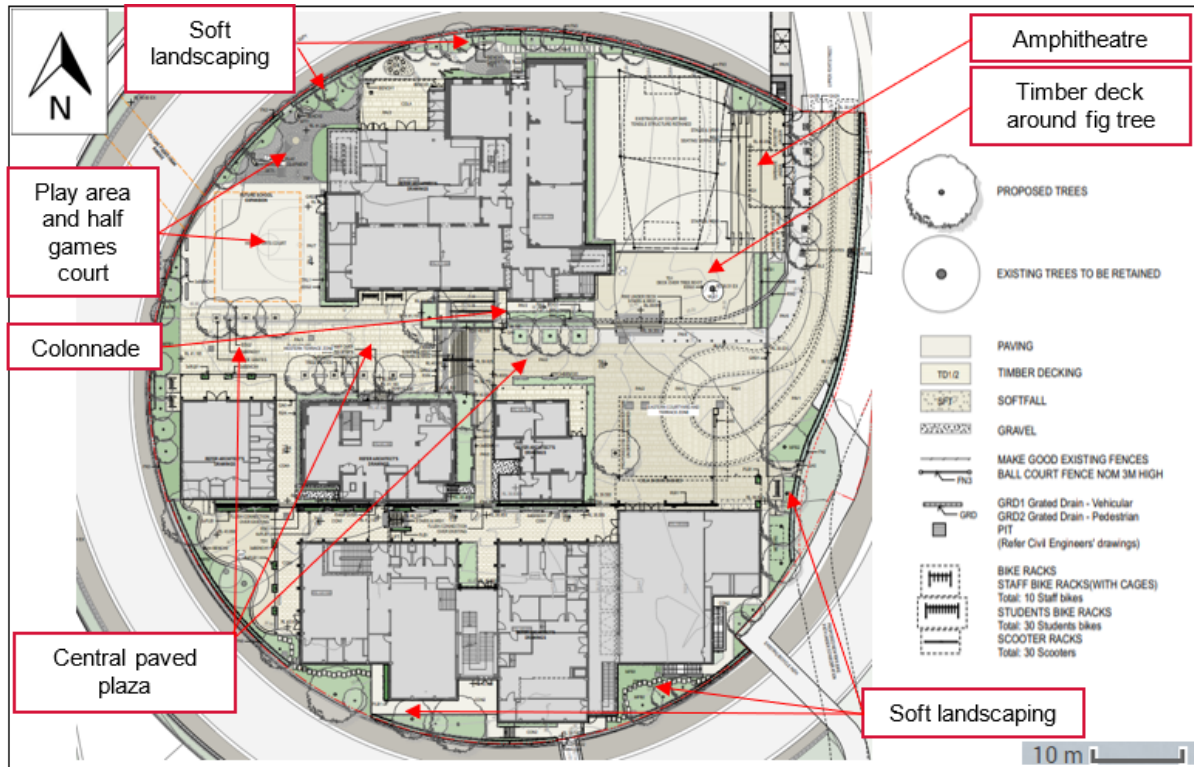


Figure 41 | Proposed ground level landscaping (Source: Applicant's RtS 2020)

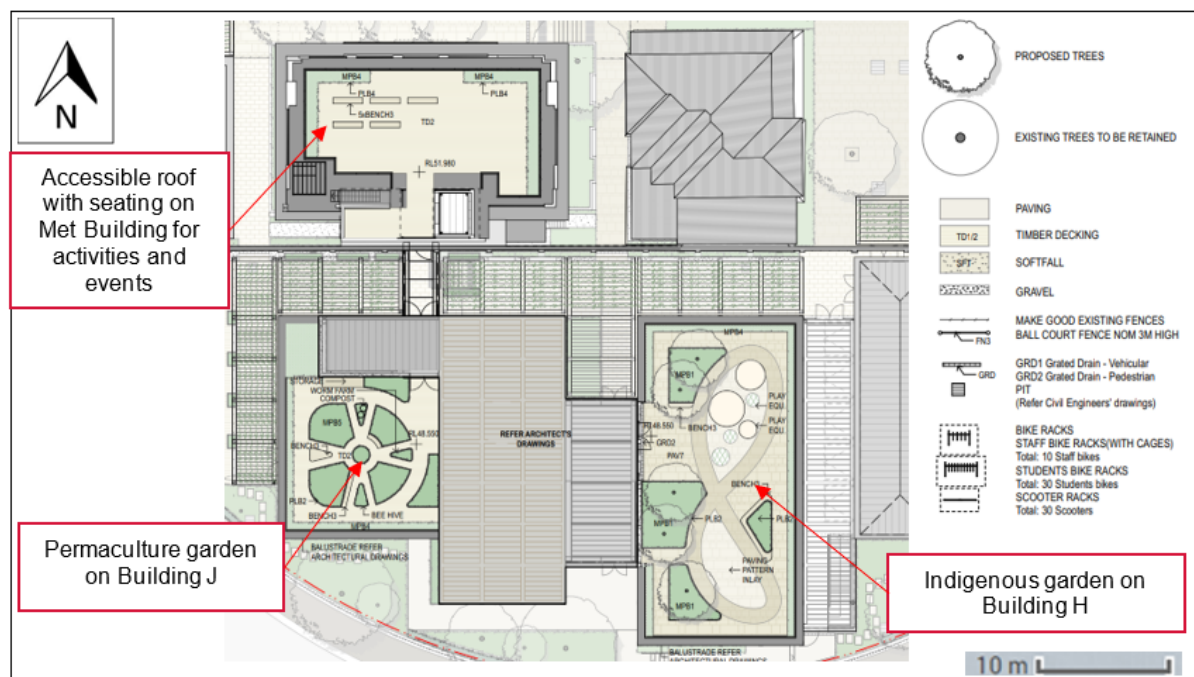


Figure 42 | Proposed rooftop landscaping (Source: Applicant's RtS 2020)

In its submission to the EIS, Council advised that it did not support the removal of trees 2, 7, 15, 16 and 20 and that the removal of Tree 5 should be offset by replacement planting in the same location (**Figure 43**). Council also advised that the proposed works around the Morten Bay Fig Tree at the front of the site may impact the tree's Tree Protection Zone (TPZ) and the Structural Root Zone. It recommended that amendments be made to protect the tree and that a Tree Protection Plan to be submitted.

In relation to proposed landscaping, Council advised that:

- it did not support the use of AstroTurf due to the urban heat island effects and recommended that it be replaced with timber decking and tiling.
- concerns were held that the raised planter beds in the centre of the site appear to be insufficient to accommodate the medium to large tree species proposed.
- the roof design of Buildings A, F, G and J be revised to provide additional green roof space, including integrated green rooftop for rainwater harvesting and solar photovoltaic systems.
- amended landscape plans should be prepared to address the following:
 - proposed surface finishes, drainage pits, structures and details for hard works.
 - details for planting zones of the three planted colonnades.
 - levels, location of drainage outlets, balustrades and/or fencing, planters, structures and any fixings associated with the accessible rooftop gardens.
 - the existing roof condition and structural capacity of the rooftop of the Met Building.

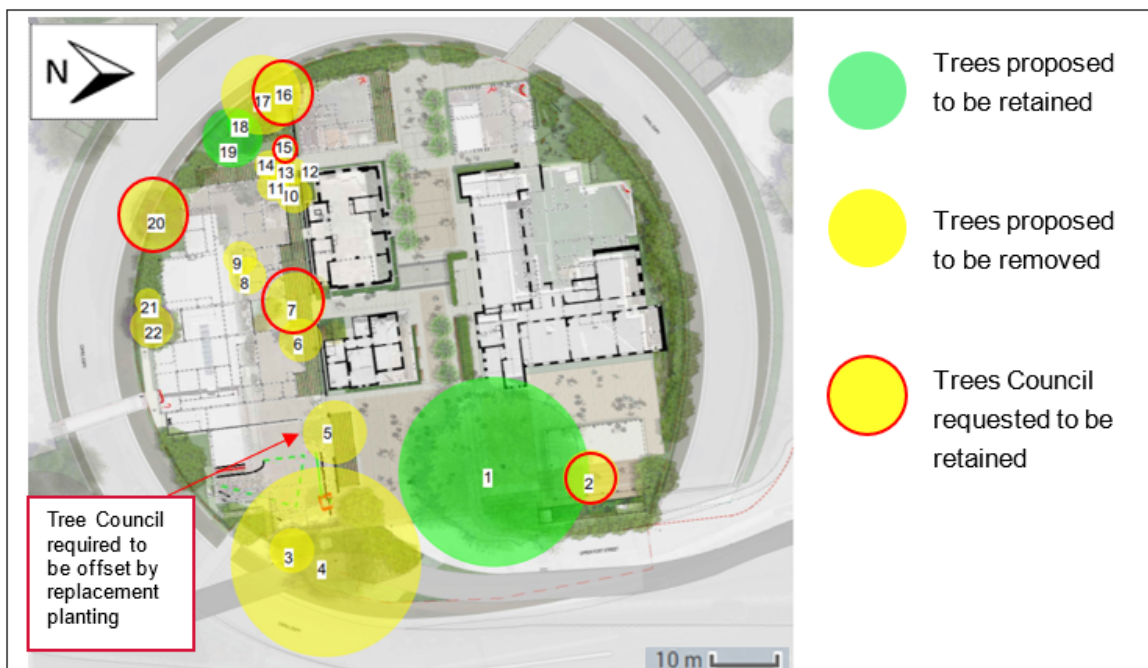


Figure 43 | Location of existing trees (Source: Applicant's EIS, 2020)

In response to the comments made, the Applicant provided amended landscape plans incorporating the requested additional details, updated Arboricultural Development Impact Assessment, Tree Protection Plan and supporting documents. In support of the proposals, the Applicant stated:

- the removal of Tree 2 is necessary to allow connections to critical infrastructure and the removal of Trees 7, 15, 16 and 20 are required to satisfy school functions.
- 59 new trees would be planted to offset tree removal along with shrubs, groundcovers and climbers.

- AstroTurf is incorporated into the landscape design as it is durable, easy to maintain and cost effective.
- an arborist would oversee related to the construction of timber decking, including excavation by hand to ensure that encroachment into the TPZ of the Morten Bay Fig Tree is in accordance with the AS 4970-2009.
- raised planters were no longer proposed in the central plaza, with trees to be planted into natural ground.
- while green roofs were considered above Buildings A, F, G and H, it was determined that these would either increase the height of the development or result in the loss of rooftop play areas.

In its response to the SRtS, Council advised that it still did not support the removal of Trees 2, 7, 15, 16 and 20. It recommended conditions requiring a revised Tree Management Plan and a Risk Assessment to be prepared to demonstrate that Tree 1 would be appropriately protected. Council also recommended that more detailed landscape plans be provided with additional details.

The Applicant's SRtS provided further information on the need for removal of Trees 2, 7 and 15 as follows:

- Tree 2 is located in the centre of the proposed amphitheatre. Retention of the tree is not feasible as it would require significant changes to the proposed amphitheatre structure to accommodate the trunk and limbs of the tree given the height difference between the amphitheatre structure and ground level around the tree. The presence of the tree and necessary clearance around it for safety purposes would significantly reduce the function of the amphitheatre and play area at the front of the school.
- Tree 7 is located at the point where the main north-south and east-west circulation corridors meet. It would also be in close proximity of the existing three storey Met Building and proposed two-three storey Building H and J. Retention of the tree would impact circulation and would require significant alterations to Buildings H and J. The significant constraints of the site mean that this is not feasible while providing the required additional capacity of the school to meet demand.
- Tree 15 is located at the rear of Building F and adjoins a timber decking area and COLA area. The TPZ of the tree would be impacted by the building and timber decking. Retention of the tree would not be feasible as redesign of the timber decking area would result in a disruption in the link between the COLA area and Building F, reducing much needed learning and outdoor play areas on the site.

The SRtS advised that Tree 20 is a species that is tolerant of root disturbance and although Building J would encroach into the tree's TPZ, the tree could be retained. However, significant canopy reduction pruning would be required to facilitate construction scaffolds and hoarding structures which would severely impact the tree. The Applicant advised that its preference is to remove Tree 20 but that could be retained subject to revised construction methods.

The SRtS also advised that the Applicant's preference was to remove Tree 16 as it would be impacted by Building F and as it overhangs the Cahill Cut presenting a safety risk to students and road users. However, the SRtS noted that it may be possible to retain Tree 16 subject to further investigation of the extent of canopy / limb removal required to achieve clearance from the Cahill Cut and prevent children climbing the tree in proximity to the deep cutting.

The SRtS also included a further updated Tree Management Plan with additional information in relation to construction management measures to protect the trees to be retained.

The Department has considered Council's comments and the information provided by the Applicant. The Department acknowledges that the proposal would remove the majority of existing trees on the site but accepts that this is unavoidable given the highly constrained nature of the site and the need to provide improved and expanded educational facilities to meet the needs of the surrounding area. The Department accepts the Applicant's justification for the need for removal of trees, including Trees 2, 7 and 15. The Department considers that the retention of Trees 16 and 20 is appropriate and the Department has recommended conditions requiring investigations to confirm the potential to, and works required, to retain both trees.

The Department recognises the importance of Tree 1 and has recommended conditions that require a detailed tree protection plan to be prepared, a qualified and experienced site arborist be engaged to monitor works and tree protection measures to be implemented during construction works.

The Department is also satisfied that the proposed landscaping is appropriate which includes the planting of 59 trees. The Department has recommended conditions requiring the implementation and maintenance of the proposed landscaping.

6.2.6 Design Excellence

Clause 6.21(5) SLEP outlines requirements for proposals that are required to undergo a design competitive process as follows:

- (a) development in respect of a building that has, or will have, a height above ground level (existing) greater than:
 - (i) 55 metres on land in Central Sydney, or*
 - (ii) 25 metres on any other land,**
- (b) development having a capital investment value of more than \$100,000,000,*
- (c) development in respect of which a development control plan is required to be prepared under clause 7.20,*
- (d) development for which the applicant has chosen such a process.*

The proposed development does not exceed the building height or capital investment value thresholds prescribed above. Further, clause 7.20 of the SLEP and the subsequent preparation of a site specific DCP does not apply in this instance by virtue of Clause 8 Education SEPP. Therefore, the proposal is not required to undergo a competitive design process.

Council encouraged the Applicant to undertake the competitive design process as the site is visually prominent and contains significant heritage value.

The Applicant's EIS noted that a competitive design process was not required as the proposal did not trigger the requirement for the reasons set out above. The EIS also included an assessment against the clause 6.21 SLEP relating to design excellence, including quality and amenity of the public domain, bulk, massing and modulation and integration of landscape design. The Applicant argued the proposal complies with clause 6.21 and achieves design excellence without requiring a competitive design process.

The Department notes that, prior to the lodgement of the EIS, the Applicant engaged in four State Design Review Panel sessions to improve the proposed design and ensure GANSW concerns were addressed early in the design stage. In response to the RtS, GANSW advised that the sessions featured continuous improvement of the design, from early massing proposals to the refined preferred option. Overall, GANSW supports the proposed design.

The Department supports the view of GANSW and is of the view that a competitive design process is not required. The Department considers that the proposal has appropriately addressed the requirements for design excellence as required by the SLEP and that undertaking of a competitive design process in the context of the proposed development would be unreasonable and unnecessary.

6.3 Other issues

The Department's consideration of other issues is provided at **Table 8**.

Table 8 | Other Issues

Issue	Findings	Department's conclusion and recommended Condition(s)
Social impacts	<p>The EIS included a Social Impact Statement that concluded that the temporary relocation of the school during construction works may:</p> <ul style="list-style-type: none"> • increase travel time, inconvenience, uncertainty and changes to routines for staff, students and families. • impact student learning and typical school practices. <p>Public submitters raised concerns that the temporary relocation of the school would result in a negative social impact, including impacts to students' wellbeing and increased travel time.</p> <p>In response to the comments made, the Applicant's RtS advised that the highly constrained site is unable to accommodate temporary facilities to enable school operations to remain on-site during construction works. Relocating the school to Wentworth Park is the least disruptive option available and is forecasted to occur late Term 3, 2020. A Change Management Plan is proposed to be implemented to mitigate social impact of decanting students. This would include methods to ensure smooth transition for students, teachers and families and minimise disruption to learning.</p>	<p>The Department acknowledges that short-term negative social impacts may arise for students, teachers and parents during the construction period. However, the Department accepts that the site is highly constrained which means that keeping the school open during redevelopment would not be safe or practicable. Overall, the proposed development would provide a significantly improved educational facility with increased capacity, providing significant long-term positive social impacts.</p> <p>The Applicant's proposal for the implementation of a Change Management Plan is supported to minimise impacts of the temporary relocation.</p>

Outdoor play space

Public submissions raised concerns with the lack of outdoor play space for students and the safety of the rooftop play areas.

The Applicant has advised the following in relation to outdoor play space provision:

- open play areas, which may also be used as covered outdoor learning areas (COLAs), are located on the ground level, in the community hall and on the rooftop of the Met Building and Buildings J and H.
- ground level play areas include the amphitheatre, playground equipment, seating and mini-basketball court.
- rooftop play areas include a permaculture rooftop garden, bush tucker garden and hopping and running track. Rooftop play areas be monitored by staff at all times.
- approximately 7.1 square metres of open space would be available per student following completion of Phase 2 landscaping at the front of the school (**Section 6.1.4**)
- whilst the proposed open space area per student does not provide 10sqm per student as recommended in the Education Facilities Standards and Guidelines, it is consistent with most schools within the Inner City School Community Group.
- staggered lunch and recess times may be introduced to maximise availability.
- Observatory Hill is currently being used for school activities such as the annual cross-country carnival and music performances. Future use of Observatory Hill would be

The Department has considered the comments made in the submissions and information provided by the Applicant.

The Department acknowledges that the site is highly constrained and notes that the development has been designed to utilise available ground floor and rooftop areas for open space.

While the proposal would provide a level of open space below that recommended in the Education Facilities Standards and Guidelines, the Department considers that the proposal is acceptable because the:

- amount of open space proposed would be typical for an inner-city school.
- redevelopment of the school is needed to provide improved facilities and increased capacity on-site to cater for growth in the area.
- provision of additional space through higher built form would have negative heritage impacts.

The Department notes the Applicant's potential for increased use of Observatory Park and that any such use would be subject to the agreement of Council.

considered in consultation with Council.

Waste collection

A waste storage area is proposed at the front of the site under the raised timber amphitheatre structure with direct access from the queuing area.

The Applicant's TIA provided two options for waste collection vehicles to access the site:

- option one – waste vehicle to enter the site via Upper Fort Street, complete a three-point turn within the multi-purpose play and drop-off / pick-up area, drive to the collection point at the front of the site and exit the site in a forward direction.
- option two – vehicle to complete a three-point turn prior to entering the site (using the access road to the Sydney Observatory / National Trust Centre), reverses into the site to the collection point at the front of the site and exit the site in a forward direction.

In its submission to the EIS, Council did not support the manoeuvring of waste vehicles within the multi-purpose play area. Council recommended that a waste collection zone be designated on Upper Fort Street and that entry and the entry and exit of the vehicles in a forward direction.

The Applicant's RtS advised that waste collection would occur outside of school hours and that potential conflict with pedestrian and cyclists on Upper Fort Street would be carefully managed.

The Department has considered the comments made in the Council submission and information provided by the Applicant in the EIS and RtS. The Department notes that Upper Fort Street is proposed to be widened to accommodate two-way traffic as part of this application, which will provide for improved access into and out of the site.

To ensure the safety of pedestrian and cyclists using Upper Fort Street, the Department has recommended a condition that requires that an Operational Waste Management Plan be prepared prior to the operation of the development to set out clear procedures for the collection of waste on the site. This includes restrictions on waste collection service times to outside of school hours, including before and after care services.

Construction noise and vibration

A Noise and Vibration Assessment Report (NVAR) was submitted with the EIS and a letter from the acoustic consultant

The Department has reviewed the NVIA and accompanying letter and the comments made by Council and EPA.

responding to comments was included with the RtS.

The NVAR predicted that the proposed construction activities may exceed the noise affected level for airborne construction noise recommended in the NSW Interim Construction Noise Guideline (INCG). Mitigation measures were proposed to minimise impacts and ensure compliance with the INCG. Construction hours were proposed in accordance with Council's CBD construction hours which are longer than those set out in the INCG.

Council and the EPA advised that the longer construction hours were not acceptable as the site is not located within the CBD boundary and no reasonable justification was provided for the extended working hours on Saturday.

EPA advised that construction would not be likely to cause significant vibration impacts on the surrounding properties

The Department supports the advice of Council and EPA that working hours be limited to standard construction hours with intra-day respite periods. The Department has recommended conditions accordingly.

Operational noise

The NVAR stated that noise mitigation treatments are likely to be required for noise generated by building service equipment such as air-conditioning and ventilation systems, such as acoustic screens and use of attenuators.

The NVAR identified that the chillers above Building J are likely to cause adverse impacts to residential receivers along Agar Steps. To comply with the Noise Policy for Industry noise criteria, a 3m high acoustic screen would be erected.

Noise from school activities such as the public address (PA) system, bells and use of the music rooms, were not expected to significantly change the acoustic environment.

EPA requested that further information be provided on the design, siting and noise

The Department considers that the identified noise levels from the PA system, bell and internal spaces would be reasonable as noise levels would be below the background plus 5dB(A) levels.

The Department acknowledges that the increase in activity on-site would result in an increase in overall noise levels. However, impacts would be mitigated by the setback of the site from nearby sensitive receivers and existing background noise levels.

Overall, the Department considers that operational noise levels can be appropriately managed and would not be excessive or sustained over prolonged periods throughout the day. In this regard, it is recommended that

mitigation strategies of the PA system and bells. EPA also recommended limitations be imposed on the frequency and time of use of the outdoor areas, including the accessible roofs.

The Department requested that the Applicant provide additional information in relation to the noise impacts resulting from an increase in students.

The Applicant's RtS confirmed that the proposal is designed so that school activities would comply with the Noise Policy for Industry noise levels.

In response to the RtS, EPA recommended a condition requiring the preparation of an Operational Noise Management Plan that includes a detailed assessment of operational activities and mechanical plant to confirm compliance with the Noise Policy for Industry.

out of hours events in the hall be limited to 10pm.

The Department particularly notes the potential for events on rooftop spaces to be audible outside of the site and recommends an earlier limit of operation to 8pm.

The Department acknowledges that the 3m high acoustic screen around the mechanical plant above Building J has potential to impact visual amenity. This has been considered in **Section 6.2.2** and impacts were found to be acceptable.

The Department has recommended conditions requiring:

- design of the acoustic screen above the rooftop of Building J be carried out in consultation with Heritage NSW.
- plant and equipment to be designed in accordance with the recommendations of the NVIA.
- short term monitoring be undertaken to confirm compliance with the noise trigger levels.
- limits on hours of operation for community events and maintenance activities.
- preparation of an Out of Hours Event Management Plan.

Noise and vibration intrusion

The site is located close to the Cahill Expressway, the Western Distributor and North Shore rail line.

The NVIA assessed the expected noise levels in the proposed school buildings having regard to the *Development Near Rail Corridors and Busy Roads – Interim Guideline*.

The NVIA included recommended acoustic performance requirements for

The Department considers that the recommendations in the NIA provide adequate noise intrusion mitigation measures having regard to the surrounding road and rail infrastructure.

The Department has recommended conditions to require that the development comply with the design

the proposed buildings in order to achieve appropriate internal comfort levels. This focussed on the recommended glazed standards, including double glazing of specific varying standards according to the use of the room and level of exposure to road and rail noise.

The NVIA noted that the assessment determined compliance with the desired internal noise levels for learning areas on the basis of mechanical rather than natural ventilation (i.e. with windows being closed).

recommendations set out in the NVIA and that windows be non-opening.

Development contributions

The Central Sydney Development Contributions Plan 2013 applies to the development and seeks to raise funds for public facilities and infrastructure. The Development Contributions Plan does not specifically exclude Crown Developments or educational establishments from the payment of section 7.11 contributions.

The Applicant seeks an exemption from the Development Contributions Plan stating that the proposal would not significantly burden public facilities and infrastructure. The Applicant states that it is a government agency which relies on government funding to provide new facilities for the school community and the public and the proposal is in the public interest.

The Department notes that the redevelopment of the school would provide improved community facilities and would be a significant public benefit.

Noting the purpose of the Development Contributions Plan, the Department considers that the proposed development does not require the payment of development contributions under section 7.11 of the EP&A Act.

Community use of school facilities

The EIS stated that selected facilities, such as the communal hall, library and outdoor areas (including rooftop spaces), may be used by the community outside of standard school hours based on a 'user pays' basis. The proposed weekday usage times are 6pm to 10pm and weekend usage times are 6am to 10pm.

The communal hall can cater up to 300 people. Potential users include local

The Department has recommended a condition that requires an Out of Hours Event Management Plan be prepared and implemented to manage community uses. Other recommended conditions limit use of the hours for community use on the site, including on rooftop areas.

sporting groups, community groups and the Australian Electoral Commission.

The library and outdoor areas are expected to be hired by community groups. The rooftop of the Met Building can cater up to 50 people.

EPA recommended that limitation on frequency and time of use of the outdoor areas, including the accessible roofs.

Air quality

An Air Quality Assessment (AQA) was submitted with the EIS.

The AQA found that the air quality of the site was not significantly different from the conditions of other schools in urban areas of Sydney. It also noted that the location Cahill Expressway and Western Distributor has little impact on levels of Nitrogen oxide on-site.

The AQA advised that mechanical ventilation system of the proposed buildings would incorporate pre-filtration to improve indoor air quality for students and staff.

EPA advised that air quality risks are unlikely to appreciably increase for any individual student, compared with the current case and recommended that the proposal reference the *Development Near Rail Corridors and Busy Roads Guideline – Interim Guideline*.

The Applicant's RtS stated that the development has been designed to include measures which minimise air quality impacts, such as use of vegetative screening and barriers and installation of appropriate mechanical ventilation systems to the proposed buildings.

The Department accepts the conclusions of the Applicant's AQA and advice of EPA. The Department considers appropriate measures have been proposed to mitigate the impacts of air pollution and has recommended conditions that require the mechanical ventilation system be designed in accordance with the recommendations and conclusions of the AQA and be installed prior to the commencement of operation.

Utilities

The EIS included an Infrastructure Management Plan, Civil Design Report and Integrated Water Management Plan which considered the capacity of existing

The Department has considered the information provided and Council and Sydney Water's submissions. The Department recommends conditions to require utilities to be connected prior to

utilities infrastructure to accommodate the increased demand on the site.

The Infrastructure Management Plan concluded that existing water, sewerage, gas, electricity and communication services are available and have capacity to accommodate the proposed development subject to appropriate augmentation in accordance with the requirements of the suppliers.

Council noted that significant changes are required to the existing drainage system and recommended conditions accordingly. Sydney Water did not object to the proposal and recommended condition in relation to water and wastewater servicing and stormwater management systems.

the commencement of use subject to the requirements of the relevant supply bodies.

Archaeological heritage

Historical archaeological test excavations have confirmed the location of archaeological remains of the former Surgeon's Cottage below the existing EEC Building. The HIS submitted with the EIS states that these archaeological resources have found to be of State significance as they have the potential to provide information about government establishment from the early Colony.

The HIS stated that Buildings H and J and the excavation works required for the new basement level have been designed to avoid the existing footings of the Surgeon's Cottage. The foundations of the buildings would also incorporate discrete piling and bridging techniques to avoid impacting on remains.

Heritage NSW supported the conclusions of the SIS and recommended conditions for monitoring and management of archaeological remains.

The Department has received the HIS and considered Heritage NSW's comments and is satisfied that the proposed development has appropriately considered archaeology on the site. The Department has recommended conditions requiring:

- appointment of an Excavation Director and preparation of an Archaeological Research Design and Excavation Methodology to oversee and guide excavation on-site.
- preparation of a final archaeological report within one year of completion of the project.
- preparation and implementation of an archaeological unexpected finds protocol.

Aboriginal cultural heritage

An Aboriginal Cultural Heritage Assessment Report was included with the EIS. This concluded that there is low

The Department is satisfied the proposal would not result in any

potential for Aboriginal archaeological deposits due to high levels of disturbances observed on-site.

Heritage NSW advised that archaeological investigation and mitigation should be undertaken in accordance with the methodology set out in the Aboriginal Cultural Heritage Assessment Report.

adverse impacts to Aboriginal cultural heritage.

The Department has recommended a condition implementing recommendations in the Aboriginal Cultural Heritage Assessment Report and that an unexpected finds protocol for Aboriginal heritage be prepared and implemented prior to commencement of construction.

Contamination

A Detailed Site Investigation (DSI), Hazardous Materials Management Plan and Remedial Action Plan (RAP) were included with the EIS.

The updated DSI found the presence of lead, asbestos, heavy metals and other contaminants. In its submission to the EIS, EPA recommended that a detailed Hazardous Materials Survey Report and Interim Audit Advice be provided from an EPA accredited auditor. Council recommended consideration of offsite disposal of contaminants rather than on-site containment given the complexities of ongoing management where materials are contained on-site.

The Applicant provided the above in its RtS alongside updated DSI and RAP. The RAP set out that the preferred method of remediation is to contain contaminated materials on the site with some removal and disposal off-site to accommodation basement excavation.

The Interim Audit Advice confirmed that the RAP was appropriate and that the site would be suitable for the proposed use following remediation.

EPA recommended conditions, including that an EPA-accredited Site Auditor be engaged throughout construction works and a Site Audit Statement be issued prior to commencement of operation. Council recommended that a Long-Term

The Department has reviewed the information provided by the Applicant, including the Interim Audit Advice, and the comments made by the EPA. The Department is satisfied that the site remains suitable for the use as a school.

The Department has recommended conditions requiring:

- an EPA Site Auditor to be appointed prior to remediation commencing.
- construction/remediation to be done in accordance with the RAP.
- unexpected finds procedure to be implemented throughout works.
- the Applicant ensure that the proposed works do not result in a change to contamination risk on the site.
- Site Audit Statement to be issued prior to operation, including a Environment Management Plan where on-site containment is proposed and copy provided be provided to the Department and Council.
- that the site is managed in accordance with the approved

	Environmental Management Plan be submitted for review and enforcement through legally enforceable conditions of consent.	Environment Management Plan where one is required.
Excavation and sediment, erosion and dust control	<p>The EIS included a Geotechnical Report and Civil Design Report. The proposed development includes excavation to create a basement level between Buildings G and H, bulk earthworks and site preparation works. A shoring wall may be required to be erected to the south of the site.</p> <p>The Geotechnical Report and Civil Design Report include recommendations for mitigation measures to be implemented throughout construction of the development to minimise impacts, including as a result of erosion and dust.</p>	The Department has considered the information provided and has recommended to manage construction impacts, including implementation of erosion and dust control measures.
Wind comfort levels	<p>An Environmental Wind Assessment was included with the EIS to evaluate the pedestrian level wind conditions for comfort and safety in and around the site.</p> <p>The assessment found the site is exposed to winds from the north-east but that the play area at the front of the FSPS Building would be sheltered by proposed landscaping. The site is also sheltered from winds from the south by high-rise developments to the south and would be further sheltered by the construction of Buildings J and H. The site is exposed to winds from the west and north-west and would flow between through the centre of the site but be ameliorated by landscaping.</p> <p>Overall, the assessment found that from a wind perspective, the building massing would not change significantly from the existing conditions and there would be a better protective wall of buildings to the south of the site shielding the prevailing winds from that direction. Further, wind conditions at the majority of locations</p>	The Department has reviewed the Environmental Wind Assessment and is satisfied that the Applicant has demonstrated the proposal would provide safe and comfortable wind conditions on-site and not result in adverse conditions surrounding the site.

around the site would be expected to be classified as suitable for pedestrian standing with locations closer to the buildings suitable for sitting and walking activities. All locations within the proposed development would meet safety levels.

Solar access / Over-shadowing	<p>As the site is surrounded by the Cahill Cut, no properties directly adjoin the site. The EIS included shadow diagrams that showed that during the Winter Solstice, some overshadowing would occur from 9am – 11am to the National Trust Centre’s carpark and to a small portion of the eastern side of the National Trust Centre building from 3pm onwards. No new overshadowing of residential properties would occur.</p> <p>In terms of internal solar access, the EIS noted the school has been designed so that solar access is provided during lunchtime periods, including during the Winter Solstice. Deciduous trees are to be planted along the central plaza to maximise solar access.</p>	<p>The Departments has considered the information provided. The Department acknowledges that the proposal would result in overshadowing to areas of the National Trust Centre during the Winter Solstice. However, the extent of the overshadowing is minimal.</p> <p>The Department also considers that the proposal would provide satisfactory solar access within the site.</p>
Lighting	<p>The EIS stated that the lighting strategy has been designed to address the school’s safety and functionality, without adverse impact of the Sydney Observatory.</p> <p>Council noted that light spill/up-lighting should be minimised and the detailed design of lighting should be developed in consultation with the Sydney Observatory.</p>	<p>The Department has considered the information provided in the EIS and Council’s advice. The Department recommends that a Detailed Lighting Strategy be developed in consultation with Sydney Observatory prior to the commencement of construction.</p>
Consolidation of lots	<p>The proposal involves the consolidation of nine lots into two lots.</p> <p>The Applicant’s RtS clarified that no buildings would straddle the proposed new consolidated lot and retained Lot 5 in DP 258013.</p>	<p>The Department notes that the proposal would not result in buildings straddling lot boundaries and considers that the proposed consolidation of lots is appropriate.</p>

7 Evaluation

The Department has reviewed the information provided by the Applicant and assessed the merits of the proposal, taking into consideration advice from the public authorities, including Council. Issues raised in public submissions have been considered and all environmental issues associated with the proposal have been addressed. The Department concludes the impacts of the development are acceptable and can be mitigated through the recommended conditions of consent. Consequently, the Department considers the development is in the public interest and should be approved, subject to conditions.

The proposal is consistent with the objects of the *Environmental Planning and Assessment Act 1979* and the State's strategic planning objectives for the site set out in the Greater Sydney Region Plan - A Metropolis of Three Cities and the Greater Sydney Commission's Eastern City District Plan, as it would provide much needed improved and expanded school infrastructure located near existing public transport and includes opportunities to co-share facilities with the community.

The proposal is suitable for the site and the impacts of the proposal are considered satisfactory on balance in the context of the benefits for the local community and the highly constrained nature of the site. The proposal would provide functional access and drop-off / pick-up arrangements, subject to widening of Upper Fort Street and implementation of parking restrictions to provide sufficient queuing capacity on approach to the site. Implementation of proposed sustainable transport measures would reduce car-based travel to the site over time and further reduce impacts on the local road network. The redevelopment of the entry to the school would be phased to accommodate the existing and potential upgraded Sydney Harbour Bridge cycleway at the front of the site, and includes measures to manage potential conflict between pedestrians, cyclists and drivers.

The form, scale and design of the proposed alterations and additions to existing buildings and proposed new buildings are appropriate for the site and its context. The proposed built form would be respectful of the existing heritage items on and surrounding the site and the development would protect historical archaeology on the site. Acoustic, air quality and contamination constraints having been appropriately addressed.

Construction impacts have been considered, including the need to relocate the school and divert the Sydney Harbour Bridge cycleway during construction. Appropriate mitigation measures have been proposed.

The proposal is in the public interest as it would provide public benefits including:

- provision of updated educational facilities to meet the needs of a growing area.
- investment of \$53.9 million to deliver approximately 229 new construction jobs and 20 operational jobs.

8 Recommendation

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

- **considers** the findings and recommendations of this report.
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application.
- **agrees** with the key reasons for approval listed in the notice of decision.
- **grants consent** for the application in respect of SSD 10340.
- **signs** the attached conditions of consent (see **Attachment C**).

Prepared by:



Jenny Chu

Planning Officer

Social and Infrastructure Assessments

Recommended by:



Jason Maslen

Team Leader

School Infrastructure Assessments

9 Determination

The recommendation is **Adopted** by:



07/10/2020

David Gainsford

Deputy Secretary

Assessment and System Performance

Appendices

Appendix A – Relevant Supporting Information

The following supporting documents and supporting information to this assessment report can be found on the Department's website as follows:

1. Environmental Impact Statement
<https://www.planningportal.nsw.gov.au/major-projects/project/13596>
2. Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/13596>
3. Response to Submissions
<https://www.planningportal.nsw.gov.au/major-projects/project/13596>

Appendix B – Statutory Considerations

Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(a)(i) *Environmental Planning and Assessment Act 1979* (EP&A Act), this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017 (Education SEPP).
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55).
- Draft State Environmental Planning Policy (Remediation of Land) (Draft Remediation SEPP).
- Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP).
- Sydney Local Environmental Plan (SLEP) 2012.

Compliance with Controls

State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The aims of the SRD SEPP are to identify State Significant Development (SSD), State significant infrastructure (SSI), critical SSI and to confer functions on regional planning panels to determine development applications.

The proposal is SSD as summarised at **Table B1**.

Table B1 | SRD SEPP compliance table

Relevant sections	Consideration and comments	Complies
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development	The proposed development is identified as SSD.	Yes
8 Declaration of State significant development: section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The proposed development is permissible with development consent. The proposal has a capital investment value of more than \$20 million for the purpose of alterations or additions to an existing school under clause 15 (2) of Schedule 1 SRD SEPP.	Yes

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the state by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The site immediately adjoins the Western Distributor and the Cahill Expressway, both of which are classified roads. In accordance with clause 101 of the Infrastructure SEPP, the consent authority must be satisfied that, where practicable and safe, vehicular access is to be provided by a road other than the classified road and that the development would not impact on the safety, efficiency and ongoing operation of the classified road. The Department has consulted with Transport for NSW (TfNSW) and no concerns were raised in relation to the proposed development (**Section 5**). The Department has considered potential traffic impacts at **Section 6** and is satisfied the development would not have a significant impact on the surrounding road network. The proposal provides for appropriate vehicle access arrangements to the school from the non-classified road network and it is considered that there would be no adverse impact on the ongoing safety and efficient operation of the adjoining classified roads.

Both the Western Distributor and the Cahill Expressway have an annual average daily traffic volume of more than 20,000 vehicles. In accordance with clause 102(2) of the Infrastructure SEPP, the consent authority must take into consideration any guidelines to assess the effects of road noise and vibration on the development. The Department notes the *Development Near Rail Corridors and Busy Roads – Interim Guideline*, which addresses airborne and ground borne noise and vibration mitigation measures and prescribes maximum noise levels, is applicable to the proposal. The Noise and Vibration Assessment Report considered impacts of noise and vibration intrusion in accordance with the guideline and set out measures that would ameliorate potential traffic noise and vibration from the Western Distributor and the Cahill Expressway. The Department has recommended conditions of consent that require the mitigation measures to be incorporated into the development.

Educational establishments are no longer covered under the traffic generating development provisions of the Infrastructure SEPP as they are considered under the Education SEPP. Notwithstanding this, the application was referred to TfNSW for comment.

Given the above, the proposal is consistent with the Infrastructure SEPP given the consultation and consideration of the comments from the relevant public authorities. The Department has included suitable conditions in the recommended conditions of consent (**Appendix C**).

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The Education SEPP aims to simplify and standardise the approval process for child care centres, schools, TAFEs and universities while minimising impacts on surrounding areas and improving the quality of the facilities. The Education SEPP includes planning rules for where these developments can be built, which development standards can apply and constructions requirements. The application has been assessed against the relevant provisions of the Education SEPP.

Clause 42 of the Education SEPP states that development consent may be granted for development for the purpose of a school that is SSD even though the development would contravene a development standard imposed by this or any other environmental planning instrument under which

the consent is granted. The proposed school redevelopment complies with the relevant development standards imposed by the SLEP 2012.

Clause 57 of the Education SEPP requires traffic generating development that involves addition of 50 or more students to be referred to TfNSW. The Application was referred to TfNSW in accordance with this clause.

Clause 35(6)(a) requires that the design quality of the development should be evaluated in accordance with the design quality principles set out in Schedule 4. An assessment of the development against the design principles is provided in **Table B2**.

Table B2 | Consideration of the Design Quality Principles

Design Principles	Response
Principle 1 - context, built form and landscape	The proposed built form has been designed to be sympathetic to the existing heritage buildings on-site and the surrounding heritage precinct. The proposal would not significantly alter existing views to the site or interrupt views across the site. The proposal includes landscaping, including retention of the Morten Bay Fig Tree at the front of the site that soften views and contribute to the surrounding landscape.
Principle 2 - sustainable, efficient and durable	The proposal includes ecologically sustainable development (ESD) (Section 4.4.3), such as photovoltaic systems and materials that are durable and low maintenance.
Principle 3 - accessible and inclusive	<p>The proposal has been designed to be accessible and inclusive through the provision of a lift and accessible paths of travel from the site boundaries up to and around the school buildings.</p> <p>The proposal incorporates wayfinding signage identifying key areas within the school assisting visitors to navigate the site.</p> <p>The school hall and outdoor spaces are to be used for community activities after school and during the weekends.</p>
Principle 4 - health and safety	<p>The design of the school buildings provides a safe and secure school environment. The proposal has considered Crime Prevention Through Environmental Design principles. The proposal would clearly delineate the pedestrian entrances into the school to allow the management of visitors to the site.</p> <p>Environmental constraints have been considered and addressed, including internal acoustic comfort, air quality and site contamination.</p> <p>The proposal provides a new entrance and drop-off / pick-up and queuing area with staff to monitor operation operations to manage potential conflict between pedestrian, cyclists and drivers.</p>
Principle 5 - amenity	The proposal creates a variety of interesting and useable playground spaces on accessible roofs and at-grade areas. The proposal has

been designed with a building layout which maximises solar access during the winter solstice.

Principle 6 - whole of life, flexible, adaptable	The proposed learning areas are flexible and provide adaptable presentation areas throughout the buildings. The accessible roofs provide flexible outdoor learning and play areas.
Principle 7 - aesthetics	The proposal is sympathetic in scale and form to the surrounding development. The new buildings and new additions are subservient to the heritage items.

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The Applicant's EIS and RtS have addressed contamination on-site and detailed proposed remediation to ensure the site is suitable for the continued use as a primary school. The Department has considered the EIS and advice provided by the EPA and is satisfied that the site is suitable for the continued use as a school as required by SEPP 55 (**Section 6.3**).

Draft State Environmental Planning Policy (Remediation of Land)

The Draft Remediation SEPP will retain the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

Additionally, the provisions of the Draft Remediation SEPP will require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant, categorise remediation work based on the scale, risk and complexity of the work and require environmental management plans relating to post-remediation management of sites or ongoing operation, maintenance and management of on-site remediation measures (such as a containment cell) to be provided to council.

The Department is satisfied that the proposal would be consistent with the objectives of the Draft Remediation SEPP.

Draft State Environmental Planning Policy (Environment) (Draft Environment SEPP)

The Draft Environment SEPP is a consolidated SEPP which proposes to simplify the planning rules for a number of water catchments, waterways, urban bushland, and Willandra Lakes World Heritage Property. Once adopted, the Draft Environment SEPP will replace seven existing SEPPs. The proposed SEPP will provide a consistent level of environmental protection to that which is currently delivered under the existing SEPPs. Where existing provisions are outdated, no longer relevant or duplicated by other parts of the planning system, they will be repealed.

Given that the proposal is consistent with the provisions of the existing SEPPs that are applicable, the Department concludes that the proposed development will generally be consistent with the provisions of the Draft Environment SEPP.

Sydney Local Environmental Plan 2012 (SLEP)

The SLEP aims to encourage the development of housing, employment, infrastructure and community services to meet the needs of the existing and future residents of the Sydney local government area.

It also aims to conserve and protect natural resources and foster economic, environmental and social well-being.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the SLEP and those matters raised by Council in its assessment of the development (**Section 5**). The Department concludes the development is consistent with the relevant provisions of the SLEP. Consideration of the relevant clauses of the SLEP is provided in **Table B3**.

Table B3 | Consideration of the SLEP 2012

SLEP 2012	Department Comment/Assessment
Clause 2.3 Zone Objectives and Land Use Table	The site is zoned B8 Metropolitan Centre. Educational establishments are permissible within the zone and consistent with the zone objectives.
Clause 2.7 Demolition requires development consent	Demolition of the Environmental Education Centre (EEC Building) is part of the proposed development. The Department has considered the proposed demolition in its assessment.
Clause 5.10 Heritage conservation	The site is located within the State Heritage Register curtilage of the Millers Point and Dawes Point Village Precinct, is within the Millers Point Heritage Conservation Area and includes the three locally listed heritage items being the Bureau of Meteorology (1936), Messenger's Cottage for Sydney Observatory (1937) and Fort Street Primary School site (1938). The Department considered this clause in its assessment (Section 6.2).
Clause 6.21 Design Excellence	<p>A competitive design process is not required. Prior to the lodgement of the EIS, the Applicant engaged in four State Design Review Panel sessions to improve the design and ensure GANSW concerns were addressed early in the design stage.</p> <p>The Department notes that, prior to the lodgement of the EIS, the Applicant engaged in four State Design Review Panel sessions to improve the proposed design and ensure GANSW concerns were addressed early in the design stage.</p> <p>The Department is satisfied that the proposal satisfies a high standard of architectural, urban and landscape design, and that a competitive design process is considered unreasonable and unnecessary in this case.</p>
Clause 7.9(3) Information and education facilities (car parking)	Clause 7.9(3) identifies a maximum number of car parking spaces being one space for every 200 square metres of GFA used for educational purposes. No car parking spaces are proposed which is less than the maximum number prescribed and complies with the standard.
Clause 7.19 Demolition must not result in long term adviser visual impact	The proposal includes the demolition of one building and outbuildings. Four new buildings would be redeveloped in place of the demolished buildings. The Department is satisfied that demolition would not result in adverse visual impacts and will be comprehensively redeveloped.
Clause 7.20 Development requiring or authorising	The site has an area of 6,000 square metres, triggering clause 7.20(2)(b) of SLEP that requires the preparation of a site specific DCP if

preparation of a development control plan the site area of the land on which the development is proposed is greater than 5,000 sqm. However, the requirements of clause 7.20 do not apply under clause 8 Education SEPP (**Section 6.2.6**).

Other policies

In accordance with clause 11 SRD SEPP, Development Control Plans do not apply to SSD. However, the objectives of relevant controls under the Sydney Development Control Plan 2012, where relevant, have been considered in **Section 6** of this report.

Appendix C – Recommended Instrument of Consent

<https://www.planningportal.nsw.gov.au/major-projects/project/13596>