

30 July 2021

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Dear Jason

**RESPONSE TO SUBMISSIONS  
FORT STREET PUBLIC SCHOOL, SECTION 4.55(2) MODIFICATION APPLICATION (SSD-10340)**

The Section 4.55 Modification Application for Fort Street Public School (FSPS) was publicly exhibited for a period of 28 days, concluding on 20 May 2021. During the public exhibition period, four (4) submissions were received from government agencies, five (5) submissions were received from non-government organisations and 61 submissions were received from members of the public. Following conclusion of the exhibition period, one (1) additional government agency submission was received, one (1) additional organisation submission was received and a further 21 submissions were received from members of the public. A total of 93 submissions were received.

All government agency submissions commented on the proposal, while all submissions from the non-government organisations objected to the proposal. The majority of the public submissions objected to the proposal.

The Department of Planning, Industry and Environment (DPIE) has also prepared a letter setting out additional information and clarifications required prior to final assessment of the project. The proponent, School Infrastructure NSW (SI NSW) and its specialist consultant team have reviewed and considered all issues raised in the submissions and DPIE's letter.

This letter sets out the responses to the issues raised in accordance with Clause 85A of the *Environmental Planning and Assessment Regulation 2000* (EP&A Reg). The response relates to clarification of certain elements of the proposal and the provision of additional technical assessment to address issues raised.

As detailed in this response, it is considered that the development, as proposed to be modified, represents the optimal outcome for the site when the site's various constraints and educational requirements are assessed holistically. The description of the proposed development therefore remains the same as originally sought.

A detailed response to each submission is provided in the response table provided at **Attachment A**. This covering letter and the response table should be read in conjunction with the following attached documentation:

- Detailed Response to Submissions Table prepared by Ethos Urban (**Attachment A**);
- Architectural Response to Submissions Report prepared by FJMT (**Attachment C**);
- Heritage Response to Submissions Report prepared by Curio Projects (**Attachment D**);
- Visual Impact Assessment – Response to Submissions prepared by Ethos Urban (**Attachment E**);
- Traffic and Transport Response to Submissions Report prepared by Arup (**Attachment F**);
- Road Safety Audit prepared by AMWC (**Attachment G**);
- Waste Response to Submissions Memorandum and Updated Operational Waste Management Plan prepared by Arup (**Attachment H**); and

- Acoustic Response to Submissions Letter prepared by Stantec (**Attachment I**);
- Biodiversity Response to Submissions Letter prepared by Eco Logical Australia (**Attachment J**).

This covering letter provides a response to the following key issues raised in the submissions, particularly those identified in DPIE's RTS Request:

- Built form and architectural design considerations relating to the partial additional storey to Building J;
- Additional heritage impact associated with the modified development, and compliance with the Conservation Management Plan;
- Potential impacts on public domain and private views;
- Changes to the rooftop landscape design, reduction in tree canopy and clarification of play space calculations;
- Potential biodiversity impacts to microbat habitat; and
- Traffic issues including further detail and justification on the widening of Upper Fort Street and provision of a Road Safety Audit and queuing plans.

These key issues are addressed below, where appropriate, issues have been combined to enable a more cohesive assessment.

## 1.0 Additional Consultation

In responding to the submissions, further consultation has been undertaken with Heritage NSW and the National Trust. This has included:

- A meeting with Heritage NSW, with DPIE in attendance, on 1 July 2021; and
- A meeting with the National Trust on 23 July 2021.

Comments in response to the additional consultation with Heritage NSW were received on 7 July 2021 and are summarised below:

- Request to expand heritage interpretation to include physical interpretation of significant historical archaeology and demonstrate commitment to incorporating heritage interpretation into the building and landscaping design;
- Provision of additional renders of views to and within the site to show and assess the dominance of the Met Building; and
- Suggested refinements to Building J to reduce building bulk and visual impact on the site and within the heritage precinct.

A presentation slide response to each of these issues was prepared by FJMT and Curio, with the intention of holding a further meeting with Heritage NSW. Heritage NSW formally declined the invitation for further consultation, however the presentation has been appended to the Architectural Response to Submissions Report prepared by FJMT (**Attachment C**). It provides a commitment to heritage interpretation and additional 3D renders of the Met Building which demonstrate its dominance within the campus. The presentation also provides justification demonstrating that concerns regarding the bulk, massing, façade treatment, colour and materiality of Building J have been carefully considered and adequately addressed through the existing architectural responses proposed, and therefore further refinement to Building J is unnecessary. A response to these issues is also provided at **Section 3**.

The National Trust continued to raise concerns regarding the scale of Building J in relation to the National Trust Centre, and the perceived non-compliance with the Conservation Management Plan. These matters are addressed in **Sections 2 and 3**.

In addition to the targeted consultation with Heritage NSW and the National Trust, the following ongoing consultation has been undertaken with various agencies and stakeholders:

- Monthly Stakeholder Working Group meetings;
- Monthly Project Reference Group meetings with representation from the school's P&C committee, now bi-monthly during the delivery phase of the project; and
- Weekly meetings with Transport for NSW to discuss the Works Authorisation Deed for works to the Bradfield Shed and widening of Upper Fort Street.

## 2.0 Built Form, Architectural Design and Public Domain View Impacts

### 2.1 Issue

Heritage NSW, the Millers Point Community Residents Action Group, the National Trust, the Highgate Owners Corporation and a number of public submissions raised concerns over the height, bulk and scale of Building J, as proposed to be modified. Specific concerns included unacceptable height and bulk within the heritage precinct, impacts to the visual amenity of Observatory Hill and the National Trust Centre, and the quality of the architectural design.

### 2.2 Response

The modification proposes a modest height increase to a portion of Building J to provide improved heritage and educational outcomes. It is acknowledged that this will affect the bulk and scale of the campus and immediately surrounding viewpoints, such as that from the National Trust Centre. However, the modified proposal does not result in any further impact to views of the Met Building from within or surrounding the site when compared to the approved development. Further, the modified development retains the core principles of the site's design and layout and does not seek to expand the area or footprint of the development beyond that already approved. Finally, the additional impacts are by no means substantial when considered in the context of site-specific archaeological and building compliance drivers, the spatial efficiencies required to optimise operation of the school and the site's broader city context.

The response contained in this section reinforces the key drivers for the proposed built form modifications and demonstrates that the additional built form is minor in scale, is appropriate for the site's city context, is well designed with increased horizontal elements in the façade articulation of Building J, and results in acceptable visual amenity within the public domain.

More specific matters relating to heritage and private view impacts are addressed in **Sections 2** and **3** of this report, respectively. However, to summarise, the Heritage Response to Submissions Report prepared by Curio Projects (**Attachment D**) demonstrates that the modest height increase to Building J does not affect the heritage interpretation of the site, its setting and view lines within the heritage precinct, nor the dominance of the Met Building. Moreover, the partial additional storey to Building J is considered to be minor as it does not result in any substantial visual impact to private views, as detailed in the Visual Impact Assessment – Response to Submissions prepared by Ethos Urban (**Attachment E**).

#### 2.2.1 Key Heritage and Operational Outcomes

As explained in the original modification report and Architectural Design Report, a number of significant factors have influenced the proposed partial additional storey to Building J. These include:

- Significant archaeological complexity in excavations below Building G (Hall) for back-of-house and plant spaces;
- The degree of dilapidation of the Met Building's structure and envelope precluding extensive upgrade works to achieve current building code compliances;

- Related complexity of underpinnings and other structural considerations, and associated heritage fabric impacts, for placing the new lift for the southern part of the campus within the Met Building;
- Associated non-compliance of the existing stair network in the Met Building, requiring the installation of fire sprinklers and associated infrastructure, adversely impacting archaeology due to excavations required for the basement of Building G in the approved SSD scheme; and
- Difficulty in achieving BCA / NCC compliance requirements for egress from the Met rooftop linked to the relocation of the lift and stair combination within the Met Building due to heritage fabric impacts for the lift relocation and non-compliance of the existing stair.

The revised proposal seeks to respond to these constraints, and provide an improved outcome for the site and its users, including:

- The two (2) new stairs to Level 3, Building J provide BCA compliant egress from the Met Building rooftop. This allows for fire sprinklers and associated infrastructure (tank room, pump) to be deleted from the site. In the SSD scheme, fire sprinklers were required to provide additional fire protection measures as two (2) x compliant egress access was not available to the Met Building rooftop. In the modification scheme, two (2) x compliant egress access is provided by the new stairs and link bridge to the Met Building, and therefore sprinklers are not required. This has assisted in alleviating spatial constraints across the site, and has enabled:
  - Removal of the lower ground basement, resulting in a reduction in excavation and significantly reduced impacts on archaeology; and
  - Additional space to achieve EFGS compliance areas across other metrics;
- Improved amenity and access to the Met Building rooftop for the school. BCA/DDA compliant access to the Met rooftop means that the space can be utilised as additional play space for school and community use (subject to BCA criteria and consent conditions), as well as offering learning opportunities for students through visual links to the Observatory and Observatory Hill more broadly;
- Mechanical plant has been relocated to Level 3, creating additional outdoor rooftop play space for students on Level 2; and
- The approved non-compliant stair in the south-east has been converted to a store area, this creates an additional usable space for the school, in place of the previous scheme which required this stair to be locked off from use (maintenance use only).

If the partial additional storey to Building J and/or the associated exit stair were not to proceed, the viability of the redevelopment and new campus would be significantly compromised by the actions required to reconcile the factors above, while maintaining all other campus design parameters essential to the functionality of the school. These significant compromises would include the following, ultimately restricting the school's ability to meet the student growth predictions for the precinct:

- Removal of all compliant access to the Met Building rooftop, and the loss of important scientific, sociological and educational opportunities;
- Displacement of essential functional areas within Buildings H and J compromising the overall quantity and amenity of school functional areas;
- Reduction in student play space;
- Reduction in classroom floor area to facade ratios, corresponding loss of views and student amenity;
- Increased maintenance burden for the school; and
- Adverse restrictions on student populations and support areas.

Based on the significant benefits afforded by the proposed modification, and in the absence of any significant heritage or visual impacts, it is considered to be the optimal outcome for the site.

## 2.2.2 Architectural Treatment

The visual impact of the proposed addition on public domain views, including from the National Trust Centre, is considered in detail below. Potential visual impacts are mitigated by deliberate and consistent architectural treatment and articulation. The approved facades, including a combination of louvres and battened elements that provide a textured, non-planar element, have been retained in the modification to create articulation and a perception of depth in the façade. This consistent façade approach also ensures that the fire stairs and relocated plant will be veiled by louvres and battens, respectively, mitigating any adverse impacts to visual amenity from the National Trust Centre.

## 2.2.3 Contextual Design Response to City Location

Related to submissions about built form, are concerns about unacceptable height and density of the proposed development in its context. While the design response to the site's heritage context is discussed in further detail in **Section 2**, the site's city context has also shaped the design approach. In response to the dense cityscape, the campus was envisaged as a set of closely spaced buildings around a series of heritage building focal points. The new additions have been purposefully set at a height below these focal points to maintain view lines into the site that emphasising the placement and primacy of the significant heritage fabric. As the campus is essentially overlooked to the south, a sense of intimacy and enclosure commensurate with city development is also an important contextual response. The height of the proposed development also responds to the outward-looking nature of the campus, ensuring that views across the campus to the city or Observatory Hill are retained.

This approach to a city campus was interrogated and supported by significant statutory and local government stakeholders including the State Design Review Panel, Government Architect's Office, City of Sydney and Heritage NSW.

The proposed modifications retain the core principles of the site's design and layout and do not seek to expand the area or footprint of the development beyond that already approved. Therefore, in the context of the site's city location, its height and density are appropriate and are by no means unacceptable or characterised as overdevelopment.

## 2.2.4 Public Domain Views

Revised public domain view diagrams have been provided to amend errors in the keys/annotations of the submitted documents, and to provide a clearer delineation between the approved and proposed built form. The revised diagrams do not change the conclusions of the submitted public domain VIA, which found that the proposed modifications do not result in additional visual impact issues of significance beyond that which has already been approved.

Notwithstanding, in response to DPIE's letter, the Visual Impact Assessment – Response to Submissions (**Attachment E**) considers public domain views in the context of the planning principles contained in *Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor* [2013] NSWLEC 1046. An additional photomontage has also been provided to further assess the impact of the proposed modifications on the National Trust Centre.

To demonstrate the absence of any public domain view impacts, a selection of key viewpoints are provided at **Figures 1-3**. They demonstrate that the additional building envelope proposed (blue) is minimal in the context of the overall redevelopment, and does not reflect submissions claiming excessive bulk, scale and visual impact.

As illustrated in the **Figure 1**, the location of Building J in the south of the site means that the visual impact of the additional height to Building J from the northern side of Observatory Hill (i.e. from Sydney Observatory) is minimal, as views of Building J are already obscured from this northern perspective by the intervening presence of the Fort Street School Building, and additions that have already been approved under the SSD.

The additional height to Building J is barely visible from this northern perspective and therefore presents no obstruction or impact to any views to or from the Sydney Observatory.



**Figure 1** Public Viewpoint 1 – Sydney Observatory (addition to Building J circled in green)

Source: FJMT

When viewed from Agar Steps to the west (**Figure 2**), the additional height to Building J will only have a very minor visual change from the approved SSD and does not obscure any iconic views or views to heritage items.



**Figure 2** Public Viewpoint 4 – Agar Steps

Source: FJMT

When viewed from the Harbour Bridge Cahill Expressway, the additional height of Building J will be concealed behind the Fig Tree and will not be visible. This is demonstrated in **Figure 3**, with the outline of Building J shown dashed behind the tree for clarity. It is also noted that views to the site from this north-east perspective on the Harbour Bridge are already dominated by the backdrop of multi-storey buildings of significant height to the south (including Barangaroo and Crown). Within this city context, the FSPS buildings present as a comparatively low density and low scale development.



**Figure 3** Public Viewpoint 7 – Harbour Bridge - Cahill Expressway

Source: FJMT

### 2.2.5 Views from the National Trust Centre

Multiple submissions were received about the presentation of the modified proposal in the context of the National Trust Centre. In particular, the National Trust’s submission raised concern that the modified proposal would have a ‘dramatic and overbearing impact on the historic buildings’, while the relocated fire stair would become the ‘dominant feature upon approaching and exiting the National Trust Centre and S.H. Ervin Gallery.

In response, Ethos Urban has assessed whether the partial addition storey to Building J creates the nature of visual impact outlined in the National Trust’s submission, using a photomontage of the proposal in the context of the National Trust Centre prepared by Virtual Ideas and CMS Surveyors, and additional architectural model views prepared by FJMT. The findings are contained within the Visual Impact Assessment – Response to Submissions (**Attachment E**) and are summarised below.

The location for the new photomontage was selected as it represents the existing visual relationship between FSPS and the National Trust Centre seen from the north, which has been identified as a key direction. As shown in the photomontage at **Figure 4**, taken from the pedestrian walkway to the east of the FSPS site, the partial additional storey to Building J is visible as a relatively minor element. In Ethos Urban’s opinion:

- There is not a strong visual relationship between the proposal and the National Trust Centre;
- The Cahill Expressway “cut” functions as a very strong visual device, effectively severing (or at the least greatly diminishing) any visual connection between FSPS and the National Trust Centre;
- The proposed modification does not block or otherwise occlude views of the National Trust Centre;

- The addition to Building J does not constitute a large-scale change that introduces new, non-characteristic and discordant or intrusive elements into the view; and
- The addition to Building J will not unacceptably diminish the ability to recognise and appreciate the National Trust Centre in the view.

While the addition to Building J represents a change to the view, Ethos Urban has found that its magnitude is not considered to be unacceptable in the context of the balance of the view. While perceptible, and even potentially noticeable for highly sensitive visual receptors, it is not considered that the addition constitutes a “dramatic and overbearing impact”, a “dominant feature” or “looms over” the National Trust Centre.

This is further supported by the photomontage provided in the original VIA to the south-east of the site (refer to **Figure 5**), which shows the National Trust Centre being more prominent in the view compared to the proposal.

As greater weight is often afforded in visual impact assessment to dominant viewing experiences from well-used places in the public domain, this view taken from the more trafficked main adjoining pedestrian and cyclist path represents the dominant viewing experience of both buildings in context.



**Figure 4** New viewpoint – Photomontage of proposal in context with the National Trust Centre (with the height of the approved envelope shown in green)

Source: *Virtual Ideas*



**Figure 5 Public Viewpoint 5 – Harbour Bridge - Western Distributor**

Source: *Virtual Ideas and FJMT*

Therefore, Ethos Urban has concluded that the magnitude of impact to the National Trust Centre is acceptable when considered against visual impact considerations.

### **2.3 Conclusion**

As demonstrated above, the proposed built form modifications have been appropriately articulated and are only minimal in their extent. In the context of the entire redevelopment, any impacts are outweighed by the substantial improvements to heritage, archaeological and educational outcomes, and the avoidance of significant school design compromises that would be required if the proposed modification did not proceed. Moreover, visual impact assessment demonstrates that the magnitude of visual impact to the National Trust Centre and public domain more broadly is acceptable.

## **3.0 Heritage**

### **3.1 Issue**

Various agency, organisation and public submissions raised concerns with respect to the heritage impacts of the proposed modification. The key heritage issues raised in the submissions were:

- Historical archaeology;
- Compliance with the Conservation Management Plan (CMP) policies and guidelines, with specific regard to retaining the dominance of the Met Building on the site; and
- Heritage interpretation.

As noted above, additional consultation was undertaken with Heritage NSW on 1 July 2021 in response to the issues raised in their submission, during which building bulk and heritage interpretation were discussed, and issues regarding historical archaeology and the Archaeological Research Design were resolved.

## 3.2 Response

### 3.2.1 Historical Archaeology

The City of Sydney requested an updated archaeological research design (ARD) to support the modified proposal. The current ARD (version 3) that corresponds to the modified proposal is appended to the Heritage Response to Submissions Report prepared by Curio (**Attachment D**).

It is emphasised that the modified proposal results in a significant reduction in the extent of excavation required, as the approved Building G basement plant is proposed to be relocated above Building J. In turn, this results in a major positive archaeological outcome for the site in comparison with the approved SSD. This reduced extent of excavation is shown in **Figure 6** below.



**Figure 6 Comparison of excavation reduction between approved SSD (left) and proposed modification (right)**

Source: Curio

### 3.2.2 Compliance with CMP and Dominance of the Met Building

Many submissions raised concerns that the proposed modification would result in Building J becoming the dominant building (in height and form) on the site, as opposed to the Met Building, resulting in a sub-optimal heritage outcome. The basis for this concern was the assertion that the redevelopment no longer complied with a number of CMP Policies, primarily Policies 25.3 and 25.5 as outlined below.

Curio notes that the CMP for the site is a bespoke management document that has been specifically developed to respond to the complex and multi-faceted heritage context within which the site exists. It is also noted that the CMP is not a statutory requirement to be adhered to, and instead functions as a guide and basis for heritage impact assessment and does not exist to contemplate every possible development scenario. Accordingly, when select individual policies of the CMP are extracted, reproduced and discussed in isolation from the rest of the CMP policies and guidelines, there is a risk of overlooking or ignoring the complexity of the need to balance the management of multiple heritage values on the site. It also results in the heritage significance of some elements of the site being unintentionally prioritised or emphasised over other equally significant elements, and can lead to policies being applied out of context. A balanced assessment is therefore required through a more detailed heritage impact statement that considers the specific development scenario.

When completing the heritage impact assessment of the proposed modification, Curio considered the positive and negative impacts of all design options for a modified proposal. Curio provided informed, rational and evidence-based advice to the design team with an aim to identify the development decisions that would result in the most positive heritage outcome for the site as a whole (for both built heritage and archaeology), using the CMP guiding principles as the basis for this assessment.

While there was no intention for policies and guidelines in the CMP to conflict with one another, on a complex and multi-faceted heritage site such as FSPS, such conflicts can occur between heritage management guidelines that outline the ideal parameters for conservation of different heritage items on the same site.

A response to the key policies raised in the submissions is provided below. The Heritage Response to Submissions Report prepared by Curio (**Attachment D**) provides a comprehensive assessment of the development against all policies and guidelines contained in the CMP.

- Policy 25.3 – *“Maximum heights of new buildings should not exceed those of the existing heritage items to which they are locationally and visually related”*

While it is acknowledged that the 3.5m height increase to part of Building J will slightly exceed the height of the Met Building, this minor inconsistency is considered acceptable in the context of the significant and cumulative positive heritage and archaeological outcomes facilitated by the modifications. These outcomes include reduced archaeological impact via the deletion of the Building G basement, and reduced intervention and impact to the fabric of the Met Building due to the relocation of the lift into Building J. It is also noted that the guideline does not state that new buildings must not exceed those of existing heritage items, but recommends that they should not, allowing flexibility to achieve the best overall heritage outcome for the site.

Therefore, while there is minor non-compliance with Policy 25.3, the positive heritage outcomes facilitated by the proposed modifications result in strong compliance with the following CMP policies that stress a holistic approach to heritage management on the site:

- Policy 22.1 – *“Alterations and additions should be designed to minimise adverse impacts on significant buildings and on the heritage significance of the site as a whole”*
- Policy 22 – *“Alterations and additions within the Fort Street Public School site are permissible, provided they respond to the heritage significance of the site and significant building fabric”*
- Policy 9 – *“Heritage conservation should: ... Adopt a holistic approach and extend to all significant aspects of the place”* (our emphasis added).

Moreover, the FSPS site is not restricted by any height or floor space standards under the *Sydney Local Environmental Plan 2012* and so the proposed built form and heights have been derived from a first-principles assessment of the site and its constraints, in consultation with various stakeholders including Heritage NSW and the NSW Government Architect. During this assessment and consultation, it was determined that bulk and scale should be focussed in the southern part of the site to create a cluster of buildings to respond to the site’s City context and create separation to retain the visual primacy of the heritage building located centrally on the site.

Concerns were also raised concerning Policy 25.5 which states that:

- Policy 25.5 – *“The Bureau of Meteorology should remain as a dominant building on site (both in height, and architectural form)”* (our emphasis added).

Contrary to the assertions in the submissions, the CMP does not require the Met Building to be the sole dominant building on the site. The modified proposal remains consistent with Policy 25.5 as it retains the Met Building as a dominant building on the site as it retains the central spine and circulation promenade created by the approved SSD, along which the Met Building, Fort Street School Building and Messengers Cottage are experienced from the ground plane as the dominant built forms within the school site (refer to **Figures 7-8** below). The modified proposal does not change or impact on this established centralisation and focus on the heritage buildings forming the physical and visual core of the school campus (as per the approved SSD). Therefore, the Met Building and the other heritage items remain as the dominant, centrally located built forms on the site.



**Figure 7 View of the Met Building from the main entrance looking west along the campus street, with the Met Building viewed in the 'round'**

Source: FJMT



**Figure 8 View of the Met Building looking east along the campus street along which the Met Building can be experienced as a free-standing building**

Source: FJMT

Overall, Curio has concluded that the proposed modification is compliant with the intentions and principles of all of the policies contained in the CMP. Notwithstanding some minor derivations or non-compliances with certain guidelines, Curio has found that on-balance, the positive heritage outcomes achieved by the modified proposal outweigh the provisions and recommendations of those guidelines.

### 3.2.3 Refinements to Building J

During ongoing consultation with Heritage NSW, design refinements to Building J were requested to further reduce the building bulk and to make it as physically, materially and visually recessive as possible, in order to minimise Building J's visual impact on the Met Building, FSPS site and Observatory Hill.

As communicated to Heritage NSW in follow-up consultation, the proposed Building J design and architectural treatment already sufficiently mitigates building bulk, and achieves a visually recessive design through the following design responses:

- The detailing for the proposed addition to Building J is consistent with the facade detailing of both Buildings J and H;
- The consistent façade approach also ensures that the fire stairs and relocated plant will be veiled by horizontal louvres and battens, respectively, mitigating any adverse impacts to visual amenity from the National Trust Centre;
- The intention is that architecturally, the new higher form is separated from the Met, so that the Met can be read from a number of important angles as a free-standing building;
- In order to reduce the perceived building bulk to the south of the site, the articulation of the facades of Building J and H is minimised to a simple study of proportions (relating directly to the proportioning of the Met) and a similar approach to materiality;
- The scale of each block is also considered to be important in maintaining the grain of the existing site. This response to scale is maintained in the Section 4.55 proposal; and
- There is a clear separation between the new and the existing through the consistent transparent colonnade element.

### 3.2.4 Heritage Interpretation

Heritage NSW also raised that physical interpretation of significant historical archaeology should be incorporated into the site's new design to engage with this significant part of the site's history as an additional requirement above the existing Condition D25 which requires a Heritage Interpretation Plan.

The Heritage Interpretation Plan (in preparation by Curio) will include development of interpretative design options for any significant archaeological resources found, as a core component of the Interpretation Plan. Final interpretative design options, once archaeology is complete, will be developed in consultation with Heritage NSW.

SI NSW and Lendlease also reiterate that it has always been the intention of the redevelopment project that meaningful heritage interpretation initiatives be implemented at the site both to offset the impacts of the development, as well as to further enhance the communication of the significance and historical context of this important site. The redevelopment project includes an ongoing commitment to heritage interpretation at the site in accordance with Condition D25 of the approved SSD, including a commitment to funding and delivery of the interpretative initiatives as part of the overall project.

### 3.3 Conclusion

Overall, Curio has found that the proposed modification of Building J does not change the dominance of the Met Building and other heritage buildings on the school site and has little visual impact on key views and vistas across the site and from the surrounding heritage precinct. Curio has also found that the modified proposal is consistent with the intentions and principles of all of the wider policies of the CMP, particularly in light of the vastly reduced archaeological impact, and reduced intervention and impact to the fabric of the Met Building which outweighs the minor non-compliances with certain CMP guidelines.

## 4.0 Private View Impacts

### 4.1 Issue

Multiple public submissions raised concerns regarding potential view impacts on surrounding residential buildings. In particular, concerns were raised that the modified proposal would obstruct valuable iconic views to the adjacent heritage sites, The Observatory, Sydney Harbour Bridge and Sydney Harbour. In response, DPIE has requested that the proposed development be assessed having regard to the relevant planning principles, including *Tenacity Consulting v Warringah Council* [2004] NSWLEC 140 and *Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor* [2013] NSWLEC 1046.

### 4.2 Response

In response, Ethos Urban has prepared a Visual Impact Assessment (**Attachment E**) in accordance with LEC Policy and the applicable planning principles, including *Tenacity Consulting v Warringah Council* [2004] NSWLEC 1046. Low-level and mid-level views were taken for the six identified buildings referenced in the submissions:

1. Stamford on Kent, 183 Kent Street;
2. Stamford Marque, 161 Kent Street;
3. Highgate Apartments, 127 Kent Street;
4. Georgia Apartments, 155 Kent Street;
5. Langham Hotel, 89 – 133 Kent Street; and
6. Observatory Tower, 168 Kent Street.

In consultation with DPIE, views were taken from the 3D model. Low-level views were modelled by extrapolating a datum line from the top of the Met Building roof (RL 52.712m) to the surrounding buildings and represents the theoretical 'worst case' view from the surrounding buildings. A series of low-level views were taken each building to demonstrate visual impacts at different locations in the floorplate. Due to the minimal impact of the proposal from the mid-level, it was deemed unnecessary to undertake the full suite of mid-level views and no upper-level views were considered necessary.

A summary of the VIA against the *Tenacity* principles is provided below. We note that the *Rose Bay* case relates to public domain views and has been considered in **Section 1.2.2** above.

#### 4.2.1 Nature of Views Affected

FSPS is generally seen in the mid-ground of the views from the selected sites, at a significant distance from surrounding residential buildings. The views are expansive in nature and are dominated by low-scale buildings in the foreground, significant features such as the Harbour Bridge, Opera House and Sydney Harbour in the background and large expanses of sky.

In this instance, the extent of the impact is mitigated by the distance between the residential buildings and the FSPS site, and the low scale nature of the development, meaning that many apartments view the site from above. Whilst the location is sensitive, the proposed modification does not block any significant features and does not fundamentally change the characteristics of the view. Overall, the nature of the impact is therefore considered minimal.

#### 4.2.2 Location of where views are obtained from within Private Premises

From a review of available floorplans, the majority of views are obtained from living areas and balconies.

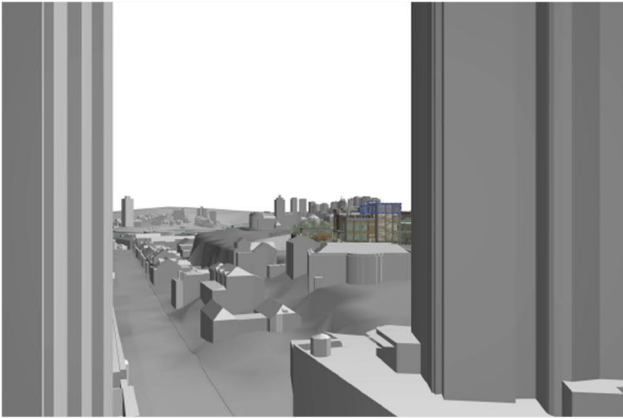
### 4.2.3 Extent of Impact

The extent of low-level visual impacts at Stamford on Kent, the Langham Hotel and Observatory Tower is considered negligible, with visual impacts from the addition to Building J generally limited to some obscuring of sky views (refer to **Figures 9-11**). There are no impacts at the mid-level.

The extent of low-level visual impacts at Stamford Marque, Highgate Apartments and Georgia Apartments is considered to be minor/negligible. At some viewpoints within these buildings, certain parts of the Harbour Bridge are obscured, such as the lower parts of the southern pylons. However, the majority or all of the Bridge's iconic arc remain visible at all these locations (refer to **Figures 12-14**). Views to Sydney Harbour and the Opera House are not affected. There are no impacts at the mid-level.

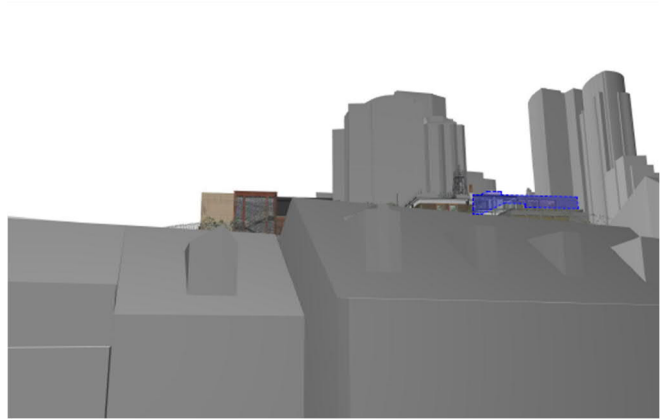
Overall, the majority of existing views will remain largely unchanged as a result of the proposed modification. View impacts are limited to the low levels of the buildings and are considered to be negligible or minor/negligible. From the mid-level and above, there are no view impacts associated with the development, as proposed to be modified.

Refer to the Visual Impact Assessment – Response to Submissions prepared by Ethos Urban at **Attachment E** for detailed analysis relating to each site.



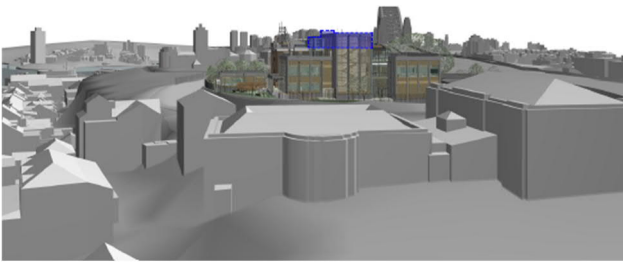
**Figure 9 Stamford on Kent – Viewpoint 1 low-level**

Source: FJMT



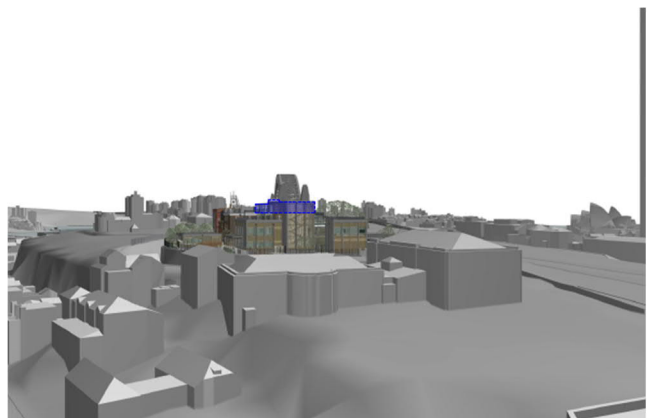
**Figure 10 Langham Hotel – Viewpoint 17 low-level**

Source: FJMT



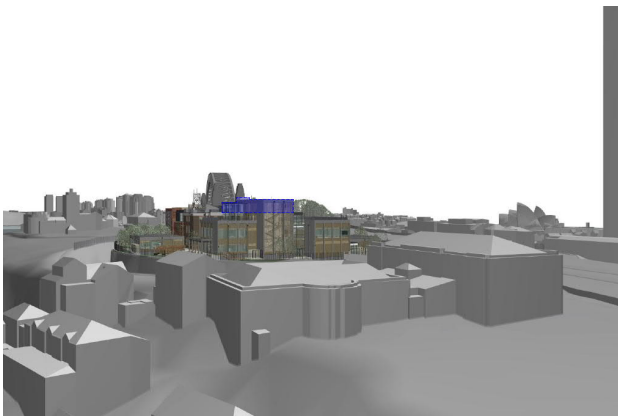
**Figure 11 Observatory Tower – Viewpoint 21 low-level**

Source: FJMT



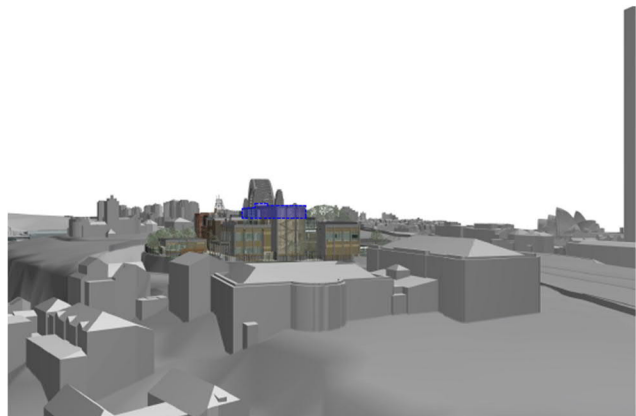
**Figure 12 Stamford Marque – Viewpoint 5 low-level**

Source: FJMT



**Figure 13 Highgate Apartments – Viewpoint 11 low-level**

Source: FJMT



**Figure 14 Georgia Apartments – Viewpoint 13 low-level**

Source: FJMT

#### 4.2.4 Reasonableness of Impact

When assessing reasonableness of impact under the fourth step of *Tenacity*, a development that complies with all planning controls would be considered more reasonable than one that breaches them, and that where view impacts are the result of a complying proposal, whether a more skilful design could deliver the same development potential and amenity, whilst reducing the impact on the views of neighbours.

The FSPS site is not restricted by any height or floor space standards under *Sydney Local Environmental Plan 2012* and so the proposed built form has been derived from a first-principles assessment of the site and its constraints, in consultation with various stakeholders including Heritage NSW and the NSW Government Architect. During this assessment and consultation, it was determined that bulk and scale should be focussed in the southern part of the site to create a cluster of buildings to respond to the site's City context, and also to create consolidated pockets of play space around the perimeter of the campus and a central campus street within the site. The proposed modification continues this intent, and does not seek to expand the area or footprint of the development beyond that already approved, rather it seeks a modest increase in height to a portion of Building J.

As there are no controls limiting development on the site, it is neither compliant nor non-compliant. However, Ethos Urban's assessment has considered the merits of the design and whether a more skilful design could provide the same development potential and amenity, with a reduced impact on views.

As explained in **Section 1.2.1**, the proposed modification, including the addition to Building J, is the result of further exploration of design, educational/functional and heritage considerations, including greater understanding of the degree of dilapidation of the Met Building's structure and envelope. The revised proposal therefore delivers improved heritage and archaeological outcomes and improves the functionality and efficiency of education space. An alternative scheme, or indeed reverting to the approved SSD scheme, would not enable these benefits to be realised, instead requiring compromises that would ultimately restrict the school's ability to meet the predicted student growth demand.

Based on the advantages of the proposed modification and the absence of any significant view impacts, Ethos Urban concludes that the proposed development results in 'reasonable' view loss.

#### **4.3 Conclusion**

Ethos Urban has found that private views from neighbouring apartments remain generally unchanged as a result of the proposed modification. At lower levels, view impacts are considered minor/negligible – the proposal will not result in any significant impacts on iconic features or key characteristics of the view. Due to the low scale of the development and separation between the FSPS site and surrounding residential buildings, there will be no view impacts at the mid or upper levels. Overall, Ethos Urban has concluded that the proposed modification will not result in any unacceptable private domain visual impact, based on the following:

- The proposal does not fundamentally change the nature of the private views;
- The proposed view loss does not affect iconic views, including those to the Harbour Bridge, Opera House or Sydney Harbour;
- Views from mid and upper-levels remain unchanged, given the low-scale nature of the FSPS development and the significant separation between the FSPS site and surrounding buildings; and
- An alternative design to reduce view loss to private apartments would compromise the heritage and educational outcomes of the development, as proposed to be modified.

## **5.0 Landscaping, Tree Canopy Cover and Play Space**

### **5.1 Issue**

Several submissions raised concerns relating to landscaping, tree canopy cover and play space, including:

- Modifications to rooftop landscaping;
- Reduction in tree canopy; and
- Clarification of play space.

## 5.2 Response

These issues are addressed in detail in the Architectural Response to Submissions Report prepared by FJMT (**Attachment C**). The responses are summarised below.

### 5.2.1 Rooftop Landscaping

Concerns were raised by the City of Sydney regarding the proposed removal of landscaping, learning and play features from the rooftop terraces. The key drivers for this modification are to remove safety risks, improve the functionality of the spaces, and to allow for future tailoring of the terraces to suit the evolving needs of the school. While removal of the rooftop landscaping is proposed, the rooftop design is able to accommodate future installations such as planters, worm farms, prefabricated herb beds and bee hives, as part of school enhancement works and grants. As such, the modified proposal does not preclude these installations, rather it enables the future use of these spaces to be tailored to the school's needs once occupied.

The base building design, as modified, has been configured with appropriate finishes, water supply, drinking fountains, drainage cross-falls and permanent shade structures which allow the rooftops to be used in a combination of educational and play modes. Again, this provides flexibility, as these modes will be determined by the school once these spaces are occupied.

The proposed modifications to rooftop landscaping also remove safety risks to students on the rooftop terraces and at ground level below, as well as surrounding sites and vehicles in the adjacent Cahill Expressway "cut". These risks were identified as part of the Safety in Design (SiD) process required by legislation. Specific benefits of the rooftop landscaping modifications include:

- Removing the risk of items being blown off or thrown off the rooftops which would pose an unacceptable and potentially catastrophic safety risks to the pedestrian zones below and vehicles within the Cahill Expressway "cut". In accordance with the SiD process, SI NSW have sought to design out these risks, as it is required that such risks should be designed out where practicable;
- Reducing climbing risk by removing fixed furniture near the perimeter of the rooftops;
- Improvements in the functionality of the rooftop play spaces, being open play space with soft fall to improve safety and useability; and
- Rationalising end user maintenance requirements.

### 5.2.2 Tree Canopy

The proposed reduction in tree plantings is required to balance functional and safety requirements. Specifically, trees plantings have been reduced in order to:

- Improve safety at the pick-up and drop-off area;
- Maximise continuous and unimpeded play space through the deletion of tree trunks;
- Improve visibility in and out of the site, including improvement to precinct views; and
- Reduce climbing risks.

A summary of the existing, approved and proposed tree planting and canopy coverage is provided in **Table 1**. These figures demonstrate that despite the proposed reduction in tree plantings, the proposed development, with a tree canopy of 19%, continues to exceed the 15% tree canopy coverage criteria set by City of Sydney Council and the NSW Government Architect. As such, it continues to deliver best practice and high quality canopy coverage on a heavily constrained site in a CBD setting. In addition, the proposed tree canopy exceeds the existing tree canopy on the site (18%).

**Table 1 Comparison of existing, approved and proposed tree plantings and canopy cover**

Project Stage	Tree Plantings	Tree Canopy Cover
<i>Council and GA NSW Requirement</i>	-	15%
Existing	22	18%
SSDA Approved	<ul style="list-style-type: none"> <li>3 existing trees retained</li> <li>2 additional trees retained subject to further investigation</li> <li>58 new trees</li> </ul>	22%
Proposed Modification Application	<ul style="list-style-type: none"> <li>3 existing trees retained</li> <li>2 additional trees retained subject to further investigation</li> <li>23 new trees</li> </ul>	19%

It is also noted that a large number of narrower canopy trees, such as the Coastal Banksia and Lily Pilly, are proposed to provide a more suitable form and to mitigate climbing risk of larger overhanging branches in the long term.

Based on the above, the proposed tree plantings and associated tree canopy coverage is considered acceptable.

### 5.2.3 Play Space Configuration

The FSPS P&C has raised concerns that inadequate play space has been provided. In response, it is noted that maximising play space, whilst balancing the school's population and growth projections, has been the subject of ongoing discussions over the duration of the project. The play space design has also had to consider the footprints of exiting heritage buildings, and the need to achieve compliant learning spaces within the new buildings.

While the site cannot achieve the aspirational 10sqm/student of open play space that is more commensurate with suburban or greenfield schools, play space has been maximised on the site. This includes extending play areas onto the top of the services building in the north-east at the amphitheatre, maximising the north-east play court in both Phases, extending the Building H and J rooftop, and identifying the Met Building rooftop for teaching and extra-curricular opportunities.

Contrary to the submission, the proposed play space areas at roof level and in the drop-off/pick-up zone have not been reduced. Rather, the play areas have increased from the approved scheme, with the area of open space per child in Phase 1 (at its capacity of 550 students) increasing from 6.4sqm/child (approved) to 6.9sqm/child (proposed) and in Phase 2 (at its capacity of 550 students) increasing from 7.1sqm/child (approved) to 7.4sqm/child (proposed). Whilst the proposal does not meet the EFSG, it represents an improvement when compared to the approved quantity of open space per child. Further, it is noted that the EFSG is a guideline only, and the 10sqm ratio is applicable to greenfield sites and is only aspirational for other school site types (such as FSPS).

## 6.0 Biodiversity Impacts to Microbats

### 6.1 Issue

DPIE's Environment, Energy and Science Group raised concerns that:

- The proposed modifications to the Met Building may increase the likelihood of impacts on microbat; and
- The recommendation for a microbat management plan within the original Biodiversity Development Assessment Report (BDAR) should have been included within Conditions B39-B43 of the approved SSD.

## 6.2 Response

### Additional Impacts to Microbats

Eco Logical Australia has reviewed the changes proposed under the modification application. As alterations to the Met Building fabric are already approved, and no further impact on potential microbat habitat is proposed by the modification application, Eco Logical Australia has concluded that the proposed modifications to the Met Building will not result in any further potential impact. Refer to the Biodiversity Response prepared by Eco Logical Australia for further detail (**Attachment J**).

### Microbat Management Plan

The BDAR recommended that if microbats were observed during surveys, then a microbat management plan should be prepared. The BDAR stated that if pre-clearing identified no microbats, then the building could be upgraded without any further measures. No microbats were observed during the surveys and acoustic detection surveys identified an extremely low level of microbat activity. Therefore, a microbat management plan was not required. Refer to the Biodiversity Response prepared by Eco Logical Australia for further detail (**Attachment J**).

## 7.0 Traffic Impact

DPIE raised the following concerns relating to traffic impact:

- A Road Safety Audit of the proposed pedestrian access, cycleway diversion and vehicle drop-off / pick-up arrangements must be provided;
- Further justification and detailed plans are required for the reduction in of the widening of Upper Fort Street; and
- Plans showing the queuing area of Upper Fort Street for the Phase 1 and the Phase 2 drop-off / pick-up must be provided.

### Road Safety Audit

A Road Safety Audit has been prepared by AMWC and has been submitted with this Response to Submissions (**Attachment G**). It identifies potential safety hazards and resulting project responses. The majority of the safety hazards can be addressed either through the School Travel Plan or the Signage and Line Marking Plan prepared by Arup (**Attachment F**).

### Upper Fort Street Widening

Further detail on the amendments to the Upper Fort Street Widening are provided in the Traffic Response prepared by Arup (**Attachment F**). These include turning paths on detailed plans that show the proposed 6m width provides enough space for two large cars to pass. Moreover, the width of Upper Fort Street within the site remains essentially the same. The modification also provides the following benefits:

- A more consistent width along Upper Fort Street;
- Increased overall width along the entirety of Upper Fort Street; and
- Increased width for pedestrians adjacent to the Bradfield shed.

### Queuing Plans

Plans showing the proposed queuing arrangements for Phase 1 have been provided within the Traffic Response prepared by Arup (**Attachment F**). It is noted that the proposed queuing arrangements for Phase 2 are very similar to that of Phase 1.

## 8.0 Conclusion

This letter sets out the responses to the key issues raised in submissions received for the FSPS Modification Application. It demonstrates that the modified proposal:

- Holistically improves the heritage and archaeological outcomes across the FSPS site;
- Achieves compliance with the intent and principles of all of the wider policies of the CMP;
- Demonstrates high quality architectural design that balances the functional needs of the school without resulting in any unacceptable built form or visual impact to surrounding heritage items or the public domain;
- Does not result in any unacceptable private view impacts; and
- Improves the functionality, spatial efficiencies and safety of the school through tree canopy and rooftop landscape modifications.

On this basis, it is considered that all concerns raised in the submissions have been adequately addressed.

We trust that this information is sufficient to assist DPIE's assessment of the proposed modification. Should you have any queries about this matter, please do not hesitate to contact Karissa Kendall at [Karissa.Kendall@det.nsw.edu.au](mailto:Karissa.Kendall@det.nsw.edu.au) or David Lewis at [David.Lewis83@det.nsw.edu.au](mailto:David.Lewis83@det.nsw.edu.au).

Yours sincerely,