

## Resolution of Council

**12 December 2022**

### Item 11.8

#### **NSW Government Transparency and Financial Accountability Relating to Fort Street Public School on Observatory Hill**

Moved by Councillor Scott, seconded by Councillor Ellsmore –

It is resolved that:

- (A) Council strongly supports NSW Government investment in public education;
- (B) Council note:
  - (i) the NSW Government is currently undertaking a re-development of Fort Street Public school, situated on Observatory Hill;
  - (ii) Observatory Hill is one of Australia’s most historic sites, being the site of the first windmill in 1796, Fort Phillip in 1800, a signal station to communicate with ships from 1825, and the Colony’s second hospital, built in 1825, which in 1848 was converted into the Fort Street Model School;
  - (iii) the first observatory, built in Sydney in 1788 as the southern hemisphere was regarded as an important site for astronomical observations, has also housed a time ball which signalled the time to ships in the harbour each day;
  - (iv) due to increasing light and pollution the Observatory closed in 1982 and is now a museum;
  - (v) there is a lack of transparency surrounding the NSW Government’s multimillion dollar budget for the NSW Government’s modification of Fort Street Public School;
  - (vi) there has been inadequate consultation with the Millers Point community regarding the proposed modifications to the school;
  - (vii) the State Significant Development Application for the Fort Street Public School redevelopment was approved in October 2020 and Modification 1 was approved in December 2021;

- (viii) the City made submissions to both the original application and Modification 1 raising various concerns including about traffic and transport, the harbour bridge cycleway interface, tree retention, light pollution to the observatory, materials used, the public domain and heritage impacts;
- (ix) on 20 May 2021, Heritage NSW advised the NSW Department of Planning, Industry and Environment that the proposed modification to the school does not comply with the Conservation Management Plan;
- (x) local residents and the National Trust raised concerns about the increased bulk and visual impacts from an additional level to Building J;
- (xi) in August 2021, the Lord Mayor wrote to the then Minister for Planning and Public Spaces requesting the Department of Planning, Industry and Environment investigate ways to reduce the bulk of the additional level to Building J;
- (xii) in August 2021, the City's Heritage and Urban Design Manager met with the Millers Point Community Resident Action Group and the National Trust to discuss their concerns and options for how the design of Building J could be amended to reduce its bulk;
- (xiii) City staff discussed these options with Departmental staff and referred to them in their submission to Modification 1;
- (xiv) following this, School Infrastructure NSW amended its plans to reduce the bulk and height of Building J in response to the Lord Mayor's advocacy and the valid concerns of the National Trust, the local community and City staff;
- (xv) these amended plans were subsequently approved under Modification 1 by the Department of Planning, Industry and Environment;
- (xvi) there is another modification currently on exhibition (Modification 2) which slightly increases the height of Building J due to technical constraints on the lift systems. School Infrastructure NSW has only put this on display for public comment for the minimum required 14 days;
- (xvii) as part of the Modification 2 application, Ethos Urban undertook a visual impact assessment using the meteorology roofline for its low-level view impairment assessment. Many residential and commercial buildings located on Kent Street have harbour bridge views that are below the nominated reduced level, yet there was a failure to acknowledge this in the report. Increasing the stair lobby and lift overrun by 310 and 610 millimetres, respectively, only furthers the damage done to Observatory Hill's skyline and the view loss by local residents, businesses, community and tourists;
- (xviii) the original design was for a low-line build that adhered to the Conservation Management Plan and appears to complement the historical values of Observatory Hill;
- (xix) NSW has a mechanism within the planning legislation to protect sightlines;
- (xx) it is important that the public education continues to be supported and developed within our city. However, this development must take into account the existing heritage of the city that is significant to its character and history;

- (xxi) the City's most recent submission on the Fort Street School redevelopment is for Modification 2 (SSD 10340 MOD 2), which was provided to the Department of Planning and Environment on 7 December 2022; and
  - (xxii) in its submission, the City recommended that the height increase to the stair and lobby roof in Building J be minimised as much as possible, noting the constraints of the servicing requirements. The City also recommend that the heritage mitigations in the Heritage Impact Study be followed; and
- (C) the Lord Mayor be requested to write to the below Ministers to support the City's submission and advocate for evidenced-based heritage outcomes for Observatory Hill and advocate for all current, planned, and potential future modifications to Fort Street Public School to deliver those outcomes;
- (i) Minister for Environment and Heritage and Shadow Minister for Heritage;
  - (ii) Minister for Education and Shadow Minister for Education; and
  - (iii) Minister for Planning and Homes and Shadow Minister for Planning and Public Spaces.

Carried unanimously.

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