



Highgate Owners Corporation Strata Plan 49822

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Ms Teresa Gizzi  
Principal Planner, Social and Infrastructure Assessments  
Department of Planning and Environment

Dear Ms Gizzi

### **Fort St Public School Modification 2 Design Changes**

Highgate thanks the Department of Planning and Environment for the extension of the Exhibition period for the Fort Street Public School to the 15<sup>th</sup> January 2023. The recognition that the earlier submission date, just prior to Christmas did not allow for a proper review of the documents and a considered response is much appreciated. Highgate made a prior submission for the initial date, and requests that this current submission replace that submission.

This submission is made at the time we see the actual size of the Fort Street Public School development emerging, along with the increases in height of the Sirius Building, and all other buildings that have been further developed throughout the Rocks area along the foreshores of Sydney Harbour, including the monstrous bulk of 85 Harrington Street, known as 'The Harrington Collection'. The height creep of all recently approved buildings undermines our city's value through overdevelopment. The developments minimise and enclose our unique heritage, turning Sydney into just another ordinary overdeveloped city with a harbour dominated by buildings.

While we are sympathetic to problems with accommodation of the lift shaft and the stairs, we are extremely disappointed to see a further increase in the development of the Fort Street Public School that already presents as a massed overdevelopment. The impacts for our residents remain inadequately evaluated and unknown.

We are pleased to see the Department of Planning and Environment utilise the Tenacity Consulting v Warringah [2004] NSWLEC 140 ruling principles in the evaluation of the impacts of the proposed modification; however, we are deeply concerned that the perspectives of buildings and height increases are inadequate to properly assess these impacts. The perspectives provided are from ground level or from above, not from the actual levels impacted. Without undertaking perspectives from within the Highgate building itself at the level of impacts it is not possible to claim that:

- The proposal does not fundamentally change the nature of the view;
- The proposed view loss does not unreasonably affect iconic views, including those to the Harbour Bridge, Opera House or Sydney Harbour, and in particular retains the viewers' ability to see and appreciate the nature of these elements;

- Views from mid and upper-levels remain unchanged, given the low-scale nature of the FSPS development and the significant separation between the FSPS site and surrounding buildings;
- There is no perceptible difference between standing views and sitting views; and
- An alternative design to reduce view loss to private apartments would compromise the heritage and functional/educational outcomes of the development, as proposed to be modified.

Hence, we request further information in terms of the actual impacts of the height increases on view sharing according to the principles of the *Tenacity Consulting v Warringah* [2004] NSWLEC 140 ruling. Without such visual perspectives, we are unable to support the modification to raise the lift overrun and stairs.

Yours faithfully



Maryann Knight

Secretary

The Owners SP49822