



IRF24/2230

Gateway determination report – PP 2024-717

47-51 Riley Street, Woolloomooloo

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A - Planning Proposal - PP-2024-7 (City of Sydney, July 2024)
Attachment B - Draft Sydney DCP 2012 (City of Sydney, July 2024)
Attachment C - Council Report - Public Exhibition (22 July 2024)
Attachment D - Council CSPC Resolution - 25 July 2024
Attachment E - Consideration of Sydney DCP (FPD Planning)
Attachment F- Planning Proposal Justification Report (FPD Planning, April 2024)
Attachment G - Additional information to support Planning Proposal (FDP Planning, May 2024)
Attachment H - Urban Design Report (SJB, May 2024)
Attachment I - Site Survey (Denny Linker & Co, October 2022)
Attachment J - Aboriginal Heritage Due Diligence (Extent Heritage Pty Ltd, September 2022)
Attachment K - Baseline Archaeological Assessment (Extent Heritage Pty Ltd, September 2022)
Attachment L - Heritage Impact Statement (NBRS & Partners Pty Ltd, March 2024)
Attachment M - Flood Impact Assessment (Barker Ryan Stewart, March 2024)
Attachment N - Transport Assessment (Colston Budd Rogers & Kafes Pty Ltd, April 2024)
Attachment O - Swept Path Diagrams (Colston Budd Rogers & Kafes Pty Ltd, May 2024)

1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	City of Sydney
PPA	City of Sydney
NUMBER	PP-2024-717
LEP TO BE AMENDED	Sydney Local Environmental Plan 2012 (Sydney LEP 2012)
ADDRESS	47-51 Riley Street, Woolloomooloo, NSW 2011
DESCRIPTION	Lot 1 DP 83489
RECEIVED	6/08/2024
FILE NO.	IRF24/2230
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Deliver a five-storey building with approximately 2150 square metres of new commercial floor space which:
 - Contributes to jobs growth in the City Fringe.
 - Activates Riley Street through the provision of retail land uses on the ground floor.
 - Responds to overshadowing and view impacts.
 - Responds to flood considerations.

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

1.3 Explanation of provisions

The planning proposal (**Attachment A**) seeks to amend the Sydney Local Environmental Plan 2012 (Sydney LEP 2012) to enable an increased floor space ratio (FSR) and increased maximum building height for development at 47-51 Riley Street, Woolloomooloo where it is used wholly for commercial purposes other than residential accommodation or serviced apartments.

This is to be achieved by introducing a new site-specific clause under Part 6, Division 5 to:

- Permit a maximum building height of 25 metres.
- Permit a maximum floor space ratio of 3.8:1.
- Prevent development consent being granted under this clause unless the consent authority is satisfied that the resulting building would not be used for the purpose of residential or serviced apartments.

The planning proposal notes amendments are proposed to the Sydney Development Control Plan 2012 (draft DCP) (**Attachment B**) to help ensure the objectives and intended outcomes of this planning proposal are achieved. The draft DCP includes controls relating to the built form of the proposed development, site access and servicing, street activation and urban ecology. Council intends to publicly exhibit the draft DCP amendments alongside this planning proposal.

1.4 Site description and surrounding area

The site is located to the east of the Sydney CBD and is on the western edge of Woolloomooloo. The site's primary frontage is to Riley Street (21m), and there is a secondary frontage to Busby Lane (2 and 19m). The site has an area of 580sqm (see **Figure 1** below).

The site contains a 2-3 storey commercial building constructed in the 1960s, comprising 1000sqm of office floor space. The site currently contains 14 car spaces and vehicular access is from Busby Lane (see **Figure 2** below).

The site is located within a street block comprised of five properties ranging in height from 2-5 stories, with each building being of a different architectural style and predominantly used for commercial purposes except for the building directly to the north which has residential uses at the upper levels. Beyond the street block, there are a mix of residential and commercial high-rise developments to the east, west and south of the site. To the south and west are high rise mixed use and residential developments of 14 storeys which address William Street and use Busby Lane for car parking and service access. To the east of the site is the seven storey mixed use residential City Ford building which is identified as a heritage item and to the north-east is a large residential development of 14 storeys.

The site is located to the east of the Sydney CBD and is approximately 800 metres from Town Hall and Kings Cross Railway Station with intercity, suburban and bus connections, as well as light rail connections at Town Hall. St James' Railway station is also approximately 600 metres away and Museum Station around 900 metres away. To the south of the site is William Street, which is a key connector between the City CBD and the Eastern Suburbs.



Figure 1 – Subject Site (source: City of Sydney)



Figure 2 – Subject Site (source: City of Sydney)

2 Need for the planning proposal

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

The planning proposal is the result of a request made to Council by the landowner and proponent (RileyCorp Pty Ltd).

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The intended outcomes of the proposal cannot be delivered under the current planning framework and a planning proposal is required to amend the Sydney LEP 2012.

The planning proposal seeks to introduce a site-specific clause into the Sydney LEP 2012 to enable additional employment floor space, in an accessible location. The proposal is consistent with the City's Local Strategic Planning Statement (City Plan 2036) and will provide employment floor space through amending building height and floor space ratio controls without resulting in unacceptable impacts on the public domain and amenity.

An alternative approach to the site-specific clause would be to amend the existing 'Height of Buildings Map' and 'Floor Space Ratio Map'. However, doing so would provide no guarantee that additional floorspace would be for employment generating uses.

3 Strategic assessment

3.1 Regional Plan

The Greater Sydney Region Plan - A Metropolis of Three Cities (March 2018) was prepared by the Greater Sydney Commission. Key objectives of the Region Plan are Infrastructure and Collaboration, Liveability, Productivity and Sustainability. The planning proposal is consistent with the Region Plan as it will enable additional employment floor space, generating jobs and supporting the strength and competitiveness of the Harbour CBD.

3.2 District Plan

The site is within the Eastern City District and the Greater Sydney Commission released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability. The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the Environmental Planning and Assessment Act 1979 (EP&A Act). **Table 3** assesses the planning proposal against the relevant priorities and actions of the District Plan.

Table 3 District Plan assessment

District Plan Priorities	Justification
Planning for a city supported by infrastructure (Planning Priority E1)	The planning proposal will facilitate new office space close to existing transport infrastructure, maximising the efficient use of rail and bus services.
Creating and renewing great places and local centres, and respecting the District's heritage (Planning Priority E6)	<p>The planning proposal would facilitate redevelopment of the site in a way that would contribute to the existing built environment and fine grain urban form of Woolloomooloo.</p> <p>The site is within the Woolloomooloo Heritage Conservation Area (C71). Council has submitted a separate planning proposal to the Department for a Gateway assessment which currently is being assessed. The proposal seeks to remove the site and surrounding area from the conservation area. Council has noted in their assessment that development permitted under this planning proposal would respect the heritage significance of nearby local heritage items.</p> <p>A Heritage Impact Statement submitted in support of the planning proposal concludes that development permitted under the planning proposal will have no detrimental impacts to the surrounding items or conservation area.</p>
Growing a stronger and more competitive Harbour CBD (Planning Priority E7)	The subject site is located in the Harbour CBD. The proposal will enable the development of additional employment floor space and the creation of jobs supporting the strength and competitiveness of the Harbour CBD.
Growing investment, business opportunities and jobs in strategic centres (Planning Priority E11)	The planning proposal will enable the development of additional employment floorspace in the Harbour CBD contributing to the creation of jobs as well as growth in investment and business opportunities.

3.3 Local Plans

The proposal states that it is consistent with the following local plans and endorsed strategies as stated in **Table 4** below:

Table 4 Local strategic planning assessment

Local Strategies	Justification
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Local Strategic Planning Statement (City Plan 2036)	<p>The site is located in the 'Macleay Street and Woolloomooloo Village' to the south-east of Central Sydney. The 'Macleay Street and Woolloomooloo Village' hosts a strong professional and business services sector.</p> <p>The LSPS notes that opportunities for commercially productive uses are becoming constrained in Central Sydney and identifies the need for additional employment floor space in the City Fringe to accommodate more jobs and support the continued economic growth of the Harbour CBD.</p> <p>The planning proposal is consistent with the LSPS because it will:</p> <ul style="list-style-type: none"> • enable additional employment floor space, helping to support 'innovative and diverse business clusters in the City Fringe' (Priority P2); • help align growth with supporting infrastructure, by providing additional employment floor space in an accessible location (Priority 12).
Sustainable Sydney 2030 - 2050	<p>Sustainable Sydney 2030-2050 is the City of Sydney's overarching Community Strategic Plan (CSP), setting out Council's vision for the LGA. The planning proposal is consistent with the CSP because it would support additional employment floor space in a highly accessible location, helping to:</p> <ul style="list-style-type: none"> • Meet the City of Sydney's target for 200,000 new jobs by 2036 (ten targets to measure progress). • Encourage people to walk, cycle or use public transport to get to and from work (Direction 5: A city for walking, cycling and public transport). • Maintain the City's position locally, nationally and internationally as a destination for business investment and talent (Direction 9: A transformed and innovative economy).

3.4 Section 9.1 Ministerial Directions

Table 5 provides an assessment of the planning proposal's consistency with the relevant Ministerial Directions under section 9.1 of the EP&A Act.

Table 5: 9.1 Section 9.1 Ministerial Directions

Directions	Consistency	Reasons for Consistency or Inconsistency
Focus area 1: Planning Systems		
1.4 Site Specific Provisions	Inconsistent but justified	<p>While the planning proposal will introduce site specific provisions into the Sydney LEP 2012, inconsistency with the Direction is considered minor and justified.</p> <p>This is because the site specific provisions are the most appropriate mechanism for supporting the delivery of additional employment floor space on the site, consistent with the objectives of the District Plan and LSPS. The planning proposal also does not restrict the permissible land uses in the MU1 Mixed Use zone.</p>

Directions	Consistency	Reasons for Consistency or Inconsistency
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Focus area 4: Resilience and Hazards

3.2 Heritage Conservation	Consistent	<p>The site is located within the Woolloomooloo Heritage Conservation Area (C71) and there are no heritage-listed items on the site.</p> <p>Council has undertaken a review of conservation area boundaries and prepared a separate planning proposal (PP-2023-2887) to amend the boundaries of some Heritage Conservation Areas in the City of Sydney LGA. Under PP 2023-2887 it is proposed to adjust the Woolloomooloo Heritage Conservation Area's boundaries to remove 47-51 Riley Street and some other nearby sites from the conservation area as the sites detract from the Heritage Conservation Area. Council has submitted PP 2023-2887 to the Department for a Gateway determination.</p> <p>The planning proposal is supported by a Heritage Statement (Attachment L) that notes the proposed development envelope will have an acceptable impact on any heritage items or significant views. Sydney LEP 2012 includes sufficient provisions to ensure heritage will be further considered through a future development application stage.</p> <p>The planning proposal is consistent with the Direction having adequately considered potential impacts on nearby heritage items.</p>
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4.1 Flooding	Consistent	<p>This Direction seeks to ensure that development of flood prone land is consistent with the Government's Flood Planning Framework and ensure LEP provisions are commensurate with the flood behaviour and consider the potential impacts on and off the land.</p> <p>The site lies within the Woolloomooloo Catchment. Historically a creek ran along what is now Busby Lane and ran to the Harbour's former shoreline between the end of Crown and Palmer Streets. The catchment is covered by Council's Woolloomooloo Catchment Floodplain Risk Management Plan and Study (2016).</p> <p>While significant flood inundation is not shown on the site, Riley Street is identified as a floodway and the rear lane (Busby Lane) is mapped as flood storage.</p> <p>Due to the low point on Busby Lane significant flood water depth is experienced in the Probable Maximum Flood (PMF). Riley Street is noted to be subject to high hazard during the 1% AEP and PMF. Flood risk will therefore be an important consideration for future development in terms of evacuation and building design, particularly for underground car parking access.</p> <p>A site-specific flood assessment (Attachment M) for the planning proposal has been undertaken. The assessment concludes with a series of recommendations to ensure compliance with council requirements and enable future development to reduce risk and mitigation impact. These include basement and building access arrangements responding to relevant flood levels.</p> <p>The planning proposal applies to an existing commercial site, providing incentives for additional commercial development and does not seek to rezone the land to allow uplift in residential uses. The planning proposal does not contain provisions that will hinder the application of existing flood management planning controls.</p> <p>Council's assessment report states that it is satisfied that the planning proposal is consistent with the terms of the Direction and the recommendations for future development to reduce risks and effects associated with flood behaviour are satisfactory. Council notes that a detailed Flood Impact Risk Assessment (FIRA) and Flood Evacuation Plan would be required in support of any future development application on the site.</p> <p>The Department notes that due to the flood impact on the roads adjoining the site, the planning proposal should be updated to provide additional information on how a response to an emergency would be considered in a flood event, including evacuation or refuge needs. A condition is recommended to require these amendments.</p> <p>The Department agrees that the proposal is consistent with the Direction. The Department notes the minor uplift proposed for commercial uses only, no changes to development footprint proposed will mean no significant change to flood behaviour, the site adjoins a floodway and flood storage, but is not within these areas, and the mitigations proposed through supporting flood assessment which respond to the flood conditions.</p>
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Directions	Consistency	Reasons for Consistency or Inconsistency
4.5 Acid Sulfate Soils	Inconsistent but justified	<p>This Direction requires an acid sulfate soils study where intensification is likely to occur in an area identified as being affected by acid sulfate soils.</p> <p>The site is identified in the Sydney Local Environmental Plan as potentially affected by Class 2 acid sulfate soils. An Acid Sulfate Soil study has not been submitted with the planning proposal to demonstrate environmental impacts will be avoided has not been provided.</p> <p>The inconsistency with the Direction is considered minor and justified because the planning proposal does not seek to change the zone or permissible uses.</p> <p>Additionally, Sydney LEP 2012 contains suitable provisions to ensure acid sulfate soils can be appropriately considered and addressed through further investigation and testing of the soil as part of any future development application. This includes a requirement for an Acid Sulfate Management Plan.</p>

Focus area 5: Transport and Infrastructure

5.3 Development Near Regulated Airports and Defence Airfields	Consistent	The planning proposal does propose building heights that would impede on the operation or safety of Sydney Airport. However, as the planning proposal is on land that is located near Sydney Airport. The Direction requires that development near a core regulated Airport must consult with the Commonwealth Department and Sydney Airport (the operator). A Gateway condition has been included to reflect this.
6.1 Residential Zones	Consistent	The planning proposal is consistent with the Direction as while it seeks to incentivise commercial development it will not reduce the permissible residential density of the land.
7.1 Employment Zones	Consistent	The planning proposal is consistent with this Direction as it will encourage employment contributing to the creation of jobs as well as in investment and business opportunities in the Harbour CBD.

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in **Table 6** below.

Table 6: Consistency with relevant SEPPs

SEPPs	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Biodiversity and Conservation) 2021	Consistent	<p>The site is located on land in the Sydney Harbour Catchment under the SEPP. However, it is not within the Foreshore and Waterway Area.</p> <p>The SEPP contains general controls, as well as controls for development in specific areas and for specific purposes in the Sydney Harbour Catchment. The SEPP controls can be considered during the assessment of future development applications.</p> <p>The planning proposal does not contain any provisions that will impede the operation of the SEPP.</p>
SEPP (Resilience and Hazards) 2021	Consistent	<p>The proposal notes that due to historical use of the site as a car workshop, additional investigations may be required to support a future development application (DA). Given the proposal relates to commercial uses, the Department is satisfied this can be addressed at the DA stage.</p> <p>The planning proposal does not contain any provisions that will impede the operation of the SEPP.</p>

4 Site-specific assessment

4.1 Environmental

Table 7 assesses the potential environmental impacts associated with the planning proposal.

Table 7: Environmental impact assessment

Environmental Impact	Assessment
Views and Visual Impact	<p>The site sits in the urban context of Woolloomooloo. Council has considered the view impact assessment prepared by the proponent. Council's consideration finds that new development enabled by the planning proposal would generally have low visual impacts on key local views from high rise buildings near the site towards St Marys Cathedral, the CBD skyline, the Domain, the Sydney Harbour Bridge, Woolloomooloo Bay and the Finger Wharf (Figure 3).</p> <p>The view impact assessment (Attachment H) also finds 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 from these properties (Figures 4 and 5).</p> <p>Council also notes the proponent's view impact analysis is limited to the consideration of views from two apartments and there may be some impacts on views and outlook from apartments on the lower levels of these buildings, but it is likely that the majority of apartments in these buildings will not have views or outlook adversely impacted.</p>

Environmental Impact	Assessment
Solar Access and Overshadowing	The overshadowing analysis submitted with the planning proposal illustrates minimal overshadowing impacts to nearby properties from development enabled by the planning proposal. Facade testing of the northern elevation of the building at 60-70 William Street shows 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 6 for solar impacts on 60-70 William Street.
Flood Risk	See discussion relating to this matter in Section Error! Reference source not found. of this report.
Heritage	The site is within the Woolloomooloo Heritage Conservation Area (HCA). However, as noted in Section 3.4 Council has undertaken a review of conservation area boundaries (PP-2023-2887), and 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.
Built Form and Building Height	The proposed building envelope and height sit appropriately in the contextual environment. The proposed height responds to the varied heights in the surrounding area and respects the mid to low rise adjoining properties. The proposed podium, three storey street wall height and upper-level setbacks reduces impacts on the streetscape and provide an appropriate transition to nearby high rise building.

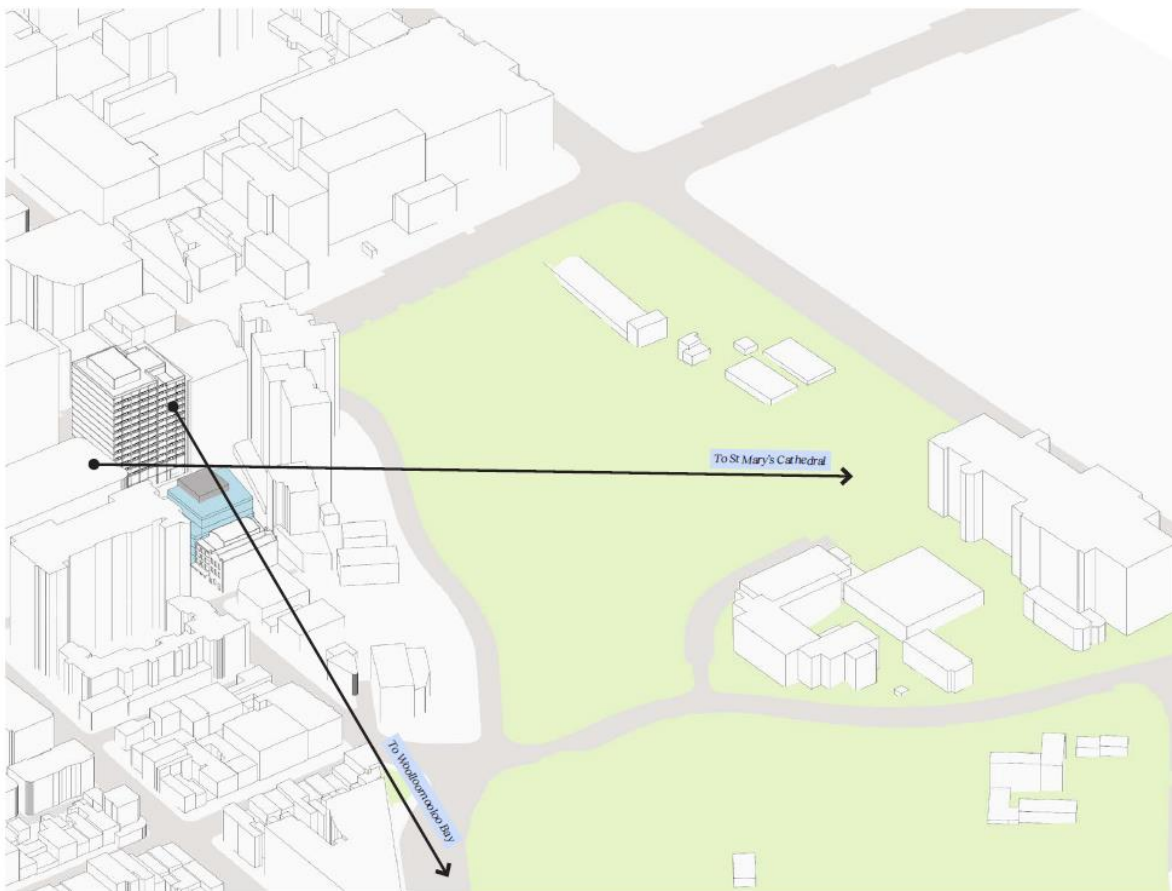


Figure 3 – View impacts on surrounding residential properties (source: SJB, 2024)

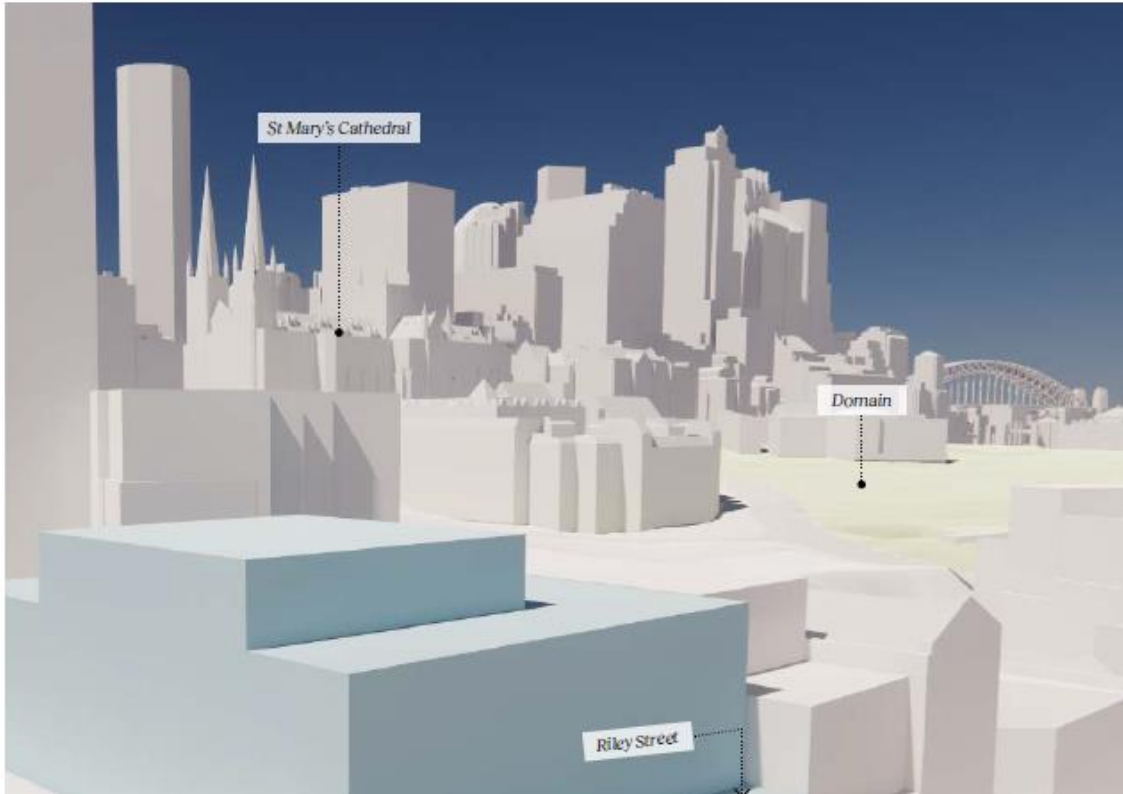


Figure 4 – View impacts from 603/46-48 Riley Street, Woolloomooloo (source: SJB, 2024)

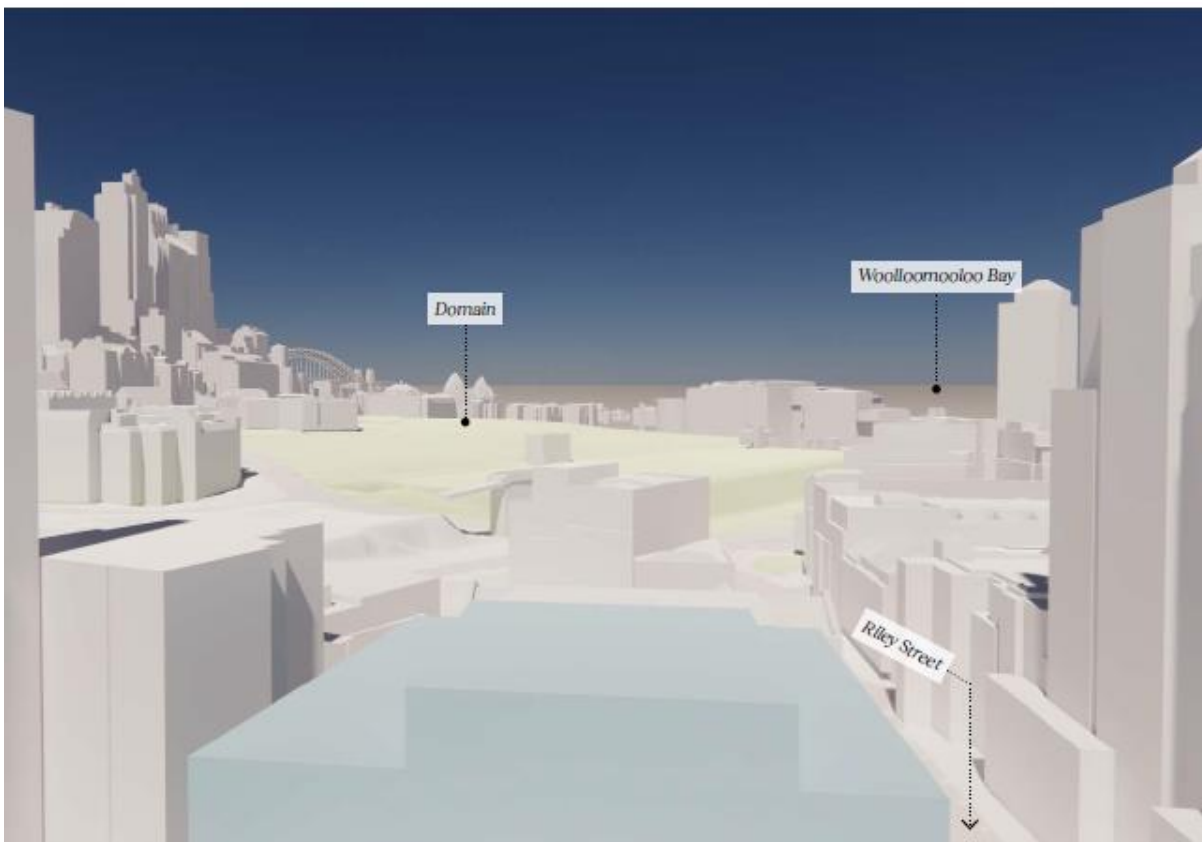


Figure 5 – View impacts from 72/60-70 William Street, Woolloomooloo (source: SJB, 2024)

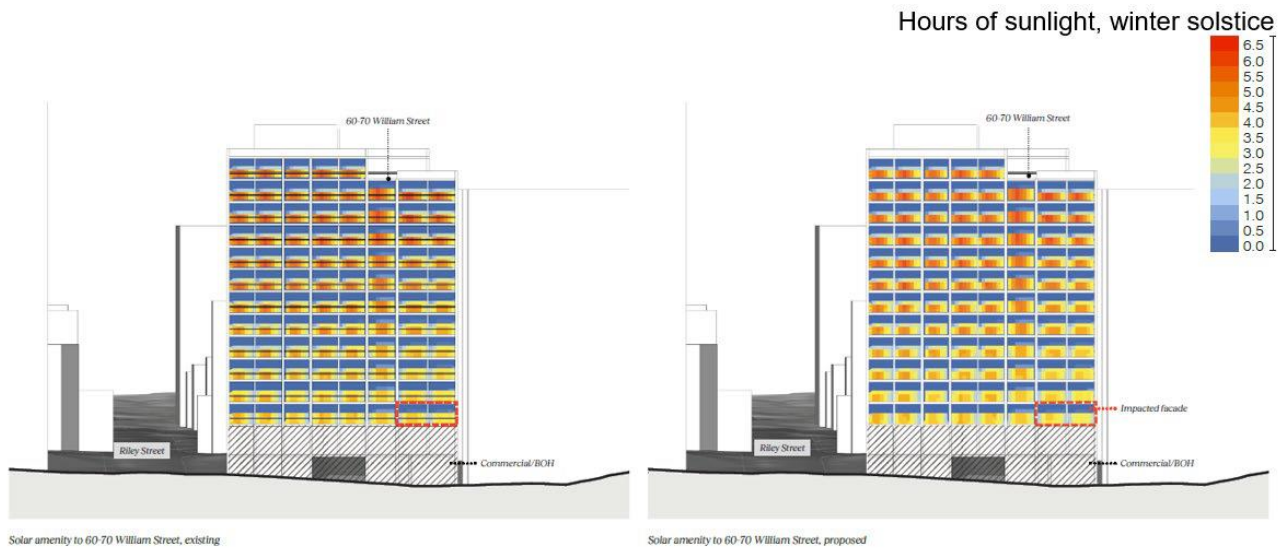


Figure 6 – Existing and proposed shadow impacts on residential façade of 60-70 William Street to the south (source: SJB, 2024)

4.2 Social and economic

The planning proposal will have positive economic impacts, with development resulting from the planning proposal providing additional commercial floor space and jobs, supporting the economic growth of Sydney and contributing to strengthening Sydney's role as a globally competitive city.

The planning proposal will also have positive social impacts through the provision of retail floorspace at the ground level, promoting activation of Riley Street.

It is not expected that development resulting from the planning proposal will have adverse social and economic impacts.

4.3 Infrastructure

Table 8 assesses the adequacy of existing infrastructure and its ability to service future development resulting from the planning proposal.

Table 8: Infrastructure assessment

Infrastructure	Assessment
Traffic, Transport and Car Parking	<p>A Transport Report was submitted with the planning proposal. The assessment concludes that the proposal will result in a low traffic generation and would not have noticeable effects on the operation of the surrounding road network as:</p> <ul style="list-style-type: none"> The sites proximity to the public transport network and pedestrian and cycle links will encourage the use of sustainable transport modes Development enabled under the planning proposal can provide 22 bike spaces Appropriate on-site parking can be provided (14 basement car spaces) <p>The net increase in traffic movements will not result in the need for external improvements.</p>

Utilities and Services

Council has advised that the site is adequately serviced by public utilities and infrastructure, including electricity, telecommunications, water, sewerage and stormwater.

Noting the planning proposal involves increasing commercial floorspace a Gateway condition has been included to consult with relevant utility providers including Sydney Water during the exhibition period.

5 Consultation

5.1 Community

The planning proposal is categorised as standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 28 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Sydney Airport
- Civil Aviation Safety Authority
- Airservices Australia
- Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts
- Utility Providers, including Sydney Water

Consultation with the above agencies has been included as a condition of the Gateway determination.

6 Timeframe

Council proposes a 9 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The Department recommends an LEP completion date of 7 August 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

At its meeting on 22 July 2024, Council resolved to seek authority from the Department to exercise the delegation of all the functions under section 3.36 of the EP&A Act as the Local Planning-Making Authority (LPMA).

Council also resolved to provide delegated authority to Council's Chief Executive Officer to make any minor variations to the planning proposal to correct any drafting errors or to ensure consistency with the Gateway determination.

Given the nature of the planning proposal, the Department recommends that Council be authorised to be the LPMA because the planning proposal is consistent with the District Plan, the endorsed LSPS, applicable SEPPs and has minor and justifiable inconsistencies with Section 9.1 Directions.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It is consistent with the District Plan and Council's Local Strategic Planning Statement because it will enable the delivery of additional employment floor space in the City Fringe, helping to accommodate more jobs and supporting the continued economic growth of the Harbour CBD.
- Inconsistency with two Section 9.1 Directions is minor and justified, and it is consistent with all other relevant Section 9.1 Directions.
- An amendment to the Sydney LEP 2012 is the best means of achieving the objectives and intended outcomes of the planning proposal.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with the following section 9.1 Directions is justified:
 - 1.4 Site Specific Provisions
 - 4.5 Acid Sulfate Soils

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to exhibition, the planning proposal is to be updated to include additional information addressing a proposed emergency management strategy in a flood event.
2. Consultation is required with the following public authorities:
 - Civil Aviation Safety Authority
 - Airservices Australia
 - Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts
 - Sydney Airport
 - Utility Providers, including Sydney Water
3. The planning proposal should be made available for community consultation for a minimum of 28 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 7 August 2025 be included on the Gateway.



18 September 2024

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10 October 2024

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