

Our Ref: MLI-ULT

11 February 2015

Ms Carolyn McNally
Secretary
NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

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Dear Ms McNally

**RE: PROPOSED REDEVELOPED ULTIMO PYRMONT PUBLIC SCHOOL –
QUARRY STREET, ULTIMO
REQUEST FOR SECRETARY’S ENVIRONMENTAL ASSESSMENT REQUIREMENTS
(SEARs)**

In accordance with Clause 3 of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000 (EP&A Regulation)* and Schedule 1 (clause 15) of *State Environmental Planning Policy (State and Regional Development) 2011 (State & Regional Development SEPP)*, the NSW Department of Education (DoE) requests the issue of Secretary’s Environmental Assessment Requirements (SEARs) for the proposed redeveloped Ultimo-Pyrmont Public School at Quarry Street, Ultimo.

The proposal qualifies as a State Significant Development (SSD) as the Capital Investment Value (CIV) of the Project is in the order of \$45 Million and in excess of the SSD threshold of \$30 Million for Educational Establishment projects. The purpose of this letter of request is to provide a preliminary environmental assessment and other supporting documentation to allow for the SEARs to be issued to facilitate the preparation of the Environmental Impact Statement (EIS) to accompany the SSD.

1. Background

Site Details and History

The proposal is located on the site of the existing Ultimo Public School at Quarry Street, Ultimo. The site is bounded by Quarry Street to the north, Jones Street to the east, Wattle Street to the west, and residential development to the south. The site is directly opposite the southern end of Wentworth Park. Quarry Street and the school is linked to Wentworth Park by an existing footbridge over Wattle Street.

The school is presently made up three buildings, play areas, and an at-grade car park off Wattle Street. The current school population is 297 students from Kindergarten to Year 6 in 12 classes (source: Ultimo Public School webpage). Given recent developments in the area and within the school’s catchment, redevelopment is required to ensure sufficient Kindergarten to Year 6 places are available to the growing population within the area. This includes the catchments within the Sydney CBD and Millers Point / Barangaroo to

Ultimo/Pymont and to Glebe and Chippendale. The total required student population catered for by the proposal is 750-800 students.

The site is owned by the NSW Department of Education (DoE). It is about 5,300m² in area. Its real property description is Lot 101 in DP 1105527. The site falls from a RL of about 18m at Jones Street to a RL of about 4.7m at Wattle Street. The 13m (or 3 to 4 level drop) has historically made development and integration of use of the site difficult.

The site has been used as a school since 1914 and prior to this time formed part of the area that was substantially quarried for yellowblock sandstone.

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See aerial photo below at Figure 1.



Figure 1 – Aerial photo of the site (source SIX Viewer: January 2016)

Education Initiatives

Education is one of 9 key areas of focus under the NSW State Plan 2021, which includes the 'Innovative Schools Successful Students' initiative.

The proposed redeveloped Ultimo-Pymont Public School forms part of the State Government's 'Innovative Schools Successful Students' initiative. The NSW Government will invest \$1 billion from the 'Rebuilding NSW Schools Fund' to transform schools over the next 10 years. The \$1 billion investment is nominated by the Government as 'a once-in-a-generation opportunity' under the 'Rebuilding NSW' banner, to provide 1,600 new or refurbished classrooms and learning spaces throughout the State'. This is in addition to the Government's \$2.7 billion investment into school facilities over the next four years.

From a regional perspective, the State Plan's Eastern Sydney and Inner West Regional Action Plan (2012) seeks to:

- Return Quality Services to the region in the form of public schools

- Maximise the community's use of public facilities and other spaces such as school facilities by communities for commercial and non-commercial ventures in out-of-school hours to enable more effective and suitable use of schools

2. Description of the Proposed Development

The proposed school use of the site will involve all typical DoE school facilities for Kindergarten to Year 6 (K-6), including classrooms, a library, a hall and covered outdoor learning spaces, open space / play space, canteen and other common spaces. Due to the nature of the site and its topography, this school will be designed as a 'vertical school' and as such would deviate from the typical school standard or template.

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The school is anticipated to accommodate up to 800 students within approximately 27 homebase classrooms. The school use will also possibly be supplemented by a potential child care centre to be operated by Council and an after-school care centre to be operated by the school. The school will also be open to out-of-hours and weekend use by the wider community. To that end the school will also provide multi-purpose spaces. It is proposed that the school be open for Day 1, Term 3, 2019.

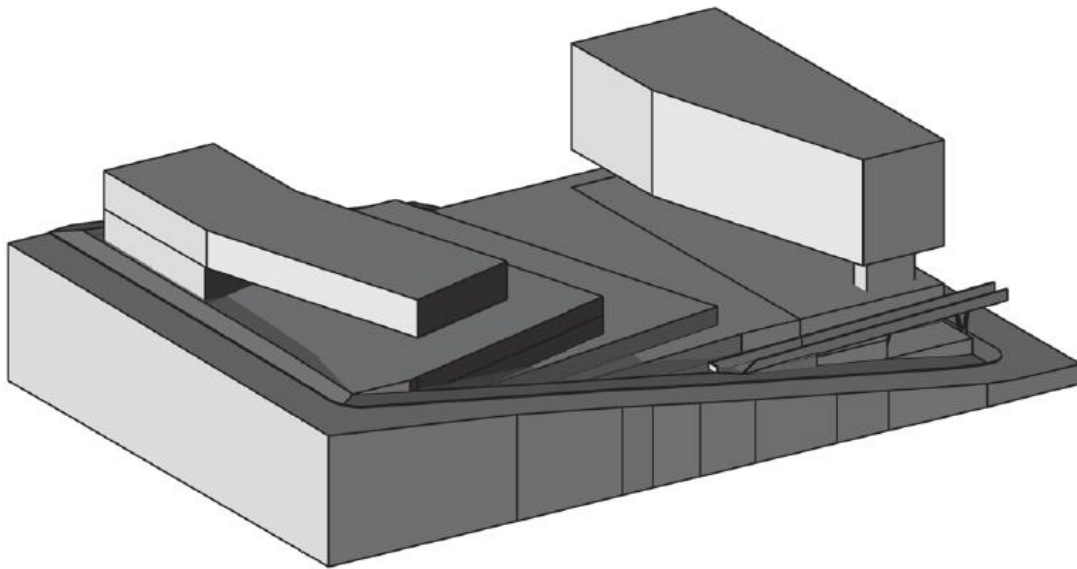
The height and built form configuration of the proposed redevelopment is not yet known but would likely be within at least two envelopes benched on the site and up to a maximum of 6 levels plus plant from Wattle Street and a two level envelope addressing Jones Street. The maximum height of the development will be about 34m when measured from Wattle Street. The currently proposed spatial needs for the school equates to an approximate 10,000m² of gross floor area.

As the proposal will be subject to a Design Competition under Sydney LEP 2012 and the Department of Planning & Environment Guidelines and City of Sydney Competitive Design Guidelines, the exact detail of the School development's appearance is not yet known. This SEARs request is made to allow competitors in the soon to commence competition to understand the Department's (and Council's) key issues and the assessment requirements of the future DA, subject of the winning design.

At this stage, existing parking, access, traffic and transport arrangements would be maintained at the new upgraded school.

The project was initially proposed to have been located at the former City of Sydney Council depot site at Fig Street, Ultimo. As the existing school is now to be redeveloped, a temporary school location will be sought and commence its operations from Day 1, Term 1, 2017. The location is presently being determined and will be subject of a separate planning approval process.

Please see the current reference design for the development appended. Figure 2 below demonstrates that both the spatial and functional needs of the redeveloped school can be addressed on the site. The final concept and detailed design will be via a Design Competition process.



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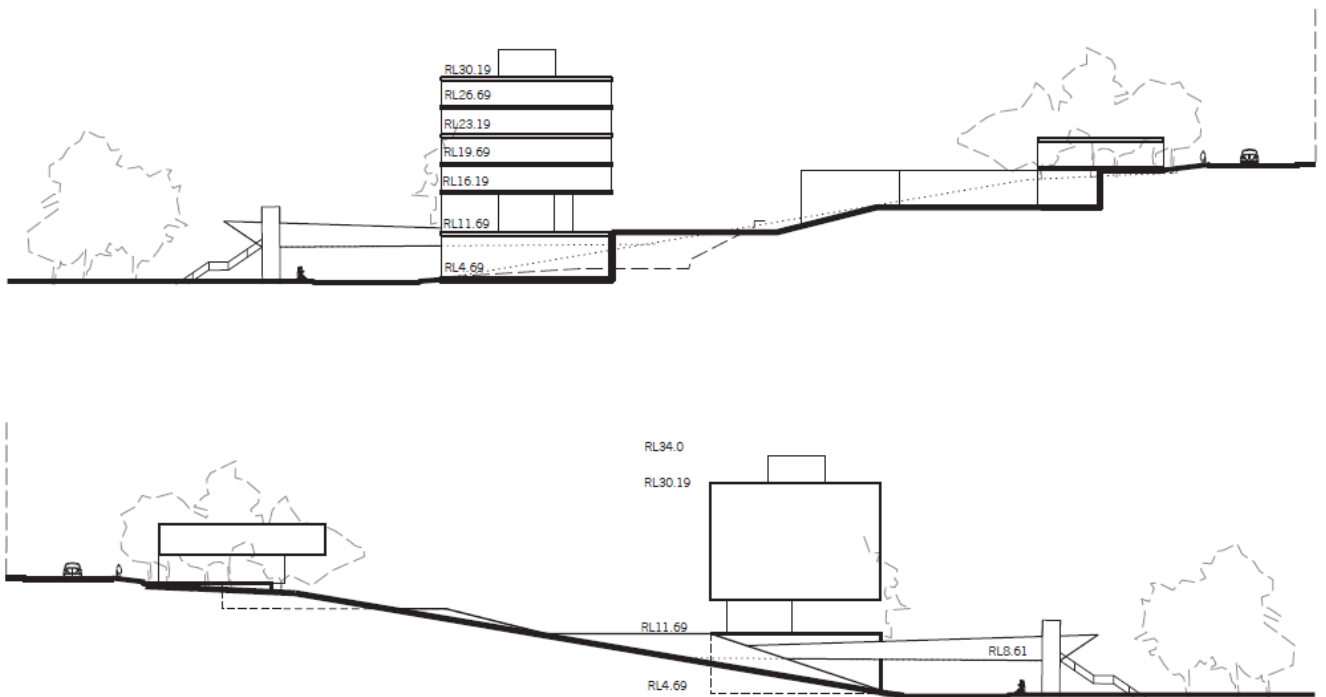


Figure 2 – The current preferred concept for the redevelopment school (NSW GAO)

For the purpose of the SEARs, the following is the project description:

- Construction of a new upgraded school with buildings to cater for up to 800 students in about 27 homebase classrooms;
- Library, hall, indoor and outdoor play spaces, afterschool care facilities;
- Multi-function spaces for school use, and afterhours and weekend use by the wider community;

- Associated and ancillary infrastructure works and connections; and
- Potentially, a child care centre.

The scope does not include the demolition of the existing school buildings and site. Demolition works will be assessed and determined under Part 5 of the EP&A Act via the Infrastructure SEPP and be carried out separately and well in advance of the project and following the site selection and construction of a temporary school, also subject of the separate planning approvals process.

The CIV for the project as set out above is about \$45 Million.

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3. Statutory Planning Context

Relevant Controls

The site is zoned 'B4 – Mixed Use' under LEP 2012. *Educational Establishments* and *Child Care Centres* are permitted with consent in the B4 zone. See Figure 3 below.

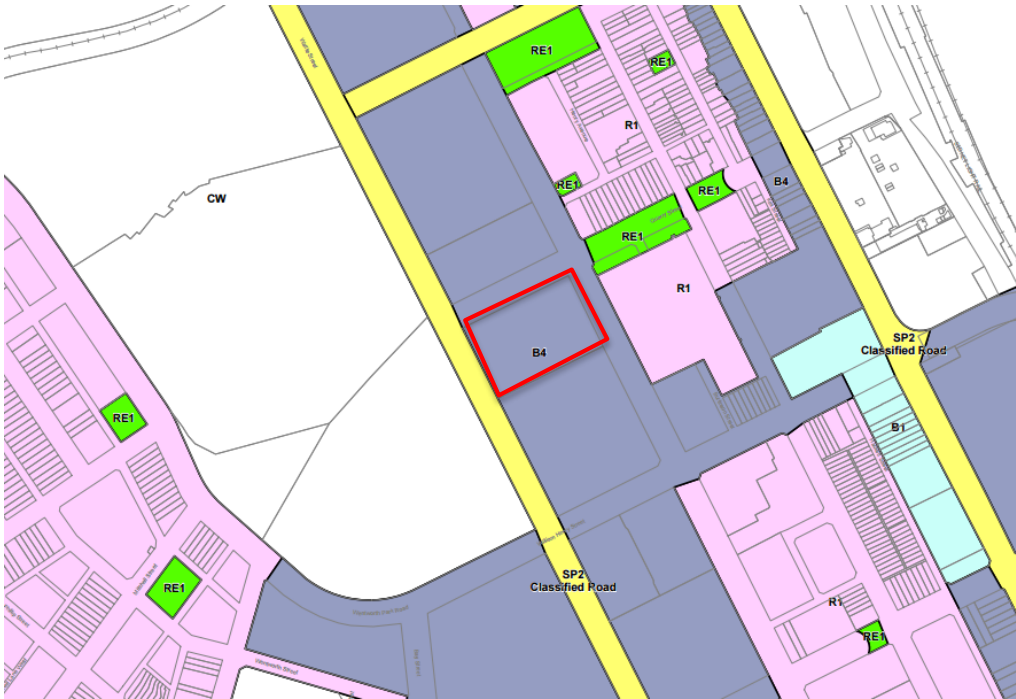
In any case, under the *State Environmental Planning Policy (Infrastructure) 2007 - Infrastructure SEPP*, *Educational Establishments* are permitted in Prescribed Zones (which includes the B4 zone) in the event that the LEP would not permit the land use.

Under the LEP, the following are permitted with consent in the B4 zone (with our emphasis):

*Boarding houses; **Child care centres**; Commercial premises; **Community facilities**; **Educational establishments**; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Any other development not specified as Prohibited or as Permitted without Consent.*

The maximum permissible height on the site is 33m. This is approximately the equivalent of 9 typical storeys plus a lift overrun and plant. See Figure 4 below.

Figure 5 below indicates that the FSR control for the site is 4:1. In very basic terms, this would allow a total floor space of approximately 21,200m². Under the current plans for the development, the density controls would not be exceeded by the development (at about 1.9:1), whilst the height control may be marginally exceeded (by 1 m of rooftop plant). A clause 4.6 objection may be necessitated in this regard, subject to the result of the Design Competition.



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Figure 3 – Zoning Map Extract – Sydney LEP 2012



Figure 4 – Height Map Extract – Sydney LEP 2012 (Note: U2 = 33m)



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Figure 5 – FSR Map Extract – Sydney LEP 2012 (Note: X=4:1)

The site is not mapped as a heritage item under LEP 2012, nor is it listed on the State Heritage Register. A number of local heritage items and a conservation area are located adjacent to the site. These are set out in Figure 6 below. Parts of Wentworth Park are also listed as heritage items under Sydney Regional Environmental Plan (SREP) No.26 – City West, which remains in force over Wentworth Park.

The site is understood to also be unlikely to be subject to Aboriginal heritage due to the nature and depth of quarrying and historic disturbance on the site. The site is believed to have formed part of the foreshore to the Blackwattle Bay estuary prior to filling and reclamation to create Wattle Street and Wentworth Park. To that end it may have been used by Aboriginal communities in the past. The site is however not mapped on the NSW Atlas of Aboriginal Places.

Our review of Council’s webpage suggests that there are no significant current plans afoot to amend existing planning controls or draft new LEPs or DCP within the City of Sydney LGA or in the immediate area.



Figure 6 – Heritage Map Extract – Sydney LEP 2012

Design Excellence and Site-Specific DCP

Under LEP 2012, provisions (at clauses 6.21 and 7.20) are included in relation to the need to exhibit design excellence and prepare a site-specific DCP in certain circumstances.

In summary, consent cannot be granted for new buildings which are greater than 25m in height, or have a CIV of greater than \$100 Million, or require a site-specific DCP (due to the site area being greater than 5,000m²), unless a competitive design process has been carried out to ensure design excellence.

The need for a competitive design process is triggered in this instance by the need for a site-specific DCP and the current envelope height of 34m. Under each clause, the need for a competitive design process and a DCP can be waived if the consent authority (the Minister in this SSD DA scenario) is satisfied the process or the plan would be unreasonable and unnecessary in the circumstances. As DCPs do not apply to SSD DAs (via clause 11 of the State and Regional Development SEPP), it would be counter-intuitive and redundant in the circumstances of this case to require or prepare a site-specific DCP only to not be required to apply it.

The only remaining trigger remains the height threshold, which is met by some 9m under the current concept envelope. A further relevant consideration is, the NSW Government Architect's Office was previously engaged to undertake the design of the project. The intent at that time was to seek a waiver for the need for the Design Competition due to the engagement of the NSW Government Architect's Office. However, given the repurposing of that entity, it has also been decided to undertake a Design Competition by the applicant's own choice under clause 6.21(5)(d) of Sydney LEP 2012. Additionally, DoE has recently also enjoyed the positive experience of the Design Competition process for the Parramatta

Schools project which garnered superior quality in design and functional resolution for that project.

Notwithstanding the above, we further understand that clause 5.12(1) of the LEP would have broadly enabled the development by DoE (as a public authority) without restriction, in the event that a waiver or exemption from this requirement would have been sought.

This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under State Environmental Planning Policy (Infrastructure) 2007.

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In summary, Design Excellence will be exhibited by the project as a Design Competition will be undertaken for the project prior to the submission of the EIS for the SSD DA. The SEARs when issued will form part of the briefing package for that competitive process.

Other approvals

At this stage it would appear most likely that no other approvals will be required under other legislation as Integrated Development.

4. Strategic Planning Context

State Plan / NSW 2021 (2011)

NSW 2021 is a 10 year plan to rebuild the economy, return quality services, renovate infrastructure, restore accountability to Government, and strengthen our local environment and communities.

As noted above, Education is one of 9 key areas of focus under the NSW State Plan 2021, which includes the 'Innovative Schools Successful Students' initiative. The proposed school is entirely consistent with this initiative.

A Plan for Growing Sydney (Metropolitan Strategy 2014)

The Government's vision for Sydney is: a strong global city, a great place to live.

To achieve this vision, the Government has set down goals that Sydney will be:

- a competitive economy with world-class services and transport;
- a city of housing choice with homes that meet our needs and lifestyles;
- a great place to live with communities that are strong, healthy and well connected; and
- a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

One of the Directions & Actions coming from the Plan is to plan for education services to meet Sydney's growing needs and to assist in securing and planning for new school sites. Additionally, improved transport links are seen as key to get people to home, work, education, retailing, and leisure activities.

A key action is to provide enabling infrastructure (such as schools) to support growth and urban renewal and match population growth with the delivery of social infrastructure such as schools. The following passages are drawn from the Metropolitan Strategy 2014.

Delivering schools, tertiary education facilities and health facilities that meet the needs of Sydney's growing and changing population will be integral to maintaining Sydney's competitive edge and standard of living into the future.

Adequate teaching facilities are fundamental to the education of Sydney's children and their future contribution to the world. Schools are a focal point for community life, bringing families together. In some parts of the city access to good schools can drive demand for housing. While most schools are provided by the Government, around 33 per cent are provided by the private sector. Meeting the land use needs of both sectors will be important to providing choice and quality education for all.

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Opportunities to deliver facilities to meet Sydney's future school needs will be identified. New and expanded school facilities will be needed in urban renewal areas, greenfield sites and throughout established urban areas.

The Government will: investigate new innovative ways to maximise the benefits of existing infrastructure and improve the efficiency of delivering new infrastructure, such as multi-storey schools in dense urban communities.

The Government recognises that as the population grows in existing suburbs, there is an opportunity to revitalise local communities by providing more social infrastructure such as schools, health care and community services, and public transport.

Draft Sub-Regional Strategy (2012)

Ultimo-Pyrmont sits within the Central Sub-region under the previous Metropolitan Plan for Sydney. It is broadly mapped as being part of Global Sydney.

Part of the Priorities for the sub-region include the following of relevance to the project:

- recognise the well connected, highly accessible and walkable environments which contribute to the vitality of the suburbs in this subregion; and
- build on the character of the subregion's vibrant suburbs ...

Ultimo-Pyrmont is nominated to "promote its focus on education, creative industries, major events and tourism, and support ongoing regeneration".

In general, the school, its location, scale and range of after school community functions satisfies all the relevant strategic planning objectives of the State.

5. Relevant Planning Issues to guide the SEARs

The EIS for the project will address the full range of relevant environmental planning issues. The likely categories include:

- Statutory and strategic planning context, including key relevant legislation and planning instruments, permissibility and development controls and standards

- Built form and urban design (height, bulk, scale, amenity, connectivity, appearance, use, materials, signage etc)
- Environmental Amenity (view loss, privacy, wind, noise etc – impacts of and upon the development)
- ESD (ESD principles adopted and Section J of the BCA, water and energy saving measures etc)
- Traffic, Transport and Accessibility (vehicular and non-motorised transport as well as public transport options, parking, and other traffic impacts, as well as cyclist, pedestrian and disabled access)
- Noise and Vibration impacts upon the development, consistent with relevant EPA and/or Department of Planning guidelines
- Contamination, HAZMAT and remediation
- Heritage and Archaeological
- Contributions, noting the Crown designation of the project and the potential development of a child-care centre as well as other community facilities
- Staging
- Drainage and stormwater management
- Servicing and waste management (construction and operational)
- Earthworks, geotechnical matters
- Ecology and/or Arboricultural assessment(s)
- Landscaping
- Services and utilities (existing and likely new or augmented connections)
- BCA / Fire safety report
- Preliminary Construction Management Plan
- Drawings, plans, elevations, management plans, schedules of materials and the like
- Evidence of consultation

As the school is a redevelopment and will have greater than 50 students and access to a road, under Schedule 3 of the Infrastructure SEPP it will be 'traffic generating development' and be required to be referred to the RMS for comment.

6. Consultation

Consultation on this project to date has been extensive. DoE is seeking an innovative solution that will be an example of world's best practice and a point of pride for the community. It is the practice of the Department to actively seek the views of the community and other stakeholders in relation to the planning of schools. Engaging the community and other stakeholders in consultative processes will help to better inform the community. Equally, the knowledge gained during this process is used by the Department to make well-informed decisions about school developments.

There are a number of active, interested parties focused on and invested in the outcomes of this project. Maintaining open, transparent and 'on the front foot' communication and consultation has been and will continue to be an important part of the success of the project as it proceeds through design and construction.

To gather the input of these disparate groups and create a consensus view, a Project Reference Group has been formed with membership representative of stakeholder groups.

This group has defined and recommended a set of Education Principles which will inform the design, construction and operation of the school.

In addition, the following consultation activities have been ongoing to keep communication flowing between the project team and stakeholders:

- Workshops have been held with community groups, parents, teachers and the students to get their feedback on the Educational Principles and their comments on the concept designs
- a project website has been created to keep the community informed with regard to the status of the project: <http://ultimopyrmontps.com.au/>
- regular letter drops for key project updates
- attendance at P&C meetings when requested
- a regular schedule of info booths at various locations in the community, including Pyrmont Community Centre, Ultimo Community Centre, Broadway Shopping Centre, and the school.

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As the project progresses, DoE will continue this approach, using a variety of methods as appropriate to the objectives of each communication, and to address the diversity of the audience. Feedback loops will be an important part of each communication, to confirm understanding of the message, as well as identify issues and/or questions. For example, feedback on the concept designs might be achieved via information booths, online publications as well as a survey, so that those who wish to attend in person can do so, and those who cannot or do not wish to attend face to face forums still have the opportunity to voice their opinion. The level of intensity of engagement will vary as well, from passive information provision, to first-hand experiences.

7. Conclusion

Based on the above the key relevant matters in relation to this proposed development are:

- The Capital Investment Value (CIV) of the Project is in the order of \$45 Million and in excess of the requisite SSD threshold of \$30 Million for Educational Establishment projects.
- The site is zoned B4 – Mixed Use under Sydney LEP 2012 and educational establishments are permitted with consent.
- The site has a 33m height limit, and a FSR control of 4:1. The proposal would not exceed the FSR controls and at this stage only marginally exceeds the height control and to that extent would rely on a clause 4.6 objection. The results of the proposed Design Competition will further confirm this level of compliance / non-compliance.
- The site is not listed as a heritage item under either LEP 2012 or the State Heritage Register. Locally listed heritage items and a conservation area under LEP 2012 are situated adjacent and nearby the site.
- The development, by virtue of clause 11 of the State and Regional Development SEPP does not trigger the need for a site-specific DCP, despite LEP provisions.
- A Design Competition will be held shortly under the terms of Sydney LEP 2012 and the relevant State and Council guidelines / policies, to ensure design excellence is achieved. DoE is choosing to undertake a Competitive Design process, noting also that the current concept envelope (at 34m) also exceeds the 25m height threshold to qualify for the Design Competition requirement.

- The development will be traffic-generating development under Schedule 3 of the Infrastructure SEPP. The development will also need to be considered against clause 102 of the Infrastructure SEPP in relation to road noise due to traffic volumes from Wattle Street. Accordingly, Guidelines called up by the Infrastructure SEPP carry statutory force.
- There are currently no draft LEPs or other plans that would adversely impact upon the development from a statutory planning perspective. The school also broadly satisfies and supports all Metropolitan and Sub-Regional Planning Strategies

On the basis that the Project falls within the requirements of clause 15 of Schedule 1 of the SRD SEPP being *development for the purpose of educational establishments (including associated research facilities) that has a capital investment value of more than \$30 million*, DEC formally requests the Department issue the SEARs for the Project to facilitate the preparation of the EIS to accompany the SSD Application.

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Additionally, DoE seeks confirmation at this stage that the LEP 2012 requirements for a site-specific DCP, and both unreasonable and unnecessary in this circumstance as the need for a DCP is redundant and counter-intuitive for the site as DCPs do not apply to SSD DAs.

We trust that the information detailed in this letter is sufficient to enable the Secretary to issue the SEARs for the preparation of the EIS. Should you have any questions or queries with respect to any of the above information, please don't hesitate to contact me on 8202 8000 or 0437 259 581 or oliver.klein@robertsday.com.au.

Yours Sincerely

RobertsDay



Oliver Klein
Senior Associate

Attached:
Plans and details of the project (NSW Government Architect's Office)