

## REZONING REVIEW

Amendment to Sydney Local Environmental Plan 2012 for Additional Building Height and Floor Space Ratio for the Purpose of a Mixed Use Tower  
44-70 Rosehill Street, Redfern (Lot 1 DP 792628)

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Department of Planning and Environment  
GPO Box 39  
Sydney NSW 2001

### Attention: Strategic Planning Department

#### RE: REQUEST FOR REZONING REVIEW

#### **PLANNING PROPOSAL TO AMEND SYDNEY LOCAL ENVIRONMENTAL PLAN 2012 FOR ADDITIONAL BUILDING HEIGHT AND FLOOR SPACE RATIO FOR THE PURPOSE OF A MIXED USE TOWER**

#### **44-70 ROSEHILL STREET, REDFERN (LOT 1 DP 792628)**

Dear Sir/Madam,

This letter has been prepared by Willowtree Planning Pty Ltd on behalf of Redfern Rosehill Pty Ltd to support a request for Rezoning Review. The subject Planning Proposal was submitted to City of Sydney Council on 9 May 2018 and seeks the amendment of *Sydney Local Environmental Plan 2012* (SLEP2012) to include additional building height and floor space ratio (FSR) on the site. The land subject to the Planning Proposal is described as 44-70 Rosehill Street, Redfern (Lot 1 DP 792628).

The proposed rezoning intends to facilitate the future development of the site for mixed use development comprising commercial and residential components. Building heights up to 99.6m and a 10.4:1 FSR are required to support the creation of a mixed use precinct on the site. The mix of land uses sought to be incorporated within the site are already permitted with consent in the relevant B4 Mixed Use zone pursuant to SLEP2012 and the Planning Proposal does not include any changes concerning land uses on the site.

The Planning Proposal has been assessed by Council, and Council has advised it will not progress the Planning Proposal request on the basis it would result in *an inappropriate outcome for the site and for the locality*. This is documented within Council's Assessment Report (published online on 05 September 2018) and was formally announced at Council's meeting of the Transport, Heritage and Planning Committee on 10 September 2018.

Based on review of Council's Assessment Report and Council's version of the Strategic and Site-Specific Merit Test, it is clear that Council's primary objection to the proposal is predicated on the Planning Proposal pre-empting the Land Use and Infrastructure Implementation Plan (LUIIP) for Central to Eveleigh. This however contradicts the pre-lodgement advice provided by both Council and the Department of Planning and Environment (DPE). Subsequent to meeting with Council in December 2017 and DPE in March 2018, tacit support for the proposal was indicated and the lodgement of the Planning Proposal was encouraged.

Despite Council's recent recommendation, the Planning Proposal is considered to exhibit significant strategic and site-specific merit, as confirmed through the detailed assessment carried out in the preparation of the Planning Proposal. This is also confirmed in the updated Strategic and Site-Specific Merit Tests addendum, which provides a direct response to each of the matters raised by Council in their assessment of the proposal.

In particular, the proposal is fully consistent with the relevant priorities of the Eastern City District Plan and aligns with the vision for the Harbour CBD Innovation Corridor and Central to Eveleigh Urban Renewal Corridor. The provision of commercial space (conducive to creative industries and start-up enterprises), new housing and other retail, community and open space facilities, in a vibrant mixed use environment on the site, would be key to achieving the District Plan's Infrastructure and Collaboration Priorities, Liveability Priorities,

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Productivity Priorities and Sustainability Priorities. The mixed use concept, situated in immediate proximity to Waterloo Metro Station, Redfern Station (with committed accessibility upgrades), Australian Technology Park and Sydney's newest 'tech hub' (as announced by the Premier on 7 August 2018), is wholly consistent with the vision for the 30 Minute City.

It is also noted that a number of matters relating to the site-specific merit of the proposal have been queried by Council and identified as non-compliances, in Council's Assessment Report and supporting Strategic and Site-Specific Merit Test assessment. Prior to the release of this report and announcement of Council's decision not to support the Planning Proposal, the only matter raised by Council's Urban Design team related to solar compliance. In response, a comprehensive package of additional information was prepared to demonstrate the suitable solar outcome achieved by the proposal and thereby the site-specific merit it demonstrates. Despite advising that no other site-specific urban design matters required clarification, Council's Report has now identified several new items. An opportunity to respond to these items has not been provided by Council.

Full details of the proposal are provided in the following enclosed documents:

- Rezoning Review Application Form
- Planning Proposal, as submitted to Council:
  - Original Council Submission (9 May 2018):
    - Planning Proposal Report
    - Appendix 1 Survey Plan
    - Appendix 2 Urban Design Report
    - Appendix 3 Landscape Concept Plan
    - Appendix 4 Traffic Impact Assessment Report
    - Appendix 5 Economic Benefits and Community Needs Assessment
    - Appendix 6 Noise Impact Assessment
    - Appendix 7 Wind Study
    - Appendix 8 Environmentally Sustainable Development Strategy
    - Appendix 9 Public Art Strategy
    - Appendix 10 Voluntary Planning Agreement Offer
    - Appendix 11 Strategic Merit Test
    - Appendix 12 Lodgement Letter from City of Sydney Council
    - Appendix 13 Digital Model
  - Additional Information Response 1 (13 June 2018):
    - Cover Letter
    - Appendix 1 Council Letter, dated 30 May 2018
    - Appendix 2 Council Email Correspondence, dated 23 May 2018
    - Appendix 3 Overshadowing Impacts Assessment
    - Appendix 4 Solar Access Spreadsheet – 2 Botany Road
    - Appendix 5 Solar Access Spreadsheet – 10-20 Gardens Street
    - Appendix 6 Solar Access Spreadsheet – 31 Cornwallis Street
    - Appendix 7 Solar Access Spreadsheet – 37-61 Gibbons Street
  - Additional Information Response 2 (29 June 2018):
    - Cover Letter
    - Appendix 1 Council Email Correspondence, dated 21 June 2018
    - Appendix 2 Overshadowing Impacts Assessment
    - Appendix 3 Solar Access Spreadsheet – 80 Rosehill Street
    - Appendix 4 Solar Access Spreadsheet – 82 Rosehill Street
    - Appendix 5 Solar Access Spreadsheet – 84 Rosehill Street
    - Appendix 6 Solar Access Spreadsheet – 88 Rosehill Street
  - Revised Draft VPA Offer (9 August 2018):
    - Applicant and Council Email Correspondence, dated 9 August 2018
    - Applicant and Council Email Correspondence, dated 10 August 2018
    - Updated VPA Offer

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- Correspondence from Council and documentation relating to Council's decision on the Planning Proposal:
  - Letter from Council confirming a Planning Proposal may be submitted, dated 20 December 2017
  - Council email requesting additional information in relation to overshadowing, dated 23 May 2018
  - Letter from Council confirming Planning Proposal contains all required information, except in relation to overshadowing impacts, dated 30 May 2018
  - Email to Council providing additional information, dated 13 June 2018
  - Council email requesting further additional information in relation to overshadowing, 21 June 2018
  - Email to Council providing additional information, dated 29 June 2018
  - Initial email feedback from Council in relation to the public benefit offer, 11 July 2018
  - Email to Council providing updated VPA Offer, 9 August 2018
  - Email to Council providing further explanation of updated VPA Offer, 10 August 2018
  - Council Meeting Agenda and Council Assessment Report, dated 10 September 2018 (published online 5 September 2018)
- Justification to the Strategic and Site-Specific Merit Tests confirming why a review is warranted
- Application fee

The enclosed documents are considered to suitably justify the amendment of SLEP2012 to include additional building height and FSR on the site.

It is therefore recommended that the Planning Proposal is supported and that the necessary steps are pursued to enable it to proceed to Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.

Yours faithfully,



Chris Wilson  
Director  
Willowtree Planning