

Jason Maslen
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

By email: jason.maslen@planning.nsw.gov.au

Dear Mr Maslen

RE: Young High School Library and Joint-use Community Facility (SSD – 9671) – Notice of Exhibition

I refer to your email dated 8 November 2019 inviting comments and advice from the Heritage Council of NSW for the above State Significant Development application for the Young High School Library and Joint-use Community Facility. The proposal involves the construction of a new three storey joint use community and school library facility in Young High School and associated site landscaping within Carrington Park.

The site is not currently listed on the State Heritage Register (SHR). However, a SHR nomination for this site is currently being processed by Heritage NSW. As part of this process the Heritage Council of NSW has assessed this nomination and resolved that the Carrington Park Precinct is potentially of State heritage significance due to its association with the Lambing Flat Anti-Chinese Riots. On the 14 July 1861 a large-scale riot involving a battle between miners and police and an historic reading of the *Riot Act* occurred on this site. This event is important to NSW and Australian history in three ways:

- it is a key moment in the history of racism in Australia considering that the Lambing Flat Anti-Chinese riots immediately led to the restriction of Chinese immigration to NSW and in the long term contributed to the formation of the White Australia Policy;
- it is the second major battle that occurred between miners and police during the Goldrushes, the first being the Eureka Stockade in 1854; and
- it was the second time the *Riot Act* was read in NSW history and was the first effectual reading of this act.

Much of the potential heritage significance of this site is intangible or archaeological in nature. The intangible significance relates to the remnant landscape and topography of Young High School and Carrington Park. The archaeological significance has been confirmed through recent testing that demonstrated that State significant archaeological deposits are present within Young High School. However, the former Great Courthouse (Block AA) is still an integral element of this precinct considering it represents a later (and continuing) reimposition of law and order in stately built form on this site that was once the scene of one of Australia's most notorious riots.

The Environmental Impact Statement (EIS) prepared by Ethos Urban Pty Ltd including the following appendixes were reviewed:

- Appendix A: Architectural Plans;
- Appendix C: Design Report and Verification Statement;
- Appendix D: Site Survey;
- Appendix E: Landscape Plans;

- Appendix I: Heritage Impact Statement;
- Appendix J: Historical Archaeology Assessment and Testing Report;
- Appendix K: ACHAR Report;
- Appendix M: Noise and Vibration Assessment; and
- Appendix X: Arborist Report.

It is disappointing that the EIS does not attempt to confront the racist nature of the riot event that occurred here. For instance, the words 'Chinese' or 'racism' are not present in the main document. While the attached heritage reports do discuss these issues in their history sections this does not translate into them being fleshed out and grappled with in the various significance assessments. Without confronting this difficult history this proposal is not truly recognising the potential State heritage significance of this site or considering how the proposal may benefit or impact these values.

The following detailed comments are made with regard to the built heritage, landscape, and historical archaeological aspects of the proposal. These are followed by outstanding issues of concern and recommended conditions of approval.

Historical Archaeology

The Historical Archaeological Assessment and Testing Report (HAA) indicates that the site has potential for state significant historical archaeological remains associated with the goldrush era police camp dating from 1860 to the 1880s and the Lambing Flat Anti-Chinese Riots event of 14 July 1861. Testing conducted in July 2019 under a *Heritage Act 1977* s141 approval for Early works confirmed the site has been heavily disturbed. However, the testing program has also demonstrated that State significant archaeology survives within the site.

It is unclear from the impact assessment in the HAA how the testing was used to guide and amend the current SSDA design, in particular for the New Block NN landscaping (GML 2019, p73). The current proposal advises that the landscaping proposed for New Block NN (p.73) would be monitored, but should intact State significant archaeology be identified, a program of design review would be undertaken. Redesign of an SSDA may be difficult to accommodate at a later point in the project delivery, and earlier investigation may be warranted here. Earlier staged investigation for the New NN Block landscaping may be beneficial to guide the design in this area. This would also enable a better approach to manage the risk of Significant finds resulting in increased cost and time delays for the project.

A condition is recommended to manage the design review process outlined in the Historical Archaeological Assessment, this requirement was also reflected in other another recent SSDA for the Parramatta Public School and Arthur Philip High School site. Additional public outcomes which relay the results of the archaeological investigation are also recommended, particularly through Interpretation and which align with the NSW Education Curriculum's history syllabus.

Heritage Impact Statement (HIS)

The HIS fails to completely fulfil the SEARs heritage requirements on two fronts:

- it does not identify what noise and vibration impacts the proposal will have on surrounding heritage buildings and provide appropriate mitigation measures;
- it does not provide full consideration of the intangible significance of the remnant landscape in relation to the riot event.

Generally, the HIS and EIS undervalue the intangible significance of the site and the importance of the riot and battle event here in NSW and Australian history. Simply referring to the place as 'the site of the Lambing Flat riot of 1861 where the *Riot Act* was read' is not enough. Consideration of the event and how it links to the remnant landscape and topography is required. Generally, GML have confined consideration of the State heritage significance values of the site to its archaeological reports. Landscape values of the place should be considered in the HIS, as well as how the remaining elements of the place can assist in telling the story of the event. The HIS and CMS suffer from strictly separating the assessment of the two sites, Young High School and Carrington Park, whereas they should be considered together in the context of the riot event. They are two parts of this story and should be considered together. Amendment of the EIS and HIS is required to fully confront and recognise the State significant event that occurred here.

The EIS also does not include the Archaeological Management Plan that is referenced throughout the HIS. On multiple occasions the reader is referred to this document.

New Block NN and Landscape Design

Heritage NSW notes that the proposal, and particularly the demolition of Block BB, will result in the reinstatement and improvements of views of the Great Courthouse (Block AA) from Carrington Park and the surrounding streetscapes. Heritage NSW does not object to the demolition of this building and this heritage outcome. The New Block NN respects the reinstated views of the Great Courthouse (Block AA) with appropriate graduated setbacks. It is also sympathetic to the Great Courthouse (Block AA) through limiting its height to the gutter line of this building and mimicking the scale and mass of the portico columns across its front facade. To ensure that the New Block NN is complementary to the Great Courthouse (Block AA) careful consideration of material selections and colour will be needed throughout the final design process. Consideration of the bulk and scale of the New Block NN is also warranted to ensure that the proposal does not dominate the Great Courthouse (Block AA). The inclusion of view lines to break-up the mass of the building may be worth considering.

Heritage NSW supports the reinstatement of the former Currawong Street as the new Currawong Walk as part of the landscape design. This walk and the additions to the pathways within Carrington Park are consistent with the historic design of this park. However, it is unclear how the proposed curvilinear landscape design within the New Block NN forecourt is consistent with the historic landscaped garden design of the Great Courthouse (Block AA). Further research into this area is necessary and potentially redesign of the landscape design in this area required. Consideration should also be given to making any landscape design in front of the Great Courthouse (Block AA) symmetrical to mirror its design.

Outstanding Issues of Concern

Heritage NSW has the following concerns about the EIS that should be addressed to assist our ability to recommend conditions of approval:

- **Demonstration that the New Block NN is sympathetic and/or compatible with the Great Courthouse (Block AA):** The EIS should demonstrate through a detailed analysis how the New Block NN will be sympathetic and/or compatible with the Great Courthouse (Block AA). This is part of ensuring that the New Block NN does not dominate this historic building. This should be accomplished through the inclusion of detailed design drawings (elevations and plans) of the relationship between the two buildings. These drawings should also compare and contrast the material selections and colour schemes of the two buildings.

- **Investigation of the historic design of the Great Courthouse (Block AA) forecourt and landscape and incorporation into a revised landscape design:** Historic photography shows that during the nineteenth century the Great Courthouse (Block AA) featured a formal landscaped garden. Considering the symmetrical design of the Great Courthouse (Block AA) it is likely that this formal garden was also symmetrical. Ideally, the new landscape design should reference or look to reinstate this formal garden design in whole or part.
- **Investigation into how the riot event and the former Gold Commissioners Camp can be referenced in the New Block NN or landscape design:** Considering the history of this site this proposal has a tremendous opportunity to incorporate references to the buildings and features of the riot event and Gold Commissioners Camp into the New Block NN and landscape design. This is part of recognising and celebrating the history of the place, as well as telling this important story to the public and students of Young High School.
- **The main EIS document should indicate whether it has accepted the recommendations of the HIS and HAA or not:** Both these documents make sensible recommendations. However, it is unclear whether they have been accepted and actioned on by the project team in the current EIS.

Recommended Conditions of Approval

Should the Department of Planning, Industry and Environment approve this development, the following conditions are recommended as drafted to be included on that consent:

1. Heritage Management

- a) A suitably qualified and experienced heritage consultant should be nominated for this project. The nominated heritage consultant should provide input into the detailed design resolution and conservation methodologies adopted to minimise impacts to heritage values.

2. Historical Archaeology:

- a) The Applicant shall nominate a suitably qualified and experienced historical archaeologist to manage the historical archaeological program according to the following conditions. This person must fulfil the Heritage Council's Excavation Director Criteria for the excavation of State significant historical archaeological sites.
- b) The Applicant must comply with the Archaeological Research Design and Excavation Methodology prepared by GML Heritage supporting the SSDA, to guide the archaeological program. Design review and amendment, where the discovery of intact State significant archaeological relics and deposits are triggered, must be accommodated into the approved archaeological program.
- c) **Design Review:** Avoidance of impact to state significant archaeological deposits and substantially intact archaeological evidence should be employed by the works. In the scenario this material is identified, notification under s146 of the Heritage Act 1977 is required by the Proponent and a design review process must be undertaken to achieve the best outcomes for managing State significant archaeology at this site.
- d) A final archaeological excavation report shall be prepared within 12 months of the completion of archaeological excavation. It should include details of any significant artefacts recovered, where they are located and details of their ongoing conservation and protection in perpetuity by the land owner. Copies of the final excavation report shall be provided to the Department of Planning, Industry and Environment (DPIE), the Heritage Council of NSW and to the local Council's local studies unit.

Reason: The Archaeological resources at this site are of State and local significance, particularly those related to the Lambing Flat riots and associated Police site occupation. A suitably qualified Excavation Director is needed to direct the works who will enact the detailed plan to excavate guided by key research questions. At the end of the works the final excavation report is the key mechanism to interpret and document the findings of the detailed investigation. Design review needs to be conditioned to strengthen the management of State significant archaeology, which may be listed on the State Heritage Register for its conservation within the confines of this project.

3. Interpretation and Public Outcomes

- a) An Interpretation Plan should be developed for the entire site. It should set out key themes relevant to the history and significance of the site and include the Lambing Flat Anti-Chinese Riots and include recognition of key buildings (e.g. Gold Commissioners Camp) and landscape features, as well as historical and Aboriginal archaeological evidence recovered. It will identify the types, materials, locations and variety of interpretive media to be installed and be incorporated into design, as well as landscaping. The Interpretation Plan shall also include a section for use by the School students and teachers which is consistent with the NSW History Syllabus about the history and archaeology of the site. The Interpretation Plan shall be submitted to the Department of Planning, Infrastructure and Environment for approval within 6 months of the completion of the historical archaeological excavation report and include comments from the Heritage Council of NSW or its delegate. The approved Interpretation Plan must be implemented as part of the project prior to the occupation certificate being issued.

Reason: The Application nominates either an Interpretation Strategy or Plan – a plan will provide a detailed and well considered strategy and how it will be delivered within the design and layout of the site in a cohesive way. Interpretation is a key way of explaining the many heritage values of this significant landscape.

If you have any questions regarding the above advice please contact Dr Damian Tybussek, Senior Heritage Operations Officer, at Heritage NSW on 02 9585 6108 or Damian.Tybussek@environment.nsw.gov.au.

Yours sincerely



Steven Meredith
Manager, Southern Region
Heritage NSW
Department of Premier and Cabinet
As Delegate of the Heritage Council of NSW
5 December 2019