

2 October 2019

Mr. Ryan Aitken
Project Manager
EPM Projects Pty Ltd
Level 2, 146 Arthur Street
North Sydney, NSW 2060

Via email: raitken@epmprojects.com.au

Dear Mr Aitken,

Re: EC1826 - Oxford Falls Grammar School Kiosk, Warringah, NSW – Historical Heritage Constraints Assessment

Niche Environment and Heritage Pty Ltd (Niche) has been commissioned by EPM Projects Pty Ltd on behalf of the proponent, Oxford Falls Grammar School, to undertake a Historical Heritage Constraints Assessment (HHCA) for the proposed construction of an Oval Kiosk on the south western boundary of the Oxford Falls Grammar School (hereafter referred as the 'Project Area') (Figure 1 & 2).

Project Background

Niche understands that Oxford Falls Grammar School wishes to develop a small kiosk on the south western corner of the school along the tree-lined boundary of the playground at 1078 Oxford Falls Road, Oxford Falls, Warringah within the Shire of Northern Beaches Council, NSW. The development will involve the removal of one tree (ID: T11) and extraction of roots (Annex 1).

The proposed kiosk will be developed as a 'Development Permitted without Consent' under the State Environmental Planning Policy - Educational Establishments and Child Care Facilities 2017 (ESEPP).

The school would and act as the 'Registered Non-government School' (RNS), permitting them to undertake their own assessment and determination of the proposed kiosk and necessary tree removal as 'Development Permitted without Consent' under the ESEPP. This process would depend on the outcome of an environmental assessment, undertaken as a 'Review of Environmental Factors' (REF) report.

This Historical Heritage Constraints Assessment forms part of the REF report.

Regulatory and Assessment Framework

This section provides a summary of relevant legislation and associated planning instruments designed to protect and conserve significant heritage items and their values. The results of heritage register searches undertaken on (23/09/2019) did not identified any listed item on the Commonwealth Heritage List, National Heritage List or the Register of the National Estate within the Subject Area or near the location of the proposed works.

State Legislation

Environmental Planning and Assessment Act 1979

The Environmental Planning and Assessment Act 1979 (EP&A Act) establishes the framework for cultural heritage values to be formally assessed in the land use planning and development consent process in NSW. The Act requires that environmental impacts, including those to heritage items, are considered prior to land development. The EP&A

Act also requires local governments to prepare planning instruments, such as Local Environmental Plans to provide guidance on the level of environmental assessment required.

Heritage Act 1977

The Heritage Act 1977 is a statutory tool designed to conserve environmental heritage in NSW. It is used to regulate development impacts on the State's historical heritage assets. The Act defines a heritage item as "a place, building, work, relic, moveable object or precinct". Items that are assessed as having State heritage significance can be listed on the NSW State Heritage Register (SHR). Proposals to alter, damage, move or destroy heritage items listed on the SHR (or protected by an Interim Heritage Order [IHO]), require an approval under s60 of the Heritage Act 1977.

Archaeological features and deposits are afforded statutory protection by the 'relics provisions' of the Act. A relic is defined as "any deposit, artefact, object or material evidence that relates to the settlement of the area that comprises NSW, not being Aboriginal settlement, and is of State or local heritage significance". Land disturbance or excavation that will, or is likely to, result in a relic being discovered, exposed, moved, damaged or destroyed is prohibited under the provisions of the Act, unless carried out in accordance with a permit issued under s140 or s139 of the Act.

No items within or near the Subject Area are listed on the SHR register.

State Heritage and Conservation (s170) Registers

Under s170 of the Heritage Act 1977, NSW government agencies are required to maintain a register of heritage assets under their control or ownership. Each government agency is responsible for ensuring that the items entered on its register under s.170 are maintained with due diligence in accordance with State Owned Heritage Management Principles. Items listed on s170 Heritage and Conservation Registers are listed on the State Heritage Inventory (SHI).

No items within or near the Subject Area are listed on the State s170 Heritage and Conservation Register.

Local government planning instruments

Each Local Government Area (LGA) is required to create and maintain a Local Environmental Plan (LEP) that identifies and conserves Aboriginal objects and historical heritage items. These items are protected under the EP&A Act. Heritage items within each LGA are listed in Schedule 5 and are subject to the planning controls and provisions set out in Clause 5.10 (Heritage Conservation) of an LEP.

Warringah Local Environmental Plan 2011

Heritage items within the North Sydney LGA are listed in Schedule 5 of the Warringah Local Environmental Plan (LEP) 2011. These items are subject to the planning controls and provisions set out in Clause 5.10 (Heritage Conservation) of that LEP.

No items within the Subject Area are listed under the Warringah Local Environmental Plan 2011.

An item of local significance located approximately 20 metres from the Subject Area was identified under the Warringah LEP 2011 (Table 1) (Figure 3).

Table 1 Warringah LEP 2011

Item #	Item Name	Level of Significance	Suburb	Address	Proximity to Project Area
I116	Oxford Falls Public School	Local	Oxford Falls	Corner of Dreadnought Road and Wakehurst Parkway	Located approximately 20 metres south from the Subject Area.

Assessment of Significance

An assessment of significance is undertaken in order to identify why a place may be of importance and to provide appropriate mitigation measures. As outlined in *The Burra Charter (2013)* it is necessary to understand the heritage significance and the values of an item prior to making decisions on its future. The following section provides an assessment of heritage significance. The aim of the assessment is to identify the potential heritage values using the NSW state significance heritage criteria set out in the *Assessing Heritage Significance* (Heritage Council 2001) guidelines.

No items of heritage significance were identified within the Subject Area.

An item of local heritage significance listed under the Warringah LEP 2011 has been identified within the vicinity of the Subject Area (Figures 4 & 5)).

The Oxford Falls Public School (I116), built between 1926 and 1950, is a *single storey school building of timber weatherboards with gabled corrugated metal roof. Brick chimney in front gable. Verandah along northern side enclosed by fibro & glazing. Brick piers and a skillion roofed added on the eastern side in the late 1940's (OEH 2001) (Figures 4 & 5).*

The school is a representative small inter-war school building. It displays high integrity with much original fabric. Historically provides evidence of the extent of development in the inter-war period & was also the last single teacher school in Sydney when it closed (OEH 2001).

Assessment of Heritage Impact

While no historical heritage items are located within Subject Area, the Oxford Falls Public School (I116), an item of local significance listed under the Warringah LEP 2011, is located within the vicinity of the proposed works (Figure 3).

The proposed development of a small kiosk on the south western boundary of the Oxford Falls Grammar School would not directly impact any known items of heritage significance. The proposed development is not expected to change the setting, use, or directly modify the Oxford Falls Public School (I116) which is located 20 metres south of the Subject Area. The proposed kiosk will be consistent with the setting of the Oxford Falls Grammar School and nearby buildings. As such, it has been determined that the kiosk would not impact the visual setting of the area. However, this assessment has identified that the proposed development would cause temporary indirect visual impact to the Oxford Falls Public School (I116) during constructions of the kiosk. Fencing of the Subject Area and the use of material and mechanical tools to build the kiosk have been identified as the main factors that would likely affect the heritage vistas of the item (I116).

Summary of Heritage Constraints and Recommendations:

No items of heritage significance were identified within the Subject Area. The Oxford Falls Public School (I116), an item of local significance listed under the Warringah LEP 2011 has been identified approximately 20 metres south from the Subject Area.

This Historical Heritage Constraints Assessment (HHCA) has found that the proposed development of a small kiosk on the south western boundary of the Oxford Falls Grammar School would not directly impact any known items of heritage significance. The proposed kiosk would not impact the visual setting of the area as it will be consistent with the visual setting of the Oxford Falls Grammar School and nearby buildings. However, the construction of the proposed kiosk is expected to cause temporary indirect visual impact to the Oxford Falls Public School (I116). Fencing of the Subject Area and the use of material and mechanical tools to build the kiosk are the main factors that would likely affect the heritage view of the item (I116). This temporary indirect impact will be negligible and would not impact the heritage value of the Oxford Falls Public School (I116).

As a result, the following recommendations have been developed:

- Any material and machinery required for the construction of the proposed kiosk must be placed as far away as possible from the Oxford Falls Public School item (I116).
- The proposed kiosk is in keeping with the existing buildings and as such, this assessment has found that there are no visual impact constraints in relation to the Oxford Falls Public School item (I116).
- In case of further changes to the current proposed development an updated version of this assessment is recommended to comply with the compliance criterion 7D of the Planning Report for the Oxford Falls Development provided by Warringah Council (2006).
- In the unlikely event that historical archaeological remains are exposed works must cease in that area and an archaeologist should be engaged to assess the remains by means of the unexpected finds procedure.

Please do not hesitate to contact me on 0488 774 012 if you would like to discuss the results of this cumulative heritage assessment.

Kind Regards,

A handwritten signature in black ink, appearing to read 'Ricardo Servin', with a long, sweeping horizontal line extending to the right.

Ricardo Servin
Heritage Consultant
Niche Environment and Heritage

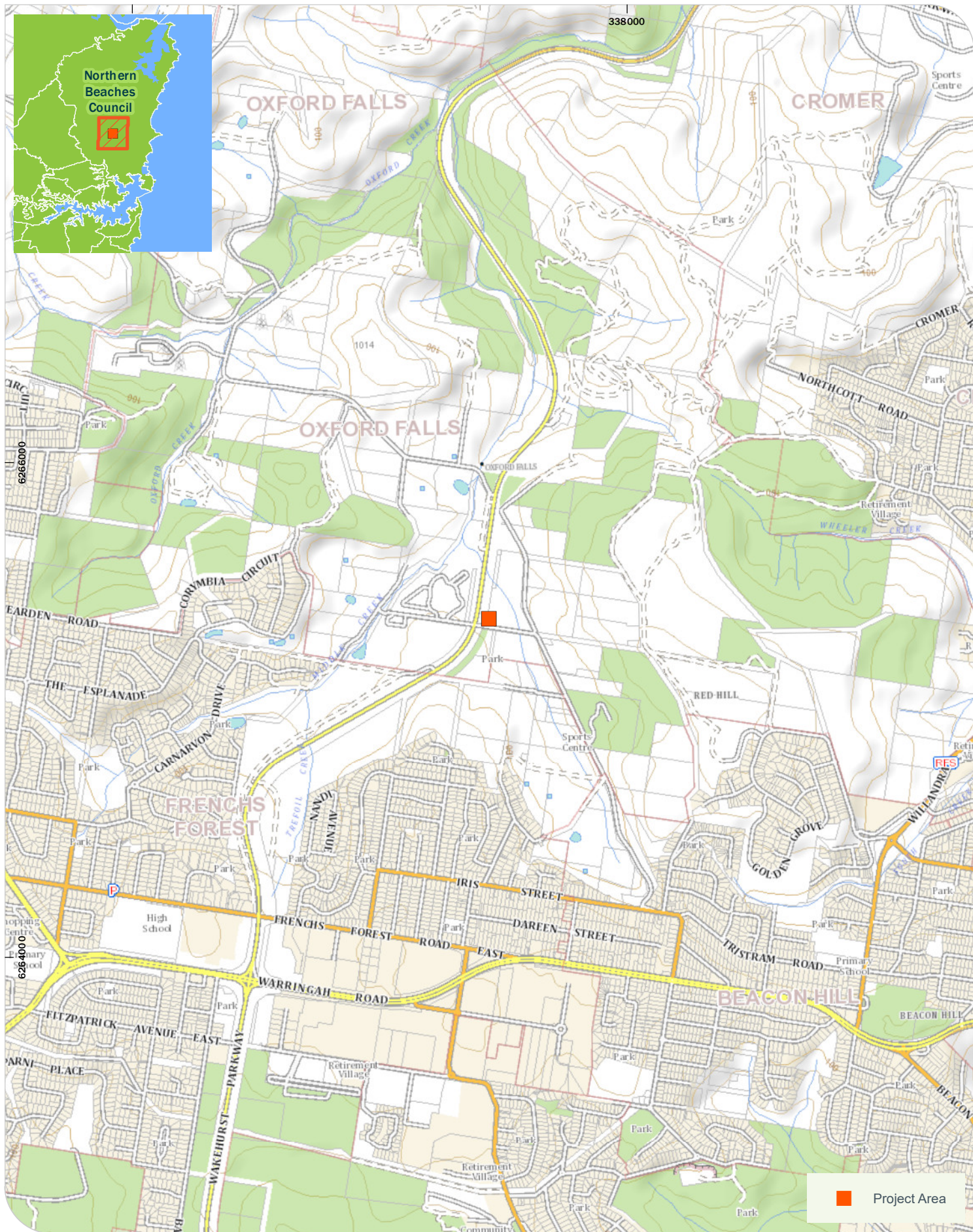
References

Australia ICOMOS, & International Council on Monuments and Sites. (2013). The Burra Charter: the Australia ICOMOS charter for places of cultural significance 2013. Retrieved from <http://australia.icomos.org/wp-content/uploads/The-Burra-Charter-2013-Adopted-31.10.2013.pdf>

DUAP. (2001). NSW Heritage Manual (NSW Heritage Office).

Office of Environment and Heritage 2001

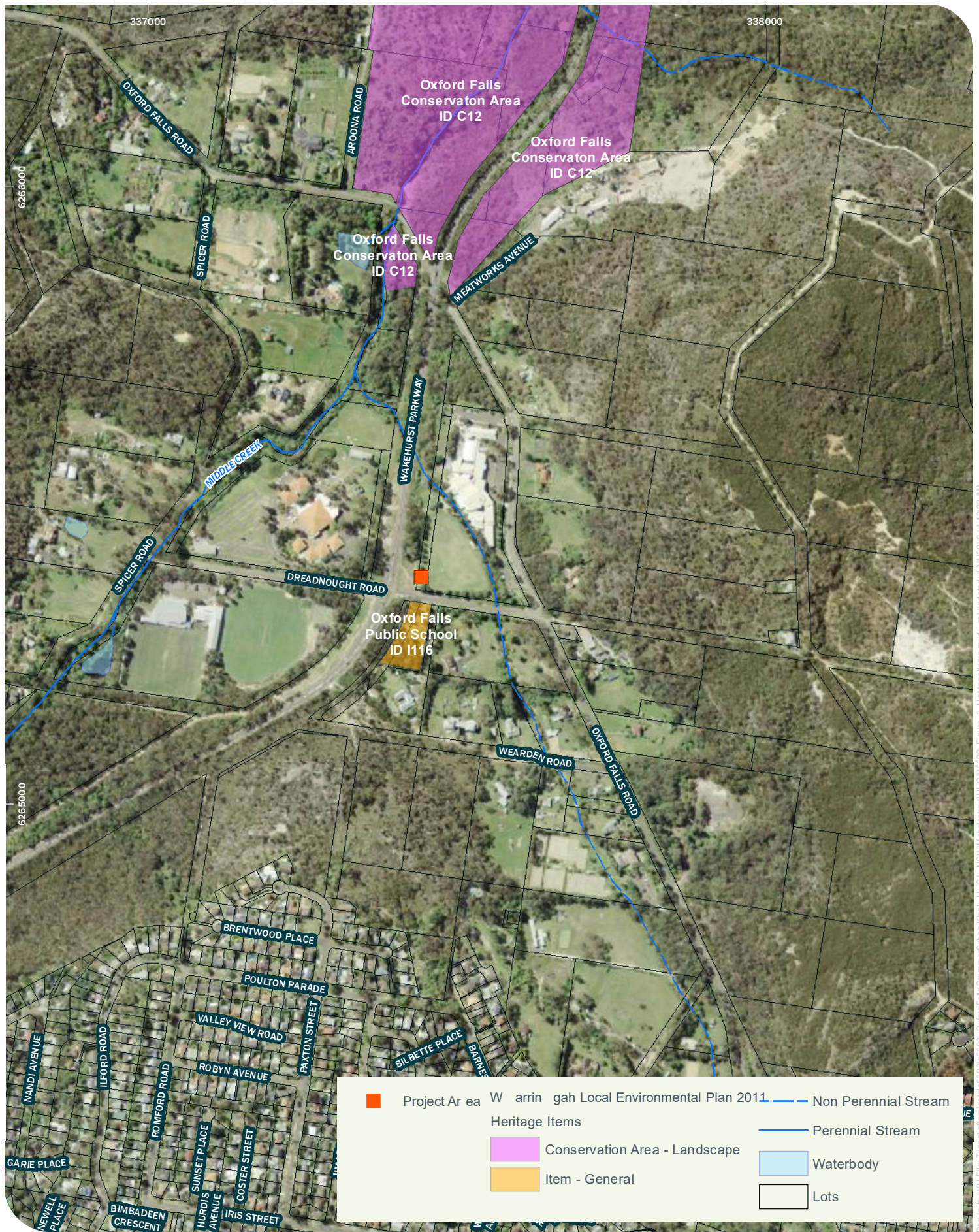
<https://www.environment.nsw.gov.au/heritageapp/ViewHeritageItemDetails.aspx?ID=2610110>



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