

# Notice of decision

## Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

<b>Application type</b>	State significant development
<b>Application number and project name</b>	SSD-10340 Fort Street Public School Redevelopment
<b>Applicant</b>	Department of Education
<b>Consent Authority</b>	Minister for Planning and Public Spaces

### Decision

The Deputy Secretary, Assessment and System Performance under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (the Act) granted consent to the development application subject to the recommended conditions.

A copy of the development consent is available [here](#).

A copy of the Department of Planning and Environment's Assessment Report is available [here](#).

### Date of decision

7 October 2020

### Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2000;
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted to the Department during the assessment of the development application;
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the state as a whole, including improved educational facilities for up to 550 students, 229 construction jobs, 20 full time equivalent jobs and over \$53 million capital investment;
- the project is permissible with development consent, and is consistent with NSW Government policies including:
  - A Metropolis of Three Cities – The Greater Sydney Region Plan;
  - State Infrastructure Strategy 2018 – 2038;
  - Transport for NSW's Future Transport Strategy 2056;
  - Sydney's Cycling Future 2013;
  - Eastern City District Plan;
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards. The consent authority has imposed conditions relating to finalisation of design of rooftop equipment and structures, management of construction impacts including diversion of the Sydney Harbour Bridge cycleway, completion of improvements to Upper Fort Street, tree protection, removal and landscaping, and implementation and management of the drop-off/pick-up facility;
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent; and
- weighing all relevant considerations, the project is in the public interest.

## Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement (EIS) for the project from 2 April 2020 until 29 April 2020 (28 days) and received a total of 22 submissions, comprising eight submissions from public authorities (including Council), four submissions from community organisations and ten public submissions. Of the community organisation and public submissions, eight objected to the proposal. Following exhibition, five further letters were received from the public raising objections with the proposed development. Correspondence was also received from two submitters in response to the Applicant's Response to Submissions (RtS) raising concerns that the RtS had not resolved issues raised in the submissions.

The Department also undertook a site inspection.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include impacts of the project on the road network, impacts to the Sydney Harbour Bridge Cycleway, heritage, built form and urban design, visual amenity and temporary relocation of the school. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><i>Traffic and pedestrian safety</i></p> <ul style="list-style-type: none"> <li>Construction and operational traffic would worsen congestion on the surrounding road network which is already constrained</li> <li>The proposal would result in conflicts between pedestrians, cyclists and drivers.</li> <li>Council requested that the drop-off and pick-up zone be located along Upper Fort Street, separate to the play area due to potential conflict between vehicles, students and cyclists.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The EIS included a Traffic Impact Assessment (TIA) that assessment the impacts of construction and operational traffic on the local road network. This determined that the local road network could accommodate construction and operational traffic generated by the proposal subject to mitigation, including the widening and implementation of parking restrictions on Upper Fort Street. Construction vehicle arrival and departure routes would also be confirmed in consultation with the relevant government authorities prior to commencement of construction.</li> <li>In response to comments made in relation to the proposed drop-off and pick-up arrangements, the Applicant provided justification for the proposed arrangements, including the need for drop-off / pick-up zone to occur close to the school entry.</li> <li>The Department is satisfied the local road network could reasonably accommodate the additional traffic generated by the development and that the proposed mitigation measures would alleviate strain during peak periods. The Department is also satisfied that the widening of Upper Fort Street, including the provision of a widened footpath into the site, would provide improved access arrangements to avoid conflicts between road users.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>Conditions of consent require: <ul style="list-style-type: none"> <li>a Construction Traffic and Pedestrian Management Plan be prepared in consultation with Transport for NSW (TfNSW) prior to the commencement of any works.</li> <li>a School Transport Plan to be prepared in consultation with Council and TfNSW to detail management arrangements for pick-up / drop-off operations to minimise conflicts and encourage active travel.</li> </ul> </li> </ul>
<p><i>Sydney Harbour Bridge Cycleway</i></p> <ul style="list-style-type: none"> <li>The temporary diversion of the cycleway to accommodate construction would cause significant disruption and inconvenience.</li> <li>The upgrade to the Sydney Harbour Bridge cycleway should be undertaken prior to the commencement of the school redevelopment.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>Funding and timing of the upgrade of the cycleway is under the control of TfNSW.</li> <li>The Applicant has consulted with TfNSW in relation to the design of the proposed school redevelopment and to examine options for coordination of the two projects. The school redevelopment makes provision for appropriate landscaping and fencing treatments at the front of the site to accommodate operation of the cycleway before and after the upgrade of the cycleway.</li> <li>The Department supports the coordination of the two projects and has met with the Applicant and TfNSW to advocate for this outcome.</li> <li>The Applicant has committed to liaise with Council, Bicycle NSW and TfNSW in relation to temporary cycleway diversion.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>Conditions of consent require the Applicant to consult with: <ul style="list-style-type: none"> <li>TfNSW in relation to the potential coordination of the two projects.</li> <li>Council, Bicycle NSW and TfNSW (RMS) regarding any cycleway diversion works to accommodate the school construction works.</li> </ul> </li> </ul>
<p><i>Heritage</i></p> <ul style="list-style-type: none"> <li>Council noted that the proposal should be sympathetic to the heritage items onsite, including the Fort Street Public School Building, the Meteorology</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>The EIS included a Heritage Impact Statement and Conservation Management Plan that assessed the heritage significance of the site and its context and the impacts of the proposed redevelopment of the school.</li> <li>The Department is satisfied the proposal has been designed to minimise physical intervention to the heritage items on-site where possible and the new</li> </ul>

<p>Building and the Messenger's Cottage, the surrounding heritage items, including the Sydney Observatory and the National Trust Centre, and State and locally significant conservation areas.</p>	<p>buildings would respect the heritage values of the site and surrounding heritage items / conservation areas.</p> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• Conditions of consent require the Applicant to prepare a final Construction Management Plan and develop the detailed designs of rooftop photovoltaic panels and plant and equipment, raised walkways in consultation with Heritage NSW.</li> </ul>
<p><i>Built form and urban design</i></p> <ul style="list-style-type: none"> <li>• The proposal would be an over-development of the site.</li> <li>• The proposed height being below the Meteorology Building is supported.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• In response to comments raised, the Applicant advised that the proposed built form is low in scale and has been designed to respect the heritage values on and surrounding the site, minimise impact on views and disruption to archaeology and excavation.</li> <li>• There are no prescribed maximum height and floor space ratio standards prescribed to the site in accordance with the Sydney Local Environmental Plan 2012.</li> <li>• The Department is satisfied that the proposed bulk and scale is contextually appropriate and respects the heritage values on and surrounding the site.</li> </ul>
<p><i>Visual amenity</i></p> <ul style="list-style-type: none"> <li>• The proposal would impact views from keys sites, including the Harbour Bridge and the Agar Steps.</li> <li>• Council raised concern in relation to the potential intrusiveness of the proposed lift overrun above the Meteorology Building.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The EIS included a visual impact assessment that considered the impacts of the proposed development on significant views to the site.</li> <li>• In response to the comments made, the Applicant advised that the proposed lift run would be setback from the edges of the Meteorology Building and colours and materials would minimise visual impacts of the structure.</li> <li>• The Department is satisfied that the proposal would have acceptable impacts on views to the site from the public domain.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• Conditions of consent require the Applicant to prepare the detailed design of the lift overrun, including materials and colours, in consultation with Heritage NSW.</li> </ul>
<p><i>Temporary relocation of the school</i></p> <ul style="list-style-type: none"> <li>• Temporary relocation of the school would result in a negative social impact, including impacts to students' wellbeing and increased travel time.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The EIS included a Social Impact Assessment that considered the social impacts of the proposal. In response to the comments raised by submitters, the Applicant advised that the relocation of the school is the least disruptive option as the site is highly constrained and unable to accommodate temporary facilities to simultaneously enable school operations. The Applicant has committed to implement a Change Management Plan to mitigate social impacts of the relocation.</li> <li>• The Department acknowledges the short-term impacts which may arise from the relocation. However, the Department accepts that the site is highly constrained and that keeping the school open during redevelopment would not be safe or practicable.</li> </ul>
<p><i>Tree removal and landscaping</i></p> <ul style="list-style-type: none"> <li>• Council raised concerns regarding the extent of tree removal proposed, recommended that additional trees could be retained on site and requested that additional information be provided in relation to protection of retained trees on site.</li> </ul>	<p><i>Assessment</i></p> <ul style="list-style-type: none"> <li>• The EIS included an Arboricultural Impact Assessment that considered the impacts of the proposed development on trees on the site and determined that 19 trees would need to be removed.</li> <li>• In response to the comments made, the Applicant advised that tree removal is required given the need to provide increased capacity and the highly constrained nature of the site means. The Applicant advised that two additional trees could potentially be retained subject to investigations.</li> <li>• The Department accepts that tree removal is unavoidable given the highly constrained nature of the site and need to provide increased educational facilities on the site to cater for growth in the surrounding area. However, the Department considers that the two trees are able to be retained with appropriate tree protection during construction works and pruning.</li> <li>• The proposal includes the planting of 59 new trees on site as well as grass, shrub and climber plants.</li> </ul> <p><i>Conditions</i></p> <ul style="list-style-type: none"> <li>• Conditions of consent require the Applicant to investigate methods and measures to retain two additional trees so that five trees in total are retained and 17 trees will be removed, implement tree protection during works and to undertake landscaping prior to operation.</li> </ul>