

Request to Prepare a Planning Proposal - 44-78 Rosehill Street, Redfern

File No: X018231

Summary

The City of Sydney has received a planning proposal request to change the height and floor space controls in Sydney Local Environmental Plan 2012 that apply to a single site located at 44-78 Rosehill Street, Redfern (the site) - near the Australian Technology Park (ATP) and Redfern Station.

The site currently consists of a two storey building with commercial tenancies and car parking at ground level. If progressed, the planning control changes will enable two predominantly residential towers of 18 and 30 storeys (up to 100 metres in height) containing over 26,000 square metres of floor space and 312 new residential apartments. A public benefit offer of five to eight per cent of residential floor space being affordable rental housing has been made in conjunction with the planning proposal request.

The Greater Sydney Region Plan - A Metropolis of Three Cities (Region Plan) identifies the importance of a place-based planning approach to provide good outcomes in a growing city. It places a strong emphasis on the need for a coordinated approach to strategic planning and the need for collaboration. By doing so, places are more liveable, productive and sustainable. Importantly, planning effectively for growth requires a methodical and sequenced approach, particularly the need to sequence infrastructure with growth.

Redfern Station is Sydney's sixth busiest station and remains one of the least accessible. The City of Sydney shares the concerns of the University of Sydney and the ATP that there are no funded plans or commitment from the NSW State government to improve the accessibility of Redfern Station and to address current demand and forthcoming growth.

The site is identified as being within the Harbour CBD and Innovation Corridor as defined in the Region Plan and Eastern City District Plan (District Plan). The focus of these areas is employment growth and innovative industries.

Given the predominantly residential floor space makeup, this proposal does not align with the NSW Government's strategic intent for the area in the Region Plan or the District Plan. The proposal has insufficient site-specific merit because it will result in an unacceptable overdevelopment for a site of its size and context, and will create significant wind impacts which cannot be managed effectively.

It is inappropriate to change planning controls for an individual site with such strategic importance in isolation of place-based planning strategies for the wider area that consider local context and infrastructure needs. For example, inappropriate height and bulk will lead to overshadowing impacts on surrounding sites which will limit their future development potential. A place based strategy will ensure development can be shared equitably across a wider range of land owners and future developers.

Such a strategy is being prepared by the Department of Planning and Environment by way of the Central to Eveleigh Land Use and Infrastructure Implementation Plan (LUIIP). The City of Sydney has been advised that the site is located within the LUIIP investigation area.

The City of Sydney is also preparing a Local Strategic Planning Statement, as required by the Environmental Planning and Assessment Act 1979. The statement must include or identify the basis for strategic planning in the City of Sydney, having regard to economic, social and environmental matters; the planning priorities for the area; and actions required for achieving those planning priorities. This statement will therefore be strongly oriented towards place-based outcomes and describe a 20-year vision for land use planning in the City's villages. The Department of Planning and Environment requires that the statement is exhibited as soon as July 2019.

The Redfern and Waterloo area will undergo significant growth in the coming years. Changes should comprise part of a broader strategic investigation that better understands future infrastructure needs for the wider surrounding area. Changing the planning controls for the site would therefore be premature at this stage because of imminent strategic planning work.

The NSW Department of Planning and Environment provides A Guide to Preparing Planning Proposals which includes criteria to assess the merits of a planning proposal. The guide states that planning proposal requests are to be assessed on their strategic merit and site-specific merit. This report outlines the City's staff assessment of the request, and recommends that Council note that the City of Sydney will not progress the planning proposal request because it lacks sufficient strategic merit and site-specific merit.

Recommendation

It is resolved that Council note:

- (A) the matters in this report, discussing the background to, and the reasons why the City of Sydney will not progress a request to prepare a planning proposal to amend the building height and floor space ratio controls in Sydney Local Environmental Plan 2012 for the site located at 44-78 Rosehill Street, Redfern;
- (B) that the proponent of the planning proposal request will be formally advised by the Chief Executive Officer of the reasons why the planning proposal request is an inappropriate outcome for the site and for the locality, taking into account all relevant matters including NSW state government draft or final plans, strategies or policies that affect the Redfern and Waterloo area and/or the Redfern to Eveleigh Corridor; and
- (C) the public benefit offer made by Redfern Rosehill Pty Ltd, shown at Attachment C to the subject report.

Attachments

- Attachment A.** Advice from the Department of Planning and Environment to Consider a Planning Proposal Request for 44-78 Rosehill Street, Redfern
- Attachment B.** Assessment of Strategic Merit and Site Specific Merit
- Attachment C.** Public Benefit Offer from Redfern Rosehill Pty Ltd
- Attachment D.** Planning Proposal Request prepared by Willowtree Planning Pty Ltd on behalf of Redfern Rosehill Pty Ltd

Background

1. The Greater Sydney Region Plan - A Metropolis of Three Cities (Region Plan) discusses the importance of a place-based planning approach to provide good urban outcomes in a growing city. It places a strong emphasis on the need for a coordinated approach to strategic planning and the need for collaboration. By doing so, places will be more liveable, productive and sustainable.
2. Importantly, planning effectively for growth requires a methodical and sequenced approach, particularly the need to sequence infrastructure with growth. In the Region Plan, the Greater Sydney Commission outlines a collaborative model for aligning growth and infrastructure, where new infrastructure increases the development capacity of an area and development provides funding for infrastructure investment. It states:

"Effectively aligning infrastructure with growth...requires a whole-of-government approach and a place-based understanding of sequencing of infrastructure delivery...This new approach supports the appropriate growth and infrastructure being provided at the right time. At a district or regional level it could provide valuable context for decision-making."
3. This place-based approach is evidenced by a range of planning strategies, policies, guidelines and directions introduced recently by the NSW Government. Councils are increasingly being asked to think about how to plan for places, rather than for individual sites.
4. NSW Government planning guidelines require that planning proposals seeking to amend planning controls must demonstrate that they have strategic merit. If a planning proposal request does not demonstrate strategic merit, then it should not progress or should be revised to ensure that it aligns with district and regional plans, local planning strategies, future infrastructure capacity, and other relevant strategic considerations.
5. The Redfern and Waterloo area is set to undergo significant changes in coming years due to employment growth at the Australian Technology Park, student and employment growth at The University of Sydney, and NSW Government-led renewal projects that are in various stages of delivery. There are also planned upgrades at Central and Redfern stations, a new Sydney Metro station at over station development at Waterloo, major renewal of the Waterloo social housing estate, and possible changes to the operation of Botany Road.
6. Apart from a new Sydney Metro station at Waterloo, the only other significant transport infrastructure committed by the NSW State government is the Alexandria to Moore Park Connector road expansion, which will have negative impacts on local amenity and add to existing road congestion. It is also noted that there are plans in the public domain funds committed to improve access and capacity of Redfern or Central Station.
7. Within this context of a stronger focus on place-based planning from the NSW state government, and radical change in Redfern and Waterloo, the City has received a planning proposal request to change the planning controls for a single site located at 44-78 Rosehill Street, Redfern (the site). The proponent requests Council approve the planning proposal request and seek a Gateway determination from the Greater Sydney Commission to publicly exhibit the proposal.

8. The proposed changes would enable two predominantly residential towers of 18 and 30 storeys containing over 26,000 square metres of floor space including 312 new apartments and 246 parking spaces. This will increase the current building height from 2 storeys to 30 storeys, and the Floor Space Ratio from 2:1 to 10.4:1.
9. This proposal does not align with the NSW Government's strategic intent for the area in that it is an unacceptable overdevelopment for a site of its size. The reasons for this are discussed in detail in this report. Furthermore, it is inappropriate at this time to make changes to planning controls for a site with strategic importance in isolation of planning strategies for the wider area which are currently in the process of being developed. Changes should comprise part of a broader strategy for the Botany Road corridor and investigations of the infrastructure needs for the wider surrounding area, which is currently being prepared by the Department of Planning and Environment. The site's future built form and land use mix should respond to these planned changes when they are publicly available.

Place-Based Planning

10. Some key ways the NSW Government is currently implementing coordinated place-based planning is via District Plans, Local Strategic Planning Statements and Better Placed: An integrated design policy for the built environment of New South Wales. These are described below.

District Plans

11. District Plans outline a strategic planning framework for councils over a 20-year horizon, and provide a bridge between regional and local planning. They inform local environmental plans, community strategic plans and the assessment of planning proposals. Directions and priorities provide guidance to councils to plan and deliver for growth and change, and to align their local planning strategies to place-based outcomes.
12. To deliver high-quality, community specific and place-based outcomes, the Eastern City District Plan states that:

"...planning for the District should integrate site-specific planning proposals with precinct-wide place and public domain outcomes through place-based planning. This is a method by which great places can capitalise on the community's shared values and strengths and the place's locally distinctive attributes through collaboration and meaningful community participation."
13. This place-based drive towards increased liveability in the Eastern City District Plan (District Plan) also extends to planning for productivity. The Plan defines the Harbour CBD as a place with a strong focus on jobs and economic growth. It sets a baseline target of 662,000 jobs and a higher target of 732,000 jobs for this area by 2036, representing an increase of up to 235,100 jobs over 20 years.

14. On the western edge of the Harbour CBD the District Plan maps the emerging "Innovation Corridor. This corridor has an important role as a place that supports the Harbour CBD. It includes universities, a teaching hospital, international innovation companies and start-ups. The Plan states that:

"The creative and digital industries and business support services in this corridor are important to the competitiveness and attractiveness of Greater Sydney and need to be fostered and supported."

Local Strategic Planning Statements

15. The City of Sydney is also preparing a Local Strategic Planning Statement, as required by the Environmental Planning and Assessment Act 1979. Local Strategic Planning Statements must include or identify the basis for strategic planning, having regard to economic, social and environmental matters; the planning priorities for the area; and actions required for achieving those planning priorities. The Department of Planning and Environment requires that the statement is exhibited as soon as July 2019.
16. Local Strategic Planning Statements will be strongly geared towards place-based outcomes. They will describe a 20-year vision for land use planning in local government areas, the special characteristics which contribute to local identity, shared community values to be maintained and enhanced, and how growth and change will be managed into the future.
17. Local Strategic Planning Statements will address strategic land use planning issues including housing supply and diversity, productivity and jobs, infrastructure needs to meet growth and relevant planning issues from the City's adopted strategies and plans. The Statements will incorporate the preparation of a Housing Strategy with five, 10 and 20 year housing targets.

Better Placed: An integrated design policy for the built environment of New South Wales

18. The NSW Government Architect has prepared the guideline Better Placed: An integrated design policy for the built environment of New South Wales. This policy provides guidance to support the creation and renewal of great places, to be used by practitioners including state and local governments, businesses and the community.
19. The guideline includes seven objectives to define the key considerations in the design of the built environment. The first objective "Better fit - contextual, local and of its place" emphasises the need to think about the place-based relationship between a site and its setting. It states:

"Good design in the built environment is informed by and derived from its location, context and social setting. It is place-based and relevant to and resonant with local character, heritage and communal aspirations. It also contributes to evolving and future character and setting."

Site-Specific Planning Proposal

The Planning Proposal Request

20. The City of Sydney has received a planning proposal request to amend the planning controls that apply to the site. The planning proposal request has been prepared by Willowtree Planning Pty Ltd on behalf of Redfern Rosehill Pty Ltd, and seeks to amend Sydney Local Environmental Plan 2012 (SLEP2012) to include additional building height and floor space ratio (FSR) on the site. A public benefit offer has also been submitted offering an affordable housing contribution.
21. The planning proposal request seeks to amend the maximum height development standard in SLEP2012 from 18m to 99.6m, and increase the maximum FSR development standard from 2:1 to 10.4:1. No change to the current B4 Mixed Use zoning is proposed.
22. The change in planning controls would facilitate a two tower concept development comprising 312 apartments in two buildings of 30 and 17 storeys, and about 3,500 square metres of commercial floor space. The concept would include a maximum of 246 car parking spaces based on SLEP2012 parking rates. Figure 1 below provides an indication of the scale of the concept.

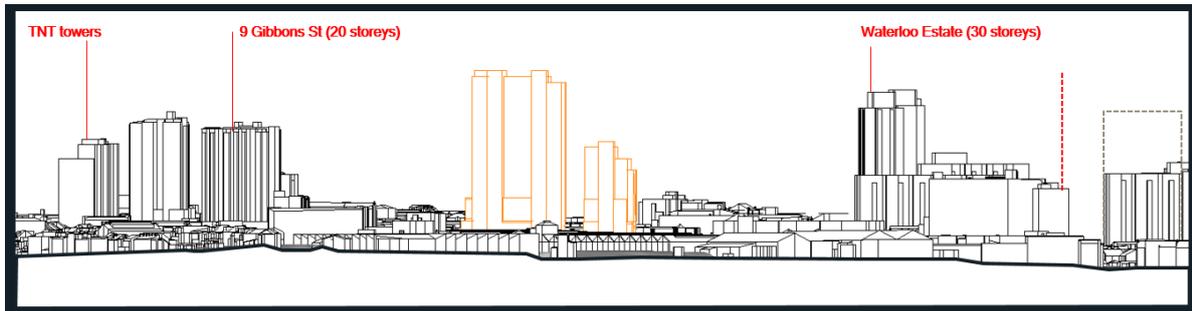


South eastern elevation

North eastern elevation

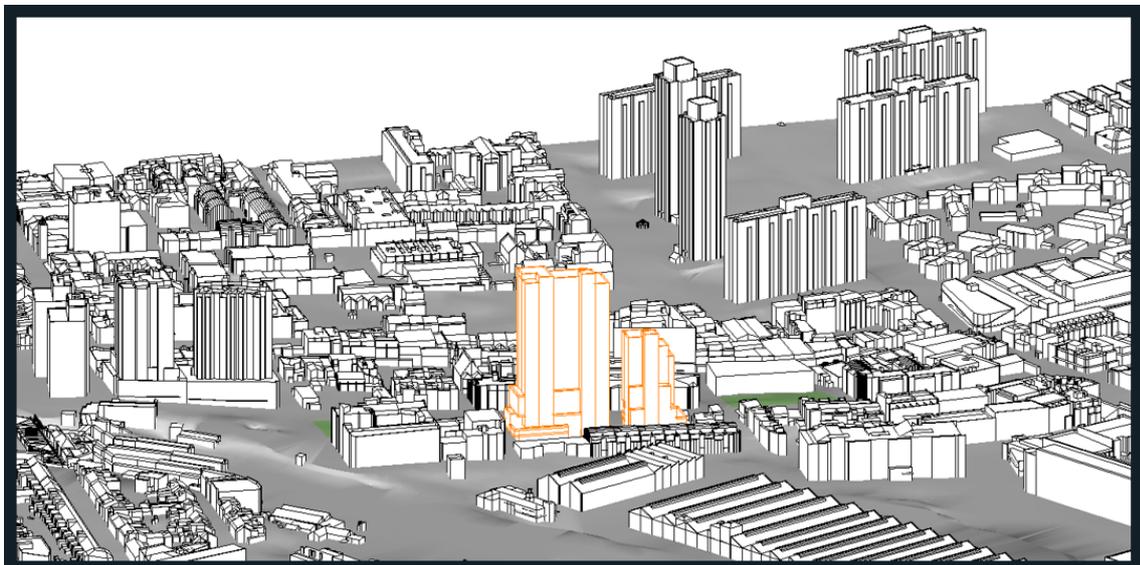
Figure 1: 44-78 Rosehill St, Redfern Concept model

23. Figure 2 below shows the proposed height for the site within the context of the existing 30 storey towers located on the Waterloo Estate to the south, and the former TNT towers to the north. Figure 3 shows the scale of the concept within a wider context.



Western elevation

Figure 2: 44-78 Rosehill St, Height Context



Western elevation

Figure 3: 44-78 Rosehill St, Scale Context

History

24. Following discussions with the landowner during 2017 about various development concepts for the site, the City of Sydney advised the landowner that a planning proposal request would not be considered because the City of Sydney and NSW Department of Planning and Environment would be reviewing land use and infrastructure in the Redfern and Waterloo area. It was anticipated that this would result in changes to planning controls and therefore be inappropriate to commence a review of the planning controls for this site ahead of that work.
25. Following representations by the landowner to the Department, the City was advised in September 2017 by the Deputy Secretary of the Department that the landowner is not precluded from submitting a site specific planning proposal request and that it is to be assessed on its merits. A copy this advice is at Attachment A.

26. The Department also advised the City that the site falls within the investigation area for a place-based planning and infrastructure plan that the Department is currently preparing - the Central to Eveleigh Land Use and Infrastructure Implementation Plan (LUIIP). The Department advised that “any individual proposals to be given due consideration and to potentially inform the long term planning and development outcomes for the area”.

Site Attributes and Built Form Context

27. The site has an area of 2,544m² with three street frontages to Rosehill Street to the east, Margaret Street to the north and Cornwallis Lane to the west. To the north, a three to five storey residential flat building is located on the opposite side of Margaret Street, to the east Gibbons Street Reserve is located on the opposite of Rosehill Street, to the south the site directly adjoins a two storey terrace dwelling, and to the west a four storey residential flat building and warehouse are located on the opposite side of Cornwallis Lane. Figures 4a and 4b show the site location and context.



Figure 4a: Site Location and Context

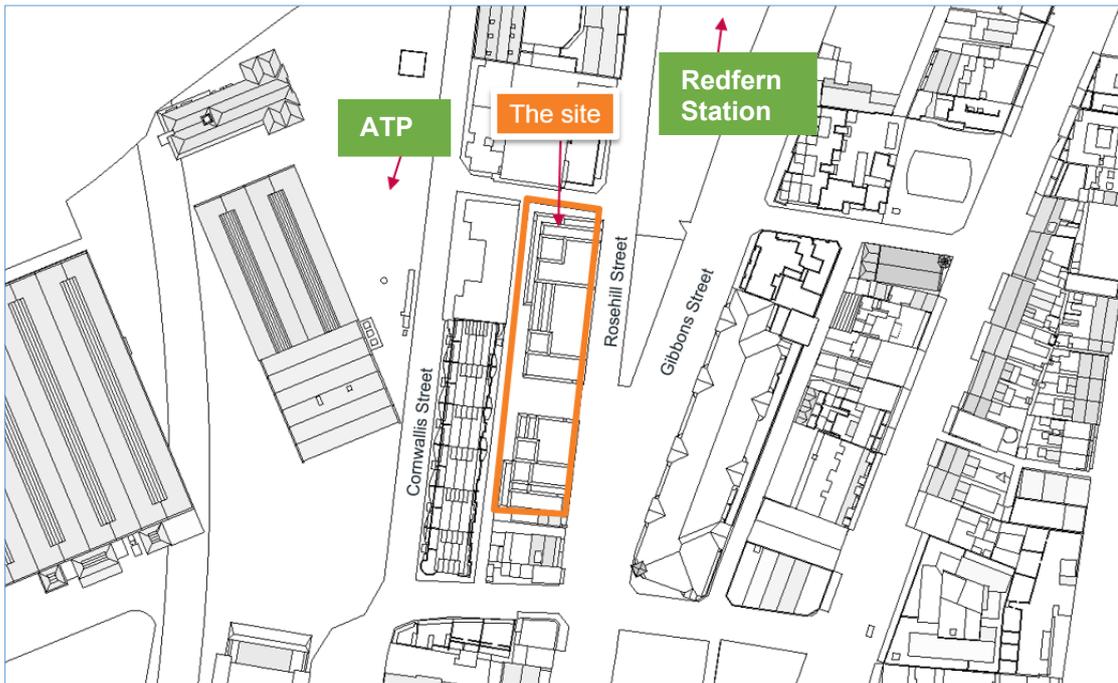


Figure 4b: Site Location and Context

28. The site is occupied by a two storey building comprising commercial tenancies and car parking at ground level and commercial tenancies above. The site context is mixed use in character and existing development ranges in age of construction, style and density, generally one to five storeys within the site's proximity. Figure 5 shows the existing development.



Figure 5: Existing Development

29. Some sites within the locality are subject to the provisions of the SLEP2012, while others are subject to the provisions of State Environmental Planning Policy (State Significant Precincts) 2005 (SEPP SSP).
30. Surrounding sites in the immediate vicinity to which the provisions of SLEP2012 apply are also subject to the 18m maximum height standard. The site at the northern end of Rosehill Street is subject to the 22m maximum height standard. Sites that are further to the south, and in closer proximity to the Alexandria Park Heritage Conservation Area, are subject to the 15m maximum height standard.
31. The SLEP2012 height and FSR controls that apply to the site and its vicinity have largely been informed by recommendations the Waterloo Redfern Urban Design Study prepared for the City of Sydney in 2009 as part of a review of planning controls outside of Central Sydney. The focus of the study was on built form and neighbourhood character, and it took a place based approach to the analysis of existing conditions in the Redfern and Waterloo areas, establishing desired future character. It is noted the study recommended the site's FSR of 2:1 be retained and that the height control be increased from 9 metres to the current control of 18 metres.
32. Sites to which the provision of SEPP SSP apply are subject to maximum height in storeys standards, rather than height in metres.
33. Sites to the north-east are predominantly subject to 14 and 18 storey maximum height standards (approximately 45m and 58m respectively). Nearby sites to the west, within the Australian Technology Park (ATP), are limited to the existing heights (approximately 12m to 15m). To the south west, also within the ATP, sites are subject to 3 and 6 storey maximum height standards (approximately 11m and 21m respectively). Within the central part of the ATP, height standards vary from 9 to 12 storeys (approximately 30m to 39m respectively). Nearby sites to the north-west, in the North Eveleigh Precinct, are subject to 10 and 16 storey height standards (approximately 33m and 52m respectively).
34. Given the surrounding context detailed above, the proposed height of 99.6m is contextually inappropriate. The Waterloo Metro Quarter, which the planning proposal request implies is much closer to the site than reality, is an unapproved proposal that is anomalous, and does not set the desired future context for this site. This is discussed in further detail below and in the table in Attachment B.

Strategic Context

35. The site is within the Harbour CBD area, which the Region Plan identifies as being Australia's financial capital - the "engine room" of Greater Sydney's economy containing over 55 per cent of all jobs in the Eastern City District. The Region Plan also identifies a future limit to office supply of 10 years in the Harbour CBD, and states that to overcome this limit, southward growth towards Redfern needs to be secured.

36. The site is also within the Innovation Corridor, a cluster of high tech industries, start-up hubs and health and education institutions - identified by the Region Plan identifies as crucial for Greater Sydney's innovation economy. The Region Plan states:

“maintaining a long term supply of office space is critical to maintaining Greater Sydney's global economic role, and should not be compromised by residential development”.
37. The District Plan envisages the Innovation Corridor as an area attractive to digital and cultural industries. The Corridor features a diverse pool of talent and expertise, research facilities, customers and investors. The NSW Government recently announced that it will establish a new technology industry hub in Sydney, at the south end of the city. This would be located within the Innovation Corridor which will be home to 10,000 new jobs by 2036. Emerging, innovative businesses have the potential to rapidly become global companies and in turn bring economic and employment benefits Sydney. In particular technology start ups are critical to an innovative, prosperous and lively city.
38. The Waterloo Redevelopment Precinct covers land owned by the NSW Government, including the Waterloo social housing estate and the land around and above the new Waterloo Metro station. Recently, the state government released three design options for public comment for the Waterloo social housing estate, which is located within the Waterloo Redevelopment Precinct. The options propose up to 7,200 dwellings and towers of up to 40 storeys. The City has expressed significant concern regarding this proposal and the potential impact it will have on the locality.
39. Caution should be applied when considering arguments for increased density in this location due to its proximity to existing and future rail services. There are existing concerns that the Sydney Metro may already be at crush capacity upon services commencing. Furthermore, there are existing capacity issues with heavy rail infrastructure in the locality, with trains stopping at Redfern Station already overcrowded during peak times.

Central to Eveleigh Land Use and Infrastructure Implementation Plan (LUIIP)

40. In addition to the projects listed above, the Department of Planning and Environment is in the process of preparing the Central to Eveleigh Land Use and Infrastructure Implementation Plan (LUIIP). The site is located within the LUIIP investigation area.
41. The City has been involved in discussions with the Department regarding the LUIIP. It is noted that in its letter of September 2017, the Department informed the City it will continue to work with council as a priority in guiding future urban renewal along the Central to Eveleigh corridor and consider the LUIIP when reviewing any future planning proposal request.
42. It is understood the LUIIP will provide a comprehensive place-based planning framework and vision for the corridor and have two main components:
 - (a) preparation of a detailed master plan, including urban design, heritage, public domain and landscape strategy for the Botany Road corridor to identify potential planning control changes and opportunities for improvements to the public domain. The master plan will make recommendations for potential planning control changes, for consideration as part of the City's LEP review; and

- (b) investigation of the State infrastructure needs for the surrounding area to inform the NSW Government's infrastructure planning, funding arrangements and delivery. A potential Special Infrastructure Contribution (SIC) may apply to uplift within the Botany Road corridor and/or urban renewal sites. It is intended that the SIC will fund newly identified state infrastructure items and will potentially allow for cost recovery of committed infrastructure items.
43. At this stage, the LUIP is yet to be formally established and details have not been made available. In documentation submitted by the proponent, it is stated the Department advised that the planning proposal request is consistent with the draft LUIP. This statement cannot be verified as the Department of Planning and Environment has advised that the LUIP is in the early stages of its development and technical studies are yet to be finalised.

Key Implications

44. The table at Attachment B discusses strategic, built form and land-use issues that characterise the proposal as an inappropriate planning outcome both for the locality and the site. The table is structured to address the "Strategic Merit" and "Site-Specific Merit" criteria in the Department of Planning and Environment's A Guide to Preparing Local Environmental Plans.
45. This report recommends Council note the reasons outlined in the table. It also recommends Council note the proponent will be formally advised of the reasons the planning proposal request is not supported. This advice will focus on the matters outlined in the table and any new matters resulting from NSW State Government strategy that affect the Redfern and Waterloo Area, for example the release of a land use and infrastructure plan. The planning proposal request prepared by Willowtree Planning Pty Ltd is at Attachment D.

Strategic Merit

46. In summary, the planning proposal request does not provide sufficient justification of its strategic merit for the following reasons:
- (a) It does not align with the strategic intent and objectives for the Innovation Corridor and Harbour CBD as defined in the Region Plan and the District Plan.
 - (i) The site is within the identified Innovation Corridor in the District Plan. It is inconsistent with the District Plan's vision for this locality in that it will enable development that is predominantly residential. A key aspiration of the Innovation Corridor is to strengthen Sydney's international competitiveness. To achieve this, the most appropriate land use for the site one that generates employment.

- (ii) The site would better meet the District Plan's objectives for the Innovation Corridor if it contributed to an increase in commercial floor space, rather than a reduction. The planning proposal request, being for a predominantly residential high rise building, does not meet Objective 18 of the Region Plan - "Harbour CBD is stronger and more competitive". Progressing the planning proposal request would result in a net reduction in commercial space on a strategically important site and would represent a missed opportunity for any latent commercial floor space that may result from a more modest FSR increase on the site.
 - (iii) The predominantly residential quality of the proposed development will constrain the ability to provide a wide range of employment uses, entertainment, leisure and night time operations in the area through land use conflicts, making it incompatible with the vision for the Innovation Corridor as described in the District Plan.
- (b) It does not form part of a planned coherent strategic vision for the locality.
- (i) If progressed, this planning proposal request, which is about one site in isolation, will not contribute to a future vision for the wider area anticipated to be by the Central to Eveleigh Land Use and Infrastructure Implementation Plan (LUIIP) and Local Strategic Planning Statement. This is inappropriate considering the location and scale of the site and its potential strategic importance.
 - (ii) Redevelopment of this scale may result in one site receiving a greater share of future uplift than if it was considered within the context of a broader strategic plan; effectively receiving a benefit over other sites within the LUIIP investigation area; and impeding the uplift potential of other sites due to building separation issues.
 - (iii) The City is currently preparing its Local Strategic Planning Statement, as required by the Department of Planning and Environment to be exhibited as soon as July 2019. Without a draft or final version of the statement, it is not possible to assess the consistency of this planning proposal request with the statement.
 - (iv) The District Plan states that "where there is significant investment in transit corridors...corridor investigations can provide a longer term strategic context while the development of precincts within the corridor is sequenced over time", which is the anticipated approach in the Central to Eveleigh Land Use and Infrastructure Implementation Plan (LUIIP). In contrast, this site-specific planning proposal request for significantly increased housing pre-empts the appropriate sequencing of development across the corridor, and does not consider the urban renewal of the wider corridor.
- (c) Insufficient consideration has been given to future infrastructure needs or a change of circumstances in the Redfern and Waterloo Area.
- (i) The planning proposal request takes a narrow approach to infrastructure delivery, relying heavily on existing and planned transport links to justify a large increase in population and development density.

- (ii) There is not yet the understanding of future additional population growth, or an analysis of the future demographic composition of the area. This is necessary to ensure appropriate services and social infrastructure are provided alongside development. Site-specific planning proposal requests for development of this magnitude preclude a long term and strategic understanding of population growth, demographic change, and how to accommodate the future population's needs.
- (iii) The planning proposal request relies on nearby train stations - Redfern Station and the proposed Waterloo Metro - to justify significant increases in density and residential population. This vision for the future of the site is effectively dormitory, with residents travelling out of the area by train or car to access jobs and services, adding further demand on congested systems.
- (iv) Given the site's strategically located position close to Redfern Station and the planned Waterloo Metro, and the highly constrained road network surrounding, development should result in the minimum amount of parking necessary to support critical services and equitable access.
- (v) Affordable housing is a crucial infrastructure need for the Redfern area. The included public benefit offer to dedicate 5-8 per cent of residential floor space to affordable housing is at the bottom end of the Region Plan's target of 5-10 per cent and falls short of the requirements for "planning proposal land" in the exhibited draft Affordable Housing Program.

Site Specific Merit and Built Form Issues

- 47. The City has undertaken a detailed built form and urban design analysis of the planning proposal request. The outcomes of this analysis is detailed under in the "Site Specific Merit" section of the table at Attachment B to this report.
- 48. With regard to this analysis, the height and proportions of the proposed envelope are not supported. While it is envisaged that some increase in height and floor space may be achieved, the current proposal is an inappropriate outcome giving consideration to site geometry and context. A block of this size is better suited to 6 storey medium-rise building of 18 metres in height; that is - consistent with the existing height controls that apply to the site.
- 49. The City's key concerns regarding the proposed built form concept enabled by the planning proposal request are outlined below.

Excessive Height

- 50. The proposed heights of 30 and 18 storeys are not contextually appropriate, given the existing, permissible or likely future developments in the local vicinity. Nearby, the Australian Technology Park includes lower-rise buildings close to this site, and transitions to taller buildings further west. Even at its tallest, ATP will have buildings nine to 12 storeys tall.
- 51. The high rise development near Redfern Station is 14 to 18 storeys. This cluster of buildings forms a centre near the station, and heights should transition down away from the station. The proposed development would be higher than the buildings at Redfern Station, even though the site is downhill.

52. The site is located some distance from both Redfern Station and the proposed Waterloo Metro, where it would be expected that heights would taper down away from the two key activity centres. Instead, the proposal includes heights that are significantly greater than development in the surrounding area, and is not related to an activity centre or sensible cluster of buildings.

Wind Impacts

53. The proposed built form concept features insufficient setbacks, which would magnify wind impacts at street level and create an uncomfortable environment in the proposed laneways, through site link and public realm. These wind impacts, combined with other aspects of the site, make high rise development on the site untenable.
54. The wind report submitted with the proposal indicates that the site is exposed to strong winds, particularly from the south. To achieve acceptable wind speeds for intended uses at street level and above, the planning proposal request relies exclusively on a complex array of special treatments, such as vertical gardens.
55. Special treatments are subject to failure over the life of the building. To effectively mitigate down draft at street level, a podium with an 8m tower setback would be required - which effectively would prohibit a tall tower. Figure 6 below shows the proposed tower form on the left and a tower form with 8 metre street wall setbacks on the right, resulting in a narrow 9 metre wide floor plate. This would be an unacceptable amenity and design outcome.

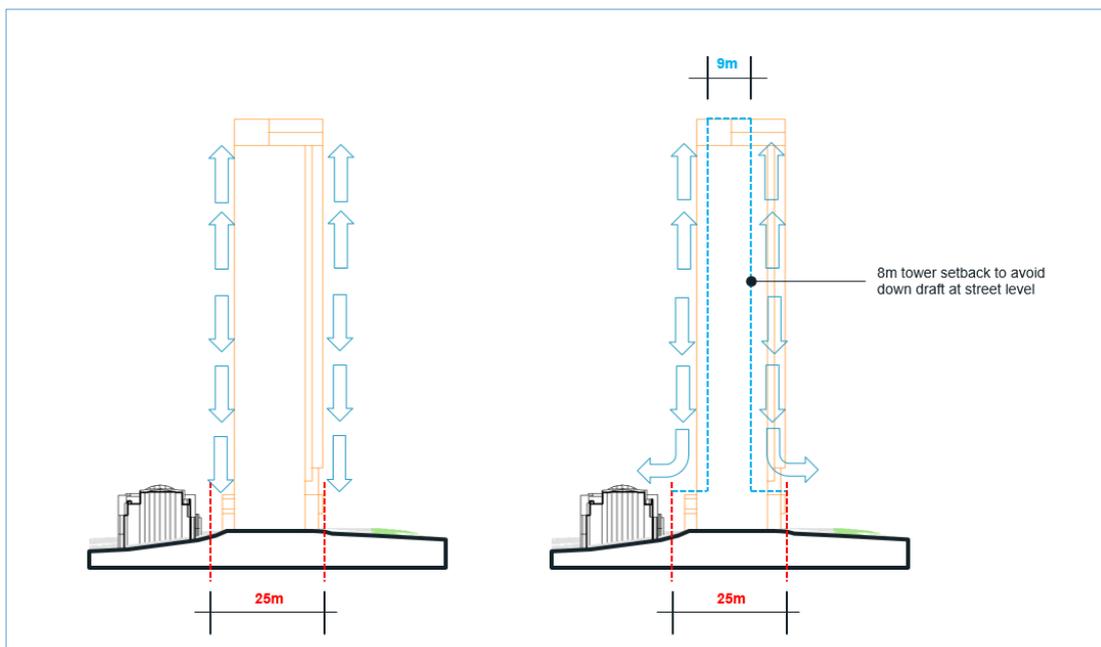


Figure 6: Proposed concept building form (LHS) and building form required to mitigate wind impacts (RHS)

Inappropriate Building Separation/Setbacks

56. Development would not comply with the building separation requirements in Apartment Design Guide. Given the size of the blocks, and the narrow width of Cornwallis Lane, setbacks to provide minimum required building separation are not possible on either side of the lane. Also, to meet Apartment Design Guide requirements, the northern edge of the subject site would either have to be set back 18m, which is not viable given the size of the block, or have a blank/inactive frontage, which would be a poor urban design outcome.

Building Length

57. Sydney Development Control Plan 2012 (SDCP2012) requires a maximum street frontage length of 40 metres for buildings fronting streets of less than 18 metres in width. The taller tower exceeds this length, comprising a 55 metre wide podium and 48 metre wide tower form. To meet SDCP2012 requirements, this tower would need to be broken into two, each with its own architectural character.

Inadequate Public Domain

58. The current public open spaces close to the site do not offer the amenity required to service an additional 312 apartments, and would require substantial improvements. The on-site open space included part of the planning proposal request, in the form of a through site link and plaza, does not make a meaningful contribution to the open space and recreation needs of the future residents. The planning proposal request also includes no funding mechanisms or allocations for public open space beyond the subject site.
59. Existing public open spaces do not offer the amenity required to service the additional apartments. The proposed built form also locates its mandatory communal open space on the roofs of towers, which given the wind environment, would not be comfortable or usable. Due to the size of the block, there is no other suitable room for communal open space.

Deep Soil

60. As no deep soil areas are provided at street level the proposal will need to rely on alternative measures for stormwater management on the site. Given that the proposal includes a 4.5 storey basement carpark, meeting these requirements will pose a significant challenge.

Relationship with terraces on Rosehill Street

61. The site shares a block with five 2 storey terraces, located immediately to the south. The height transition to these terraces would be an exceptionally poor urban design outcome, with significant amenity impacts. The supposed transition 30 storey tower to an 18 storey tower and then 2 storey terraces would not ameliorate the enormous height difference across the single block.

Treatment of Cornwallis Lane

62. The planning proposal request includes the “transformation” of Cornwallis Lane, including widening and on-street activation. However, it is proposed to transform one portion of the laneway while leaving a significant portion of it undeveloped. This will compromise its potential as an active, pedestrianised and lively public space.

Building separation

Cornwallis Lane

63. Given the geometry of the block, and the narrow width of Cornwallis Lane, it is not possible to achieve setbacks on either side of the lane that provide minimum building separation requirements for a building over 8 storeys.
64. On the eastern side of Cornwallis Lane is a low rise apartment building. The planning proposal request incorrectly quotes the Apartment Design Guide in stating that 12m building separation between habitable residential spaces is adequate to satisfy Apartment Design Guide requirements and allow additional development on this site. In fact the Apartment design Guide requirements for separation between two habitable residential spaces for 8+ storey buildings is 24 metres, and 18 metres for habitable facing non-habitable residential spaces.

Margaret Street

65. On the northern side of Margaret Street is a medium rise apartment building. The planning proposal request also includes inadequate separation to this building. To meet Apartment Design Guide requirements, the northern edge of the subject site would either have to be set back 18m, which is not viable given the size of the block, or have a blank/inactive frontage, which would be a very poor urban design outcome.

Traffic and Transport issues

66. The proposal would more than double the traffic on this block. Any potential connection between the development at street level and Gibbons Reserve would be significantly compromised. Development in this area should focus on minimising any traffic generated by new development; and improving active and public transport options and accessibility to encourage a mode-shift away from private vehicle use.
67. Parking rates in the planning proposal request has been proposed in accordance with SLEP2012. Development in accordance with the proposed density is not appropriate for this site given the changes in the area including increased density of nearby development and changes to public transport infrastructure such as the provision of the new Sydney Metro line and potentially the future Metro West line.

Design Advisory Panel Advice

68. The City of Sydney's Design Advisory Panel provided comment to the planning proposal request and reiterated a number of the above concerns. The Panel also advised that:
 - (a) the planning proposal request is premature within the broader strategic planning context and described the proposal as "opportunistic";
 - (b) if there are any changes to planning controls, they should be considered as part of an overall framework such as the Central to Eveleigh Land Use and Infrastructure Implementation Plan;
 - (c) the buildings will appear not as tower forms but as a 30 storey street wall formation; and

- (d) the proposal is not sympathetic to existing local character, and does align with the desired future character for the area.

Inaccuracies in Submitted Planning Proposal Request

69. The submitted planning proposal request documentation includes errors and inaccuracies which makes it difficult to accurately assess the merits of the proposal, and if exhibited would not provide the community, nearby landowners and other stakeholders with a reasonable understanding of impacts.
70. The documentation fails to identify that the proposal exceeds the obstacle limitation surface, an important height threshold for the operation of Sydney Airport. The number of car parking spaces is inconsistently identified. The report speaks of multiplier effects related to employment generation but does not provide a robust economic analysis, relying on superficial assumptions. Statements regarding alignment with the Region and the Eastern City District Plan are questionable or superficial, particularly as the proposal is not part of a plan or strategy to ensure that growth is managed in a co-ordinated way.
71. Some diagrams are clearly inaccurate and understate the relationship the towers have with planned and speculative development in their vicinity. For example, the documentation depicts the Waterloo Metro Quarter as being a single 30 storey building in close proximity to the subject site. Waterloo Metro Quarter is actually located on a different site that is further south and consists of three towers of 29, 25 and 23 storeys. Incorrect heights are also shown at The Block, Redfern, where only one tall tower is currently proposed, yet five are depicted. Also, 20 storey buildings are shown in North Eveleigh, although the concept approval is for only 12 storey buildings.
72. These are significant errors that call into question the accuracy of other illustrations and information made in the submitted documentation. Figure 7 below, extracted from the submitted planning proposal request, shows some of these inaccuracies.

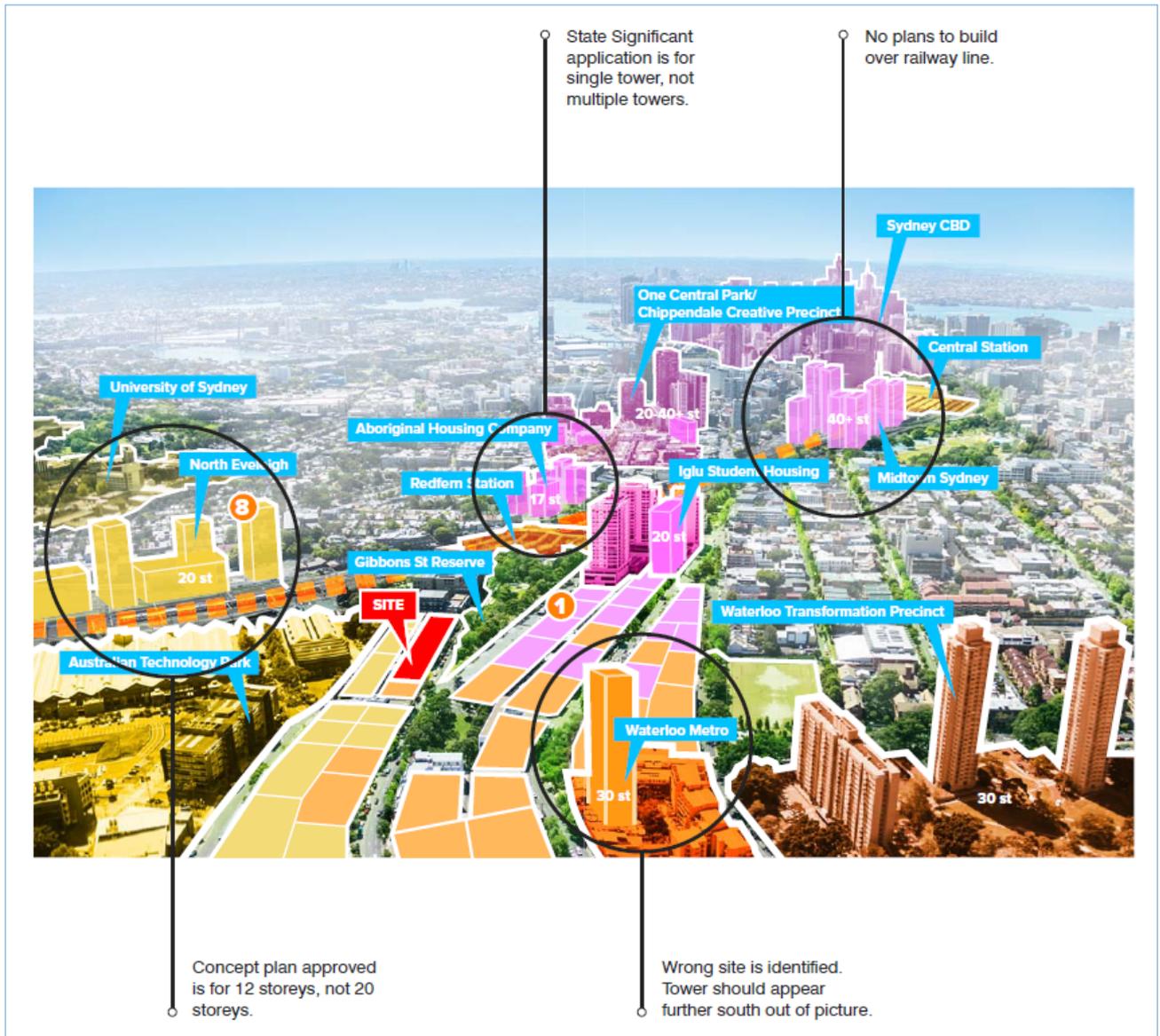


Figure 7: Inaccuracies in Strategic Context Diagram

Public Benefit Offer

73. The public benefit offer made by the proponent is at Attachment C. The offer includes a transfer in perpetuity of 1,512 square metres of gross floor area for the purpose of affordable housing in perpetuity. Taking an average of 80 square metres, this equates to 19 dwellings or six percent of dwellings proposed residential development on the site. The proponent has estimated the value of the public benefit offer as being \$14.8m million. Alternatively, the proponent may seek to pay the City an equivalent cash contribution to be used for affordable housing elsewhere in the Local Government Area. It is noted that the public benefit offer is revised from a previous offer where the affordable housing floor space was offered for a ten year period only.
74. The Planning Proposal: Affordable Housing Review, for a new affordable housing program within the City of Sydney has received Gateway determination and has recently completed exhibition. The planning proposal includes an affordable housing contribution for “planning proposal lands”, which are sites that have achieved FSR uplift due to a change in planning controls.
75. The site would come under this provision and would require a contribution rate of 12 per cent of the new floor area under the City's proposal. A contribution of 3 per cent for residential and one per cent non-residential would also be applied to existing floor space. This is estimated at around 2,662 square metres, or 33 dwellings, based on the planning proposal request.
76. This public benefit offer is welcome and a step in the right direction, however it falls well short of the City's affordable housing aspirations in the of 12 per cent of new floor space, and barely meets the minimum affordable housing contribution target of 5 per cent in the Region Plan.
77. A report on the outcomes of the public exhibition of Planning Proposal: Affordable Housing Review is being considered in this round of Council meetings, with a recommendation that the planning proposal is approved and made as an amendment to SLEP2012.

Strategic Alignment - Sustainable Sydney 2030 Vision

78. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. The planning proposal request is inconsistent with the following strategic directions of Sustainable Sydney 2030:
 - (a) Direction 1 - A Globally Competitive and Innovative City - The planning proposal request is contrary to this direction by proposing controls enabling a predominantly residential high rise building resulting and a net reduction of commercial floor space on a site within an area strategically identified for innovative employment growth.
 - (b) Direction 3 - Integrated Transport for a Connected City - Given the site's strategically located position close to Redfern Station and the planned Waterloo Metro Station, parking rates should be lower considering public transport accessibility.
 - (c) Direction 6 - Vibrant Local Communities and Economies - A predominantly residential development on this strategically important site will negate the potential for the site to contribute to this direction.

- (d) Direction 9 - Sustainable Development, Renewal and Design - .The proposed plaza area will not be big enough to be of benefit to the public, will receive limited sun light, and be subject to high wind impacts due to the lack of setbacks in the building above.
- (e) Direction 10 - Implementation through Effective Governance and Partnerships - A planning proposal request prepared in isolation of a broader place-based strategy for the area will undermine this process and compromise opportunities for collaboration.

Relevant Legislation

- 79. Environmental Planning and Assessment Act 1979.
- 80. Greater Sydney Commission Act 2015.
- 81. Environmental Planning and Assessment Regulation 2000.

Critical Dates / Time Frames

- 82. If the City of Sydney does not support the planning proposal request, the proponent may ask for a Rezoning Review from the Independent Planning Commission. The proponent then has 42 days to request the Commission review the planning proposal request.
- 83. The Commission will determine whether or not to recommend that a proposal should be submitted for a Gateway Determination. The key factor in determining whether a proposal should proceed to a Gateway Determination should be its strategic merit.

GRAHAM JAHN, AM

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