

11 February 2022

Hon. Mark Latham, MLC
Chair
Portfolio Committee No 3 – Education
Parliament House
Macquarie Street
SYDNEY NSW 2000

By email: portfoliocommittee3@parliament.nsw.gov.au

Dear Mr Latham,

Inquiry into the planning and delivery of school infrastructure in New South Wales

The National Trust of Australia (NSW) makes comment in relation to the delivery of School Infrastructure in NSW, in particular with regard to heritage.

There is of course a great need to ensure that appropriate educational facilities are provided for every NSW public school student, and it has long been recognised that our school buildings form important focal points for our communities.

The heritage of our school buildings and landscapes has long been recognised by listing on the National Trust (NSW) Register, and this in turn has influenced the heritage listing of many schools on both Local and State heritage registers. School Infrastructure NSW, as the custodian of these places, has a very important responsibility.

The National Trust makes the following observations in relation to this inquiry:

- School Infrastructure, as part of the Department of Education, is responsible for literally thousands of heritage items.
- It is the Trust's understanding that there is currently no dedicated heritage adviser within the organisation with relevant skills and experience relating to this heritage portfolio.
- Existing buildings can, in the majority of cases, continue to deliver quality learning environments.
- The long-term strategic planning to maintain and preserve existing heritage assets is unclear, and there appears to be a focus on delivering new assets instead of maintaining, restoring, or adapting existing ones.
- There is clear evidence that properly considering heritage issues at the commencement of a project can deliver a more cost effective project with less planning hurdles (ie: a shorter timeframe) and reduced student disruption.
- There is an increasing acceptance that "the greenest building is the one already there" and the retention and adaptive re-use of school buildings makes environmental sense.

The Trust's submission comprises two particular examples that illustrate the above points.



Quantity of heritage items

The National Trust has reviewed the 2021 report of the Auditor General and notes that:

The current footprint of the school portfolio is approximately 8.6 million square metres in over 20,000 structures of varying condition, age and functionality. Currently, 55 per cent of permanent buildings are over 40 years of age with around 80 per cent over 25 years. There is a separate program to address the maintenance backlog in NSW public schools that was not in the scope of this audit.¹

A properly designed and planned school can have a long lifespan, and many school buildings across NSW are in fact over 100 years of age. On the whole these structures remain sound learning environments. The Education Department's Heritage and Conservation (s.170) Register was not able to be located by the National Trust in 2022 (despite it previously being available), and so the exact quantity of heritage items under the control of School Infrastructure NSW is not able to be determined.

Using the NSW State Heritage Inventory search function for the category "School – State (Public)" however, the following results are obtained:

- 7 State heritage listed items
- 823 results for Local Environment Plan Heritage listings.

The National Trust notes that in 2016 there were 571 school sites with state government agency (s.170) listings. These figures should of course be checked, but it would be a safe to assume that the Education Department, with over 2200 sites under its control, each with multiple built assets, is the largest owner of listed heritage buildings in NSW.

Without clear internal guidance on how to manage these assets however, both in terms of required maintenance and as part of proposed development projects, there is a significant risk that poor outcomes will result, both for existing and proposed school buildings. This has already occurred.



Penshurst Public School – A perfectly useable, well-built and substantial building, recently demolished despite heritage listing on both the s.170 register and Local Environmental Plan. This building, like so many others of its type have been, could have easily been adapted to meet future student needs.

¹ <https://www.audit.nsw.gov.au/our-work/reports/delivering-school-infrastructure>



Case Study 1: Penshurst Public School

In June 2018 the National Trust wrote to the Minister for Education objecting to the demolition of the heritage listed 1925 Penshurst Public School.

The application included the demolition of the heritage listed 1925 Main Building (Building A). The National Trust argued that the demolition of a building that has served the Penshurst community for almost 100 years did not respond to or enhance the heritage nature of the school site, was not a sustainable outcome, and did not represent site-wide strategic planning.

The adaptive re-use and modification of the existing building was entirely possible and indeed desirable. The heritage report prepared by SINSW even stated that *“the 1925 building has been the focus of the site and appears to be in sound and relatively good condition... (it) retains generous sized rooms, high ceilings and reasonable amenity which provides opportunities for re-use.”*² Yet this same report concluded that adaptation was not possible.

At the time, the Trust also noted the 2018 advice of the Georges River Council Heritage Advisor that *“there is no support for the demolition of the subject heritage item (including the early two-storey addition) from a heritage point of view”* and that in order to support potential demolition there should be *“credible justification from a community benefit point of view by the Education Department as to why the heritage item (and early addition) cannot form part of the redevelopment of the site.”*³

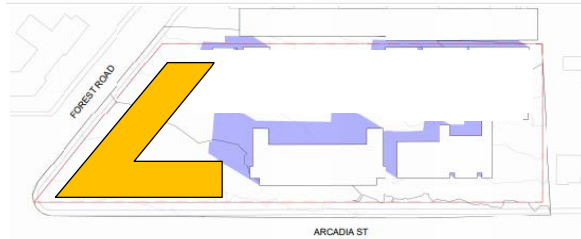
The Penshurst School community could have remained on site while a new building was constructed. As a result of demolishing every building on the site however, it was required to establish a separate “Pop up” Penshurst Public School within the grounds of Peakhurst West Public School – nearly 5kms away.

Previously, keeping a school community on site was always the standard practice and consideration when designing a school in NSW. The recent construction of Ultimo, Penshurst and Fort Street Schools (to name a few) has involved total displacement. This would appear to be a further example of the Auditor General’s findings that some final business cases examined “did not demonstrate a rigorous and transparent assessment of the range of feasible options.” Adapting existing buildings often makes heritage as well as environmental and economic sense.

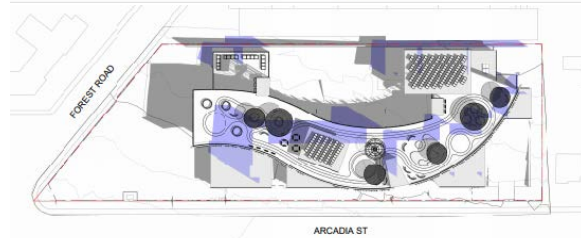
The National Trust does not normally offer design or planning advice, but the solution in this case was so obvious that a suggestion was made in 2018 on how an improved outcome could have been achieved, but this was ignored. There is no doubt that an alternative design could have been delivered for less than the eventual \$45m expended on this project:



Original Penshurst Public School site layout. The 1925 school building is shown in green.



An alternative design proposal. This option could have seen a new structure built that provided lift access to the original building, allowed the school to remain in operation during construction by simply erecting a temporary fence, and maximised play space.



The built project. This design alienates large portions of the site, required extensive demolition and full site works, and necessitated the disruption of two school communities for multiple years.

This project illustrates that heritage listing offers no protection to our historic school buildings, and that costly outcomes can result when alternative proposals are not properly explored. It sets the worst kind of precedent for the remainder of our precious educational building stock.

² Statement of Heritage Impact for Penshurst Public School, Perumal Murphy Alessi, p.78

³ Memorandum from James Stephany, 21 June 2017



Case Study 2: Fort Street Public School

The long and protracted redevelopment of the Fort Street Public School has been well documented in the Auditor General's report dated 8 April 2021. Those comments however related to the project as it stood at that time, and likely reference the design approved by the Department of Planning, Industry and Environment on 7 October 2020.

This project was located in an area of great heritage significance, on top of Sydney's Observatory Hill. It required very great heritage sensitivity. A particular concern was that the height of any new building should not exceed that of the historic Bureau of Meteorology Building, and the approved design, although perhaps not the optimal outcome for the site (particularly in terms of student population, given the extremely restricted access to the site), was accepted. This original proposal, while on public exhibition, received nine objections.

In late March 2021 however, School Infrastructure submitted a modification to the approved State Significant Development (SSD) application for Fort Street Public School. This proposal added an additional floor to the main new building and exceeded the height of the heritage listed Bureau of Meteorology Building. It also impacted the views from the National Trust Centre located in the adjacent former Military Hospital Building (c.1815). The Trust objected to the description of the modification as "minor changes" when it involved changes to multiple building heights, forms, floor plans, cladding, roof designs, fences, colonnades (including changes to size, structure and material), mechanical plant, and installation of rainwater tanks. In the Architectural Design Statement accompanying the modification, it was claimed that "since the original application, the details of the proposed expansion have been subject to an increase in the amount of detail available to the project team."⁴ The National Trust queried why detailed expert input, cost analysis, and even the School Infrastructure brief for the project would change *after* a design was put forward and not dealt with as part of the design process.

The National Trust were part of a "Fort Street Public School & Observatory Hill Stakeholder Working Group" for this project, and attended in good faith. The modification generated significant community concern and generated over 80 objections, including the school P&C. The National Trust lodged its detailed objection on 20 May 2021. At a stakeholder meeting on 12 July 2021, facilitated by Root Partnerships and chaired by the Project Director for School Infrastructure NSW, the working group was informed that School Infrastructure "is not planning to amend the design which will be lodged at the end of July" and that the Response to Submissions "will be made after the design has been lodged", and that this was "in line with the planning process". In other words – all submissions would be ignored.

In a follow-up letter to the Department of Planning dated 3 September 2021, the National Trust again objected strongly to the proposal and noted that the proposed changes made a mockery of the entire planning system, particularly with regard to heritage considerations and community input. After all, what is the point of a public exhibition if its feedback is totally ignored, and considered after the design has been approved?

It was only after National Trust and community group meetings had occurred with the NSW Planning Department, NSW Government Architect, NSW Heritage Office, the Lord Mayor of Sydney, councilors and local members, that the design was finally revised by SINSW back to something resembling the original scheme.



It is not the place of the National Trust to question the delays to the project and the consultant re-design fees for this modification and its attendant revisions.

What can be said however is that this project generated nearly six months of significant, and evidently justified, community concern that a State heritage listed precinct was to be adversely affected by an unacceptable proposal that went against all planning and heritage advice and the concerns of Heritage NSW and the National Trust.

⁴ Executive Summary, FJMT Architectural Design Statement, Revision 4 (15/04/2021), p.5



Case Study 3: Heritage Listings and Legislation

The work of School Infrastructure is of course affected by applicable legislation. The National Trust raised serious objections to the *Draft Education SEPP* in April 2017, and again expressed its concerns in December 2020 regarding the impact of the *Review of State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* on heritage places - both those statutorily listed and those yet to be identified.

The recognition of what is heritage and what has cultural value is dynamic and evolving. The recent recognition of the State cultural significance of several Binishells in NSW public schools and the inclusion on the SHR of the Lindfield Learning Village is evidence of these changing community values.



The three binishells at Narrabeen North Public School. (Photograph by Alberto Pugnale, May 2014.)

The National Trust notes however that under the Education SEPP, the following definitions apply:

heritage conservation area means land identified as a heritage conservation area or place of Aboriginal significance (or by a similar description) in an environmental planning instrument.

local heritage item means: (a) a building, work, place, relic, tree, archaeological site or Aboriginal object that is identified as a heritage item (or by a similar description) in a local environmental plan, or (b) an item of local heritage significance, as defined by the Heritage Act 1977, that is the subject of an interim heritage order in force under that Act or is listed as an item of local heritage significance on the State Heritage Inventory under that Act.

No list is complete, and many buildings of historical importance are not listed. As such, the permissibility of demolition or new development without a thorough and up to date assessment of the heritage values may result in the irrevocable loss of heritage or unsympathetic development that detracts from the heritage values. As has been illustrated with Peshurst Public School, even the presence of a historic building on the Education Department's s.170 register and its listing as a heritage item under a Local Environmental Plan do not appear to be a safeguard against demolition.

The Education SEPP has no credibility in terms of heritage protection. At the very minimum, the s.170 Heritage Conservation Registers required under the Heritage Act 1977 for each Department should be thoroughly reviewed and updated and those items recorded included within the SEPP definition of "heritage items". As it stands, the Education Department is effectively relying on local councils to inform them if a building requires heritage protection or not.

Compounding this, under the *Environmental Planning and Assessment Act, 1979*, the Heritage Act does not apply for State Significant Development and Infrastructure. The 'turning off' of the Heritage Act is having disastrous outcomes for heritage places and is causing immense levels of community distrust in government, in the planning system and in the processes that are supposed to protect places the community values.

With almost all of SINSW's work falling under the Education SEPP and/or being designated as State Significant, heritage protections are increasingly thin.



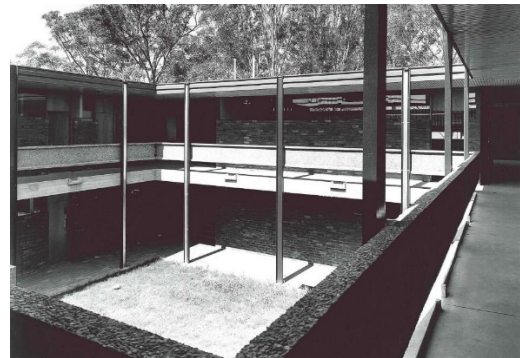
The need for heritage expertise and input

The challenges facing School Infrastructure are not new. There has always been pressure to build more classrooms as populations increase, curriculums change, and new residential areas are developed in NSW.

The new grand victorian gothic building of Crown Street Public School was built in 1879 to accommodate 1200 pupils - by 1883 this building was already overcrowded and in 1890 more classrooms were added. A similar period of expansion coincided with the arrival of the “baby boomers” into the education system which saw secondary school enrolments increase from 80,000 in 1947 to 180,000 in 1962. The now familiar “doughnut” schools developed by the NSW Government Architect’s Office were an immediate and effective response to this. The rich heritage of our schools across NSW reflects these changes in our history and development.



Crown Street Public School, c.1885 (State Library of NSW)



Canley Vale High School, c. 1965 (State Archives NSW)

The adaptive re-use of Byanami (O’Connell Street) Public School in Parramatta, awarded in the National Trust Heritage Awards in 2018, shows what can be achieved when a detailed brief is balanced with a site’s conservation values.⁵ The National Trust is greatly concerned that where other government agencies (such as Sydney Trains) are able to provide this genuine heritage input into a variety of projects, School Infrastructure has no effective heritage group - despite having a far larger portfolio.

The National Trust recommend School Infrastructure establish a dedicated internal heritage group of appropriately qualified staff. This would allow School Infrastructure to:

- Develop, maintain, and make publically accessible the Department’s Heritage and Conservation (s.170) Register, as required under the Heritage Act;
- Provide initial heritage advice to help prepare business cases that take into account heritage issues and requirements (both within the school and any adjacent conservation areas or heritage items);
- Review and, if necessary, challenge the heritage advice provided by external heritage and design consultants;
- Advise on the repair and maintenance requirements for the historic buildings under their care;
- Prevent unnecessary project delays that may result from poor initial heritage advice and/or community consultation.

Yours sincerely,

David Burdon
Director, Conservation

⁵ The initiation of this project predated the creation of SINSW