

Item 3.

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

File No: X087762

Summary

Located to the east of the Sydney CBD and in the City Fringe area, Woolloomooloo is a relatively dense inner city area characterised by a mixture of land uses and buildings of various architectural styles and heights. Excellent accessibility and transport connections make Woolloomooloo an ideal location for fringe commercial land uses. The proposal will assist in the delivery of new, high performing work space in Woolloomooloo, helping to promote investment, business and employment opportunities which is a key priority across City and State strategies.

A planning proposal has been prepared for 47-51 Riley Street, Woolloomooloo, following a request by the landowner, RileyCorp Pty Ltd, to amend the planning controls for the site. The site is within walking distance of the Sydney CBD, and in close proximity to William Street which is a key connector between the City and the Eastern Suburbs. It is well positioned to accommodate additional commercial floor area.

The planning proposal seeks to amend the building height and floor space ratio controls for the site. The proposal for a five storey commercial development with office and retail space is a good contextual fit with neighbouring low and mid-rise buildings and provides a transition to nearby high-rise buildings. The proposed building envelope seeks to minimise impacts on nearby residential developments, including with regard to overshadowing. The inclusion of retail floor space at ground floor level fronting Riley Street will contribute to the activation and vibrancy of Riley Street.

This report recommends approval of the planning proposal for submission to the Department of Planning, Housing and Infrastructure seeking a Gateway Determination, followed by public exhibition. It also recommends that a draft site-specific development control plan be endorsed for exhibition. It is proposed that all documents be exhibited concurrently.

Recommendation

It is resolved that:

- (A) Council approve Planning Proposal - 47-51 Riley Street, Woolloomooloo, as shown at Attachment A to the subject report, to be submitted to the Minister for Planning and Public Spaces with a request for Gateway Determination;
- (B) Council approve Planning Proposal - 47-51 Riley Street, Woolloomooloo, as shown at Attachment A to the subject report for public authority consultation and public exhibition in accordance with any conditions imposed under the Gateway Determination;
- (C) Council seek authority from the Minister for Planning and Public Spaces to exercise the delegation of all the functions under section 3.36 of the Environmental Planning and Assessment Act 1979 to make the local environmental plan and to put into effect Planning Proposal - 47-51 Riley Street, Woolloomooloo;
- (D) Council approve the Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo, shown at Attachment B to the subject report for public authority consultation and public exhibition concurrent with the Planning Proposal;
- (E) authority be delegated to the Chief Executive Officer to make any variations to Planning Proposal - 47-51 Riley Street, Woolloomooloo, to correct any drafting errors or to ensure consistency with the Gateway Determination; and
- (F) authority be delegated to the Chief Executive Officer to make any variations to Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo, to correct any drafting errors or to ensure consistency with the Gateway Determination.

Attachments

Attachment A. Planning Proposal - 47-51 Riley Street, Woolloomooloo and appendices

Attachment B. Draft Sydney Development Control Plan 2012 - 47-51 Riley Street, Woolloomooloo

Background

1. A planning proposal request has been lodged for a site in Woolloomooloo, located in the City Fringe and within walking distance of the Sydney CBD. The site is located at 47-51 Riley Street, Woolloomooloo. It has a primary street frontage to Riley Street and a secondary frontage to Busby Lane at the rear, as shown in Figure 1.



Figure 1: Land affected by this planning proposal

2. The site has an area of 580 square metres. It is occupied by a part two/part three storey office building which was constructed in the mid-1960s. It remains in use today as offices.
3. The site is located within a street block comprised of five properties, each occupied with buildings of different architectural styles. Beyond the street block, there are a mixture of residential and commercial high-rise developments to the east, west and south of the site.
4. Further details of the site and existing planning controls are in sections 1 and 2 of the planning proposal. Images of the site as viewed from Riley Street and Busby Lane are at Figures 2 and 3.



Figure 2: 47-51 Riley Street, Woolloomooloo, viewed from Riley Street and outlined in red



Figure 3: 47-51 Riley Street, Woolloomooloo, viewed from Busby Lane at the rear and outlined in red

Proponent's request

5. The landowner and proponent, RileyCorp Pty Ltd, lodged a formal request to prepare a planning proposal in April 2024. The applicant intends to redevelop the site for commercial purposes, through provision of a 5-storey building with offices and a ground floor retail tenancy.
6. The proponent has requested the following changes to the built form controls in the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) to pursue a commercial development on the site:
 - an increase to the maximum building height from 12 metres to 25 metres; and
 - an increase in the maximum floor space ratio from 2.1 to 3.8:1.
7. The proponent has designed a building envelope to respond to the surrounding built form and minimise impacts on nearby residential properties. It includes the following key parameters:
 - a maximum height of 5 storeys;
 - three storey street wall with nil setback to both Riley Street and Busby Lane;
 - a 3-metre upper level setback on Riley Street and a 0.57 metre upper level setback to Busby lane;
 - rooftop lift overruns and services, pergola structure and communal open space;
 - a ground floor retail use with frontage to Riley Street; and
 - a basement level with parking, bike parking and end of trip facilities.
8. The proponent has prepared an indicative scheme to demonstrate that a commercial building can be accommodated within the parameters set out above. Images prepared by the proponent of the indicative scheme are at Figures 4 and 5.



Figure 4: Artistic representation of indicative design - Riley Street perspective



Figure 5: Artistic representation of indicative design - Busby Lane perspective

Planning proposal

9. The proponent's request has been considered, and in response a planning proposal has been prepared to increase the height and floor space controls to support a commercial development on the site.

10. The planning proposal details the proposed amendments to Sydney LEP 2012 by inserting new site-specific provisions. The proposed provisions:
 - (a) permit a maximum building height of 25 metres, an increase from the current control of 12 metres; and
 - (b) increase the maximum floor space ratio control from 2:1 to 3.8:1 (exclusive of basement level end of journey facilities).
11. Further explanation of the proposed provisions is in Section 4 of the planning proposal at Attachment A.

Draft amendments to the Sydney Development Control Plan 2012

12. To provide further guidance to the development facilitated by this planning proposal, a draft site-specific Development Control Plan (draft DCP) has been prepared and is shown at Attachment B. The draft DCP provisions include:
 - (a) a maximum building envelope, including height of building in storeys, street wall heights and upper level setbacks;
 - (b) requirements for site access and servicing;
 - (c) requirements for a retail use on the ground floor with frontage to Riley Street; and
 - (d) a requirement for a green roof.
13. See Figures 6, 7 and 8, which are proposed to be included in the draft DCP.



Figure 6: Height of Building in storeys and upper level setbacks (setbacks dimensioned in metres)

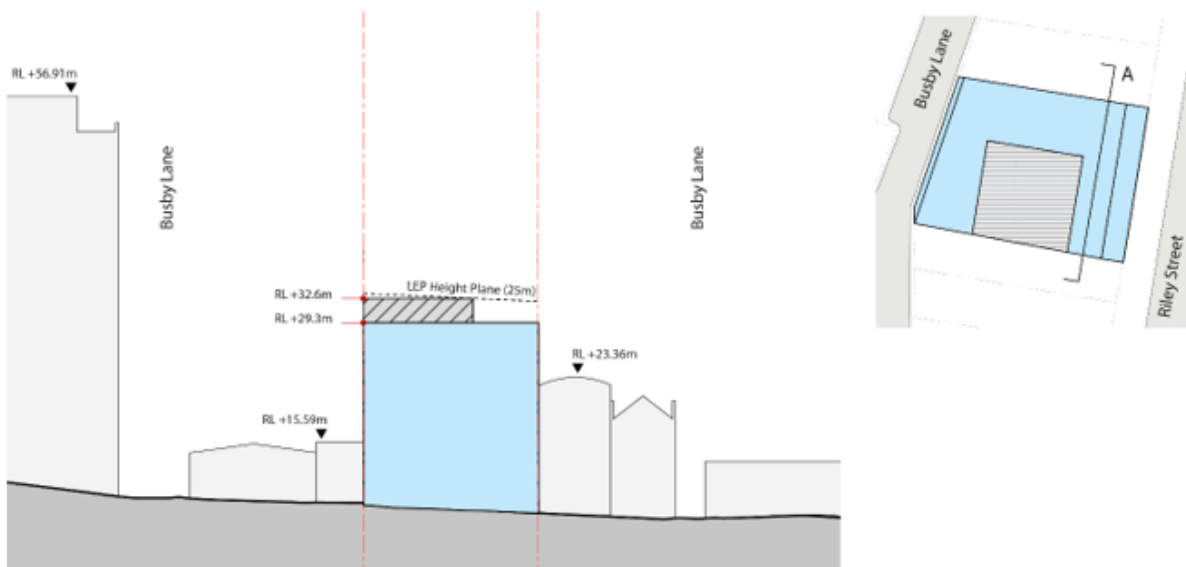


Figure 7: Maximum Building Envelope Section A (hatched area represents an allowance for roof top structures under the LEP Height control)

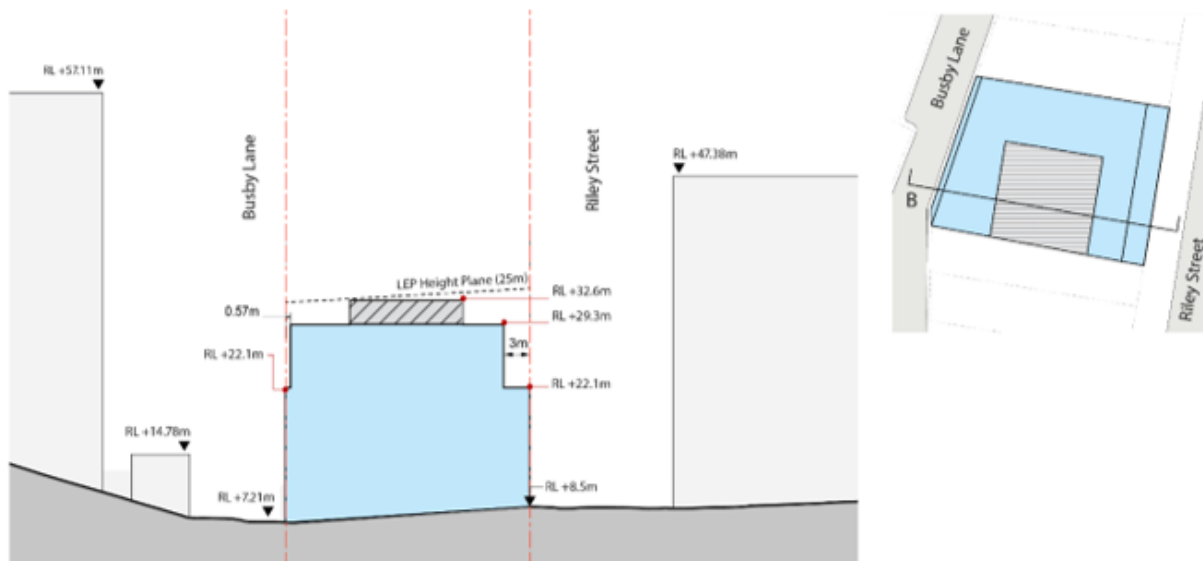


Figure 8: Maximum Building Envelope Section B (hatched area represents an allowance for roof top structures under the LEP Height control)

Key Implications

The site is well positioned to support additional commercial development and future workers will be able to take advantage of nearby public transport, goods and services

14. The planning proposal will enable the redevelopment of the site and contribute additional commercial workspace to the Harbour CBD and the City Fringe area, encouraging investment and business activity to support the continued growth and competitiveness of the Harbour CBD. It is envisaged that the proposed development could provide approximately 2,150 square metres of commercial workspace and around 90 jobs.
15. The site is well positioned in relation to existing infrastructure, encouraging the efficient use of land. The site is within walking distance of the Sydney CBD and residential areas, is near public transport, and is close to city parks including Cook and Phillip Park, Hyde Park and the Domain. Future workers at the site will be able to take advantage of the site's accessibility when travelling to and from work and will be able to access the goods and services on offer in the immediate locality and the nearby CBD.
16. Further detail regarding the strategic merits of the proposal, including consideration of how the planning proposal gives effect to the objectives and actions of key State planning and is consistent with the City's local strategic planning statement and applicable State policies, is at section 5.3 of the planning proposal at Attachment A.

The proposed building height, envelope and setbacks provide a good contextual fit

17. The proposed building height and envelope are a good contextual fit and have been designed to respond to the built form and range of heights in the area. The proposed built form respects the low and mid-rise scale of adjoining properties through the use of a podium and a three-storey street wall height and uses setbacks for the upper levels to reduce impacts on the streetscape and provide a transition to the nearby high rise buildings. The building envelope adopts a zero setback from all site boundaries at ground level, which is consistent with other development in this highly urbanised area.

The building envelope minimises overshadowing impacts on neighbouring residential properties

18. Shadow diagrams have been prepared to show the potential overshadowing impact of the development on nearby properties. Facade testing of the northern elevation of the building at 60-70 William Street showed that only 0.5 per cent of the residential façade of this building would experience additional overshadowing impacts, but that all apartments would continue to achieve two hours of solar access in mid-winter. See Figure 9.

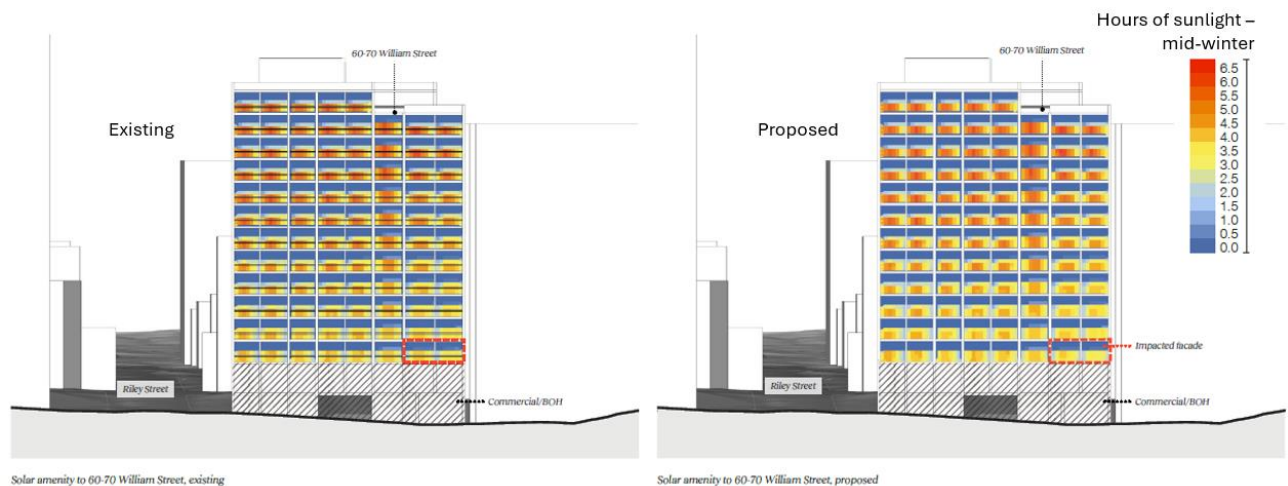


Figure 9: Facade testing of northern elevation of building at 60-70 William Street - showing existing and proposed solar access in mid-winter

The building envelope sits within the surrounding built form and results in minimal visual impact when viewed from the Domain, and does not impact on key views out from nearby buildings

19. The visual impact of the proposed building envelope on streetscapes and the Domain nearby has been considered. The proposed building sits within surrounding buildings. See Figure 10. When viewed from the Domain, there is minimal visual impact.
20. The proponent has prepared a view impact assessment which indicates that from nearby buildings (46-47 Riley Street and 60-70 William Street), the proposed building envelope sits within the surrounding built form and does not impact on key local views out from these properties. The proponent's assessment is limited to the consideration of views from two apartments. It may be that there are some impacts on views and outlook from apartments on the lower levels of nearby buildings, but it is likely that the majority of apartments in these buildings will not have views or outlook adversely impacted.



Figure 10: The proposed building envelope sits within surrounding buildings of varying heights

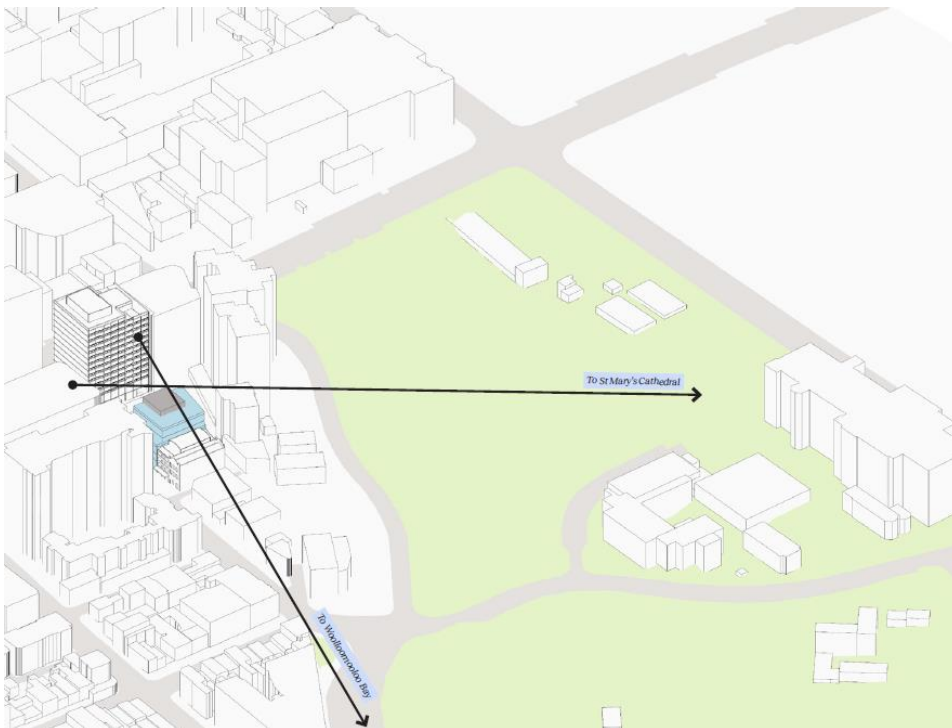


Figure 11: Views out from nearby buildings have been considered. There may be some impact on views and outlook from apartments at lower levels in nearby high-rise buildings, but the majority of apartments in these buildings will not have views or outlook adversely impacted.

A retail use at ground floor level will contribute to street activation and vibrancy

21. A retail use is proposed at ground floor level with frontage to Riley Street and will contribute to the activation and vibrancy of Riley Street. The site specific DCP will contain provisions requiring a minimum of 158 square metres of the ground floor to be used for retail purposes, with the retail use having a minimum frontage to Riley Street of 11.5 metres.

A basement carpark will be accessed off Busby Lane, and the development will have very low traffic generation

22. Vehicular access to the site is proposed via Busby Lane. A basement level will accommodate car and bike parking and end of journey facilities. Further consideration will be needed at detailed design stage in relation to waste servicing and vehicular movement to and from the site and within the basement.
23. The proponent submitted a transport report which indicates that the development will have very low traffic generation, and traffic generated would not have noticeable effects on the operation of the surrounding road network.

The site is flood affected and floor levels will need to respond to this at development application stage

24. The site is identified as flood affected in the City's Woolloomooloo Catchment Flood Study and Floodplain Risk Management Study and Plan 2016. The proponent submitted a Flood Impact Assessment in support of the planning proposal. In response to concerns raised by the City regarding the floor levels in the indicative design scheme, the proponent raised the ground floor level by 50 millimetres. The proponent advised that any future modification to the floor levels in the ground floor lobby or retail tenancy would have no impact on the overall building height. The City's stormwater engineer has advised that the planning proposal is acceptable, but detailed Flood Impact and Risk Assessment (FIRA) and Flood Emergency Response Plan (FERP) reports are to be submitted in relation to a future development application for the site.

A green roof will be required

25. The proponent's planning proposal request makes provision at roof level for lift overruns, roof access and amenities alongside a pergola structure. The proponent's indicative scheme shows a communal area and 79 square metres of planting at roof level.
26. The draft DCP for the site includes a requirement for a green roof of a minimum of 148 square metres, which is a higher requirement than what has been shown in the indicative scheme. This higher requirement is consistent with the green roof replacement rates currently proposed by the City and recognises that deep soil tree planting cannot be achieved given that full site coverage is anticipated. A future development application for the site would need to include a green roof which complies with the City's green roof provisions.

Heritage studies conclude that it is unlikely that Aboriginal objects or other historical deposits would be encountered in the redevelopment of the site and the City proposes to adjust the boundaries of the conservation area

28. Three heritage studies were submitted alongside the proponent's request for a planning proposal. The Aboriginal Heritage Due Diligence assessment noted that due to prior disturbance, there is not a likelihood of Aboriginal objects being present on the site. The Baseline Historical Archaeological Assessment concluded the high level of disturbance during historical development of the site indicates that historical deposits are unlikely to be encountered during the construction of a new building and basement on the site.
29. A Heritage Impact Statement noted that the site is not a locally listed heritage item but is located close to local heritage items and is within the Woolloomooloo Heritage Conservation Area (C71) under the Sydney LEP 2012. The Statement notes that the City has undertaken a review of conservation area boundaries. As part of this review, it is proposed to adjust the Woolloomooloo Heritage Conservation Area's boundaries to remove the site and some other nearby sites from the Conservation Area.
30. Given the conclusions of the heritage studies, the scale of the proposal and the City's proposal to remove the site from the Woolloomooloo Heritage Conservation Area, the planning proposal is considered acceptable in terms of heritage impacts.

The Planning Proposal is consistent with the City's strategic vision

31. The City's Local Strategic Planning Statement, City Plan 2036, sets out the 20-year vision for land use planning in the city and the planning priorities and actions needed to achieve this vision. The planning proposal gives effect to the following priorities of City Plan 2036:
 - (a) Priority I1: Movement for walkable neighbourhoods and a connected city – The planning proposal would facilitate a new commercial development in a well-located area to enable integration with existing and future transport connections. The site's location close to residential dwellings will promote opportunities for walkable neighbourhoods.
 - (b) Priority I2: Align development and growth with supporting infrastructure – The planning proposal would facilitate the development of new commercial office space well-positioned to take advantage of existing infrastructure, including rail, light rail and Metro connections, as well as nearby bus services and cycleways.
 - (c) Priority L2: Creating great places – The planning proposal would deliver improved street life and ground floor activation through a retail use fronting Riley Street, enhancing the character and visual interest of this part of Woolloomooloo.
 - (d) Priority P2: Developing innovative and diverse business clusters in City Fringe – The planning proposal supports growth in the City Fringe area by facilitating future development of additional commercial floor space that can be adapted to a variety of business uses.

32. 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 for the future of the city, as well as 10 targets against which to measure progress. This planning proposal is aligned with the following strategic directions and objectives:
 - (a) Direction 5 - A city for walking, cycling and public transport - The site is within walking distance of the Sydney CBD and is well positioned to take advantage of existing transport infrastructure including rail, light rail and Metro connections, bus routes and cycleways.
 - (b) Direction 9 - A transformed and innovative economy - This planning proposal supports employment growth in the City Fringe, helping to maintain the city's position as a destination for business, investment and talent.
33. Further information regarding the planning proposal's alignment with the strategic planning framework can be found in section 5.3 of the planning proposal, shown at Attachment A.

Relevant Legislation

34. Environmental Planning and Assessment Act 1979 (EP&A Act 1979)
35. Environmental Planning and Assessment Regulation 2021 (EP&A Reg 2021)

Critical Dates / Time Frames

36. Should Council endorse the attached planning proposal for public exhibition, it will be forwarded to the Department of Planning, Housing and Infrastructure in accordance with Section 3.34 of the EP&A Act 1979 for Gateway Determination.
37. The Gateway Determination will provide the required date for the completion of the Local Environmental Plan amendment. Following public exhibition, the outcomes will be reported back to Council.

Public Consultation

38. The public exhibition process for this planning proposal will be determined by the Department of Planning, Housing and Infrastructure. The draft Development Control Plan will be publicly exhibited alongside the planning proposal.
39. The public exhibition will be in accordance with:
 - (a) the Gateway Determination issued by the Department of Planning, Housing and Infrastructure under section 3.34 of the Environmental Planning and Assessment Act 1979;
 - (b) the Environmental Planning and Assessment Regulation 2021; and
 - (c) the City of Sydney's Community Engagement Strategy and Participation Plan.

40. The planning proposal and draft Development Control Plan will be publicly exhibited online on the City of Sydney website in accordance with the Environmental Planning and Assessment Regulation 2021.
41. It is likely that the public exhibition of the planning proposal and the draft Development Control Plan will be a minimum of 28 days.

GRAHAM JAHN AM

Director City Planning, Development and Transport

Siobhan Fox-Roberts, Senior Specialist Planner