

Attachment A

Summary of Submissions and Responses

Community submissions

The planning proposal and draft DCP were publicly exhibited for 26 working days from 4 June to 9 July 2025 in accordance with the Gateway Determination and the City's Community Participation Plan.

The City sent 943 notification letters to landowners and occupants. The exhibition was also advertised on the City's "Sydney Your Say" page. The Sydney Your Say page received 571 page views and 349 document downloads during the exhibition period. The project was included in the June edition of Sydney Your Say eNews sent on 11 June to 5,023 subscribers.

A total of 9 submissions were received during the public exhibition period. There were 3 submissions in support, 4 in objection and 2 with some concerns.

Summary of submissions	Response
<p>Support was expressed for the proposed changes to conservation area boundaries</p> <p>The support included:</p> <ul style="list-style-type: none"> • that the reduced conservation area boundaries had the potential to support change and therefore potential to support more much needed housing • that the reduced conservation area boundaries would provide owners of currently identified detracting and neutral buildings with the ability to undertake essential maintenance work as exempt development, without the need to lodge a development application • the expansion of the Reservoir Street and Fosterville Conservation Area (C66) to include 11 Victorian and Federation terraces at 95-113A Commonwealth Street • the transfer of Paddington Town Hall and Paddington fire Station from Victoria Barracks Conservation Area (C49) to the Paddington South Conservation Area (C48) • the removal of 1-5 Rosebank Street, Darlinghurst from the Rosebank Conservation Area (C14) 	<p>Noted.</p>

<p>A general concern was expressed in relation to the proposed boundary changes</p> <p>The concern included that these areas were set a long time ago, that they were put in place to conserve, that is, not to be changed. To propose a change to something that in theory was not meant to be changed made a mockery of the initial and this process.</p>	<p>The City's conservation areas are extensive, rich and diverse in history and character. They are more than a collection of individual heritage items. They are highly successful and sustainable urban environments that are home to over 100,000 people.</p> <p>They are also not static. Their small lot sizes, variety of building types and over two centuries of accumulated growth have produced dense urban environments that accommodate significant change every year.</p> <p>The proposed conservation area boundary adjustments reflect the current state of our conservation areas. The amendments are proposed to ensure that sites are contained within the most suitable conservation area, to correct errors in conservation area boundaries, to remove detracting or neutral buildings on the edges of conservation areas, and to add additional contributory buildings to the conservation areas. They are sensible changes that will strengthen the significance of our conservation areas overall.</p>
<p>Objections were raised in regard to the boundary adjustment proposed for the Woolloomooloo Heritage Conservation Area (C71)</p> <p>There were 2 submissions that raised objection. Their concerns included that the justification for the proposed adjustment is unfounded as it includes the removal of 5 contributory buildings that continue to warrant heritage protection due to their contribution to the conservation area.</p>	<p>These sites referred to are on the western edge of the Woolloomooloo conservation area. The sites are either detracting, neutral or considered isolated contributory buildings on the edge of the conservation area. Whilst contributory, 75 Crown Street, 55-61 Riley Street and 41 Riley Street and 19-21 Riley Street are also listed heritage items, so their heritage significance is maintained via their individual heritage listings.</p> <p>The Crown Gardens complex has continued the unsympathetic character of William Street into the conservation area, creating a disjointed conservation area. The review identified that these sites could accommodate sympathetic change in an area of high amenity with Cook and Phillip Park to the west, the local centre of William Street to the south and St James train station within walking distance.</p>

<p>One objection was raised in regard to the boundary adjustment proposed for the Hereford and Forest Lodge Conservation Area (C33)</p> <p>Their concerns relate to the removal of 2A Pyrmont Bridge Road, Camperdown from the conservation area. Their reasons for objection are summarised below with a response provided:</p> <p>Although the building is classified as a "neutral" building on the DCP Buildings Contributions Map, it does contain some elements that do make a contribution to this HCA given that the apartments have a "terrace" characteristic, particularly those fronting Foss Street, considered to be the primary frontage.</p> <p>2A Pyrmont Bridge Road adjoins Orphan Creek Public Reserve, a locally listed heritage item under Sydney LEP 2012 (I38). The removal of 2A Pyrmont Bridge Road from the conservation area means that any future redevelopment of the site will not need to minimise negative impacts on the significance of the listed heritage item, to the same extent.</p> <p>In the event of removal from the HCA, the requirement of any future development of the subject property will not necessarily be bound by the same extent by the heritage controls of the DCP in relation to the significance of the conservation area.</p>	<p>Whilst the existing building is sympathetic to the conservation area in terms of scale and typology, it is not considered contributory.</p> <p>Clause 5.10(5) of Sydney LEP 2012 will continue to apply to the site. It requires that the consent authority may, before granting consent to any development on land that is within the vicinity of a heritage item, require the assessment of the proposed development and its potential impact the heritage significance of the heritage item.</p> <p>As the building does not contribute to the significance of the conservation area and sits on the edge of the conservation area, removing it from the conservation area will strengthen the significance and consistency of the conservation area. The proposed change will also align the conservation area boundaries with locality area boundaries within the City's DCP.</p> <p>Removing it from the conservation area does mean that the site will not be subject to the extent of heritage DCP controls. This is considered acceptable sites that contribute to our conservation areas will continue to be protected by the DCP controls and the change reduces restrictions on sites that do not contribute.</p>
<p>A concern was raised in regard to the boundary adjustment proposed for the Potts Point Conservation Area (C51)</p> <p>Their concerns relate to the removal of 82-94 Darlinghurst Road, Potts Point from the conservation area. The site contains a 34-storey concrete and aluminium mixed use detached apartment building. The Coca Cola billboard is fixed to the podium level of the building. Their concern related to the potential loss of the Coca Cola billboard.</p>	<p>82-94 Darlinghurst Road, including the Coca Cola billboard, is identified as detracting from the significance of the conservation area as it is not from a significant historical period and is unsympathetic to the significant historical features and patterns of the conservation area. Adjusting the boundary will reflect the current built form of the conservation area and strengthen the heritage significance of the conservation area.</p>

A concern was raised that in some cases a Heritage Impact Statement might not be required

The City's current DCP requires the submission of a Heritage Impact Statement (HIS) for development applications affecting heritage items or properties within conservation areas. The current DCP is discretionary in its requirement for a HIS to be prepared for buildings over 50 years old that are not either heritage items or within conservation areas.

This discretion for buildings over 50 years old is retained in the draft DCP for sites outside of conservation areas, with clarity provided around the process for when the City may require the preparation of a HIS. The draft DCP includes the following clarification:

A pre-development application consultation is required to determine whether a heritage impact statement is required for work proposed. If required, the heritage significance of a building and the impact the proposed development has on the building and its setting must accompany any subsequent application.

The submission raises concern about this discretion and would prefer certainty around when a HIS is required, and what criteria will be used on determining if a HIS is not required.

The existing and draft DCP already contains some criteria for when a HIS may be required as the existing and draft control only relate to substantial demolition or major alterations to a building older than 50 years. It is essential that the DCP provides flexibility in the requirement for the preparation of a HIS so as to avoid the burdening applicants with the unnecessary cost of preparing a HIS when it may not be warranted. It is best to determine if a HIS is warranted at pre-development application stage when the details of the proposal are known and the significance of the existing structure are known.

No changes are proposed to the draft control in response to the submission. A HIS will continue to be required for all development applications affecting heritage items and properties within conservation areas.

<p>A concern was raised in regard to the quality of Heritage Impact Statements</p> <p>The concern expressed related to who should prepare HIS and that when a HIS is not prepared by a suitably qualified person, that the application should be rejected.</p>	<p>Being more prescriptive in relation to who prepares a HIS is not considered warranted. The proposed controls already asks for the person to be suitably qualified and makes reference to NSW Guidelines in relation to the preparation of a HIS.</p> <p>The City currently and will continue to monitor the quality of HISs being submitted. Where a HIS is considered deficient or inadequate by the City's Heritage Specialists, additional information or amended HIS are and will be requested.</p>
<p>A request was made to investigate individually heritage listing a number of intact terraces rows and other buildings in Paddington</p>	<p>The City undertook a preliminary review the suggested heritage items and deemed that the properties' existing Heritage Conservation Area listing was sufficient in relation to their future protection.</p>
<p>A request was made for additional aesthetic controls in relation to the installation of solar panels on the principal roof plane of buildings in conservation areas</p>	<p>In response to the submission, a note has been proposed that directs applicants to the City's Guideline for solar panels in heritage conservation areas. This Guideline contains guidance on how to sensitively install solar panels in a heritage settings, including encouraging the use of panels visually recessive in colour and pattern. The additional note is shown in red text in Attachment C.</p>

A request was made for the DCP to include controls on party walls and the requirement for neighbours' consent

It is the applicant's responsibility to clearly demonstrate all owners have consented to the application being lodged. The City will not accept an application without the correct owner's consent.

The City has detailed advice on its website in relation to party walls and the requirement for consent. The DCP is not considered the best place for this advice.

Where a development involves works on a party wall or works which rely on a party wall for lateral or vertical support, the City encourages applicants to obtain party wall consent from their neighbour. This consent is distinct from land owners' consent and is not a formal requirement for a development application.

All development applications must be made by the owner of the land to which the application relates, or by a person with the written consent of the owners of the land. Land owners' consent for the lodgement of a development application is only required from a neighbour where the development proposed straddles the property boundary.

Where it's unclear from the application how the development may impact on the party wall, the applicant will be asked to provide clarification and adjoining land owners' consent from the adjoining neighbour will be required where necessary.

Where development is proposed that involves works adjacent to or to a party wall, the City will typically impose conditions on any consent requiring that all works are carried out within the boundary of the land, that a dilapidation survey be carried out and that certification is provided by a structural engineer as to the structural stability of the party wall.

<p>A request was made for changes to Part 4 of the DCP and observations were made that the City sometimes doesn't enforce strict compliance with DCP controls</p>	<p>Change to Part 4 of the DCP are not within the scope of the exhibited DCP amendment.</p> <p>The Environmental Planning and Assessment Act 1979 (The Act) details that the principal purpose of a DCP is to provide guidance and that the controls within a DCP are not statutory requirements. The Act states that DCP controls are to be applied flexibly and in applying them flexibly allow for reasonable alternative solutions that achieve the objects of those controls.</p> <p>The City applies its DCP in compliance with the Act, having regard to the specifics of development applications lodged and their variable context.</p>
<p>An unrelated question was asked about mandatory requirements for building upgrades</p>	<p>One submission was concerned that if a neighbouring site was to redevelop that Council may require adjoining heritage properties to be upgraded to comply with contemporary building standards.</p> <p>Council can only require a building, and new building works to comply with the National Construction Code where that building and new building works are the subject of a development application or complying development certificate.</p>
<p>Concerns were raised about an unrelated planning proposal for 47-51 Riley Street, Woolloomooloo</p>	<p>There was one submission that raised concerns in relation to the bulk and scale of a separate site-specific planning proposal for 47-51 Riley Street. Planning Proposal: 47-51 Riley Street was approved by Council and the CSPC at the June round of meetings. The proposal was approved with a 7.1m reduction in height, to RL25.5m and a reduction in FSR to 3.2:1, in response to public submissions.</p>