

HIGHGATE

Highgate Owners Corporation Strata Plan 49822 ABN 66 342 557 275

127 Kent Street Millers Point NSW 2000 Tel 02 9252 0001 Fax 02 9252 0121 mknight@highgate.com.au

11th May 2021,

**Director Social and Infrastructure Assessments
Planning and Assessment
NSW Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124**

Significant Development Modification: Fort Street Public School

Application No. SSD-10340-Mod-1

**Submission from: Mrs Maryann Knight - Highgate Secretary
* on behalf of Owners Corporation Strata Plan 49822
127 Kent Street, Millers Point, NSW, 2000**

Highgate

Highgate is a strata scheme comprising 204 number of residential apartments plus one commercial lot in Millers Point (<https://highgate.com.au/>) located to the south west of Fort Street Public School, overlooking the heritage-listed National Trust building, Glover Cottages, the S H Ervin Gallery and the School.



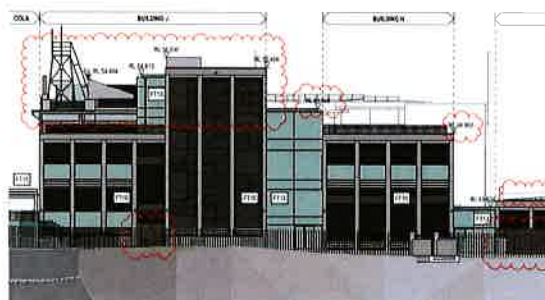
Cont/

Highgate residents are aware of the complexities inherent in the development of Fort Street Public School for the number of proposed students, and has held serious concerns since the commencement of the project. The inordinate over-development (Appendix A - Architectural Design Statement Part1, p. 7) of the site, with its attendant poor quality of experience of the students in terms of space, has significant negative impacts on the local community.

The proposed modifications to Building J and its attachment to Building M is a further over-development of the site that impacts the architectural Heritage precinct and Highgate residents. The over-development is **not** 'minor in nature' **nor** does it 'maintain responses to the physical environment, the context of Observatory Hill and Miller's Point and best practice for primary school campus development', as claimed in the application. It does **not** allow 'the school to integrate more cohesively into the surrounding precinct,' as touted. The modifications create unacceptable building height and bulk.

Given that the original development consent raised concerns about over-development of the site, further development in building height and bulk, particularly as proposed for Building J and its connection to Building M, is unreasonable.

The original development consent rested on the school buildings being below the Meteorological Building (Building M). However, the proposed increased height of Building J takes it well beyond the height of the Meteorological Building (Building M):



It is argued that 'The raising of the proposed forms is beyond and behind the important heritage buildings at the school site, and is therefore 'deferential to the heritage fabric as viewed from the vantage points.' This is misleading. While the proposed amendment claims to 'be informed by '3 significant heritage items on the site - the Messenger's Cottage, the MET and the Fort Street Public School building', it completely disregards the adjacent National Trust Centre building, the Observatory, the S H Ervin Gallery and other heritage buildings, which are negatively impacted by the increased height and bulk of building J and its connection to Building M. No site lines for the Observatory incorporating Building J are provided to ensure no obstruction due to the proposed increase in height of Building J.

The proposed increased height of Building J, to *double its current level*, would create a solid block of buildings, dwarfing the National Trust Centre building, the S H Ervin Gallery, and Glover Cottages. The National Trust Centre building is a prominent historical asset for the city that needs to be protected and enhanced, not diminished. The claim that 'sensitive setbacks' take account of or 'ameliorate' the impact of the increased height and bulk of Building J/M on the Heritage precinct are false.



Notably, no viewpoint of the proposed modifications to Buildings J/M relative to the National Trust Centre building are provided in the application. The supplied viewpoints are carefully angled to avoid any direct clear comparison of the local Heritage precinct, particularly the size of the National Trust Centre relative to the proposed school buildings. This is underhanded. The increased height of Building J and its connection to Building M would result in an **unacceptable** heritage impact.

The doubling in height of Building J and its attachment to Building M would result in a reduction in scenic quality of the unique visual qualities of Sydney Harbour through its bulk and scale. It would reduce the visual amenity for multiple residents of the area by removing sightlines to the iconic views of Sydney Harbour and the Harbour bridge. The view of Curio Projects 'that the additional partial storey to Building J presents a minor to moderate negative visual impact to the site' is incorrect.

The principles of the Land and Environment Court in *Tenacity Consulting P/L v Warringah Council* (2004, <https://www.caselaw.nsw.gov.au/decision/549f893b3004262463ad0cc6>) have been disregarded. No assessment of views to be affected has been undertaken. The 2004 ruling states clearly that, 'Water views are valued more highly than land views. Iconic views (e.g. of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, e.g. a water view in which the interface between land and water is visible is more valuable than one in which it is obscured' (2004, 26). The views of the Opera House and Harbour Bridge

are demolished or reduced significantly for many residents of Highgate and other buildings in Kent Street (2004, 27), particularly from living rooms and kitchens (28). Given the over-development of the school site, these devastating impacts are totally unreasonable.

Furthermore, the doubling of the existing height of Building J contributes significantly to ongoing height creep of buildings in harbour foreshore buildings and their surrounds. Building heights are increasingly being raised (the Sydney Harbour YHA, Museum of Contemporary Art and Harrington Collection buildings) obscuring visual access to the harbour and exceeding building height restrictions for this area. The height modification to building J for the Fort Street Public School is likely to provide a further precedent to allow increasing heights along harbour foreshore spaces and contribute to continuing enclosure of the harbour.

Highgate **objects** strongly to the proposed height modification to Building J and the connections between Buildings J and M. The height of Building J in the current approval must be maintained, with the lift and its over run, and the location of the mechanical plant, reconsidered to reduce the height of Building J and the bulk of Buildings J and M through their proposed connection. The proposed changes to height and bulk of buildings are not appropriate for the site and its context, and **do not** improve the interface with existing heritage items and protection of historical archaeology on the site. These issues **are not** 'ameliorated by the setbacks to the eastern and western elevations.' The 'visual primacy of the heritage buildings and overall hierarchy of forms' **are not** maintained as claimed.

Yours sincerely,



Maryann Knight
Highgate Secretary

* on behalf of Owners Corporation Strata Plan 49822