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Social Other Infrastructure Assessments
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By email: prity.cleary@planning.nsw.gov.au

Dear Ms Cleary

Notice of Exhibition of Fort Street Public School (SSD 10340) - Comments on Environmental Impact Statement

Thank you for your referral inviting the Heritage Council of NSW to provide comment and recommended conditions of approval for the Fort Street Public School (FSPS) proposal. This development has been brought to the attention of the Heritage Council prior, with specific meetings of its Approvals Committee being held on site to better understand the impacts from the school's expansion project.

The Heritage Council notes the need for the Government's upgrading and expansion of this school to cater for greater urban density and community need. We note that the Department of Education identifies that the school (FSPS) currently caters for up to 220 primary school students, with expansion required to accommodate 550 students (projected by 2036). The EIS states that in the future, the site could cater for a maximum capacity of 600 students through the construction of an additional building to the west of the existing FSPS building.

The FSPS is located within Millers Point and Dawes Point Village Precinct (SHR 01682) which is an item listed on the State Heritage Register under the *Heritage Act 1977*. The FSPS proposal will directly impact this SHR-listed item and therefore the Heritage Council, through its Delegate, wishes to suggest some controls that mitigate the level of impact from the densification of the site and the impacts to view lines, setting and archaeology. This is to balance the agreed need, but also the values of an anchor heritage location to the city, rich in layers, visual dominance, and interconnections with broader heritage elements.

We note that the SSDA includes:

- retention of three buildings of Exceptional and High significance as well as the east-west boundary wall of Exceptional significance;
- demolition of buildings/structures of Moderate and Little significance as well as some interior fabric of retained buildings;
- excavation including in an area of known archaeological potential;
- four new buildings, three of which will be located to the south of the east-west boundary wall;
- additions and alterations to the three retained buildings;
- other works such as landscaping (while retaining the mature Fig tree in the northeast of the site), signage, services, entrance road modifications; and
- modifications to the existing Bradfield Tunnel Services Building.

The proposal has an indirect impact on three other SHR-listed items located in the vicinity of the FSPS site:

- Millers Point Conservation Area (SHR 00884)
- Sydney Observatory (SHR 01449)
- Sydney Harbour Bridge, approaches and viaducts (SHR 00781)

We note that three heritage items (listed under the *Sydney Local impact s Plan 2012*) are located within the FSPS site. The proposal has a direct impact on these local heritage items:

- Fort Street Primary School Site including buildings and their interiors, fig trees and grounds (SLEP No. I938)
- The Bureau of Meteorology including interior (SLEP No. I936)
- The Messenger's Cottage for Sydney Observatory including interior (SLEP No. I937)

As delegate of the Heritage Council of NSW, we provide the following comments.

Site Impacts

The Heritage Council has previously noted concern over impacts the proposed development may have on the precinct, but seeks to engage with the Department of Education to achieve a balance of heritage values and growth. A key challenge of the FSPS site is its containment within the historic Cahill Cut, and associated non-heritage issues of traffic and access. It is also a highly prominent and significant site on Observatory Hill. The FSPS site's physical and spatial capacity to accommodate the projected student population will impact on the legibility of the key heritage elements and require their change.

Major alterations and additions are proposed to the categorised 'exceptionally' significant Fort Street Public School building (1941) designed by the architect Harry Rembert. The southern part of the school site (south of the 'exceptionally' significant east-west boundary wall) is also proposed to be densified.

The Heritage Council would therefore support opportunities to further explore a reduction in the density of the proposed development and cumulative impacts to the cultural significance of the precinct.

We understand that a single construction phase would contain and minimise disruption.

Strategic Framework and Coordination of Development in Precinct

In addition to the FSPS development, we note multiple potential projects within the Observatory Hill precinct, including Sydney Harbour Bridge Southern Cycleway, Museum of Applied Arts and Sciences (MAAS) proposal for the Sydney Observatory, and the National Trust's proposal for the S.H. Ervin Gallery. The potential for cumulative adverse impacts across the Millers Point and Dawes Point Village Precinct needs to be addressed.

Currently, there is no whole-of-government approach to determining an overarching vision and strategy for the precinct. We understand that the City of Sydney Council has a draft Masterplan (2012) for Observatory Hill. However, this is an internal document that has not been adopted by Council and has not been agreed to by other relevant stakeholders.

In 2019, Heritage NSW has been involved in monthly Stakeholders Working Group (SWG) consultation meetings. The SWG was convened under the auspices of School Infrastructure NSW as they developed this SSDA. The SWG included representatives from FSPS, National Trust of Australia (NSW), MAAS (Sydney Observatory), Roads and Maritime, Transport for

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NSW, City of Sydney, the architects FJMT, and heritage consultant Curio Projects, among others. We also understand that the State Design Review Panel of Government Architect NSW has been consulted regarding the proposed development.

On 5 June 2019, the FSPS Redevelopment proposal was presented to the Heritage Council Approvals Committee (HCAC), where it was resolved that the HCAC *“provides continued support for the establishment of a steering committee for the purpose of strategic planning and coordinating development within the precinct.”*

We therefore reiterate our support for a steering committee to be established, even after the determination of this SSDA. Such a steering committee will be helpful to guide and coordinate other potential developments across the precinct that may be proposed/developed subsequent to this SSDA and during its construction. The steering committee may also be able to provide oversight for the avoidance or minimisation of cumulative impacts on the precinct.

We also recommend a master plan or a precinct-wide strategic framework be developed and agreed to by the relevant stakeholders, for the aforementioned purpose.

Should this SSDA be approved, we recommend that a Minister’s Condition of Approval to include continuing consultation with Heritage NSW and/or Heritage Council (or its Delegate), at key stages of the detailed design development. We suggest inclusion of this condition, with or without the establishment of a steering committee and precinct-wide strategic framework.

The recommendations above will assist the Heritage Council (or its Delegate) in their wholistic assessment of, and comments on, development in the broader Millers Point and Dawes Point Village Precinct.

Conservation Management Plan

The Heritage Council welcomes the development of a CMP to support the SSDA. The March 2020 CMP prepared by Curio Projects Pty Ltd revises and updates a previous CMP prepared in 2016 by TKD Architects (the 2016 CMP was not submitted to Heritage Council for endorsement).

Whilst we have not carried out a thorough review of the 2020 CMP (which was submitted as part of this EIS), we note the following:

- Site elements assessed as being of *Exceptional* significance:
 - Potential Aboriginal and historical archaeological resources within the FSPS site curtilage;
 - Archaeological remains of former surgeon’s cottage (c.1815), present in the south of the site;
 - Fort Street Public School Building (1940s);
 - Bureau of Meteorology Building (MET Building);
 - Boundary wall between Messenger’s Cottage/MET Building and EEC;
 - Mature Morton Bay Fig tree on eastern side of Fort Street Public School.
- Site element assessed as being of *High* significance:
 - Messenger’s Cottage.
- We note that the 2020 CMP no longer includes a diagrammatic guideline for future development on the FSPS site (Figure 154 in the 2016 CMP). We recommend that Policy 25 (Design & construction of new buildings) in the 2020 CMP include more detailed justification and guidelines for where redevelopment could occur and the form, massing and height of new structures. The inclusion of such development guidelines in the CMP would provide guidance for other or future development proposals.

- The 2020 CMP responds to the significance assessment (including the significance grading of spaces) of the Fort Street Public School (1941) designed by the significant architect, Harry Rembert of the Government Architect's Branch (NB. this building is identified as Building A in this SSDA). However, we recommend that the CMP include more detailed discussion of, and guidelines for, permissible alterations (external and internal) and additions (vertical and horizontal) to this exceptionally significant building. Without such assessment, discussion and guidelines, we are unable to comment on the appropriateness or otherwise, of the proposed internal alterations and additions (vertical and horizontal) to Rembert's school building. We also consider the Heritage Impact Statement to be inadequate in its assessment of heritage impact of the proposed changes to Rembert's school building (including the new roof and photovoltaics).
- The MET Building is likely to be directly impacted by demolition and construction works. CMP Policy 22.11 states: *"Once the condition of the building has been properly assessed and made safe (See Policy 10), the heritage significance of existing spaces and fabric should be properly assessed before planning modifications to the building."* We therefore suggest a Minister's Condition of Approval to require further assessment of the proposed works to the MET Building once its physical and structural condition is known and that Heritage NSW be consulted then. The assessment should be accompanied by a Heritage Impact Assessment.
- The 2020 CMP now includes a new section (4.3) on the significance of the Cahill Cut. While we understand that this is not a CMP for the Cahill Cut, we note that the assessment of the Cahill Cut is in relation to its contribution to the significance of Fort Street Public School instead of in its own right. The 2020 CMP concludes: *"Therefore, while the Cahill Cut is undeniably a dominant landscape element in the immediate context of the FSPS Site, it is not considered to contribute to the significance of the actual FSPS Site."* We recommend that the significance of the Cahill Cut be assessed in its own right, as development of FSPS and in the Observatory Hill precinct will potentially have reciprocal, mutual and cumulative impacts on significant values.

A revised CMP will assist our future assessment and comment on potential modifications to this SSDA.

Historical Archaeology

It is noted that the SEARs reissued on 22 November 2019 under '9. Heritage' required the following for historical archaeology:

- *Address the historical archaeological and potential significance of the site, the impacts the development may have on this significance and recommended measures to manage the archaeological resource. This is to be prepared in accordance with the relevant NSW Heritage Council Guidelines by a suitably qualified historical archaeologist.*

The investigation of archaeological potential was provided in the abovementioned Appendix T and in the main report of the EIS. Both those documents advise that historical archaeological test excavation in July 2019 confirmed the presence of substantial archaeological evidence of the former Surgeon's House (c. 1820s) in the south of the site, below the existing Environmental Education Building. The archaeological resource was assessed to be of State significance for its archaeological evidence and research potential related to a significant Government establishment from the early Colony.

Curio also noted the FSPS site retains further un-investigated archaeological potential for occupation deposits and deeper sub-surface features and development in the south of the site has the potential to impact this archaeological resource. As mitigation, bulk excavation works

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have been designed to avoid the location of the footings of the Surgeon's House, with works for the new basement for Buildings G and H moved further to the east. This is supported. Curio concludes that the design has been adapted to avoid the footings as much as possible, with use of discrete piling and bridging techniques applied to allow retention of the archaeology in situ beneath the new development. Curio further advise that additional historical archaeological investigation and intervention will be required at the site to ensure potential impact to the historical archaeological resource (both known and unknown) will be appropriately managed and/or avoided. Such investigation should be guided by a Historical Archaeological Research Design and Excavation Methodology.

Based on the historic and physical research demonstrated in the above reports, Heritage NSW concurs generally with the findings made by Curio Projects. If the project is approved, recommended Conditions of Approval to manage Historical Archaeology are included below.

RECOMMENDED CONDITIONS OF CONSENT

If SSD 10340 were to be approved, the following conditions are recommended.

- a) **A steering committee be established** to inform and guide coordinated development across the precinct, including providing oversight for the avoidance or minimisation of cumulative impacts on the precinct.
- b) A Master Plan or **a precinct-wide strategic framework be developed** and agreed to by the relevant stakeholders.
- c) **Heritage NSW and/or Heritage Council (or its Delegate) be consulted** at key stages of the detailed design development. We recommend this condition, with or without the establishment of a steering committee and a precinct-wide strategic framework (recommended above).
- d) **Proposed works to the MET Building be further assessed** once the building's physical and structural condition is known. The assessment should be accompanied by a Heritage Impact Assessment. We also recommend that **Heritage NSW be consulted**.
- e) The Proponent to organise a **peer review (high-level) of the conservation management plan**. The **conservation management plan should be revised if necessary**, prior to the commencement of demolition works. The revised CMP should be resubmitted to the Department of Planning, Industry and Environment and a copy provided to Heritage NSW.
- f) A suitably qualified and experienced **heritage consultant** be nominated for this project. The nominated heritage consultant should provide input into the detailed design, provide heritage information to be imparted to all tradespeople during site inductions, and oversee the works to minimise impacts to significant values of the precinct. The nominated heritage consultant should be involved in the selection of appropriate tradespersons, and be satisfied that all work has been carried out in accordance with the relevant heritage conditions of approval.
- g) **Archival recording** be carried out in accordance with *Photographic Recording of Heritage Items Using Film or Digital Capture* guideline (Heritage Office, Department of Planning, 2006) for the Fort Street Public School site. The recording should include the site's setting on Observatory Hill and views from key vantage points.
The archival recording should be completed prior to any works (including early works) that have the potential to impact upon the Millers Point and Dawes Point Village Precinct.

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Where appropriate, we would recommend the recording of the site before, during and after any major changes and use this record in the site's interpretation. Within 12 months of completing the archival recording, the Proponent should be required to submit a digital copy of the archival recording to Heritage NSW and City of Sydney.

- h) A **Heritage Interpretation Strategy** be developed in conjunction with the detailed design of the development and be implemented during and/or at the completion of construction works. The heritage interpretation strategy should be prepared by a suitably skilled and experienced heritage specialist.
- i) An **Unexpected Heritage Finds Procedure** be prepared:
 - to manage unexpected heritage finds in accordance with any guidelines and standards prepared by the Heritage Council of NSW or Heritage NSW; and
 - by a suitably qualified and experienced heritage specialist.The Procedure must be included in relevant management plans.

Note: Human remains that are found unexpectedly during works are under the jurisdiction of the NSW State Coroner and must be reported to the NSW Police immediately.
- j) The SSDA, once approved, will be exempt from the provisions of the NSW *National Parks and Wildlife Act 1974* and the requirement for an AHIP. However, appropriate best practice archaeological investigation and mitigation should be undertaken in accordance with the methodology presented in Section 6 of the **Aboriginal Cultural Heritage Assessment Report** (ACHAR) for the FSPS site.
- k) Non-Aboriginal **heritage induction (heritage awareness training)** should be provided for contractors prior to commencement of early or construction works to ensure understanding of significant values and fabric that may potentially be impacted by the project, and the procedure required in the event of discovery of historical heritage materials, features or deposits, or the discovery of human remains.

Historical Archaeological Management

- l) Before excavation that may disturb archaeological 'relics', the Proponent must nominate a suitably qualified Excavation Director who complies with the Heritage Council of NSW's Criteria for Assessment of Excavation Directors (2019) to oversee and advise on matters associated with historic archaeology and advise the Department of Planning, Infrastructure and Environment (DPIE) and Heritage NSW. The archaeologist must meet the Criteria for the proposed activity and significance level. The Excavation Director must be present to oversee the excavation and advise on archaeological issues. The Excavation Director must be given the authority to advise on the duration and extent of oversight required to ensure that archaeological 'relics' are recorded to an adequate standard.
- m) Before any excavation at the site an Archaeological Research Design and Excavation Methodology is also to be prepared to guide any proposed excavations. This is to be provided to the Department and to Heritage NSW to confirm adequacy of the proposed methods.
- n) A final archaeological report must be submitted to the Heritage Council of NSW within one year of the completion of archaeological excavation on the project.
- o) The Proponent must ensure that if substantial intact archaeological deposits and/or State significant relics not identified in the Archaeological Assessment documents prepared for

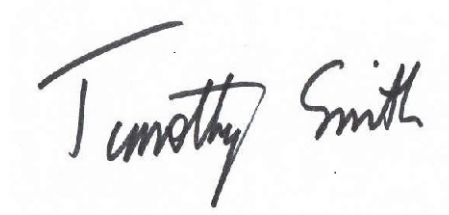
the project are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified in accordance with s.146 of the *Heritage Act 1977*. Additional assessment and approval from DPIE may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Local heritage items

As the Millers Point and Dawes Point Village Precinct contains several heritage items of local heritage significance, advice should be sought from the City of Sydney.

If you have any questions regarding the above advice, please contact Hendry Wan, Senior Heritage Officer Major Projects at Heritage NSW on (02) 8837 6090 or at Hendry.Wan@environment.nsw.gov.au

Yours sincerely

A handwritten signature in black ink that reads "Timothy Smith". The signature is written in a cursive style with a large, sweeping 'T' and 'S'.

Tim Smith OAM

Director, Heritage Operations

Heritage NSW

Department of Premier and Cabinet

As Delegate of the Heritage Council of NSW

30 April 2020