

Post Exhibition - Planning Proposal - 47-51 Riley Street, Woolloomooloo - Sydney Local Environmental Plan 2012 and Sydney Development Control Plan 2012 Amendment

File No: X087762

Summary

Woolloomooloo is an inner-city area located to the east of Central Sydney. Excellent accessibility and transport connections support a mixture of land uses, with commercial and residential uses co-existing in buildings of various architectural periods and heights.

This report follows the public exhibition of Planning Proposal: 47-51 Riley Street, Woolloomooloo (the planning proposal) to amend the Sydney Local Environmental Plan 2012 (Sydney LEP 2012). The planning proposal was exhibited with Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo (draft DCP).

The planning proposal sought to increase the height control from 12m to 25m and the floor space ratio (FSR) from 2:1 to 3.8:1 to facilitate a 5-storey office and retail development.

The proposed planning controls were publicly exhibited from 28 January 2025 to 27 February 2025 and 132 submissions were received. Of these, 17 submissions were in support of the proposal, 114 submissions raised objection, and 1 submission provided a mixed response by not objecting to the proposed height control and FSR but raising other concerns. A petition was received with 769 signatures raising objection to the proposal. In addition, 7 submissions were received from public authorities and government agencies.

A summary of matters raised in submissions, and responses to these matters, is at Attachment A.

In the 17 submissions in support of the proposal, the key points made were:

- the proposal aligns with strategic planning objectives, will promote investment, business and employment opportunities in a well-positioned location
- the changes will benefit the community, creating new commercial workspace and attracting more retail, which will benefit people living or working nearby
- Woolloomooloo is well suited for increased density, given its proximity to the Sydney CBD and strong public transport links
- the proposal is architecturally and aesthetically pleasing when compared to the current building on the site, and
- the proposal is contextually appropriate, respects surrounding development and will enhance the streetscape.

In the 114 submissions objecting to the proposal and one mixed response, the key concerns were:

- excessive building height, bulk and scale
- impact on residential amenity (outlook, sunlight and ventilation) and on the energy efficiency of neighbouring apartments
- impact on the area's character, the streetscape and public domain views
- view loss and impact on outlook from neighbouring residential apartments
- impact on nearby heritage items and the Woolloomooloo Heritage Conservation Area
- potential changes to the Woolloomooloo Heritage Conservation Area boundaries, that would remove this site and others from the conservation area
- traffic congestion, parking and safety, particularly in relation to Busby Lane and McCarthy Place which are one-way, narrow laneways with tight turns
- inadequacies and errors in documentation used to support the planning proposal, which has misinformed the assessment of site specific impacts and
- the flawed process followed to date for this planning proposal and the lack of transparency and public consultation.

Following consideration of the submissions, these key changes to the exhibited planning controls are recommended:

- that the proposed maximum building height be reduced by 7.1m to RL 25.5m from the exhibited maximum height of RL32.6m, and
- that the proposed maximum FSR be reduced from 3.8:1 to 3.2:1, to match the height reduction.

As was the case with the exhibited proposal, these controls will only apply for a building on the site which will be used for a commercial premises.

A maximum building height of RL 25.5m and maximum FSR of 3.2:1 would permit a 4 storey commercial building on the site.

In addition, it is recommended that there be a planning control which makes no allowance above the RL25.5m maximum height control for a roof top lift overrun, building plant, pergola structure or communal open space. Rather, the building will be required to use machine-room less lifts, have distributed plant and a non-trafficable green roof. An amended building envelope reflecting the reduced height control and maintaining setbacks proposed for the upper level, is set out in the draft DCP.

This report recommends Council approve the planning proposal and draft DCP, as amended following public exhibition. If approved, Council as the planning proposal authority is authorised to exercise the functions of the local plan making authority and proceed to finalisation. The amendment to the Sydney LEP 2012 will come into effect when it is published on the NSW Legislation website. The amendment to the Sydney Development Control Plan 2012 will come into effect at the same time as the Sydney LEP 2012 amendment is published.

Recommendation

It is resolved that:

- (A) Council note the matters raised in submissions to the public exhibition of the Planning Proposal - 47-51 Riley Street, Woolloomooloo and Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo as shown at Attachment A to the subject report;
- (B) Council approve the Planning Proposal - 47-51 Riley Street, Woolloomooloo shown at Attachment B to the subject report, as amended following public exhibition, to be made as a Local Environmental Plan under Section 3.36 of the Environmental Planning and Assessment Act 1979;
- (C) Council approve Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo shown at Attachment C, as amended following public exhibition, noting the Development Control Plan will come into effect on the date of publication of the subject Local Environmental Plan; and
- (D) authority be delegated to the Chief Executive Officer to make minor variations to the Planning Proposal - 47-51 Riley Street, Woolloomooloo and Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo to correct any minor errors prior to finalisation.

Attachments

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| Attachment A. | Summary of Submissions and Responses |
| Attachment B. | Planning Proposal - 47-51 Riley Street, Woolloomooloo (as amended following public exhibition) |
| Attachment C. | Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo (as amended following public exhibition) |
| Attachment D. | Council and Central Sydney Planning Committee Resolutions |
| Attachment E. | Gateway Determination - dated 10 October 2024 |
| Attachment F. | City's View Impact Analysis - exhibited planning proposal |
| Attachment G. | City's View Impact Analysis - proposal as amended following public exhibition |

Background

1. This report follows the public exhibition of Planning Proposal - 47-51 Riley Street, Woolloomooloo (planning proposal) and Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo (draft DCP), shown at Attachments B and C respectively. The subject site, 47-51 Riley Street, Woolloomooloo is shown in Figure 1.



Figure 1: Land affected by this planning proposal and draft DCP

2. Site details, current planning controls and the proposed planning controls were described in detail in the pre-exhibition report to the Transport, Heritage, Environment and Planning Committee and the Central Sydney Planning Committee (CSPC) which can be accessed at <https://meetings.cityofsydney.nsw.gov.au/ieListDocuments.aspx?CId=137&MId=4277> (Item 3).

Planning history

3. The planning history set out below has been included in this report in response to concerns expressed in submissions regarding transparency in the planning proposal process.

July 2017 - September 2017 - Planning proposal pre-lodgement discussions

4. In July 2017, City staff met with the proponent to discuss early thinking for a potential change to the planning controls for the subject site. The proponent had prepared a concept scheme, which would require amendments to Sydney LEP 2012 to increase the maximum building height from 12 metres to 52 metres and the FSR from 2:1 to 9:1 to deliver a 17-storey building on the site including apartments.

5. City staff raised the following significant concerns with the proposal:
 - (a) the bulk and scale in the context of the Woolloomooloo Heritage Conservation Area
 - (b) the strategic need for the proposal, given that the City was well positioned to meet its housing targets
 - (c) the urban design implications of the height of the proposal, including amenity implications for adjacent residential buildings
 - (d) whether apartments would be able to comply with the NSW Government's Apartment Design Guide, given the building envelope proposed
6. City staff advised the proponent that the challenges in progressing the planning proposal would be considerable. The proponent elected to not progress further discussions with the City on this proposal.

October 2021 to March 2022 - Planning Proposal pre-lodgement discussions

7. In October 2021, City staff met with the proponent about a potential request to amend the planning controls for the site. The request was to amend Sydney LEP 2012 to increase the maximum building height on the site from 12 metres to 24 metres and the FSR from 2:1 to 4.7:1. The proponent submitted reference scheme drawings showing a 6-storey building with 2 storeys of basement parking.
8. In December 2021, City staff wrote to the proponent's planning consultant to advise that the request presented challenges in demonstrating strategic and site-specific merit. It was advised that the site sits outside of priority areas within the City Fringe where planning controls should be changed to promote jobs growth, and that a compelling case would need to be made for the proposal to demonstrate a strategic planning need to change the planning controls. In terms of site-specific issues, the proponent was asked to consider:
 - (a) the bulk and scale of any proposed development against heritage objectives and values given nearby heritage items and the site's location within the Woolloomooloo Heritage Conservation Area
 - (b) the potential for archaeological evidence to be contained within the site
 - (c) nearby residential development, to ensure that views, privacy, solar access and other impacts are minimised to an acceptable level
9. In March 2022, City staff wrote again to the proponent, reiterating the concerns raised in December 2021 regarding challenges in demonstrating strategic and site-specific merit in the proposed changes to planning controls. This letter followed discussions where the proponent indicated that despite the City's advice, they wished to proceed with lodgement of a planning proposal.

November 2022 - Formal submission of planning proposal

10. In November 2022, the proponent formally submitted a planning proposal request to the City which sought to amend Sydney LEP 2012 to increase the height of building control from 12 metres to 31 metres and to increase the FSR control from 2:1 to 5.2:1. The lodged request was 7 metres higher with 0.5:1 more FSR than the scheme previously reviewed by the City between October 2021 and March 2022. The request also sought site specific DCP controls in relation to access, layout, setbacks and landscaping.
11. The planning proposal request included a reference scheme illustrating a development that could be possible if the planning controls were to be amended. The reference scheme showed a 7-storey commercial building with a 3-storey street wall height fronting Riley Street, with the upper 4 storeys being setback 3 metres from the Riley Street boundary. It also included 2 basement levels for parking, servicing and end of trip facilities.

February 2023 - Proponent withdraws planning proposal

12. In December 2022, following an initial assessment of the planning proposal, City staff wrote to the proponent's planning consultant and advised that the planning proposal is not consistent with the City's strategic planning document, City Plan 2036, with regard to the conservation of places of heritage significance, and that it does not align with priorities which seek to focus growth and change within business clusters in the City Fringe. The proponent was offered the option to withdraw the planning proposal. On 2 February 2023, the proponent withdrew the planning proposal request.

June to July 2023 - Pre-lodgement advice for a Development Application (PDA/2023/117)

13. In June 2023, the proponent submitted plans to the City and sought development application pre-lodgement advice on a proposal for the demolition of the existing building and construction of a 4-storey commercial building with ground floor retail uses. As the proposed assessment route was a Development Application (DA), City staff assessed the proposal against the 12m height of buildings control and the 2:1 FSR control that apply to the site and took into account the site's location in the Woolloomooloo Heritage Conservation Area and proximity to heritage items and contributory buildings.
14. The proposal had a building height of between 18m and 19.55m, exceeding the 12m height control by at least 33%, and a FSR of 3.24:1, exceeding the FSR control by 62%. City staff did not support the exceedance of these primary controls. It was also considered that the proposed height and massing had an overbearing impact on the streetscape and results in an uncomfortable transition with the contributory 2-storey terrace at 53 Riley Street. They noted that any proposal for infill development on this site must respect and respond to the contributory buildings, heritage items and wider conservation area.
15. The proponent opted not to proceed with a development application for this proposal.

September to December 2023 - Planning Proposal Pre-lodgement discussions

16. In September 2023, the proponent sought pre-lodgement advice for a planning proposal request to amend the height control from 12m to 18m (with some roof top plant exceeding this control) and the FSR from 2:1 to 3.24:1, to enable the development of a 4-storey commercial building on the site. The plans submitted for this request were the same plans submitted in June/July 2023 seeking pre-DA advice.

17. City staff provided feedback on these plans, particularly regarding flooding impacts, basement entry and parking/servicing arrangements. The proponent was asked to reconsider the floor levels in light of the probable maximum flood (PMF) levels, noting that this in turn may impact building height.

April 2024 - Planning Proposal lodged

18. In April 2024, the proponent lodged a planning proposal request for a change to the planning controls for the site. This request differed from the proposal that was the subject of pre-lodgement discussions in September-December 2023, in that the request was for greater height and FSR controls than what had been discussed. This request sought to amend the height of buildings control to from 12m to 25m and the FSR from 2:1 to 3.8:1. It is this request that has informed the current planning proposal.

July 2024 - Pre-exhibition report to Council and Central Sydney Planning Committee

19. City staff reported this planning proposal to Council and the Central Sydney Planning Committee (CSPC) in July 2024. As detailed at Attachment D, Council and CSPC resolved to submit the planning proposal request to the Minister for Planning and Public Spaces with a request for Gateway Determination, and to approve the planning proposal for public authority consultation and public exhibition.

October 2024 - Gateway Determination

20. The planning proposal was subsequently submitted to the Department of Planning, Housing and Infrastructure, with a Gateway Determination issued on 10 October 2024. The City was delegated the authority to dealing with this planning proposal in the Gateway Determination, subject to compliance with its requirements.

Public exhibition

We received 132 submissions from the community and 7 submissions from public authorities and government agencies in response to the public exhibition of this planning proposal

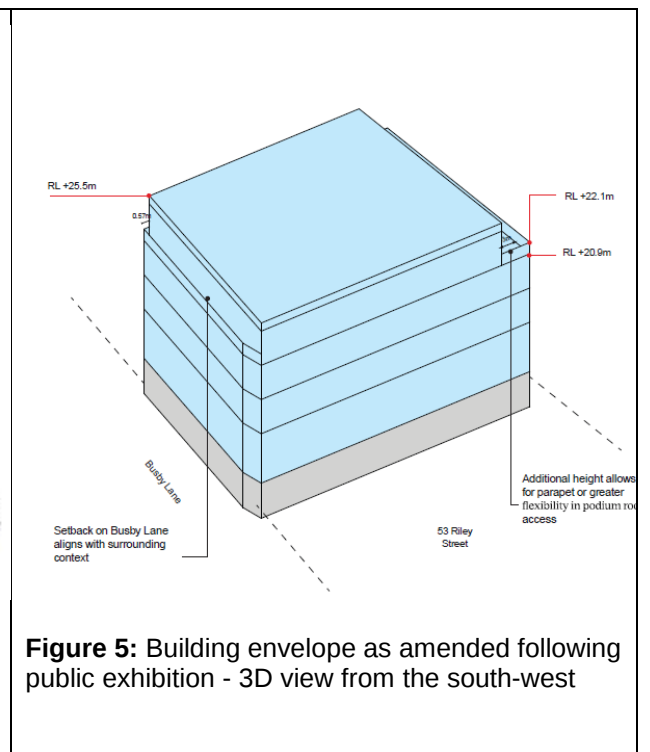
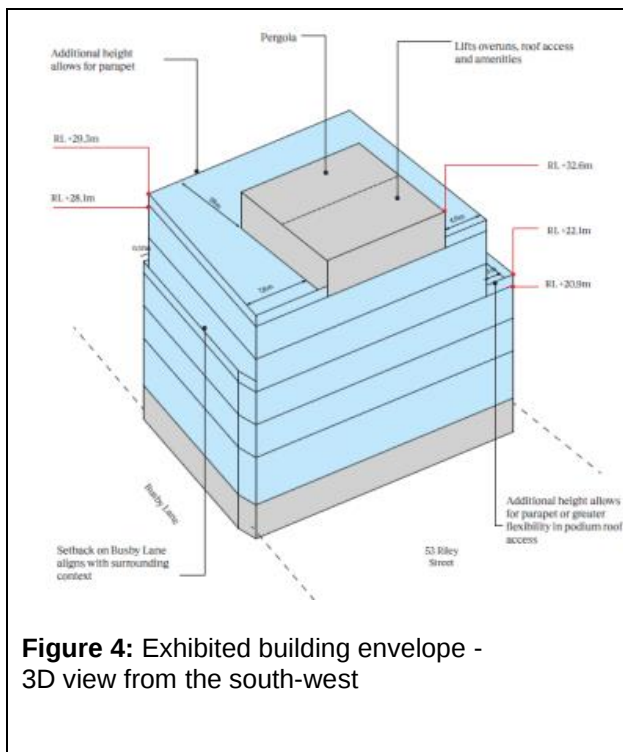
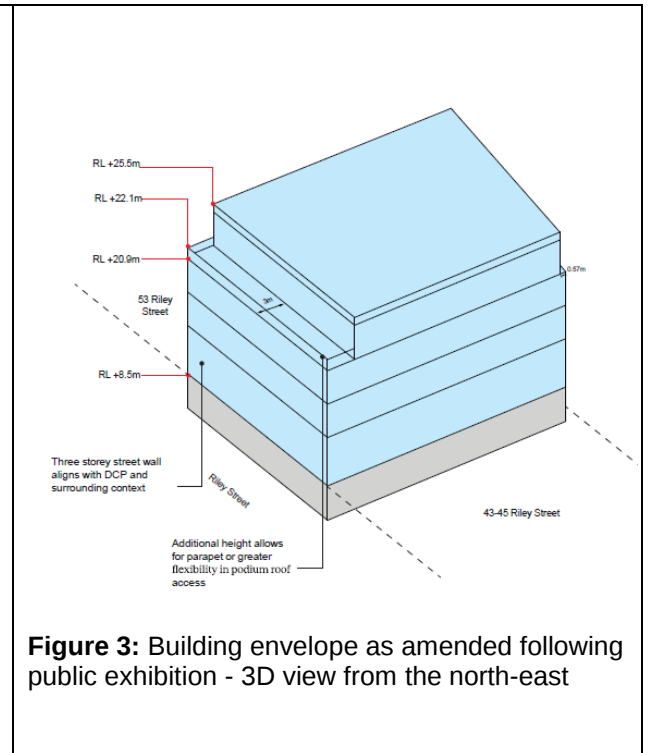
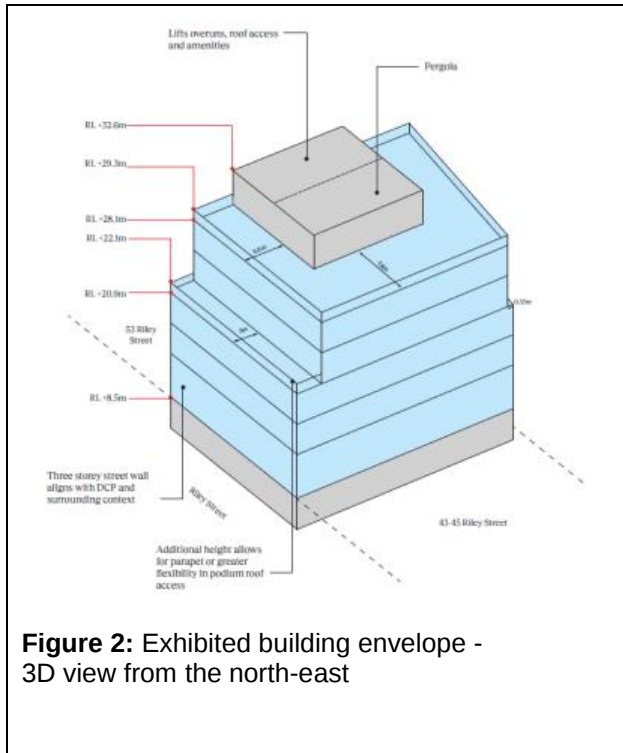
21. The planning proposal and draft DCP were publicly exhibited for 20 working days from 28 January 2025 to 27 February 2025 in accordance with the Gateway Determination and the City's Community Participation Plan.
22. The City sent 807 notification letters to landowners and occupants of surrounding properties. The exhibition was also advertised on the City's "Sydney Your Say" page.
23. The City hosted a public information session on 11 February 2025 at the Juanita Neilsen Community Centre in Woolloomooloo. This information session was advertised on the City's "Sydney Your Say" page and referenced in the notification letters sent to surrounding properties. This information session was attended by 77 members of the public. City staff presented on the proposed planning controls and answered questions from attendees.
24. In accordance with the Gateway Determination, consultation was also undertaken with the following public authorities and government agencies who were given a minimum of 30 working days to comment:
 - (a) Commonwealth Department of Infrastructure, Transport, Regional Development Communication and the Arts

- (b) Sydney Airport Corporation
 - (c) Civil Aviation Safety Authority
 - (d) Air Services Australia
 - (e) Sydney Water Corporation
 - (f) Ausgrid
 - (g) Jemena
25. A total of 132 submissions were received during the public exhibition period. There were 17 submissions in support, 114 submissions in opposition, and one submission was a mixed response which did not raise objection to the proposed height and FSR changes but did raise other concerns. Included in the 114 submissions in opposition was a petition signed by 769 individuals objecting to the planning proposal. Multiple submissions from individuals or strata body corporates have been counted as single submissions.
26. In addition, the City received 7 submissions from public authorities and government agencies.
27. City staff also conducted a site inspection on 20 March 2025 where 10 apartments within the Paramount Apartment building at 60-70 William Street, Woolloomooloo were visited to assess the proposal's impact upon these residences.
28. A summary of submissions and the City's response is included in Attachment A to this report, with the key issues discussed below.

Concerns were raised about the proposal's excessive height, bulk and scale

29. There were 106 submissions which referred to the height, bulk and scale of a future building.
30. Of these, 100 submissions raised objection on the basis that the proposal would facilitate a building of excessive height, bulk and scale. Many submissions noted that the proposed 25m height control would be more than doubling the existing 12m height control, and that the proposed building envelope would result in an overbearing, bulky and out-of-scale building.
31. There were 6 submissions in support of the proposal's height, bulk and scale.
32. The site is located within a part of Woolloomooloo which has low, mid and high rise buildings of differing scale and architectural styles. The site is surrounded on the east, south and west by high rise buildings.
33. The site is located within a street block comprising 5 buildings which are low to mid-rise in scale. The height and scale of the buildings in the street block on either side of the site are unlikely to alter to a significant degree in the future, as:
- the buildings at 41 Riley Street (Brandt Bros Ltd) and 55-61 Riley Street (Lesseys Garage) are local heritage items

- the building at 53 Riley Street is identified as a "contributory building" which contributes to the character and significance of the Woolloomooloo Heritage Conservation Area and
 - the building at 43 Riley Street is relatively new (approved in 2012).
34. Adjustments to the proposed maximum height and proposed maximum floor space ratio are recommended to facilitate a future building which achieves a better relationship with adjoining buildings in the street block, recognising the site's location near local heritage items and within the Woolloomooloo Heritage Conservation Area. These adjustments will also assist in reducing any future building's visual impact on the streetscape and the public domain. It is recommended that:
- the proposed maximum building height be reduced by 7.1m to RL 25.5m from the exhibited maximum height of RL32.6m and
 - the proposed maximum FSR be reduced from 3.8:1 to 3.2:1, to match the height reduction.
- As was the case with the exhibited proposal, these controls will only apply for a building on the site to be used for a commercial premises.
35. A maximum building height of RL25.5m and a maximum FSR of 3.2:1 would permit a 4-storey commercial building on the site. An amended building envelope reflecting the reduced height and FSR controls and maintaining setbacks proposed for the upper level is set out in the draft DCP.
36. If built to a maximum height of RL25.5m, the resultant building would be the tallest within the street block but would have a better height relationship with the adjoining building to the immediate north at 43-45 Riley Street and the heritage building at 41 Riley Street (Lesseys Garage). While there would still be a height and scale difference with the buildings at 53 Riley Street and 55-61 Riley Street, this would not be as significant as per the exhibited planning controls and is considered reasonable in this urban context. The height of the resultant building is still considerably lower than the height of the surrounding buildings to the east, south and west of the site, many of which are high rise towers over 10 storeys high.
37. In addition, to further reduce height and bulk and to reduce impacts on neighbouring properties, it is recommended that if a 4-storey commercial building is pursued for the site, there be no allowance above the RL 25.5m maximum height control for a roof top lift overrun, building plant, pergola structure or communal open space. Rather, the building shall use a machine-room less lift, have distributed plant and a non-trafficable green roof.
38. Figures 2, 3, 4 and 5 provide a comparison of the exhibited planning proposal's building envelope with the building envelope as amended following public exhibition.



Concerns were raised that the proposal would impact on the area's character, the streetscape and public domain views

39. There were 93 submissions which referred to the proposal's impact on the area's character, the streetscape and public domain views. Of these, 84 submissions raised objection to how the proposal would impact on Woolloomooloo's character, the Riley Street streetscape and views available from the public domain, including vantage points on nearby William Street.
40. Submissions stated that the proposal would enable the construction of a large, overbearing development that would dominate the western side of Riley Street and be contrary to the low-rise character of development within the subject street block and Woolloomooloo more generally. There was concern that the increase in height and the abrupt change in scale is not visually consistent with surrounding structures, and that the proposal would create an uncomfortable transition with the 2-storey terrace to the immediate south at 53 Riley Street. Submissions stated that the exposure of a significant portion of blank wall on the southern elevation would adversely impact on the Riley Street streetscape and public domain views, and that this would be likely to remain exposed in perpetuity given the heritage item at 55-61 Riley Street (Lessey's Garage) and the contributory building at 53 Riley Street.
41. It is recommended that the maximum height control and maximum FSR control for the site be reduced as set out in paragraph 34 above. It is also recommended that restrictions be imposed so that there are no roof-top structures above the maximum height control. These recommendations would have the effect of reducing the overall height, bulk and scale of a future building on the site, thereby reducing visual impacts on the streetscape and the public domain.
42. With a maximum building height of RL25.5m, a future building on the site would be the tallest within the street block, but not significantly taller than the neighbouring building at 43 Riley Street or the heritage item (Brandt Bros Ltd) at 41 Riley Street. A future building will still have a height and scale difference with the neighbouring buildings at 53 Riley Street and 55-61 Riley Street, but this will be less than what was proposed with the exhibited proposal. There would still be a side blank wall on the southern elevation of the building, but the extent of blank wall would be reduced as a result of the height and FSR control reductions. The height and scale relationships with the adjoining buildings is considered reasonable in this urban context.
43. Figures 6 and 7 show images of the Riley Street elevation of a future development on the site in the context of surrounding development. The exhibited planning controls are at Figure 6, and the recommended amendments to these planning controls following public exhibition is at Figure 7.

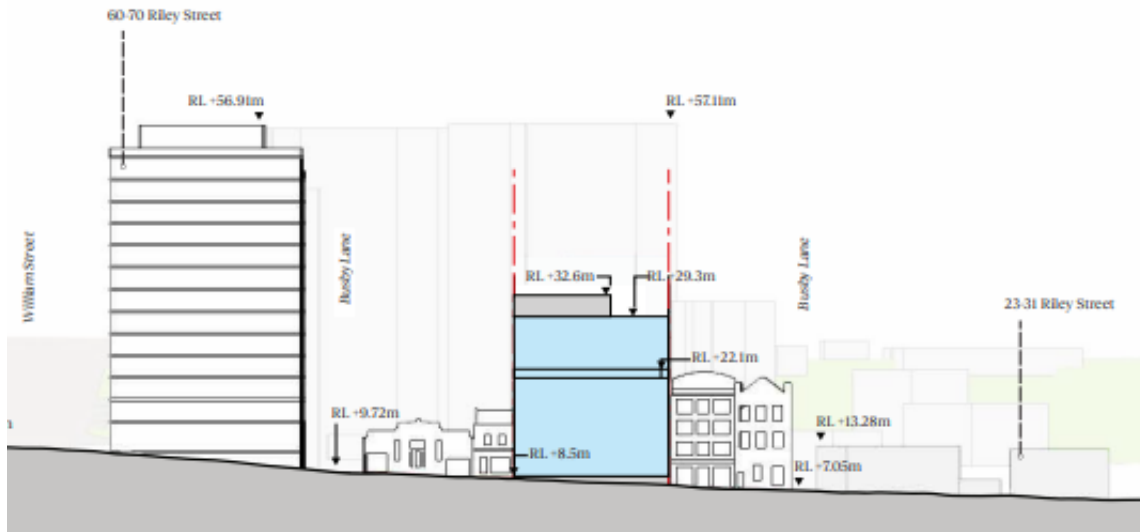


Figure 6: Riley Street elevation in context of surrounding development - exhibited draft planning controls



Figure 7: Riley Street elevation in context of surrounding development - recommended amendments to draft planning controls following public exhibition

44. Figures 8 and 9 show the building envelope with the recommended changes to the draft planning controls in the context of the public domain.

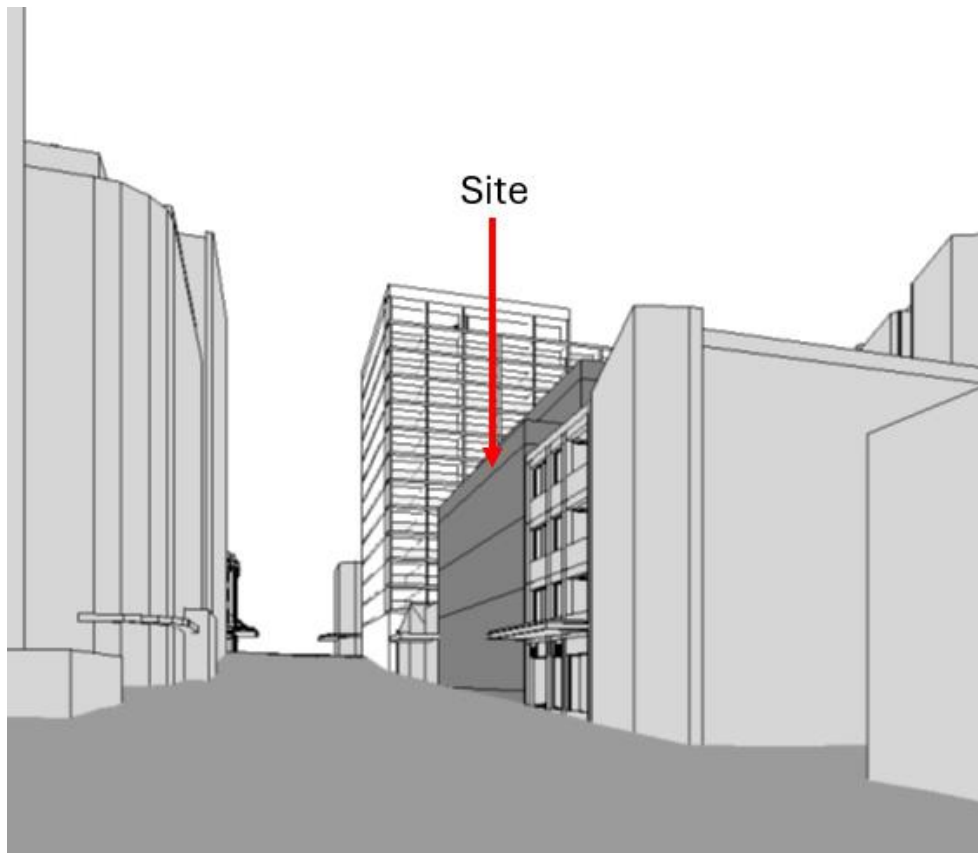


Figure 8: View of building envelope as amended following public exhibition, looking south up Riley Street towards William Street

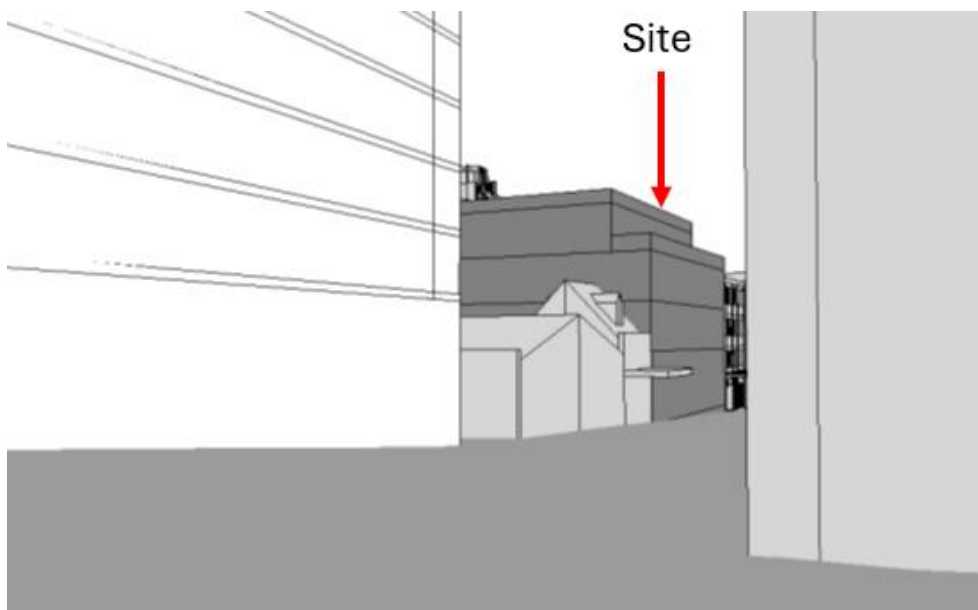


Figure 9: View of building envelope as amended following public exhibition, looking in a north-westerly direction up Riley Street

45. It is considered that detailed design could achieve a commercial building that respects neighbouring buildings and the character of the Woolloomooloo Heritage Conservation area, while not resulting in unreasonable impacts upon nearby contributory buildings or heritage items.
46. The DA stage of the development will provide an opportunity for the detailed design of a building which is acceptable in terms of visual impact and responds appropriately to the streetscape and public domain.

Concerns were raised about the proposal's impact on residential amenity (outlook, overshadowing, natural ventilation) and on the energy efficiency of homes.

47. There were 92 submissions which referred to the proposal's impact on residential amenity and the energy efficiency of homes. Of these, 91 raised objection to the proposal on these grounds.
48. Submissions noted the site's close proximity to many high rise residential buildings, making it a sensitive location for development.
49. Many submissions stated that the proposal's impact on views and outlook would diminish the amenity, liveability and enjoyment of their homes. The proposal's impact on views and outlook is addressed under a separate heading in this report.
50. There was concern that a taller building would block sunlight from entering nearby apartments, and that some of the apartments within the Paramount Apartments building would receive less than 2 hours of sunlight per day, creating living conditions that are not conducive to good health or quality of life.
51. Shadow diagrams and an assessment of overshadowing impacts on nearby properties were prepared for the reference scheme supporting the exhibited planning proposal. These diagrams showed that between 9am and 3pm in mid-winter (21 June), there would be no additional shadow impacts upon apartments within Park Lane Towers or the Crown Garden complex, and that all apartments within Paramount Apartments would achieve solar access requirements of a minimum of 2 hours' sunlight in mid-winter, with many apartments receiving in excess of 2 hours' sunlight in mid-winter. There would be overshadowing of the western elevation of 46-48 Riley Street between 2pm and 3pm, but this elevation will receive the required minimum of 2 hours of solar access in the middle of the day.
52. If the recommendation to reduce the maximum building height to RL 25.5m and the FSR to 3.2:1 is adopted, the shadowing impacts would be even less.
53. Concern was raised about the loss of ambient light, particularly to the lower levels of the Paramount Apartments. Submissions stated that the loss of ambient light would result in apartments becoming darker, increasing the need for artificial lighting, therefore increasing energy consumption.
54. The separation distance between the southern boundary of the site and the northern boundary of the Paramount Apartments site is approximately 25.5m, which exceeds the NSW Government's ADG minimum 24m building separation distance for residential buildings over 9 storeys. This separation distance, along with the recommended reduction to the maximum building height to RL 25.5m, will allow for ample ambient light to enter apartments within the Paramount Apartment building.

55. Many submissions noted that the Paramount Apartments have been designed to allow for good ventilation, with cross ventilation being achieved in the 2-bedroom apartments through openings on the northern and southern sides of the building. Concern is raised that the proposal will block air and breezes from coming up from the harbour and ventilating the apartments.
56. The separation distance between the southern boundary of the site and the northern boundary of the Paramount Apartments site is approximately 25.5m, and the maximum building height will be limited to RL25.5m which is only 2.3m higher than the height of the neighbouring building at 43 Riley Street. The building separation is more than sufficient to maintain ventilation.
57. Submissions noted that additional overshadowing and the loss of natural light and ventilation would increase the need for artificial lighting, heating and cooling which would lead to higher energy consumption and reduce overall sustainability. It is not considered that there would be such a significant impact upon the energy efficiency of neighbouring apartment buildings as to warrant outright refusal of this planning proposal.

Concerns were raised about view loss and impact on outlook

58. There were 84 submissions which raised concerns about the impact of the proposal on the views and outlook enjoyed by neighbouring residential properties. Of these, 82 raised objection to the proposal on the basis that it would significantly impact the views and outlook from private residential properties, reducing the amenity, liveability and enjoyment of homes and having a detrimental impact on property values.
59. The most objection regarding view loss and impact on outlook has come from owners and residents of apartments within the Paramount Apartment complex at 60-70 William Street, Woolloomooloo. The City's view impact assessment has considered the impacts on the views and outlook available from apartments in this building on the basis that the impact is greatest on this building.
60. The Paramount Apartments building has 12 floors of residential units, with 8 apartments per floor except for the penthouse level. On each of the floors with 8 apartments, there are 4 x 2 bedroom apartments and 4 x 1 bedroom apartments. All of these apartments are arranged in a north-south orientation, with the 2-bedroom apartments having dual aspects (north and south) while the 1-bedroom apartments have one aspect to the north. In all of these apartments, the living areas (open plan living rooms and dining areas) and balconies face north, to maximise solar access and views. The apartments have full width glazed frontages on their northern elevation to capture the views. The views available from these living areas and balconies differ according to floor level and position in the building.
61. City staff have undertaken an independent view impact analysis to assess the impact on the views available from apartments within the Paramount Apartments - see Attachment F. This analysis was undertaken using the reference scheme submitted to support the proposed exhibited change of the maximum height control to 25m and the FSR to 3.8:1. The analysis has included:
 - 3D modelling of the proposed development as viewed from within the Paramount Apartments building and

- a site inspection on 20 March 2025 where 10 apartments were visited and photos taken of the view/outlook available from internal living spaces and on the balconies of these apartments.
62. In the circumstances of this planning proposal, consideration can be given to the view sharing planning principles set out in the *Tenacity Consulting v Warringah Council* (2004) judgement, which provides a 4-step assessment process to guide whether view sharing is reasonable. These view sharing planning principles are typically applied in the assessment of development applications, where a proposal can be assessed against existing planning controls. In the case of a planning proposal which seeks approval to change the height and FSR, the application of these principles is more limited as there cannot be an assessment against these controls. To the extent that they can be applied, the view sharing principles have been used to inform the assessment.

Step 1: Assessment of views to be affected

63. The views available from neighbouring residential buildings vary from apartment to apartment, and from level to level. The City's view impact analysis for Paramount Apartments indicates:
- Apartments on the first, second and third floors do not have views that could be considered valuable. The living spaces and balconies of levels 1, 2 and 3 apartments look out at the roof tops of buildings to the north, and at an existing brick structure on the roof of the site.
 - Apartments on the fourth floor look out across the roof tops of buildings to the north and benefit from fuller views of mature tree canopies. There are distant views to the Art Gallery of NSW and parkland within The Domain. These views are considered desirable land views, but they are not iconic.
 - Apartments on the fifth floor enjoy more open views and benefit from views of mature tree canopies, open parkland within The Domain and views of the Art Gallery of NSW. These views are considered desirable land views, but they are not iconic.
 - Apartments on the sixth floor enjoy more expansive views of the open space in The Domain, mature tree canopies, the Art Gallery of NSW and distant water views of Woolloomooloo Bay. These views are considered desirable land and water views, but they are not iconic.
 - For each successive floor above the sixth floor, the expanse and quality of the view increases.
 - Although not seen on the site inspection, the City's 3D modelling indicates that some apartments (particularly at the mid and higher levels) have partial iconic views of the top of the sails of the Sydney Opera House and/or the top of the arch of the Sydney Harbour Bridge. These views are distant. It is likely that tree canopies are intervening to obstruct the views to these iconic structures.
 - It is understood that some apartments enjoy views of the eastern side of the CBD along Macquarie Street. These are considered desirable land views.

Step 2: From what part of the property are the views obtained

64. The views obtained from apartments within the Paramount Apartment building are across the rear (northern) boundary. Within this building, the apartments are generally arranged so that living spaces and balconies face north, to achieve maximum benefit from the northern orientation as well as views out towards The Domain parklands and Sydney Harbour. On the northern elevation of the building, the apartments have full width glazed frontages, so that views can be enjoyed from living areas, dining areas and kitchens. The balcony balustrading is clear glass, so that views can be seen through the glazing. The views can be seen from the seated position from within living / dining areas within apartments, but they are best appreciated in a standing position on balconies.

Step 3: Assess the extent of the impact

65. The impact the proposed change in planning controls would have on views available to apartments within the Paramount Apartments complex varies according to the level of the building. All views are obtained from living areas/dining areas and kitchen areas, as well as north-facing balconies.
66. It is noted:
- Apartments on the first, second and third floors do not have views that are considered valuable, rather they have an outlook.
 - Apartments on the fourth floor have desirable land views and the proposal would largely obstruct all of these views, resulting in severe view loss.
 - Apartments on the fifth floor have desirable land views and the proposal would largely obstruct all of these views from the living areas, resulting in severe view loss.
 - Apartments on the sixth floor have desirable land views and water views and the proposal would have a moderate to severe impact on these views from the living areas.
 - Apartments on the seventh floor have desirable land views and these will largely be retained from the living areas, with the view loss considered to be minor.
 - For the apartments on level 8 and above, the proposal will not result in any view loss.

Step 4 – Assessment of the reasonableness of the proposal causing the impact

67. An assessment against the existing maximum building height and maximum FSR for the site is irrelevant in this instance, given that the planning proposal seeks to amend these controls.
68. The reasonableness of the proposal can be considered in the context of other planning considerations. It is considered that a maximum building height of 25m and an FSR of 3.8:1 would result in a building taller and bulkier than other buildings in the street block. The scale of buildings within the street block is unlikely to significantly change with two heritage items, one "contributory building" in the conservation area and another being a recent build.

69. To improve a future building's relationship with the other buildings in the street block and its visual impact on the streetscape, it is recommended that the proposed maximum building height be reduced to RL 25.5m, the proposed maximum FSR be reduced to 3.2:1, and that these controls only apply for a building on site to be used as a commercial premises. To further reduce height, bulk and impacts on neighbouring properties, it is recommended that if a 4-storey commercial building be pursued for the site, there be no additional allowance above the RL25.5m maximum height control for a roof top lift overrun, building plant, pergola structure or communal open space.
70. These proposed amendments to the planning proposal would reduce the impact on the views of neighbours. City staff have undertaken an independent view impact analysis to assess the impact of a future building within these reduced controls – see Attachment G. Extracts from this view impact analysis are set out in Figures 10, 11 and 12. An assessment of the extent of the impact with the reduced controls indicates:
- Apartments on the first, second and third floors do not have views that could be considered valuable, rather they have an outlook.
 - Apartments on the fourth floor have desirable land views and the proposal would obstruct these views, resulting in moderate to severe view loss from the living areas within these apartments.
 - Apartments on the fifth floor have desirable land views and the reduced proposal would have a minor to negligible impact on the views from the living areas.
 - Apartments on the sixth floor have desirable land views and water views and the proposal would have a negligible impact on these views from the living areas.
 - Apartments at level seven have desirable land views and water views and these will largely be retained.
 - For the apartments on level eight and above, the proposal will not result in any view loss.

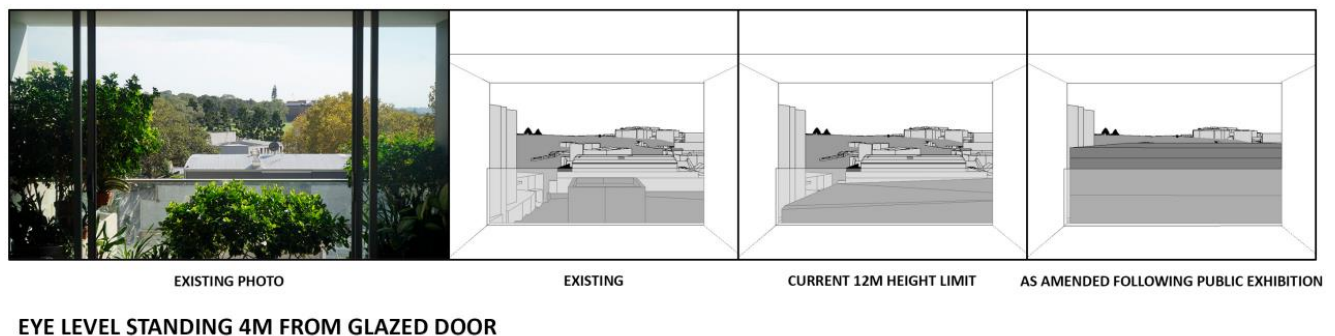


Figure 10: Indicative view impact analysis with planning controls as amended following public exhibition. Impact on view at Level 4 (Unit 16) of Paramount Apartments at 60-70 William Street, Woolloomooloo.

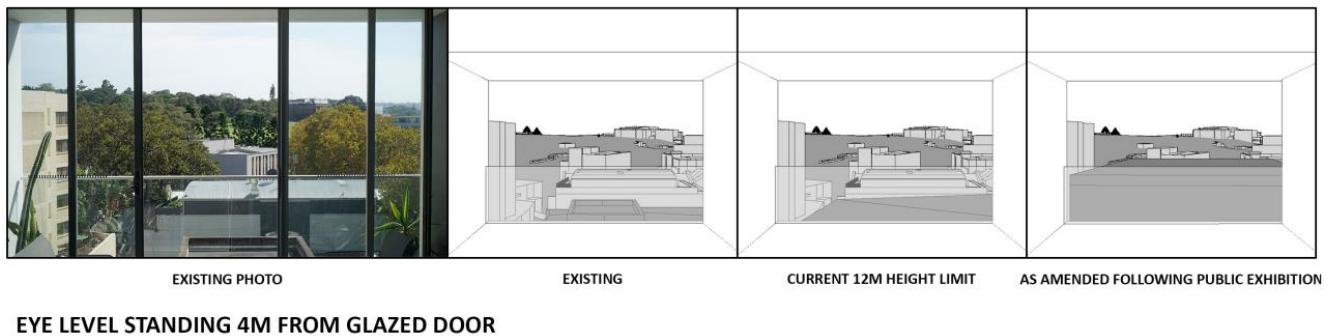


Figure 11: Indicative view impact analysis with planning controls as amended following public exhibition. Impact on view at Level 5 (Unit 20) of Paramount Apartments at 60-70 William Street, Woolloomooloo.

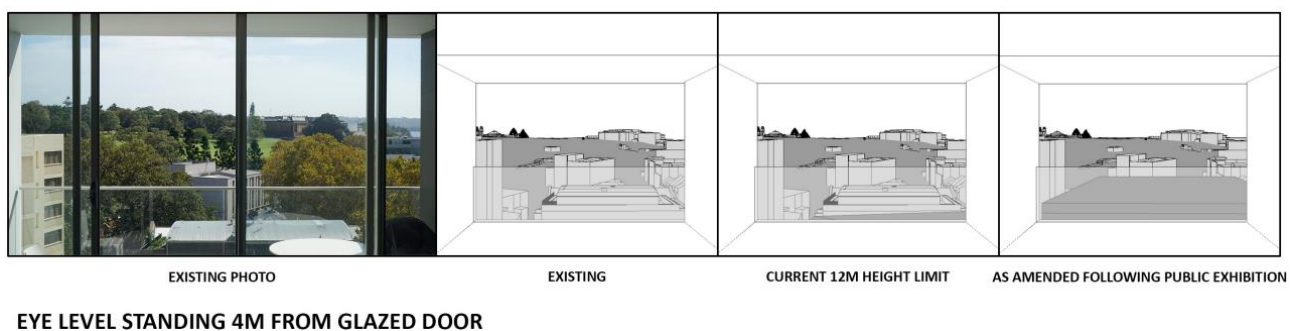


Figure 12: Indicative view impact analysis with planning controls as amended following public exhibition. Impact on view at Level 6 (Unit 24) of Paramount Apartments at 60-70 William Street, Woolloomooloo.

71. Even with the proposed reduced controls, some view loss and impact on outlook will occur to some apartments within the Paramount Apartment complex and other nearby residential buildings. Being located in an urban context and within the City Fringe, it is inevitable that new development will affect the views and outlook of residential developments to some extent. It is considered that with the reduced controls and restrictions on roof top development, the impact on views enjoyed by neighbouring properties will be reduced and the opportunity for view sharing increased, such that the impact on views is reasonable in the context.
72. Submissions argued that the loss of views caused by the proposal would severely reduce the value of nearby apartments. A valuation report prepared on behalf of the Owners Corporation of the Paramount Apartments assesses the market value diminution for the overall building to be in the order of \$21.4 million, if the exhibited planning proposal were to proceed and a building developed to the full 25m height limit.
73. The values of surrounding properties, and how a nearby development proposal may impact on those values, is not a planning consideration.

Concerns were raised about the proposal's impact on nearby heritage items and the Woolloomooloo Heritage Conservation Area

74. There were 68 submissions which raised concerns about the proposal's impact on the nearby heritage items that "book-end" the street block, these being Lesseys Garage at 55-61 Riley Street and the Brandt Bros Ltd building at 41 Riley Street. Submissions stated that the planning proposal would be contrary to the low-rise context in which these two heritage items are sited.
75. Submissions noted that the Woolloomooloo Heritage Conservation Area was established to protect the area's historical and architectural significance, and that the historic 1970s Green Bans saved Woolloomooloo from an overdevelopment of office buildings. Concern was raised that this proposal is for an office development that is out of scale with the surrounding heritage area and would overwhelm the nearby heritage listed buildings, adversely impacting a significant part of Woolloomooloo's heritage.
76. The Woolloomooloo Heritage Conservation Area is characterised by a diversity of buildings of differing scale and architectural styles. To achieve a better relationship with the other buildings within the subject street block, it is recommended that the maximum height and FSR controls for the site be reduced, and restrictions imposed on roof top structures so that the maximum height control is not exceeded. With these recommended changes, impacts on nearby heritage items and contributory building will be reduced. The recommended reductions will reduce the overall height and scale of a future building on the site, with the impact on the Woolloomooloo Heritage Conservation Area being considered acceptable.
77. The DA stage will allow for the consideration of more detailed aspects of a proposed building design to be assessed against heritage provisions, to ensure that a future building respects the conservation area and nearby heritage items.

Concerns were raised about the potential change to the Woolloomooloo Heritage Conservation Area boundaries

78. There were 45 submissions which raised concerns that these planning control changes are being proposed at the same time as plans to remove the site and others from the Woolloomooloo Heritage Conservation Area (C71). Submissions argued that the boundaries of the Woolloomooloo Heritage Conservation Area should not be altered - the Conservation Area status should be retained to protect the neighbourhood's character. There were concerns that this is part of a wider plan to change the character of Riley Street away from respecting its heritage features, thereby diminishing its heritage significance.
79. The proposed adjustments to the boundary of the Woolloomooloo Heritage Conservation Area are part of a separate planning proposal which has not yet proceeded to public exhibition. The appropriate time for the consideration of concerns regarding the proposed adjustments to the Woolloomooloo Heritage Conservation Area boundary is during the public exhibition process for that proposal.
80. The subject planning proposal has been assessed against current planning provisions, with the site still being located within the Woolloomooloo Heritage Conservation Area.
81. The subject proposal is not dependent upon the proposed adjustment to the heritage conservation area boundary to proceed. With the recommended reductions in height and FSR and the restrictions on roof-top structures, a future commercial building on the site will be able to respect the character of the Woolloomooloo Heritage Conservation Area and maintain the significance of nearby heritage listed buildings.

Concerns were raised about the proposal's impact on traffic congestion, parking and safety

82. There were 70 submissions which raised concerns that the proposal would impact on traffic congestion, parking and safety in the area. Submissions argued that the local streets and lanes are already under significant pressure, and a new office building would exacerbate traffic congestion and cause further stress on the road network. The submissions argued that the development will result in additional vehicle movements, from workers, service vehicles and delivery trucks.
83. Particular concerns were raised about the proposal's impact on Busby Lane and McCarthy Place, which are very narrow, one way service lanes. These lanes service multiple apartment buildings, two food and drink premises and commercial offices. They provide critical ingress and egress points for local residents' vehicles. The recently approved St Mary's Catholic College expansion will also use the laneway for access. Submissions noted that traffic flow in Busby Lane is already difficult, with trucks and cars double parking regularly to service properties which causes the complete blockage of the lane for long periods of time.
84. Some objectors stated that the proposal would allow a higher FSR on the site without corresponding on-site parking increases. The limited amount of on-site parking would be unlikely to meet demand, which would increase demand for limited on-street parking. Some objectors argued that the proposal should not be allowed additional car parking spaces.
85. Some submissions raised concern about site servicing, stating that the collection of waste from Busby Lane (rather than on-site) is likely to cause blockages and delays in the laneway.
86. Concerns were raised that the proposal would result in additional traffic pressure in the locality, which in turn would increase safety risks. From basements and loading docks in Busby Lane and McCarthy Place, there is limited or no visibility of oncoming pedestrians, cyclists and other vehicles. The frequent stopping of vehicles on the laneway creates a hazard for pedestrians and cyclists. There will soon be an increase in the number of children in the area given that the new St Mary's Cathedral College campus is under construction nearby. The safety of students at St Mary's Cathedral College is of the utmost importance.
87. The recommended planning controls (as reduced) are not considered to be a significant intensification of land use. The proposed maximum FSR of 3.2:1 represents an additional 696 square metres of commercial floor space above what would already be permitted under the existing planning controls for the site.
88. The site is well serviced by public transport connections. It is located within walking distance of Central Sydney. It is well positioned to take advantage of the metropolitan transport network, including rail, light rail and Metro connections as well as nearby bus services and cycleways. It is expected that future workers on the site will take advantage of these excellent public transport connections.
89. The existing basement carpark on the site has 14 car parking spaces. The reference scheme that was part of the exhibited planning proposal showed a basement plan with 7 car parking spaces (inclusive of one visitor space) and one loading space. This reduction in on-site parking is reflective of the proposed commercial use being a low traffic generating use. The proposed commercial use is unlikely to have a noticeable effect on the operation of the surrounding road network.

90. A swept path diagram has been provided which shows basement ingress and egress to the loading zone for service vehicles can be achieved. The loading bay provides for vans and courier sized vehicles. The car park will need to be designed in accordance with Australian Standards and provide appropriate access for these vehicles. Further consideration will be needed at the DA stage regarding the most appropriate arrangements for waste servicing.
91. Concerns regard congestion and safety within the surrounding street and laneway are noted. The proposal does not represent a significant intensification of land use on the site. The proposal is unlikely to exacerbate these issues to an unreasonable extent.
92. The congestion concerns are consistent with what can be expected in such a highly urbanised environment. If there are safety concerns extend beyond what can be reasonably managed by appropriate use and sharing of the roadway, they should be raised with the City to investigate further. These issues don't warrant refusal of this planning proposal.
93. The DA stage will provide further opportunity to assess a proposed building's parking, loading and servicing arrangements. The DA stage will also be the correct time to consider construction traffic impacts. It is likely that a construction traffic management plan will need to be prepared. It is noted that construction traffic impacts would need to be addressed with any redevelopment of the site (even a redevelopment using the existing planning controls).

Concerns were raised regarding inadequacies and errors in documents used to support the planning proposal

94. There were 26 submissions which stated that insufficient, inadequate and erroneous documents have been submitted in support of the planning proposal request, and that these documents cannot be relied upon for the assessment of site-specific merit or to justify uplift in planning controls.
95. Of particular concern to objectors was that the view impact assessments undertaken by the proponent were inadequate, inaccurate and misleading. Residents in the Paramount Apartments have strongly argued that these assessments have not appropriately considered the impact of the planning proposal on the views and outlook available from their properties. They argue:
 - The SJB Urban Design Report (May 2024) contains 2 indicative images of the proposal's impacts on views available from nearby apartments. Both images relate to apartments located higher than the proposed building height, not capturing the actual impacts on the views available at lower levels of neighbouring buildings. Furthermore, only one view from a single apartment in the Paramount Apartment building was considered, and this relied on a photo found online in a real estate sales post.
 - The SJB View Impact Analysis (November 2024) uses an unorthodox assessment methodology which seeks to assess the percentage of apartments within neighbouring buildings which would be affected by additional view loss and to what extent (measured as a percentage). The analysis contains no actual view impact images and has been prepared in ignorance of the nature of the existing views available from the Paramount Apartments.
 - These view impact analyses should not be used as a basis upon which to support the planning proposal.

96. City staff have not relied upon the SJB Urban Design Report (May 2024) nor the SJB View Impact Analysis (November 2024) in the assessment of potential impacts upon views and outlook. This is because of concerns that the SJB Urban Design Report contains an insufficient analysis of potential view impacts and the SJB View Impact Analysis used an unorthodox assessment methodology to assess impacts.
97. City staff have undertaken independent view impact analyses to assess the impact on the views available from apartments within the Paramount Apartments. These can be viewed at Attachments F and G.
98. With regard to other inadequacies in documentation cited by objectors, it is noted that the City does not rely solely on a proponent's documents submitted in support of a planning proposal in making its recommendation. Objectors' concerns have all been considered and addressed in Attachment A to this report.

Concerns were raised regarding the planning proposal process, lack of transparency in decision making, and the lack of community consultation

99. There were 25 submissions which raised concerns regarding the process followed for this planning proposal, which included discussions with the developer dating back to December 2021 but no formal engagement with the local community until January 2025.
100. Objectors noted that between 2021 to 2023, Council officers rejected multiple proposals for the site due to excessive height, scale and the impact on heritage and surrounding buildings. Despite rejecting these proposals, City staff are now supporting this proposal which is of greater scale and height than previously rejected proposals. Objectors argued that there has been a lack of transparency around decision making for this proposal, with decisions having already been made which directly impact nearby residents without sufficient community consultation.
101. The planning history for this site is set out the Background section of this report.
102. The City engaged with the landowner in pre-planning proposal discussions because it has a responsibility to do so. The City is required to consider requests to amend planning controls from all landowners. The City also has a responsibility to provide developers with feedback on potential development applications.
103. City advice on development applications and planning proposals can differ because the commentary is provided in a different context.
104. City advice on development applications (DAs) and pre-development applications is provided in the context of the existing planning controls that apply to a site. Where non-compliances are identified (e.g. height and FSR) these non-compliances are highlighted, and reasons provided as to why they may not be supported.
105. The context for advice on a planning proposal is different. The City must consider the request against priorities identified in the NSW Government's Greater Sydney Region Plan, Eastern City District Plan and the City's Local Strategic Planning Statement. This is a consideration of a proposal's strategic merit. The City then must also consider the site-specific merit of the request. This is a consideration of site-specific and contextual issues.

106. Before engaging with the public on a request to amend planning controls, a council first needs to obtain a Gateway Determination from the NSW Government. The City received the Gateway Determination for this planning proposal in October 2024. This Gateway Determination authorised the City to engage with the community on the planning proposal request.
107. The public exhibition process allows the City to fully test the site-specific merit of a planning proposal. It allows the community the opportunity to comment on a proposal in totality and for the City to give full consideration to the communities' views in the subsequent assessment. This approach is consistent with the NSW Government's Local Environmental Plan Making Guideline.
108. The City has now completed its assessment taking into consideration public submissions. Changes to the planning proposal are recommended to ensure a better relationship with adjoining buildings within the subject street block. On balance, the site-specific merits of the amended proposal are considered acceptable.

Further engagement with public authorities and government agencies will be needed at the Development Application stage

109. The City received responses from 7 public authorities or government agencies, none of whom raised objection to the proposal.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

110. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. The proposed planning controls are aligned with the strategic directions and objectives.
111. The proposed planning controls give effect to the infrastructure, liveability, productivity and sustainability priorities in the Greater Sydney Commission's Greater Sydney Region Plan and Eastern City District Plan and the City's Local Strategic Planning Statement.

Risks

112. City staff have undertaken a thorough assessment of the planning proposal and found that with the recommended changes, it demonstrates strategic and site specific merit in accordance with NSW Government guidelines. The NSW Government also assessed and issued a Gateway Determination. The planning proposal is consistent with Sustainable Sydney 2030-2050 Continuing the Vision.
113. Progressing the planning proposal in its amended form, taking into account matters raised through the public consultation process, is within the City's risk tolerance and appetite.
114. With the recommended changes, the planning proposal has demonstrated that development will be capable of complying with relevant environmental and planning laws, regulations and industry standards and is within the City's minimal appetite for non-compliance with environmental laws, regulations and industry standards.

Relevant Legislation

- 115. Environmental Planning and Assessment Act 1979
- 116. Environmental Planning and Assessment Regulation 2021
- 117. Environmental Planning and Assessment (Statement of Expectations) Order 2024

Critical Dates / Time Frames

- 118. The Gateway Determination specified that the amendment to the Sydney LEP 2012 is to be completed by 7 August 2025. The City will liaise with the Department of Planning, Housing and Infrastructure for an extension to this timeframe if required.
- 119. The Gateway Determination authorises Council to exercise its delegation and liaise directly with Parliamentary Counsel to draft and make the local environmental plan. If the planning proposal is approved by the Central Sydney Planning Committee and Council, the City will commence this process. Once the process is complete and the plan is made, the amendment to the Sydney LEP 2012 will come into effect when published on the NSW Legislation website.
- 120. If approved by Council, the draft DCP will come into effect on the same day as the amendment to the Sydney LEP 2012.

GRAHAM JAHN AM

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