

20 May 2021

Jenny Chu
Planner
Department of Planning, Industry and Environment

Submitted online: Major Projects Planning Portal

Dear Ms Chu,

National Trust submission relating to Fort Street Public School

The National Trust of Australia (NSW) expresses its strong objections to the modification plans submitted for Fort Street Public School – plans that will have a major impact upon one of the most significant and historically important parts of Sydney.

The addition of an extra floor level and the increase in scale and bulk goes against all previous planning and heritage advice for this sensitive, State Heritage Listed location. This development cannot be considered to be “substantially the same” as defined as a section 4.55(2) modification. The modification proposal must be refused, and this redesign must be considered as an entirely new application.



The town of Sydney in New South Wales, drawn by Major Taylor, 48 Regt. 1823. The main building in this image is the 1815 Military Hospital – now the National Trust Centre at Observatory Hill – and one of the earliest buildings in Australia. (Source: National Library of Australia)

The National Trust have long been resident at Observatory Hill and fully understand the importance of this place and the heritage protection it requires – indeed the Military Hospital Building at Observatory Hill was one of the earliest places nominated for heritage protection on the Trust’s very first list of historic buildings prepared in 1946. This modification proposal is not in sympathy with this important place and its established heritage protection measures.



The Proposal

The National Trust has long supported the ongoing provision of an educational facility on the subject site, and indeed notes the historical importance of this use. The previously approved design for the school on this site (*SSDA Notice of Decision (7/10/2020) - SSD-10340 Fort Street Public School*), while not an optimal heritage outcome, was nonetheless designed to meet the heritage requirements of the site. We note the feedback provided by the City of Sydney to that proposal:

“the proposal should be sympathetic to the heritage items on site, including the Fort Street Public School Building, the Meteorology Building and the Messenger’s Cottage, the surrounding heritage items, including the Sydney Observatory and the National Trust Centre, and State and locally significant conservation areas.”

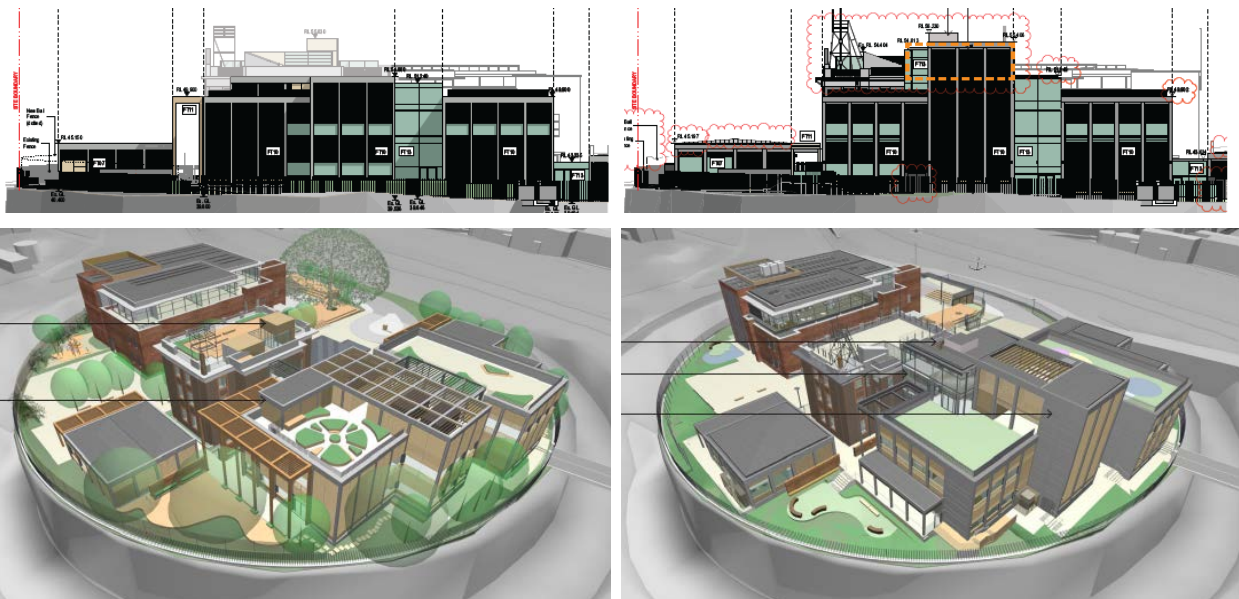
The “modification” that has been submitted, only a few months after the original design was approved and immediately before construction on that design was due to commence, includes (but is not limited to):

- a major redesign of the main new building on the site;
- increasing Building J by an additional level;
- removing an entire lower ground floor level;
- modifying all building services including lifts and mechanical plant;
- dramatically changing the external envelope in both design and material;
- completely altering the internal floor plan.

This must be considered a new application.

There is a perception that this modification was the planning strategy all along, and if so it is a worrying precedent and a totally irresponsible approach from a state government agency who should set the standard for heritage protection.

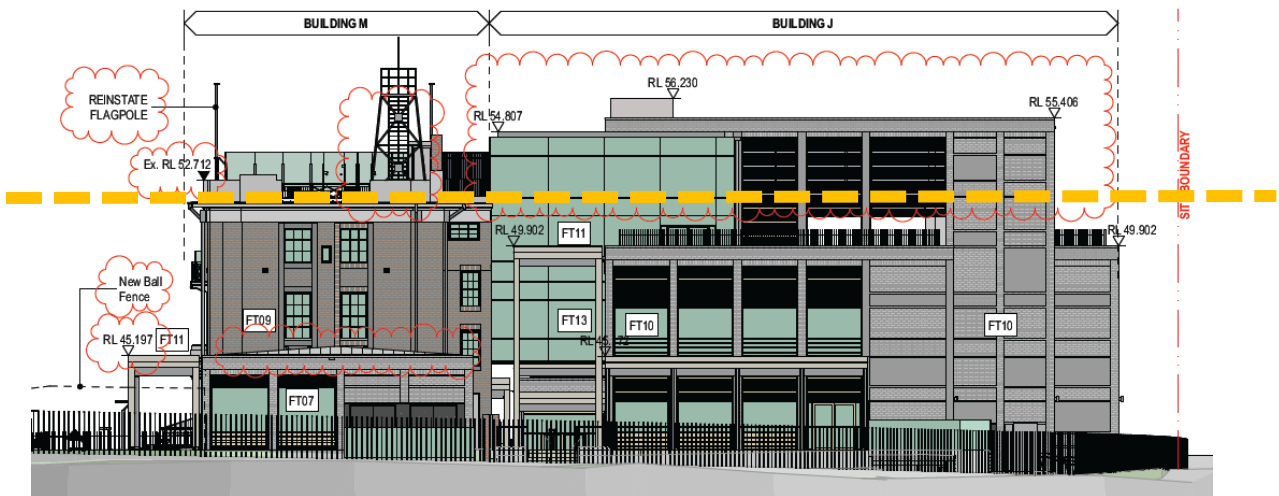
The new design means that a large, four-storey fire escape stair will now loom over one of Sydney’s oldest public buildings (the National Trust Centre, housed within the remaining sections of the 1815 Military Hospital and 1840 National School) and be the immediate view from the main entry and exit door to the S.H. Ervin Gallery, housed within the 1856 Fort Street School building.



The approved design (left) and the “modified” design (right). Given the sensitive location, and the relatively small scale of the works under discussion and their impact on adjacent heritage buildings, this must not be considered a modification as per the definition under Section 4.55(2), which states that works must be “substantially the same” for which consent was originally granted. (Source: FJMT Architectural Design Statement, pp.29-30)



The original design (above) with classrooms fronting the National Trust Centre, compared to the new design (below) showing the dramatically increased building form and height. (Source: Heritage Impact Statement)



The proposed west elevation, showing the height datum of the rooftop of the MET Building and the new floor that is proposed above this line. This drawing was not included in the Heritage Impact Statement by Curio Projects that accompanied this modification. (Source: FJMT drawing, with National Trust overlay)



Heritage Impact

The modification proposal goes against all previous heritage advice for this sensitive site, and the heritage consultants (Curio Projects) engaged by School Infrastructure NSW have fully endorsed this modification in spite of it clearly not meeting their own previously submitted conservation guidance that was specifically prepared for the original application.

In the most recent documentation submitted for the modification for Fort Street Public School there is a *CMP Compliance Statement* (12 February 2021) from Curio Projects which states:

*“The proposed s4.55 modifications to SSD 10340 have been assessed against the policies established in the Conservation Management Plan (CMP) for the site (Curio Projects & TKD Architects 2020, Fort Street Public School—Conservation Management Plan. Report to Schools Infrastructure NSW, dated March 2020) and have been **found to be compliant with all CMP policies.**”*

This is not the case – it is not compliant with numerous policies.

The Compliance Statement goes on to state that section 5.4 of the Heritage Impact Statement (also by Curio Projects) assesses the modification against the relevant CMP policies – which it does not. The consultant has simply chosen to argue that the applicable and relevant heritage policies (which they have written) do not apply to this modification, or has completely ignored them.

It is simply staggering in this analysis that the heritage consultants for this project have claimed (p.72 of the Heritage Impact Statement) that the entire section of CMP policies dealing with the design and construction of new buildings is not applicable to this modification despite the fact that an additional storey is being added to a new building (Building J) as part of this modification which will make it taller than the Bureau of Meteorology (MET) Building.

The Conservation Management Plan for this site by Curio Projects (March 2020 – and not included in the documentation for this modification) has the following policies, which are not outlined in the HIS assessment of the modification. (Please note bold text by National Trust):

CMP Policy (Curio Projects, March 2020)	S4.55 Modification Assessment (Curio Projects, February 2021)	National Trust Assessment of modification against CMP Policy
Policy 4.1 <i>Ensure that all conservation works undertaken at Fort Street Public School, the Messenger’s Cottage, Bureau of Meteorology and adjacent parts of the site are overseen or undertaken in consultation with qualified and experienced conservation professionals acting within the principles, policies and guidelines established in the CMP.</i>	<i>Compliant</i>	Does not comply. The addition of another storey, making the building taller than the MET building, clearly means the project does not comply with the broader principles, policies and guidelines of the CMP.



CMP Policy (Curio Projects, March 2020)	S4.55 Modification Assessment (Curio Projects, February 2021)	National Trust Assessment of modification against CMP Policy
<p>Policy 6.1</p> <p><i>Any significant works proposed for within the site curtilage should be accompanied by a Heritage Impact Statement, specific to the proposed activities, to be assessed in accordance with the policies presented within this CMP and all relevant NSW Heritage Council guidelines.</i></p>	<p><i>Compliant</i></p>	<p>Does not comply.</p> <p>The proposed modification has not been assessed in accordance with CMP policies (see below).</p>
<p>Policy 21.4</p> <p><i>Any future development should retain the general bulk and massing character of precinct (i.e. complement single storey Messengers Cottage as well as three stories of MET)</i></p>	<p><i>Not applicable to this Modification.</i></p>	<p>Does not comply.</p> <p>This clause is applicable.</p> <p>The project exceeds the three stories of the MET Building – this is a critical change in bulk and scale.</p>
<p>Policy 22.11</p> <p><i>Once the condition of the (MET) building has been properly assessed and made safe, the heritage significance of existing spaces and fabric should be properly assessed before planning modifications to the building.</i></p>	<p><i>Compliant</i></p>	<p>Does not comply.</p> <p>The National Trust understand the MET Building is still in a state of disrepair and has not been made safe and properly assessed, yet a full design for it has been prepared.</p>
<p>Policy 25.1</p> <p><i>The design of any future new buildings will be consistent with the principles and guidelines established in this CMP.</i></p>	<p><i>Not applicable to this Modification.</i></p>	<p>Does not comply.</p> <p>This clause is applicable.</p> <p>The proposed modification is not consistent with the principles and guidelines established by the CMP (see below).</p>
<p>Policy 25.3</p> <p><i>The height of new buildings is to be considered in relation to existing buildings on the site and views to them from the north and east. Maximum heights of new buildings should not exceed those of the existing heritage items to which they are locationally and visually related.</i></p>	<p><i>Not applicable to this Modification</i></p>	<p>Does not comply.</p> <p>This clause is applicable.</p> <p>The proposed Building J exceeds the height of the existing adjacent MET Building.</p>



CMP Policy (Curio Projects, March 2020)	S4.55 Modification Assessment (Curio Projects, February 2021)	National Trust Assessment of modification against CMP Policy
Policy 25.5: <i>The Bureau of Meteorology should remain as a dominant building on site (both in height, and architectural form)</i>	<i>Not applicable to this Modification</i>	Does not comply. This clause is applicable. The project exceeds the three stories of the MET Building, and is far more dominant in terms of architectural form and massing.

The modification will not only reduce the dominance of the Bureau of Meteorology building on this site, but will also have a dramatic and overbearing impact on the historic buildings which are located in a lower position to the south of the site. A large four storey fire escape stair will now be the dominant feature upon approaching and exiting the National Trust Centre and S.H. Ervin Gallery.

There are obvious historical reasons why the Bureau of Meteorology Building rooftop is the tallest on Observatory Hill, as a place for observing the weather. The National Trust firmly agree with the (ignored) CMP Policy that this building should remain as a dominant building on site, both in height and architectural form, in this important location. The modification, which proposes a four storey building, is clearly not compliant with the CMP Policies developed in March 2020 by Curio Projects, despite claims in the attached document and revised HIS that this is the case.

To claim that the applicable clauses which specifically state that new buildings on the site should not exceed the height of the Bureau of Meteorology Building simply “do not apply” to this modification makes a mockery of the entire Conservation Management Plan, and the planning process generally.

Conclusion

Observatory Hill is one of the most historically important places in Sydney. As a group, the Sydney Observatory, MET Building, and the former 1815 Military Hospital and Fort Street School are arguably of national significance.

Heritage analysis is not something that consultants can simply “pick and choose”. The original heritage advice for this sensitive location made very clear that the MET Building was to be the limiting height on this site. This position must be maintained and an additional floor must not be permitted.

The National Trust believe that any design for this important site must have heritage as a key consideration, and that the proposed increase in height and bulk does not do this.

This modification must be refused.

Yours sincerely,

David Burdon
Director, Conservation