

7 May 2020

Your Ref: SSD 10340
Our Ref: R/2019/6/A
File No: 2020/162484

Jim Betts
Secretary
Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2124

Attention: Prity Cleary, Senior Planner
By email: Prity.Cleary@planning.nsw.gov.au

Dear Prity

Fort Street Public School – 1005 Upper Fort St, Millers Point NSW - SSD 10340

Thank you for your correspondence of 2 April 2020 inviting comments on an Environmental Impact Statement (EIS) for the State Significant Development (SSD) 10340 for the Fort St Public School Redevelopment, following the submission of the Secretary's Environmental Assessment Requirements (SEARS) on 28 June 2019.

Submitted on behalf of NSW Department of Education, School Infrastructure NSW, the Development Application (DA) seeks consent for the redevelopment of the Fort Street Public School to increase the capacity of the school to 550 students and 37 staff. The current capacity is 220 students and 17 staff.

The site includes existing buildings of exceptional and significant heritage value and significant trees listed on the City's Register of Significant Trees. There are several heritage items in the vicinity of exceptional significance including the Sydney Observatory and the National Trust. The school is located in a unique, highly visible, historic and constrained location.

The DA proposes:

- Site preparation works including remediation, demolition and excavation;
- Refurbishment of existing buildings;
- Construction of new buildings;
- Landscaping; and
- Other works including widening of the existing entrance road and modifications to existing pick-up and drop-off arrangements.

The City of Sydney (the 'City') has reviewed the EIS prepared by Ethos Urban dated March 2019 and accompanying information and has particular concerns with the proposed vehicular access to the site, including waste collection and deliveries, and the proposed removal of 86% of the existing trees.

Insufficient information has yet to be provided in the DA relating to transport, landscaping, energy efficiency, and the interface with the Sydney Harbour Bridge cycleway, in addition to some other matters.

A detailed assessment of the proposal is included as **Attachment A** of this letter, which highlights the City's concerns and recommends a number of modifications and additional information be provided to enable an appropriate assessment and support the proposal. **Attachment B** contains draft conditions of consent, should the proposal be granted approval.

While raising these issues to be addressed or resolved, the City do not object to the proposal.

Should you wish to speak with a Council officer about the above, please contact Amy-Grace Douglas, Specialist Planner, on 9265 9333 or at adouglas@cityofsydney.nsw.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to be 'GJahn', written over a light blue horizontal line.

Graham Jahn AM
Director
City Planning | Development | Transport

Attachment A: Detailed response
Attachment B: Draft conditions of consent

ATTACHMENT A: Detailed Response

Traffic and Transport

A formalised pick-up and drop-off area is proposed in the eastern part of the site, within the new entry plaza located off Upper Fort Street. The proposed arrangements include modified kerbside arrangements along Upper Fort Street and Watson Road, queuing for up to 30 vehicles along Upper Fort Street with an additional 18 in an overflow queue along Watson Road. 'No Stopping' zones are proposed at the bend between Watson Road and Upper Fort Street and midway along Upper Fort Street in front of the access gate to the incident response area, to enable vehicle passing to occur. It is proposed to widen Upper Fort Street to 6m (kerb to kerb) at the pinch-point to enable two-way traffic flow.

Traffic access to the school is proposed at limited specific hours only – drop off and pick up only – and there is no on-site parking proposed. The vehicular access gates will close during school hours in an effort to prevent potential conflict between cars and pedestrians.

The documentation is unclear about the onsite vehicle movements which is also proposed to include deliveries and waste collection. The Traffic Report notes that this 'will be allocated a time slot when the school grounds are not being used for school play activity'. However, the *Operations Statement* (Appendix R) advises that the school grounds will be closed to vehicles between 3.30pm and 8.30am.

This is in conflict with the ARUP *Traffic and Transport* report (Appendix M), which in one scenario, requires the garbage vehicle to make a turn within the school playground. In addition, the documentation notes that the school drop-off/pick-up (DO-PU) transitions to a play area during school hours but is also used for play for the after-school care function.

The proposed vehicle turning circle within the school site and designated DO-PU zones within the school is not supported. A potential conflict is created between the vehicles, students, and cyclists (prior to the SHB Cycleway being operational). The first option for waste collection truck movements as discussed in the ARUP traffic report will **not be supported**, as it requires a three-point turn in the school playground. Entry and exit of a collection vehicle from a site is to be in a forward direction only (see Figure 1 below).

The City recommends that the most preferred option given the constraints is that a drop-off/pick-up area, delivery zone, and waste collection, is designated on Upper Fort Street and not within the school playground area, to ensure school traffic is away from the surrounding busy traffic network. Safety measures and traffic calming measures are required to achieve a low speed and low traffic environment in the drop-off pick-up areas.



Figure 1: Proposed garbage collection swept path analysis (in purple) (Source: Traffic Report, ARUP)

Interface with Harbour Bridge Cycleway

Construction of the proposed Sydney Harbour Bridge (SHB) cycleway will be important to ensuring a safe separation of commuter cyclists from school students and general park users. While there is no explicit endorsement by the Design Advisory Panel, the City's understanding is that the spiral option is the option being progressed by TfNSW in the Harbour Bridge cycleway REF.

There is a need for a whole government approach to ensure cycleway construction as critical infrastructure, is delivered/co-ordinated with the subject school upgrade, to ensure a safe school environment.

Other Transport-related Comments

The travel plan (Appendix U) actions are very broad and hopefully the good culture of walking and cycling developed by the school, RMS and light rail to date, will support the future demand. A Transport Access Guide (TAG) is recommended to be developed and maintained as part of the travel plan.

Safety between students and vehicles is a key issue. Changes to the road surface as detailed in the Traffic Management Plan, to signify traffic calming measures, include adjusting front gateway positions for the phases to improve exclusion zone between the school grounds and adjacent paths. Student access to the vehicular zone will be

controlled by a gate during the waste operation hours, however, a traffic safety review is required, prior to finalising these traffic calming and management measures.

The bike parking proposed seems reasonable (Staff 10% and students 5%) however a plan to add more bicycle parking, to accommodate future demand is recommended.

Tree Management & Landscaping

Additional information is required to adequately assess the landscaping plan and modifications to the design of the timber decking, colonnade, and one building envelope are recommended to retain 5 high value trees.

Also, the application fails to include details on landscaping on ground, in planters and rooftops to confirm soil depths and volumes meet minimum requirements of the *Sydney Landscape Code Volume 2* and structural capacity of existing heritage building roofs.

More information is required to fully assess the landscape design is viable and design issues have been resolved. This is further expanded upon below.

Existing trees and urban canopy

19 out of 22 or 86% of trees are proposed to be removed. **The City does not support the removal of Trees 2, 7, 15, 16, and 20.** The plans can be altered slightly with the input of an AQF5 arborist to allow for their retention. Specific advice is below.

(Note: There is a small error regarding tree numbering in the provided AIAs recommendations. The tree numbers quoted below are drawn from the tree schedule located in Appendix C and associated Tree Retention Plan.)

- **Tree 2** *Lophostemon confertus* (Brush Box), **Tree 15** *Acmena smithii* (Lilly Pilly) and **Tree 16** *Jacaranda mimosifolia* (Jacaranda) are proposed to be removed due to impacts from proposed timber decking. The timber decking design is to be amended to allow for the retention of these trees.
- **Tree 7**, a high value *Banksia integrifolia* (Costal Banksia), is proposed for removal due to conflict with the proposed "Green Colonnade". This lightweight structure must be amended to be constructed around this tree to allow for its retention.
- **Tree 20** *Ulmus parvifolia* (Chinese Elm) is proposed for removal. This tree does not appear to be affected significantly by the development, the tree has a reported 22% incursion into the TPZ. The building envelope should be reduced to retain this tree with input from an AQF5 arborist.

The plans must be amended to show the retention of the above trees.

Trees for retention

Tree 1, a *Ficus macrophylla* (Morten Bay Fig) is a tree of high significance listed on the *City's Register of Significant Trees*. This tree is proposed for retention, however, should be given specific conditions to ensure its protection. The following must be considered:

- The supplied arborist report has suggested that there is only a 3% incursion into the Tree Protection Zone (TPZ). Our assessment of the plans has shown it to be a significant larger incursion into this zone.
- The excavation within the TPZ for the installation of porous paving and proposed OSD tank within the forecourt area, coupled with the changes to the Upper Fort

Street entrance, will impact the trees health. Section 2 in drawing number DA-8101 of the landscape section plans shows this paved area to be approximately half a metre from the Structural Root Zone (SRZ) of this tree.

- The proposal also includes the installation of a timber deck that encompasses the tree including the SRZ this has the potential to affect the trees health and structural integrity. It is recommended that the additional timber deck area surrounding Tree 1 is specified to be built using a flexible pier and above grade beam system to ensure protection of this significant tree.
- The landscape plan has the indicative installation of irrigation proposed through the TPZ of Tree 1. The excavation required will likely detriment the tree more than provide benefit. This must be deleted to ensure the health of the tree.
- The Arborist report must be amended to include a detailed assessment of the impacts to the tree and provide recommendations for its protection. Further, a detailed Tree Risk Assessment is required as the arborist report noted the tree has some decay in the branches. This report must be provided to Council's Tree Management Officers for assessment.

Tree 19 a *Eucalyptus saligna* (Blue Gum) and Tree 18 and *Eucalyptus piperita* (Sydney peppermint) are proposed to be retained on the western boundary of the site. A detailed Tree Protection plan taking into consideration all trees to be retained must be submitted as part of the response to submissions.

New trees

1. Clause 3.5.2 of the Sydney Development Control Plan 2012 requires tree canopy cover be considered and provides at least 15% canopy coverage of a site within 10 years from the completion of development. The landscape report includes a diagram indicating canopy compliance can be achieved and an indicative plant schedule. However, there is no corresponding planting plan to confirm the location of tree species and whether they are in natural ground or on slab and soil volume.
2. The applicant must confirm that compensatory replacement tree planting includes a large proportion of medium and large tree species and submit a planting plan and updated plant schedule with quantities.
3. The removal of Tree 5 should be offset in the same location. The benefits derived from the proposed "Green Colonnade" with deciduous vines can be provided by trees in this same location compensating for canopy losses within the site.
4. The three proposed *Zelkova serrata* (Zelkova) in the centre of the site are within raised planter beds. To ensure these trees reach maturity and contribute to the urban canopy, **these raised planters must be deleted from the plans and the trees must be specified to be planted in the natural ground profile to provide adequate soil volumes.** The raised planters appear to be undersized with insufficient soil volume to support a medium to large tree species.

To summarise the tree impacts the following must be addressed:

- 1) That the Arboricultural Impact Assessment is amended to include a detailed assessment of the impacts to Tree 1 and provided as part of the response to submissions. Further, the report should include a risk assessment relating to the decay noted in tree branches.

- 2) That the additional timber deck surrounding Tree 1 be specified to be built using a flexible pier and above grade beam system and methodologies for tree sensitive installation be provided within the Tree Protection Plan.
- 3) That the timber decking is amended to retain Trees 2, 15, 16 with input from an AQF5 Arborist to ensure the design modifications allow for long term tree health and stability.
- 4) That the “Green Colonnade” is amended to retain Tree 7 with input from an AQF5 Arborist to ensure long term tree health and stability.
- 5) That the proposed “Green Colonnade” within the “Multi-Purpose Forecourt” be deleted and replaced with an avenue of four medium sized deciduous tree species that will provide winter sun and summer shade within this forecourt area.
- 6) That the building envelope is locally reduced to retain Tree 20, the extent of which must be determined with input from an AQF5 Arborist, to ensure long term tree health and stability.
- 7) That the RMS bike path be amended to allow for the retention of Trees 3 and 4. These trees are of high landscape significance and have been identified as providing habitat to native fauna.
- 8) That the raised planter beds in the centre of the site are deleted and that the new trees are specified to be planted within the natural ground profile.

Landscape Design

The proposed landscaping includes:

- Retention of the existing large fig tree (Tree 1);
- Landscaping works throughout the site in natural ground and on slab (planters)
- New structures include construction of a new amphitheatre abutting the existing canvas-roofed COLA, timber deck around significant fig tree, timber decking in a pocket play area, new central plaza, playgrounds, a multi-purpose forecourt with traffic calming measures for drop off/pickup times;
- New surface materials;
- Green Colonnade between building C, H, J, M, and two new planted pergolas to Buildings F and G;
- Accessible roof gardens on new southern buildings (buildings H & J) and existing Bureau of Meteorology Building (Building M) which is a heritage item.

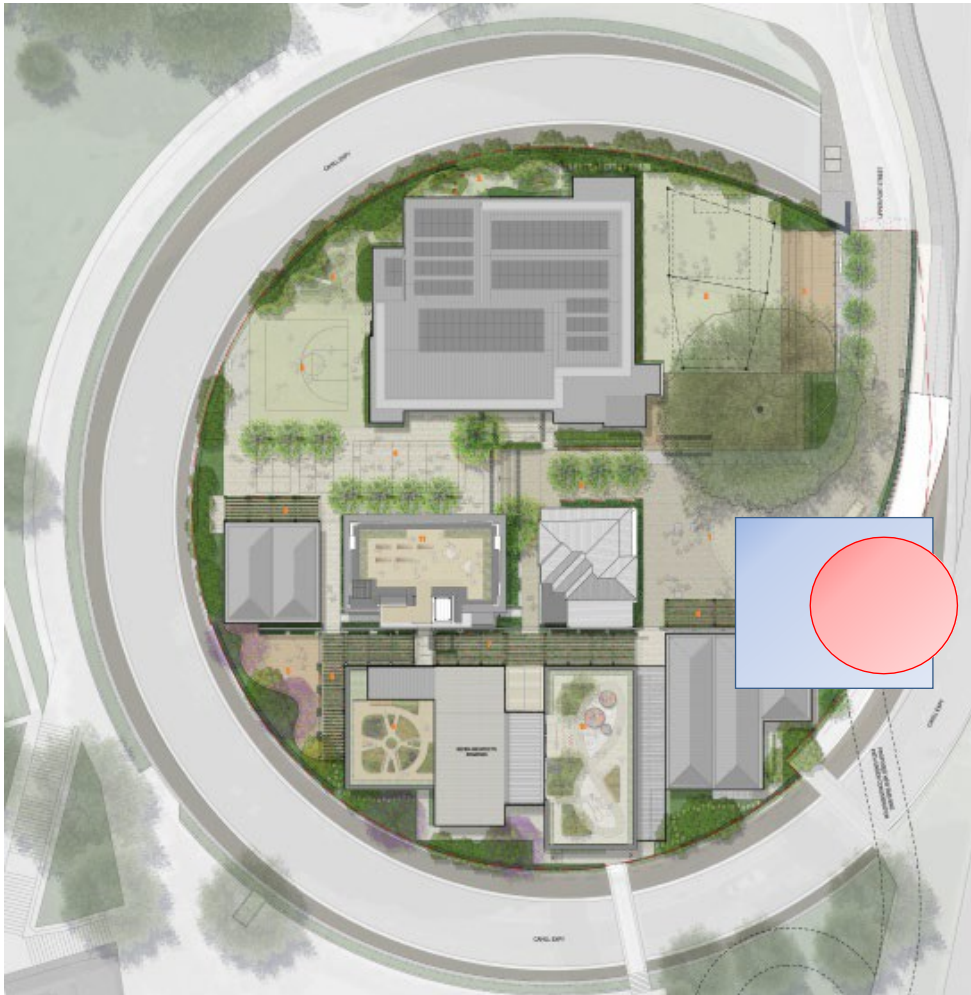


Figure 2 Proposed landscape site plan

Resolving school play and vehicle access in Eastern Courtyard:

The reconfiguration of site circulation including widening of the existing entrance road and modifications to existing pick-up and drop-off arrangements parking, bike access and waste collection with a turning circle (Figure 2 in red) within the eastern courtyard (Figure 2 in blue).

This courtyard is a multipurpose school playground used by the students and the introduction of a turning circle within the playground for garbage truck collection results in commingle of conflicting uses and significant safety concerns. The playground provides active and passive recreation and is the principal entry space at the school.

As discussed above, the introduction of a turning circle and road occupies over half of the playground. Allowing vehicles in a play environment and the proposed traffic layout is not supported because it results in a poor landscape and school play design.

Other landscape comments

An amended landscape package with plans including levels, proposed surface finishes, drainage pits, structures, planting plans, roof gardens and details for hard works and planting is required. In addition to the above issues, the following must also be addressed:

1. Green colonnade and Green COLA seating area

The proposal includes 3 planted colonnades/trellis are intended to provide summer shade & winter sun, which are supported, however, there is insufficient information to demonstrate the design is viable and not an architect's vision for greening. Applicant must submit additional information including plan, sections and details for planting zones.

2. Accessible roof gardens to Building J and H

The concept character images indicate that there could be significant loads (tree planting and play equipment and perimeter fencing) to the roof top. The applicant must submit a landscape plan for all proposed accessible rooftops to confirm levels (TW, RL, SSL, parapets), location of drainage outlets, balustrades and or fencing, planters, structures and any fixings that may impact on waterproof membranes.

3. Accessible roof gardens on heritage item BOM building M.

The proposal includes a function space with views to Sydney Harbour, designed for school events, conference space, fireworks vantage point and art exhibitions. The design layout is not clear and the number of people for functions has not been qualified.

The following points are queried:

- What is the Building M existing roof condition and structural capacity? This needs to be confirmed via a detailed structural assessment report; and
- Structural advice to assess whether Building M rooftop can support the proposed function uses and landscape loads / depths of soil.

4. Use of AstroTurf

Design images indicate the use of artificial turf in event spaces and rooftops. The City generally does not support the use of artificial turf (except for high use active sports) and artificial green walls as the material is plastic with no biophilic value. Astro turf becomes extremely hot in sunlight contributing to urban heat island effects and often ends up in landfill. The applicant is encouraged to amend artificial turf areas to timber decking and tile finish.

Equitable access

The landscape report refers to the BCA assessment for consideration of equity. The BCA report notes to comply with Part D 'Equitable access to buildings and parking' amendments are required. The applicant must submit amended plans to demonstrate equitable inclusive access is achieved including compliant gradients on pathways as per the BCA report.

Green roofs

There is opportunity to provide additional inaccessible green roofs on Buildings A, F, G, J for rainwater harvesting (which will help cool the buildings and reduce energy consumption), and plant species that contribute to habitat creation and biodiversity.

Damaru House on Hickson Road, Barangaroo is a good example of a commercial building that has an integrated green roof system.

The applicant must consider reducing the extent of ballast roof and increasing green roof areas on each building. The applicant is encouraged to review the roof design and include an integrated green rooftop for rainwater harvesting and solar photovoltaic cells.

Inaccuracies with 3D Model

The City's modelling team notes the following:

The lodged plans compared to the submitted 3D CAD models revealed the following issues:

- 100mm increase in RI's across all the new additions to all buildings;
- Discrepancies with the blocked window on the existing building;
- Discrepancies with the fences surrounding the site.

The architectural drawings must be amended to address the inaccuracies, with all relevant documents amended as such (e.g. overshadowing plans).

Heritage Impacts

The site is a local heritage item under the Sydney Local Environmental Plan 2012 ('Fort St Primary School including buildings and their interiors, fig trees and grounds'), and is in the *Millers Point* locally listed Heritage Conservation Area. The site is also within the State heritage listed *Millers Point and Dawes Point Village Precinct*. The 'Messenger's Cottage for Sydney Observatory' and 'Bureau of Meteorology including interior' buildings on site are also locally listed heritage items under the SLEP 2012.

It is noted that the proposal includes the following heritage related works:

- Demolition and bulk excavation works including demolition of southernmost school building (Environmental Education Centre- EEC), retaining the archaeology below;
- Demolition of the garage and storage shed west and east of the Bureau of Meteorology Building, and the toilet block adjoining the main school building;
- Selective removal of various elements of the main school building, as well as minor elements of the Met Building and the Messenger's cottage to facilitate refurbishment and future use of these buildings.

The proposal includes new penetrations in the East-West heritage boundary wall, bulk excavation works to facilitate the new southern buildings (i.e. new basement level for Building G – Communal Hall – in the south east of the site) and western addition to the main school building. The demolition of the southernmost school building (EEC) will result in the loss of a building of some significance, it is one of the relatively few purpose designed gymnasia constructed in schools across NSW during the second half of the 1940s and 1950s compared to the number of schools where assembly halls and gymnasia shared the same space. Its overall design and internal detailing would appear to be very representative of these types of buildings and spaces.

Notwithstanding this, from a heritage perspective, the proposal is supported in principle, however, it is somewhat lacking in detail (for example, the new roof and additions, including a new lift and access/egress stay, to FSPS Building). As the design develops further, it is imperative that the applicant's heritage consultants are involved to ensure that heritage impacts will be minimised through careful detailed design.

Careful consideration in the detailed design of proposed changes to the three heritage buildings is needed to minimise the impact to significant fabric and spaces (such as the size and details of the lift addition to the Met Building and the location, size and design of the COLA (Connecting Bridge) to it. It is noted that there is to be an insertion of a new lift core to the building to gain access to the roof. What is the design, and will the lift overrun detract from the heritage item?

Penetrations within the heritage boundary wall to facilitate connections between areas of the site should be minimised.

Wind Impacts

The Wind Assessment report (*Appendix DD*) does not provide any detailed wind modelling required to properly analyse the wind impacts. **Wind tunnel testing should be undertaken in the form of a revised Wind Report.** The Wind Report should clearly quantify the expected wind conditions at multiple locations on all open terrace levels and external spaces of the school.

Light Spill / Sydney Observatory

The site is in close proximity to the Sydney Observatory which provides an important education function / local tourism attraction for the City. Insidious light pollution and the encroachment of tall buildings in the surrounding area, notably at Barangaroo, has significantly reduced sight lines from the observatory. It is important that light spill, particularly any up lighting is minimised, and that the proponent undertakes close liaison with the Museum of Applied Arts and Sciences (MASS) in the detailed design phase of the school redevelopment.

Open Space Provision

The proposal provides below the recommended per student head open space provision. Clarity needs to be given at this planning approval stage whether a formal arrangement for the use of Observatory Hill Park is required for student recreation so as to allow the commencement of dialogue with the City on the preparation of a use agreement and any contribution to the maintenance of Observatory Hill Park.

Materials and Finishes

A digital materials and sample board is shown on drawing DA-9011 'Exterior Finishes Samples'.

The information includes precedent images of high-quality materials, however, no specific information on proposed materials is shown. Descriptions of materials are generic, e.g. "brickwork" and "dark metal window frames". Colours are not selected, nor described even generally. The information on this drawing does not provide certainty of the outcome and does not guarantee that the finished project will demonstrate design excellence or be constructed from high quality, robust, fit-for-purpose materials.

A revised materials schedule should include all external materials, including visible service equipment and rainwater goods. The schedule must not include generic material or colour descriptions or use terminology such as 'or similar'.

Energy and Water Efficiency

The City does not support the lack of water efficiency measures proposed. In the context of a public-sector building, rainwater for toilet flushing in at least one student amenity area is a reasonable expectation, with associated educational signage. This ensures

opportunities for showcasing and promoting replacement of treated mains potable water for toilet flushing.

In addition, the City requests clarification on the total indicative size (electricity generation not area) of PV systems expressed in kilowatt peak (KwP).

Public Domain

The proposal includes works to entry road, including alterations to Bradfield Tunnel Services Building; modifications to existing pick-up/drop-off arrangements; provision of signage zones; and installation of on-site detention. Specific public domain related comments are below.

Widening of access road

The proposal includes the widening of the access road to the school to allow for two way vehicular movement and a pedestrian footway. This is enabled by alterations to the Bradfield Tunnel Services Building. *This item is subject to approval of the proposed vehicle access and drop off zones.*

Realignment of shared path

It is anticipated that upgrades to the SHB Cycleway are to be undertaken at a similar time to the proposed upgrades to the school. The separation provides beneficial separation of commuter cyclists to park users and school students. Consideration should be given to staging of the work to ensure safety of cyclists and pedestrians is not compromised if there is delay in delivery of the shared path, resulting in pedestrians and cyclists being placed in the pick-up drop off zone of the school.

Pedestrian Connections

Changed pedestrian access is proposed between the school and surrounding footpaths, parks and land use. As it currently stands, pedestrian access is provided from a footway to the north, the shared bridge to the east and a pedestrian bridge to the south. The road to the north is proposed to be modified to enable two-way traffic, a DDA compliant footway will be required in this location.

The shared way access should be considered for visibility reasons, to ensure no students are exiting the school on the corner and walking into oncoming cyclists.

Vegetation in this location should be chosen to ensure it does not obscure vision.

Additionally, a pedestrian bridge is proposed to the north-west as part of the proposed future expansion. A pedestrian crossing, or similar, would be required in this location to cross the road to the footway.

Required Public Domain Works

- Removal of parking meters and signage in upper portion of Fort Street for new school works
- Modifications to roadway to allow for two-way vehicle movement in accordance with the proposed traffic scenario
- New footway at road widening including possible new pedestrian crossing for enhancing pedestrian safety.

Stormwater / Flooding issues

The site is not flood affected by the 1 in 100-year ARI event. However, it is noted that the Cahill Expressway which runs along the perimeter of the site is flood affected during the 1 in 100 Year ARI event. In accordance with the Interim Floodplain Management Policy all basements (i.e. lower ground level) outside the floodplain still need to have a flood planning level of 300mm above the surrounding surface (street gutter invert level). This could not be checked on the plans as the street gutter level was not shown.

City drainage infrastructure extends into the private section of Upper Fort Street. The Infrastructure Management Plan states that the redevelopment will need to install a stormwater major/minor system. Pits and pipes will capture and convey run-off generated from minor storm events up to the 1 in 20-year ARI. It is likely the pit and pipe network will make connection to the existing 300mm VCP stormwater line running along the Cahill Expressway. It appears that this connects to the drainage in the Cahill Expressway, which may be an RMS asset. The applicant has noted that approval from RMS may be required.

Due to space constraints, an underground tank near the discharge point is proposed as a combination of OSD, rainwater tank and storm filter cartridges. Utilities (sewer, gas, electric etc.) near the proposed OSD location may require adjustment or relocation.

The proposed works require significant change to the existing drainage system. A major stormwater condition is recommended to capture these changes.

Acoustics

The applicant has submitted an acoustic report in support of the application and in accordance with the requirements of the SEARs.

The acoustic consultant has considered the Noise Policy for Industry for mechanical plant noise including rooftop chillers. The report indicates that the chillers will not comply with the project noise trigger levels in the evening period (but will not be used during the night time period). Therefore, the consultant has recommended the installation of a 3m high acoustic barrier be installed around the roof top chillers. The DPIE may wish to consider other implications with the installation of such a tall solid barrier on the roof top and have the plant recessed into the roofscape.

Land Contamination

The environmental reports submitted with the subject application have concluded that the site currently has potentially unacceptable risks to current and future users in a primary education setting. However, the reports consider the site can be made suitable for current and future use subject to implementation of interim and longer-term Environmental Management Plan or strategies (EMP) addressing identified contamination at the site.

The Department may wish to consider whether the complete remediation of the contaminated fill would be a more suitable option as the implementation of an EMP can be quite onerous on the Crown as landowner.

Should onsite retention be considered suitable, the City strongly recommends the Department require the submission of the EMP for their further review. The EMP should be capable of being reasonably made legally enforceable through a condition of consent and a covenant on the land title may be considered appropriate.

In addition to this the EMP should not place onerous requirements on the Department, as the consent authority, to regulate the implementation and management of the EMP. The City also strongly recommends that the RAP & EMP be reviewed and approved by a NSW EPA Accredited Site Auditor.

Construction Noise

The Acoustic Report indicates that construction hours are being sought in line with the *City's Construction Code of Practice CBD*. In the case of a SSD application, the City's Code of Practice are not appropriate and in addition to this the LFPS is not located within the CBD as outlined within the *City's Construction Code of Practice*. Therefore, the construction hours being sought will need to be amended/restricted to 8.00am to 1.00pm on Saturdays rather than 7.00am to 5.00pm.

Construction Management Co-ordination and Stakeholder Management

During the construction period the proponent must undertake ongoing co-ordination and communication with City representatives on construction program and activities.

In particular:

- Potential impacts on park events such as weddings and general park usage and access;
- Parking and traffic impacts in park environs and local area;
- Co-ordination with other construction activities in the Park undertaken by the City or other agencies;
- Updates to allow City's communication team to keep local community stakeholders up to date on project status;
- Use of park areas for materials storage or parking is prohibited without prior approval;
- Recommend that a dilapidation survey be undertaken prior to the commencement of construction to provide a means of assessing damage or deterioration to park fabric during construction.

Section 61 Contributions

In response to the applicant's request for an exemption from Section 61 Contributions under the Central Sydney Development Contribution Plan, the City will provide the CEO's determination as to whether a s61 contribution is payable in accordance with Section 2.2(c).

Design Excellence

Considering the above comments, and as noted in the SEARS response from the City dated 20 June 2019, the proponent is encouraged to undertake a competitive process to ensure an excellent design outcome.

Further reasons for this are below:

- The EIS notes that the 'site is visually prominent and is located at the northern road entrance to the Sydney CBD' (EIS Section 5.9, page 87).
- *Fort Street Public School is one of the most unique school campus sites in Sydney.....located in a very prominent and visible location on Observatory Hill,*

but it also includes 3 listed heritage buildings of exceptional significance
(Architectural Design Statement, page 30).

- Correspondence from the State Design Review Panel on May 2019: *'We note that the site triggers the requirement for a design competition under the City of Sydney LEP. The current master-planning process and schemes as emerging will provide a strong reference design for a future competition brief'*.
(Architectural Design Statement, page 106).

In conclusion, to resolve the issues at the site identified above, it is recommended the applicant adopt a design excellence process for the site which encourages a competitive design process and addresses the provisions of SLEP 2012 (Clause 6.21).

ATTACHMENT B: Draft Conditions of Consent

RECOMMENDED TRANSPORT CONDITIONS:

(1) ASSOCIATED ROADWAY COSTS

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's 'Sydney Streets Technical Specification' including amendments and 'Sydney Streets Design Code'.

(2) BICYCLE PARKING

At least five (5) Class B bicycle parking for staff use and thirty (30) Class 3 bicycle rails for student/visitor are to be provided within the school grounds. Two (2) showers with changeroom areas and 10 lockers are to be provided as part of End of Trip facilities.

The layout, design and security of bicycle facilities must comply with Australian Standard AS 2890.3:2015 Parking Facilities Part 3: Bicycle Parking Facilities. The details must be submitted to and approved by the Certifying Authority confirming prior to the Construction Certificate being issued.

(3) CHANGES TO KERB SIDE PARKING RESTRICTIONS

Any changes to kerb side parking arrangements requires a separate submission to be made to the Local Pedestrian, Cycling and Traffic Calming Committee via the City Infrastructure and Traffic Operations Unit. There is no guarantee kerb side parking will be changed or that any change will remain in place for the duration of the use.

The submission must include two plans. One showing the existing kerb side parking restriction signs and stems, the second showing the proposed kerb side parking restriction signs and stems. Both plans must include changes to all signs and stems from the kerb line of the nearest intersection.

All costs associated with the parking proposal will be borne by the developer.

Please contact the City's Traffic Engineer to discuss the proposal before making a submission.

(4) COST OF SIGNPOSTING

All costs associated with signposting for any kerbside parking restrictions and traffic management measures associated with the development shall be borne by the developer.

(5) ON SITE LOADING AREAS AND OPERATION

All loading and unloading operations associated with the site must be carried out within the site, at all times and must not obstruct other properties/units or the public way.

Parking spaces and driveways must be kept clear of goods at all times and must not be used for storage purposes, including garbage storage.

(6) TRAFFIC WORKS

Any proposals for alterations to the public road involving traffic and parking arrangements must be designed in accordance with RMS Technical Directives and must be referred to and agreed to by the Local Pedestrian, Cycling and Traffic Calming Committee prior to any work commencing on site.

(7) GREEN TRAVEL PLAN

Prior to the issue of an Occupation Certificate, a Green Travel Plan (GTP) shall be prepared in consultation with Council and the TfNSW Sydney Coordination Office. The GTP shall include:

- (a) Strategies to reduce the proportion of single-occupant car travel and increase the mode share of public transport and active transport for workers and visitors of the development.*
- (b) Clear and time bound targets, actions and measurements and monitoring framework;*
- (c) A Transport Access Guide (TAG);*
- (d) A mechanism for a minimum five yearly review in consultation with Council and TfNSW.*

(8) CONSTRUCTION TRAFFIC MANAGEMENT PLAN

A Construction Traffic Management Plan taking into account construction associated with the TfNSW (Sydney Coordination Office) must be submitted to and approved by the Department prior to a Construction Certificate being issued.

(9) LOADING AND UNLOADING DURING CONSTRUCTION

All loading and unloading associated with construction activity must be accommodated on site. If it is not feasible for loading and unloading to take place on site, a Works Zone on the street may be considered by Council. If a Works Zone is warranted an application must be made to Council at least 8 weeks prior to commencement of work. An approval for a Works Zone may be given for a specific period and/or certain hours of the day to meet the needs of the site for various stages of construction. The approval will be reviewed periodically for adjustments necessitated by the progress of construction activities.

Where hoisting activity over the public place is proposed to be undertaken including hoisting from a Works Zone, a separate approval under Section 68 of the Local Government Act 1993 must be obtained.

(10) NO OBSTRUCTION OF PUBLIC WAY

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of a notice by Council to stop all work on site.

(11) USE OF MOBILE CRANES

Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building. For special operations (such as delivery of materials, hoisting of equipment, etc) permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.

Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes must not be delivered to the site prior to 7.30am without the prior approval of Council.

RECOMMENDED HERITAGE CONDITIONS:

(12) SCHEDULE OF EXTERNAL MATERIALS, FINISHES AND COLOURS

A full schedule of external materials, finishes and colours, keyed to external elevations, and prepared with input from the applicant's heritage consultant are required.

Reason: The drawings as submitted show insufficient detail and the exterior finishes samples is inadequate in itself to gain an understanding of what is being proposed, especially for the new buildings.

(13) USE OF HERITAGE CONSULTANT

A heritage consultant experienced in the restoration and renovation works of similar period buildings, is to be commissioned to work with the consultant team throughout the design development (including the detailed design), contract documentation and construction stages of the project. The heritage consultant is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The heritage consultant is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.

Evidence and details of the above commission on the above terms are to be provided to the consent authority prior to commencement of work on site. The heritage consultant must sign off the completed project and submit a final report to the consent authority specifying how the heritage conditions are satisfied prior to occupation.

Reason: In view of the significance of the site within a highly significant area, a heritage consultant is to be engaged for the entire project.

(14) SCHEDULE OF CONSERVATION WORKS

For each of the heritage buildings, Fort Street Public School, Messenger's Cottage and Bureau of Meteorology building, a schedule of conservation works is to be prepared by suitably qualified and experienced heritage consultant experienced with the conservation of such buildings is to be submitted for approval prior to the commencement of works. This schedule should build upon the Concept Design Repair Schedule outlined in the Conservation Management Plan prepared by Curio Projects dated March 2020. These conservation works are to be completed prior to occupation.

(15) ARCHIVAL PHOTOGRAPHIC RECORDING

A digital photographic recording of all buildings/structures proposed to be altered/demolished before demolition works commence and for the heritage buildings before, during and after completion of the works. The record should be prepared in accordance with Heritage NSW guidelines. Copies to be submitted to the City of Sydney and Heritage NSW.

(16) HERITAGE INTERPRETATION PLAN

A heritage interpretation plan is to be prepared for the site, to allow for an appropriate and meaningful heritage interpretation initiatives to communicate the heritage significance and history of the site as a way of mitigating the impact to heritage values as posed by the development works. It is to be implemented prior to occupation.

(17) ARCHAEOLOGY

A Historical Archaeological Research Design and Excavation Methodology (ARD + EM) is to be prepared prior to the commencement of works to guide the development works. Due to the presence of State significant archaeology at the FSPS site, all historical archaeological works must be supervised by an archaeologist who meets the NSW Heritage Council criteria for Excavation Director for relics and deposits of State significance.

The recommendations in relation to Aboriginal archaeological monitoring/investigation on page 66 of the 'Fort Street Public School – Aboriginal Cultural Heritage Assessment Report' prepared by Curio Projects in December 2019 should be made conditions of consent.

RECOMMENDED PUBLIC DOMAIN CONDITIONS**(18) ASSOCIATED ROADWAY COSTS ASSOCIATED ROADWAY COSTS**

All costs associated with the construction of any new road works including kerb and gutter, road pavement, drainage system and footway shall be borne by the developer. The new road works must be designed and constructed in accordance with the City's "Sydney Streets Technical Specification" including amendments and "Sydney Streets Design Code".

(19) ALIGNMENT LEVELS – MAJOR DEVELOPMENT

- (a) Proposed building floor levels, basement levels, basement car park entry levels and ground levels shown on the approved Development Application plans are indicative only and have not been approved by this consent.*

- (b) *Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work, alignment levels for the building and site frontages must be submitted to and approved by Council. The submission must be prepared by a Registered Surveyor and designed by a suitably qualified engineer, must be in accordance with the City of Sydney's Public Domain Manual and must be submitted with a completed Levels and Gradients Approval Application form (available on the City's website).*
- (c) *These alignment levels, as approved by Council, are to be incorporated into the plans submitted with the application for a Construction Certificate for any civil, drainage and public domain work as applicable under this consent. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.*

(20) PHOTOGRAPHIC RECORD / DILAPIDATION REPORT - PUBLIC DOMAIN

Prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier, a photographic recording of the public domain site frontages is to be prepared and submitted to Council's satisfaction.

The recording must include clear images of the building facade adjoining the footpath, the footpath, nature strip, kerb and gutter, driveway crossovers and laybacks, kerb ramps, road carriageway, street trees and plantings, parking restriction and traffic signs, and all other existing infrastructure along the street.

The form of the recording is to be as follows:

- (a) *A PDF format report containing all images at a scale that clearly demonstrates the existing site conditions;*
- (b) *Each image is to be labelled to identify the elements depicted, the direction that the image is viewed towards, and include the name of the relevant street frontage;*
- (c) *Each image is to be numbered and cross referenced to a site location plan;*
- (d) *A summary report, prepared by a suitable qualified professional, must be submitted in conjunction with the images detailing the project description, identifying any apparent existing defects, detailing the date and authorship of the photographic record, the method of documentation and limitations of the photographic record;*
- (e) *Include written confirmation, issued with the authority of both the applicant and the photographer that the City of Sydney is granted a perpetual non-exclusive license to make use of the copyright in all images supplied, including the right to make copies available to third parties as though they were Council images. The signatures of both the applicant and the photographer must be included.*

Any damage to the public way including trees, footpaths, kerbs, gutters, road carriageway and the like must immediately be made safe and functional by the applicant. Damage must be fully rectified by the applicant in accordance with the

City's standards prior to a Certificate of Completion being issued for Public Domain Works or before an Occupation Certificate is issued for the development, whichever is earlier.

(21) PRESERVATION OF SURVEY MARKS

All works in City streets must ensure the preservation of existing permanent survey marks (a brass bolt, or a lead plug holding a brass tack, covered by a cast iron box). At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Project Manager Survey / Design Services to arrange for the recovery of the mark.

Prior to the issue of a Construction Certificate, a survey plan, clearly showing the location of all permanent survey marks fronting the site and within 5 metres on each side of the frontages must be submitted to Council.

At least forty-eight hours prior to the commencement of any works in the public way within 1 metre of a permanent survey mark contact must be made with the City's Senior Surveyor to arrange for the recovery of the mark.

A fee must be paid to the Council for the replacement of any permanent survey mark removed or damaged in accordance with the City's Schedule of Fees and Charges (Reinstatement of Survey Box).

(22) PROTECTION OF SURVEY INFRASTRUCTURE

Prior to the commencement of any work on site, a statement prepared by a Surveyor registered under the Surveying and Spatial Information Act 2002 must be submitted to Council verifying that a survey has been carried out in accordance with the Surveyor General's Direction No. 11 – Reservation of Survey Infrastructure. Any Permanent Marks proposed to be or have been destroyed must be replaced, and a "Plan of Survey Information" must be lodged at the NSW Land Registry Services.

Reason: To ensure that the survey control infrastructure and cadastral framework are preserved for the public benefit and in accordance with the Surveying and Spatial Information Act 2002.

(23) PUBLIC DOMAIN PLAN

A detailed Public Domain Plan must be prepared by a suitably qualified architect, urban designer, landscape architect or engineer and must be lodged with Council's Public Domain Section and be approved by Council prior to a Construction Certificate being issued for public domain work or above ground building work, whichever is later.

- (b) The Public Domain Plan must document all works required to ensure that the public domain complies with the City of Sydney's Public Domain Manual, Sydney Streets Code and Sydney Streets Technical Specification, including requirements for road pavement, footway pavement, kerb and gutter, drainage, vehicle crossovers, signage and other public domain elements. If an Alignment Levels condition applies to the development, the Public Domain Plan submission must incorporate the approved Alignment Levels. If the proposed detailed design of the public domain requires changes to any previously approved Alignment Levels, then an amended Alignment Levels*

submission must be submitted to and approved by Council to reflect these changes prior to a Construction Certificate being issued for public domain work.

- (c) *The works to the public domain are to be completed in accordance with the approved Public Domain Plan and Alignment Levels plans and the Public Domain Manual before any Occupation Certificate is issued in respect of the development or before the use commences, whichever is earlier.*

(24) PUBLIC DOMAIN WORKS BOND

Public Domain Works Deposit will be required as security for the public domain works and for repairing damage that may be caused to the public domain in the vicinity of the site, in accordance with the City of Sydney's adopted fees and charges and the Public Domain Manual. The Public Domain Works Deposit must be submitted as an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for completion of the obligations under this consent (Guarantee).

Council's Public Domain section must be contacted to determine the guarantee amount prior to lodgement of the guarantee. The guarantee must be lodged with Council prior to a Construction Certificate being issued.

The Guarantee will be retained in full until all Public Domain works, including rectification of damage to the public domain, are completed to City of Sydney standards and approval and the required certifications, warranties and works-as-executed documentation are submitted and approved by Council in writing. On satisfying the above requirements, 90% of the security will be released. The remaining 10% will be retained for the duration of the specified Defects Liability Period.

(25) PUBLIC DOMAIN WORKS – HOLD POINTS AND HANDOVER

- (a) *Prior to a Construction Certificate being issued for public domain work, including civil, drainage and subsurface works, a set of hold points for approved public domain, civil and drainage work is to be determined with and approved by the City's Public Domain section in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification.*
- (b) *Prior to a Certificate of Completion being issued for public domain works and before the issue of any Occupation Certificate for the development or before the use commences, whichever is earlier, electronic works-as-executed (as-built) plans and documentation, certified by a suitably qualified, independent professional must be submitted to and accepted by Council for all public domain works. Completion and handover of the constructed public domain works must be undertaken in accordance with the City of Sydney's Public Domain Manual and Sydney Streets Technical Specification, including requirements for as-built documentation, certification, warranties and the defects liability period.*

(26) STORMWATER AND DRAINAGE - MAJOR DEVELOPMENT

- (a) *Prior to an approval or Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work a detailed drainage engineering*

design, calculations and design for the stormwater overland flow path for the development must be:

- i. prepared by a suitably qualified hydraulic or civil engineer to show the proposed method of collection and disposal of stormwater; and*
 - ii. prepared in accordance with the City of Sydney's Stormwater Drainage Manual, technical specifications, standards and policies, as amended from time to time; and*
 - iii. submitted to and be approved by the City of Sydney and a copy of the City's letter of approval must be provided to the Principal Certifying Authority.*
- (b) For approval of a connection into the City of Sydney's drainage system an "Application for Approval of Stormwater Drainage Connections" must be submitted to the City, together with an application fee in accordance with the City of Sydney's adopted Schedule of Fees and Charges.*
- i. The application must be approved by the City of Sydney prior to an approval or Construction Certificate being issued for excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work.*
 - ii. All proposed connections to the City's underground drainage system require the owner to enter into a Deed of Agreement with the City of Sydney and obtain registration on Title of a Positive Covenant prior to an Occupation Certificate being issued, including an Interim Occupation Certificate.*

On-site Detention

- (c) The requirements of Sydney Water regarding the on-site detention of stormwater must be ascertained and complied with.*
- i. Evidence of the approval by Sydney Water of the detailed design of the on-site detention must be submitted to and be accepted by the City of Sydney and a copy of the City's letter of acceptance must be provided to the Principal Certifying Authority prior to a Construction Certificate being issued, excluding for any approved preparatory, demolition or excavation works.*
 - ii. Prior to the issue of an Occupation Certificate, including an Interim Occupation Certificate, a Positive Covenant must be registered on the property title for all drainage systems involving On-Site Detention (OSD) to ensure maintenance of the approved OSD system regardless of the method of connection.*

Stormwater Quality Assessment

- (d) Prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), but excluding approved preparatory or demolition work, a stormwater quality assessment must be undertaken and must be approved by City of Sydney and a copy of the City's letter of approval must be provided to the Principal Certifying Authority.*

A stormwater quality assessment must be undertaken by a suitably qualified drainage engineer to demonstrate how the development will be designed to ensure that the flow of post-development pollutants from the site due to stormwater will be reduced. The water quality assessment must be submitted to and be approved by the City of Sydney and a copy of the City's letter of approval must be provided to the Principal Certifying Authority prior to a Construction Certificate being issued for any excavation, civil construction, drainage or building work (whichever is earlier), excluding approved preparatory or demolition work.

Prior to the issue of an Occupation Certificate, maintenance schedules of the proposed water sensitive urban design and drainage measures must be submitted to and be approved by the Principal Certifying Authority and a copy provided to the City of Sydney.

Completion / Works-as-Executed Documentation

- (e) *Prior to a Certificate of Completion being issued by the City of Sydney for stormwater drainage works:*
 - i. *All works for the disposal of stormwater and drainage are to be implemented in accordance with the approved plans, City of Sydney technical specifications. Standards and policies, approval letters and the requirements of this consent.*
 - ii. *a Works-As-Executed survey, prepared, signed and dated by a Registered Surveyor, must be submitted to and be accepted by the City of Sydney. The plan must be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked.*
 - iii. *Electronic works-as-executed (as-built) details, certifications, warranties, inspection reports (including Closed Circuit Television reports) and associated documentation for the completed work must be prepared and certified by a suitably qualified hydraulic engineer, in accordance with the requirements of the City of Sydney's technical specifications, the Public Domain Manual, the Stormwater Drainage Manual, the conditions of this consent and all letters of approval issued by the City of Sydney for works in the public domain, and must be submitted to and be accepted by the City of Sydney.*
- (f) *Prior to the issue of the first Occupation Certificate, including an Interim Occupation Certificate, or before the use commences (whichever is earlier):*
 - i. *A copy of the City's Certificate of Completion for all stormwater and drainage work undertaken in the public domain must be provided to the Principal Certifying Authority;*
 - ii. *a Works-As-Executed survey, must be prepared, signed, dated and certified by a Registered Surveyor and must be submitted to and be accepted by the Principal Certifying Authority. The Works-as-Executed plan must be overlaid on a copy of the approved stormwater drainage plans issued with the Construction Certificate, with variations to locations, dimensions, levels and storage volumes clearly marked;*

- iii. *a Hydraulic Compliance Certificate and Calculation Sheet must be prepared by a suitably qualified hydraulic engineer (minimum NER), showing approved versus installed hydraulic calculations, and must be submitted to and be accepted by the Principal Certifying Authority;*
- iv. *evidence of Sydney Water's acceptance of the Works-As-Executed documentation, certification and Hydraulic Compliance Certificate and Calculation Sheet must be provided to the Principal Certifying Authority;*
- v. *The Principal Certifying Authority must submit a copy of the Works-As-Executed plans, certifications, Hydraulic Compliance Certificate and Calculation Sheet to the City of Sydney.*

(27) DEFECTS LIABILITY PERIOD – PUBLIC DOMAIN WORKS

All works to the City's public domain, including rectification of identified defects, are subject to a 6-month defects liability period from the date of final completion. The date of final completion will be nominated by Council on the Certificate of Practical Completion for public domain works.

(28) PROTECTION OF STONE KERBS

- (a) *The existing stone kerbs on the Upper Fort Street frontage of the site are to be retained and properly protected during excavation and construction works.*
- (b) *To avoid damage to stone kerbs during excavation and construction works for the development, temporary removal and storage of the stone kerbs may be approved by Council. Removed, serviceable stone kerbs (i.e. those that are in good condition as agreed by Council officers) must be re-installed in accordance with the City of Sydney's standard details and specifications after the construction works have been completed. Note: A temporary concrete kerb will need to be constructed to retain the footpath until the stone kerbs can be reinstalled. The removed stone kerbs are to be reinstalled prior to the issue of an Occupation Certificate. Note: all costs associated with the works are to be at no cost to the Council.*
- (c) *Damaged kerbs are to be replaced to match existing to Council's satisfaction or as otherwise advised by Council officers.*
- (d) *Where new crossings or temporary crossings are to be constructed to access the property, the affected kerb stones should be salvaged and reused wherever possible.*
- (e) *All new driveway laybacks and kerbs are to be constructed with stone kerbs to match existing stones or as specified by City officers. All unused stone kerbs are to be salvaged and returned to the City's store.*
- (f) *Council approval is required before kerbs are removed.*
- (g) *Council approval is required prior to the cutting of existing stone kerbs for stormwater kerb outlets.*

(29) *PUBLIC DOMAIN DAMAGE DEPOSIT*

- (a) *A Public Domain Damage Deposit calculated on the basis of 80 Square metres of concrete site frontage must be lodged with Council in accordance with the City of Sydney's adopted Schedule of Fees and Charges. The Public Domain Damage Deposit must be submitted as an unconditional bank guarantee or insurance bond as per the Council's Performance Bond Policy in favour of Council as security for repairing any damage to the public domain in the vicinity of the site (Guarantee).*
- (b) *The Guarantee must be lodged with Council prior to an approval for demolition being granted or a Construction Certificate being issued, whichever is earlier.*

The Guarantee in this condition will be retained in full until the Public Domain Works Deposit Guarantee required by this consent is lodged with Council. Upon lodgement of the Public Domain Works Deposit Guarantee, the Guarantee in this condition will be released.