

## **STRATEGIC AND SITE-SPECIFIC MERIT TESTS**

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 a Rezoning Review. The subject Planning Proposal seeks to amend *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 permissibility of uses on the site.

To demonstrate that the proposal satisfies the strategic merit test and has site-specific merit, an assessment has been carried out in accordance with Step 2 of the Department of Planning and Environment's (DPE) *A Guide to Preparing Local Environmental Plans*. Further to the strategic justification provided throughout the original Planning Proposal documents, a detailed assessment against the strategic and site-specific merit test criteria is provided in the following matrix.

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, 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 noted that this document does not amend any of the original Planning Proposal documents or supersede the original Strategic Merit Test that was submitted at the time of lodging the Planning Proposal with Council. Rather, the following matrix directly responds to each of the matters raised by Council in their assessment of the proposal. This addendum is also supported by the following appendices:

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- Appendix 1 Overshadowing Impacts Assessment (previously submitted to Council)
- Appendix 2 Assessment of Strategic Merit and Site-Specific Merit (provides a direct response to matters raised in Council's Assessment Report in relation to which an opportunity to respond has not been provided by Council)

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. A copy of the Overshadowing Impacts Assessment that supports the site-specific merit of the proposal is provided as **Appendix 1** to this addendum. 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.

Yours faithfully,



Chris Wilson  
Director  
Willowtree Planning

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**Table 1. Strategic and Site-Specific Merit Test (Response to Council Assessment)**

<b>Council Comment</b>	<b>Response to Council Comment based on Merit Assessment</b>
<b>Strategic Merit Test</b>	
<i>Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment.</i>	
<p><i>Greater Sydney Region Plan – Objective 2 – Infrastructure aligns with forecast growth.</i></p> <p><i>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. This is the approach being taken in the Central to Eveleigh Land Use and Infrastructure Implementation Plan (LUIIP), in response to the Waterloo Metro station and other public investment in the local area. The LUIIP will assess the need and funding mechanisms for additional infrastructure to support a higher local population. The progression of this planning proposal request would pre-empt the sequenced process of the LUIIP.</i></p>	<p>The proponent embraced the collaborative model for aligning growth and infrastructure. A preliminary Planning Proposal document was presented to both City of Sydney Council and the Department of Planning and Environment (DPE) at the commencement of the process. 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.</p> <p>It is noted that Marcus Ray of DPE wrote to Monica Barone of the City of Sydney Council on 28 September 2017 stating, that <i>"the LUIIP process does not preclude Mersonn Pty Ltd from lodging a site-specific planning proposal to have the controls which apply to the land reviewed"</i> and <i>"Site specific rezoning requests can still be submitted and will be assessed on their merits"</i>.</p>
<p><i>The request makes use of public knowledge of Waterloo Metro station being delivered to propose significantly increasing density on a single site. The planning proposal request does not take a place-based approach to managing the additional development capacity provided by the Waterloo Metro station across the Redfern-Waterloo area, and it does not consider the additional infrastructure needs to support an increased population besides transport.</i></p>	<p>The proposal does adopt a place-led approach, with the project's vision being informed by key Strategic Planning documents including the Greater Sydney Commission's (GSC) <i>A Metropolis of Three Cities- the Greater Sydney Region Plan</i> and <i>Eastern City District Plan</i> (including the Eastern City Innovation Corridor); Government Architect (GA) NSW's <i>Better Placed</i> policy; and the ten (10) strategic objectives outlined in City of Sydney's <i>Sustainable Sydney 2030</i>.</p> <p>The place-based approach is described in the 'Place Strategy' chapter of the Urban Design Report. A key place feature of the Proposal was a blended 'affordability' model for start-up businesses and residents, but at the suggestion of Council officers, this was adjusted to maximize affordable housing as part of the VPA negotiation.</p> <p>The place-based approach adopted by the Planning Proposal is also demonstrated in the detailed assessment of the proposal in the context of key Strategic Plans (refer Section 4.1.1 of the Planning Proposal Report). The proposal aligns with the vision for the Harbour CBD's Innovation Corridor and</p>

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<b>Council Comment</b>	<b>Response to Council Comment based on Merit Assessment</b>
	<p>Central to Eveleigh Urban Renewal Corridor, by providing commercial space (conducive to creative industries and start-ups), new housing and other retail, community and open space facilities, in a vibrant mixed use environment. The site has not been viewed as a standalone opportunity but rather the proposal has considered how it may best contribute to the realization of the vision for the corridor of which it forms a part.</p> <p>The proposal also directly accounts for, and responds to, planned infrastructure investment and urban renewal in the area. Again, this demonstrates that the proposal has not been formulated in isolation, but rather adopts a place-based, holistic perspective towards the desired future for the surrounding area.</p> <p>As well as being planned in light of this desired future context, the proposal considers, and protects, the development potential of other 'strategic sites' that may similarly contribute to the comprehensive renewal of the corridor in concert with planned infrastructure investment and government objectives for the area's role. The proposal would not give rise to any land use conflict or amenity impacts that would impede surrounding development potential.</p> <p>Additionally, the Planning Proposal does consider other infrastructure that would be required to support the future development (refer Section 4.1.1 of the Planning Proposal Report).</p> <p>In particular, the social and economic effects of the proposal have been considered within the Economic Benefit and Community Needs Assessment. Based on the proposal supporting the concept development with a new residential population of 624 people and the maintenance of a 240-person workforce on the site, the needs assessment has generated the following demand estimates:</p> <ul style="list-style-type: none"> <li>▪ Childcare – new demand for 16 childcare centre places (noting that demand generated by the on-site workforce has not been counted as this demand would be existing). The demand is considered to be met by existing and planned childcare facilities in the area.</li> <li>▪ Open space – the increased residential population of the future development would generate additional demand for open space.</li> </ul>

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	<p>Improvements or dedication of local open space are an identified need in the local community. It is noteworthy though that the future development meets the City of Sydney's requirements for all residential dwellings to be within 400m from local open space, as the site is located adjacent to Gibbons Reserve.</p> <ul style="list-style-type: none"> <li>▪ Affordable housing – the City of Sydney is identified as an area where need for affordable housing exists, and in response a target for 7.5% of all housing to be social housing and 7.5% to be affordable housing, has been established. The site is located close to key infrastructure, economic opportunities and amenity of Redfern village, and is considered an appropriate location for affordable housing.</li> <li>▪ Health – given the availability of existing health facilities, new health infrastructure is not considered a requirement for the future development.</li> <li>▪ Education – given the new school developments already being carried out in Alexandria, Green Square and Surry Hills, new education infrastructure is not considered a requirement for the future development.</li> </ul> <p>Based on the needs assessment summarised above, the report provides the following recommendations for a VPA to support the proposed LEP amendments and future development:</p> <ul style="list-style-type: none"> <li>▪ Embellishment or dedication of local open space should be considered as part of any planning agreement for the proposed development.</li> <li>▪ Creative infrastructure that could be provided may include temporary spaces or long-term opportunities for creatives, artists and makers to live, work, exhibit, sell and learn locally.</li> <li>▪ Cultural infrastructure is appropriate to consider as part any planning agreement for the proposed development.</li> <li>▪ Affordable housing is appropriate to consider as part of any planning agreement for the proposed development.</li> </ul>

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	<p>The infrastructure demands generated by the proposal have been addressed within the Draft VPA Offer, which has been the subject of ongoing discussions with Council.</p>
<p><i>Greater Sydney Region Plan – Objective 4 – Infrastructure use is optimised.</i></p> <p><i>To support community need for infrastructure and be efficient with new infrastructure investment, the Region Plan advocates evaluating and managing demand on existing infrastructure. This calls on using demand management techniques, making choices about land use and sharing road space, and encouraging behaviour change.</i></p> <p><i>This planning proposal request, if accepted, would result in a substantial increase in local residential population, a net reduction in commercial space, and up to 243 parking spaces.</i></p>	<p>The proposed land use is supported by the existing zoning and is not part of the Planning Proposal submitted. Notwithstanding, the Proposal provides a proactive vision for commercial space aligned with the GSC’s Eastern City Innovation Corridor. Whilst the Proposal does reduce commercial space by 24%, it is offset by the offer of 813m<sup>2</sup> of affordable start-up commercial space supporting approximately 55 entrepreneurs. Affordable start-up space for creatives is proven to have a positive multiplier effect on the local economy and is consistent with the City of Sydney’s <i>Creative City Cultural Policy</i>.</p> <p>Further, the proposal would continue to accommodate 240 jobs on the site, through the provision of ground and level 1 commercial premises capable of supporting a higher employment density than the current facilities. Accordingly there would be no net loss of jobs on the site.</p>
<p><i>The predominantly residential high rise building proposed would contribute to the Redfern- Waterloo area being a dormitory suburb, where residents travel out of the area to access jobs and services using Redfern Station, the Sydney Metro or their cars. This would put additional strain on already congested systems. A genuinely mixed-use precinct, with housing, jobs and services co- located in well connected centres, reduces reliance on roads and transport networks and makes more efficient use of infrastructure.</i></p>	<p>We do not accept the Proposal will contribute to Redfern-Waterloo being a ‘dormitory suburb’. Today, Redfern-Waterloo has a population density of approximately 15,265 persons per square kilometre. The precinct includes 319 cafes/restaurants, 26 grocers, 48 schools/education institutions/programs, 11 art and community facilities, 4 entertainment venues and 68 health services. The Proposal will increase this population density to approximately 15,865 persons per square kilometre. In doing so, the Proposal positively contributes to this urbanity by providing the opportunity for an additional 10 cafes/restaurants, 2 hybrid art galleries, 1 grocer, 1 creative start-up hub and 1 health club.</p> <p>Also, contrary to contributing to a ‘dormitory suburb’, through providing an additional resident population and workforce on the site, the proposal will stimulate additional activity in the area. This will be achieved as residents and workers access the services, facilities and jobs already available in short walking distance of the site and make use of the new services, facilities and jobs provided on-site. Activity would be generated during the daytime through the commercial component of the proposal, ensuring the presence of a local workforce on the site during</p>

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	<p>business hours. Activity would also be generated during the night-time as resident workers remain on-site and other residents walk, cycle and catch public transport home from other nearby places of employment in the surrounding Redfern/Australian Technology Park (ATP) area and the CBD.</p> <p>In generating approximately 600 residents, the Proposal will <i>not</i> contribute to congestion because the site's location is ideal to deliver on the City of Sydney's targets for active travel including:</p> <ul style="list-style-type: none"> <li>▪ 60% of local trips will be by people walking;</li> <li>▪ One third of commuter trips will be by people walking;</li> <li>▪ 10% of all trips will be by cycling.</li> </ul> <p>In addition, residents are within an easy two (2) minute walk of Redfern Station and future Waterloo Metro. Finally, residents are also within an easy walk of multiple car sharing pods.</p> <p>If suggested by the City of Sydney, the proponent would have prepared a more detailed Green Travel Plan to support the Proposal, however it was never raised. Nonetheless, this Plan could be addressed post-Gateway or at the DA stage.</p>
<p><i>There are limitations with justifying additional density due to access to Redfern Station, as it is currently the sixth busiest station in the Sydney Trains network and remains one of the least accessible with lifts to only 2 platforms.</i></p>	<p>The NSW State Government has committed funding to improve the accessibility of Redfern Station.</p> <p>The site is also in short walking distance of Waterloo Metro station, and is in walking and cycling distance of a comprehensive range of services, facilities and jobs.</p> <p>A proposal that is exclusively commercial in use would still result in an intensification of Redfern Station by commuters employed and working in the proposed building. For example, pressure from commuters is expected to intensify Redfern station by the proposed Commonwealth Bank at Australian Technology Park (which will employ circa 10,000 staff). However, having regard to the subject site, the need to travel at all will be reduced through the provision of on-site jobs, services and facilities.</p> <p>Thereby the additional density is not justified solely on the basis of proximity to Redfern Station.</p>

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<b>Council Comment</b>	<b>Response to Council Comment based on Merit Assessment</b>
<p><i>Greater Sydney Region Plan – Objective 10 – Greater housing supply</i></p> <p><i>The Region Plan identifies the need for greater housing supply in the right locations, and increased housing diversity and choice. The planning proposal request includes about 320 new apartments, delivered close to Redfern Station and the proposed new Waterloo Metro. This would suggest alignment with the Region Plan’s objective for increased housing supply close to existing and proposed infrastructure.</i></p> <p><i>However, the Region Plan also outlines how additional housing should be delivered with proposed new infrastructure. The Region Plan says 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 approach of the Central to Eveleigh LUIIP.</i></p> <p><i>In contrast, this site-specific planning proposal request pre-empts the appropriate sequencing of development across the corridor, and does not have consideration for the urban renewal of the wider corridor in response to the infrastructure investment. The location of additional housing in this area should be appropriately considered through the LUIPP and detailed strategic planning process, rather than significant amounts of potential future housing being allocated to one site prior to the finalisation strategic considerations.</i></p>	<p>The Proposal did not pre-empt the appropriate sequencing of development across the corridor. Prior to preparing the detailed Planning Proposal, the proponent met with the City of Sydney and DPE, and were advised the timing was appropriate to prepare a detailed Planning Proposal.</p>
<p><i>Greater Sydney Region Plan – Objective 11 – Housing is more diverse and affordable</i></p> <p><i>The Region Plan sets a framework for delivering affordable rental housing out of an uplift in land value created as a result of a rezoning decision. The GSC suggests a proportion in the general range of 5-10 per cent of new residential floor space to be dedicated as affordable rental housing, but notes that this will be tailored to each nominated local area according to a range of criteria.</i></p> <p><i>The City of Sydney recently exhibited a draft Affordable Housing Program. The Program includes provisions for “planning proposal lands”, where 50% of the value uplift resulting from a rezoning decision directed towards an affordable rental housing</i></p>	<p>The public benefit offer, including affordable housing, has been informed by detailed feasibility studies, responds to Strategic objectives for the site and corridor, and delivers on the infrastructure needs identified by the Economic Benefit and Community Needs Assessment (prepared as part of the original Planning Proposal).</p> <p>It is noteworthy that the affordable housing offer <i>is</i> consistent with the Region Plan.</p>

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<p><i>purpose. This has been determined according to the Region Plan's parameters for affordable housing targets, has been tested for viability, and is specific to the City of Sydney local government area.</i></p> <p><i>The planning proposal request includes a five to eight per cent dedication for affordable rental housing, which is on the bottom end of the Region Plan's range and far less than the amount that would be required under the draft Affordable Housing Program.</i></p>	
<p><i>Greater Sydney Region Plan – Objective 18 – Harbour CBD is stronger and more competitive</i></p> <p><i>The site is within the Harbour CBD area, which the Region Plan identifies as being Australia's financial capital and host to unique assets that support its global significance. The site is also within the Innovation Corridor, a cluster of high tech industries, start up hubs and health and education institutions that the Region Plan identifies as crucial for Greater Sydney's innovation economy. The Region Plan also identifies a future limit to office supply of 10 years in the Harbour CBD, and to overcome this limit southward growth towards Redfern needs to be secured. The Region Plan says that "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".</i></p> <p><i>The planning proposal request, being for a predominantly residential high rise building, does not meet this objective of the Region Plan. It will result in a net reduction in lettable commercial space on a strategically important site, and may compromise future commercial development and night life activity on nearby sites through land use conflicts. This threatens the ability for this strategically important location to contribute to the Innovation Corridor and Harbour CBD for the long term.'</i></p>	<p>The proposal would continue to accommodate 240 jobs on the site, through the provision of ground and level 1 commercial premises capable of supporting a higher employment density than the current facilities. Accordingly there would be no net loss of jobs on the site.</p> <p>The commercial floor space that would be delivered on the site would be flexible, adaptable and conducive to the needs of start-ups, creative industries, innovation, knowledge-intensive sectors and other businesses which would directly align with the intended economic role of the Innovation Corridor and Redfern/ATP Knowledge Hub.</p> <p>The site is already zoned for mixed use development, which the proposal would support the delivery of. The appropriateness of the site for mixed use development has therefore previously been conceded by Council and DPE through the initial zoning process. The proposed provision of mixed residential and commercial premises on the site is therefore consistent with the current zoning and previous Council and DPE Strategic Planning exercises. Land use conflict would therefore not be an issue.</p> <p>Rather than compromising future commercial development and nightlife activities on surrounding sites, the proposed mixed use development would complement and support such future developments. The resident population and workforce to be accommodated on the site by the proposal would stimulate demand for, and thereby support, other services, facilities and activities during both the daytime and night-time. Similarly, a local workforce would exist such that commercial developments on other sites would not lead to the area being 'deserted' at night and therefore being 'dormitory'</p>

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	<p>(which would arise if commercial development was not complemented by residential development and was thereby forced to rely on commuters).</p> <p>Further, in describing the future of the Harbor City and Innovation Corridor, Council's report fails to acknowledge Planning Priority E8 – Objective 21 which provides as follows:</p> <p style="text-align: center;"><i>"affordable and diverse housing options that can be multipurpose, and a range of cultural, entertainment and leisure activities, including strong night time activities"...and..."Recent expansion of digital and creative industries has reduced the availability of suitable workspaces and substantially increased rents."</i></p> <p>The Proposal is consistent with Objective 21.</p>
<p><i>Greater Sydney Region Plan – Objective 22 – Investment and business activity in centres</i></p> <p><i>The site is located within the Harbour CBD, a metropolitan centre at the top of the centres hierarchy identified by the Region Plan as a focus for delivering jobs and investment.</i></p> <p><i>The Region Plan advocates a balanced approach to providing mixed use and residential development close to centres. Centres benefit from a high local population, and there are benefits to locating housing close to the jobs, services and transport that centres offer. However, residential development can also compete with commercial activity for well located land, and threaten the long term viability of centres.</i></p> <p><i>The site is located in a strategically important location, close to Redfern Station, the planned Waterloo Metro station, and the Australian Technology Park. The Central to Eveleigh LUIIP will consider the balance of supporting investment and business activity in centres and providing housing near centres, by taking a comprehensive assessment of the wider area. This planning proposal request, which is concerned with one site in isolation, cannot consider this balance and the site's most appropriate contribution to a future vision for the wider area.</i></p>	<p>The site is already zoned for mixed use development, which the proposal will support the delivery of.</p> <p>The proposal would sustain current employment numbers on the site.</p> <p>In accordance with the objective, the proposal delivers housing in short walking distance of Redfern centre, ATP and Sydney CBD, thereby supporting these designated centres.</p>

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<p><i>Eastern City District Plan – Planning Priority E1 – Planning for a city supported by infrastructure.</i></p> <p><i>Planning Priority E2 – Working through collaboration.</i></p> <p><i>The delivery of the Sydney Metro with a station at Waterloo may be a catalyst for increased development and densities in the Redfern-Waterloo area, including this site. This process of change is to be managed through the Central to Eveleigh LUIIP currently being developed by the Department of Planning and Environment with input from the City of Sydney. The LUIIP will identify what uplifts in density and additional development may be appropriate given the new Metro station, as well as additional infrastructure, improvements to Redfern Station, open space and community facilities required to serve the increased population.</i></p> <p><i>A site specific planning proposal for one block within this area before an overarching plan is finalised would pre-empt this collaborative process and misalign the delivery of infrastructure and additional development capacity.</i></p> <p><i>Cumulative increases in demand for public resources is difficult to assess for individual site-specific planning proposals. The need for additional open space, community facilities and other public resources will be identified as part of the LUIIP, taking into account total population growth in the wider area. This process is in line with the District Plan’s collaboration planning priority, where the provision of new public resources is connected with development and population growth, to ensure adequate provision and efficient utilisation.</i></p>	<p>The proponent embraced collaboration through pre-lodgement consultation with Council and DPE. A preliminary Planning Proposal document was presented to both the City of Sydney and DPE at the commencement of the process. 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.</p> <p>The proposal considers the relationship between infrastructure and population growth. It directly responds to the additional capacity that will be offered through investment in Sydney Metro, and includes assessment of the social infrastructure for which demand would be generated by the proposal.</p> <p>Further, the proposal directly aligns with Priority E1 of the District Plan. 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.</p> <p>With respect to social infrastructure, Redfern’s existing social infrastructure may readily accommodate the minor population increase resulting from the proposal (the proposal represents a 0.19% increase in housing targets). Established social infrastructure includes:</p> <ul style="list-style-type: none"> <li>▪ 319 cafes/restaurants;</li> <li>▪ 26 grocers;</li> <li>▪ 48 schools/education institutions/programs;</li> <li>▪ 11 art and community facilities;</li> <li>▪ 4 entertainment venues; and</li> <li>▪ 68 health services.</li> </ul> <p>Opportunity would also exist to introduce new services and facilities as part of the mixed use development on the site to further augment the quality, variety and capacity of services and infrastructure in the area.</p> <p>With respect to Priority E2 of the District Plan, the proposal responds to, and integrates with, the collaborative approach that is emphasised for the Central to Eveleigh Urban Transformation Strategy. The effective integration of the proposal with the</p>

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<b>Council Comment</b>	<b>Response to Council Comment based on Merit Assessment</b>
	<p>Central to Eveleigh corridor is demonstrated by its achievement of a number of the 'Ten Key Moves' directing the vision for the corridor:</p> <ul style="list-style-type: none"> <li>▪ The development would contribute to the transformation of the area surrounding Redfern Station into a productive and liveable mixed use environment.</li> <li>▪ The activation of streets and lanes as well as the delivery of new public open spaces, would enhance the pedestrian network and green network linking precincts within the corridor.</li> <li>▪ The site would positively contribute to the new activity centre focused around the train stations, providing shops, cafes, public open spaces, jobs and housing to service the day-to-day needs of the community.</li> <li>▪ New flexible commercial floor space and affordable business space would encourage the clustering of innovative and creative businesses and jobs.</li> <li>▪ The concept scheme demonstrates how high density mixed use development on the site may effectively integrate with the new stations and surrounding neighbourhoods.</li> <li>▪ Housing on the site would introduce supply, diversity and affordable offerings.</li> </ul> <p>The positive contribution of the proposal to the corridor of which it forms a part, is described throughout this matrix and in the original Planning Proposal documents.</p>
<p><i>Eastern City District Plan – Planning Priority E3 – Providing services and social infrastructure to meet people’s changing needs.</i></p> <p><i>The services and additional social infrastructure necessary to serve a growing population in the Redfern-Waterloo area needs to be assessed holistically. At the present time, there is not yet the understanding of future additional population growth, or an analysis of the future demographic make up of the area, necessary to ensuring appropriate services and social infrastructure are provided alongside development. Site-specific planning proposal requests such as this preclude a long term and strategic understanding of population growth, demographic change, and catering to a future population’s needs. If accepted, the planning</i></p>	<p>The social and economic effects of the proposal have been considered within the Economic Benefit and Community Needs Assessment. Based on the proposal supporting the concept development with a new residential population of 624 people and the maintenance of a 240-person workforce on the site, the needs assessment has generated the following demand estimates:</p> <ul style="list-style-type: none"> <li>▪ Childcare – new demand for 16 childcare centre places (noting that demand generated by the on-site workforce has not been counted as this demand would be existing). The demand is considered to be met by existing and planned childcare facilities in the area.</li> </ul>

## STRATEGIC AND SITE-SPECIFIC MERIT TESTS

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)

**Table 1. Strategic and Site-Specific Merit Test (Response to Council Assessment)**

<b>Council Comment</b>	<b>Response to Council Comment based on Merit Assessment</b>
<p><i>proposal request would make future delivery of infrastructure to meet those needs difficult, with the financial burden pushed onto other sites or the community.</i></p>	<ul style="list-style-type: none"> <li>▪ Open space – the increased residential population of the future development would generate additional demand for open space. Improvements or dedication of local open space are an identified need in the local community. It is noteworthy though that the future development meets the City of Sydney’s requirements for all residential dwellings to be within 400m from local open space, as the site is located adjacent to Gibbons Reserve.</li> <li>▪ Affordable housing – the City of Sydney is identified as an area where need for affordable housing exists, and in response a target for 7.5% of all housing to be social housing and 7.5% to be affordable housing, has been established. The site is located close to key infrastructure, economic opportunities and amenity of Redfern village, and is considered an appropriate location for affordable housing.</li> <li>▪ Health – given the availability of existing health facilities, new health infrastructure is not considered a requirement for the future development.</li> <li>▪ Education – given the new school developments already being carried out in Alexandria, Green Square and Surry Hills, new education infrastructure is not considered a requirement for the future development.</li> </ul> <p>Based on the needs assessment summarised above, the report provides the following recommendations for a VPA to support the proposed LEP amendments and future development:</p> <ul style="list-style-type: none"> <li>▪ Embellishment or dedication of local open space should be considered as part of any planning agreement for the proposed development.</li> <li>▪ Creative infrastructure that could be provided may include temporary spaces or long-term opportunities for creatives, artists and makers to live, work, exhibit, sell and learn locally.</li> <li>▪ Cultural infrastructure is appropriate to consider as part any planning agreement for the proposed development.</li> </ul>

## STRATEGIC AND SITE-SPECIFIC MERIT TESTS

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)

**Table 1. Strategic and Site-Specific Merit Test (Response to Council Assessment)**

<b>Council Comment</b>	<b>Response to Council Comment based on Merit Assessment</b>
	<ul style="list-style-type: none"> <li>▪ Affordable housing is appropriate to consider as part of any planning agreement for the proposed development.</li> </ul> <p>The infrastructure demands generated by the proposal have been addressed within the Draft VPA Offer, which has been the subject of ongoing discussions with Council.</p> <p>Additionally, whilst Priority E4 of the District Plan has not been addressed by Council, it is noted that the proposal would assist in fostering healthy, creative, culturally-rich and socially-connected communities. In particular, diversity and creativity would be promoted through the affordable start-up space, which delivers the opportunity for the socioeconomic-disadvantaged to gain access to employment. The Proponent is willing to establish a partnership model.</p>
<p><i>Eastern City District Plan – Planning Priority E5 – Providing housing supply, choice and affordability with access to jobs, services and public transport.</i></p> <p><i>This is addressed earlier under Objective 10 of the Region Plan – "Greater housing supply".</i></p>	<p>In response to Council's comments made with respect to Objective 10 of the Region Plan, it is highlighted that the Proposal did not pre-empt the appropriate sequencing of development across the corridor. Prior to preparing the detailed Planning Proposal, the proponent met with the City of Sydney and DPE, and were advised the timing was appropriate to prepare a detailed Planning Proposal.</p> <p>Consistent with Planning Priority E5, the proposal provides additional housing supply and diversity in a highly accessible location close to existing and future jobs, services and public transport. Of particular importance, Redfern to Eveleigh has been expressly referenced as an opportunity to provide additional capacity for housing supply. Priority E5 also nominates further opportunities for urban renewal to integrate with Sydney Metro, which the proposal delivers on.</p> <p>In accordance with the locational criteria nominated under Priority E5 for urban renewal, the proposal:</p> <ul style="list-style-type: none"> <li>▪ Aligns with infrastructure investment, notably Sydney Metro, whilst also been situated in proximity of Redfern Station (with committed accessibility upgrades) and a wide range of social infrastructure.</li> <li>▪ Promotes accessibility to jobs, through its proximity to ATP, Sydney's new 'tech hub' (announced by the Premier on 7 August</li> </ul>

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<b>Table 1. Strategic and Site-Specific Merit Test (Response to Council Assessment)</b>	
<b>Council Comment</b>	<b>Response to Council Comment based on Merit Assessment</b>
	<p>2018) and Sydney CBD. The proposal also creates employment on-site, through the provision of commercial floor space that is flexible, adaptable and conducive to the needs of start-ups, creative industries, innovation, knowledge-intensive sectors and other businesses which would directly align with the intended economic role of the Innovation Corridor and Redfern/ATP Knowledge Hub.</p> <ul style="list-style-type: none"> <li>▪ Situated in immediate proximity of walking and cycling networks, which, combined with the major public transport infrastructure it is in short walking distance to, would promote active and sustainable transport modes.</li> <li>▪ As noted, the site is in immediate proximity (less than 10 minutes walk) to Waterloo Metro Station, Redfern Station, walking and cycling networks, and bus routes.</li> <li>▪ The public benefit offer includes affordable housing and is consistent with the Region Plan.</li> <li>▪ Suitably separated from any special land uses that may restrict the development potential or suitability of the site for the proposed high-rise mixed use development.</li> </ul> <p>The proposal is thereby consistent with all locational criteria nominated for urban renewal sites.</p>
<p><i>Eastern City District Plan – Planning Priority E6 – Creating and renewing great places and local centres, and respecting the District’s heritage.</i></p> <p><i>Australian Technology Park and Redfern are in transition to a metropolitan centre, offering jobs, retail, entertainment and night life. Increasing nearby housing is important to supporting centres and meeting the 30-minute goal, however care must be taken to ensure that housing does not supplant the non-residential components necessary for a centre to flourish. Housing supply within the Redfern-Waterloo area needs to be strategically located to be close to centres, but not in the place of them.</i></p>	<p>We agree with Council’s report; housing needs to be strategically located to centres, but not in place of them. The proposal is within a two (2) minute walk of Redfern Village Centre.</p> <p>In addition to providing housing, the proposal incorporates commercial space to accommodate approximately 240 jobs and 55 entrepreneurs/businesses together with other retail services and facilities. Accordingly within the site itself, the constituents for a flourishing mixed use centre, are provided.</p>
<p><i>Eastern City District Plan – Planning Priority E7 – Growing a stronger and more competitive Harbour CBD</i></p> <p><i>Planning Priority E8 – Growing and investing in health and education precincts and the Innovation Corridor</i></p>	<p>The proposal would continue to accommodate 240 jobs on the site, through the provision of ground and level 1 commercial premises capable of supporting a higher employment density than the current facilities. Accordingly there would be no net loss of jobs on the site.</p>

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**Table 1. Strategic and Site-Specific Merit Test (Response to Council Assessment)**

<b>Council Comment</b>	<b>Response to Council Comment based on Merit Assessment</b>
<p><i>The site is located within the Innovation Corridor, a key component in the Greater Sydney Commission's strategy for growing a strong and globally competitive Harbour CBD. The Innovation Corridor is identified by the District Plan as an area attractive to digital and cultural industries. The Corridor features a diverse pool of talent and expertise, research facilities, customers and investors. According to the District Plan, the availability of suitable workspaces in the Innovation Corridor has seen a reduction, and commercial rents have seen a substantial increase, due to a recent expansion of digital and creative industries.</i></p> <p><i>To align with the objectives of the District Plan for the Innovation Corridor, development on sites such as this one should be focused on delivering new supply of flexible, adaptable commercial floor space, as well as fostering a vibrant creative and entertainment environment including night time uses. New housing should be diverse in character, and offer multipurpose flexibility to enable home-based businesses and start-ups.</i></p> <p><i>Instead, the planning proposal request is primarily residential, featuring conventional high rise apartments above some commercial floor space. The planning proposal request represents a net reduction in commercial floor space compared to the current development. The predominantly residential makeup of the proposed development will hamper 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.</i></p>	<p>The commercial floor space that would be delivered on the site would be flexible, adaptable and conducive to the needs of start-ups, creative industries, innovation, knowledge-intensive sectors and other businesses which would directly align with the intended economic role of the Innovation Corridor and Redfern/ATP Knowledge Hub.</p> <p>Rather than compromising future commercial development and nightlife activities on surrounding sites, the proposed mixed use development would complement and support such future developments. The resident population and workforce to be accommodated on the site by the proposal would stimulate demand for, and thereby support, other services/facilities/activities during both the daytime and night-time. Similarly, a local workforce would exist such that commercial developments on other sites would not lead to the area being 'deserted' at night and therefore being 'dormitory' (which would arise if commercial development was not complemented by residential development and was thereby forced to rely on commuters).</p>
<p><i>Eastern City District Plan – Planning Priority E10 – Delivering integrated land use and transport planning and a 30-minute city</i></p> <p><i>The District Plan sets a long term aspirational goal for a 30-minute city, so that people can access jobs and services within 30 minutes. A key aspect of this is to encourage the growth of strategic and local centres that provide transport, jobs, education, health and other facilities within a short distance of housing, reducing the need for people to travel long distances.</i></p>	<p>As well as being situated in close proximity to Redfern Station, the site is in short walking distance of Waterloo Metro station, and is also in walking and cycling distance of a comprehensive range of services, facilities and jobs. The need to travel at all will also be reduced through the provision of on-site jobs, services and facilities. Thereby the additional density is not justified solely on the basis of proximity to Redfern Station.</p> <p>Contrary to contributing to a 'dormitory suburb', through providing an additional resident population and workforce on the site, the proposal will stimulate</p>

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**Table 1. Strategic and Site-Specific Merit Test (Response to Council Assessment)**

<b>Council Comment</b>	<b>Response to Council Comment based on Merit Assessment</b>
<p><i>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 on the site. This vision for the future of the site is effectively dormitory, with residents travelling out of the area by train to access jobs and services. This is counter to the vision of the District Plan, which would have a well-connected site within the Innovation Corridor such as this be home to the jobs and services that residents should have easy access to.</i></p>	<p>additional activity in the area. This will be achieved as residents and workers access the services, facilities and jobs already available in short walking distance of the site and make use of the new services/facilities/jobs provided on-site. Activity would be generated during the daytime through the commercial component of the proposal, ensuring the presence of a local workforce on the site during business hours. Activity would also be generated during the night-time as resident workers remain on-site and other residents walk/cycle/catch public transport home from other nearby places of employment in the surrounding Redfern/ATP area and the CBD.</p>
<p><i>Eastern City District Plan – Planning Priority E19 – Reducing carbon emissions and managing energy, water and waste efficiently</i></p> <p><i>The District Plan identifies urban renewal in Redfern – Waterloo as an opportunity to upgrade ageing infrastructure and create a low-emissions, high efficiency precinct.</i></p> <p><i>As this is a planning proposal request for a single site, it cannot contribute to a precinct-wide approach to reducing emissions. Precinct approaches have the benefit of scale which cannot be achieved on a single site. For example, recycled water networks and precinct scale renewable energy production require a wider urban renewal area to be considered holistically.</i></p> <p><i>If this single site planning proposal request were accepted, any future development on the site will be limited in how much energy efficiency and on-site renewable energy production it can realistically achieve. Including precinct-wide initiatives through the LUIIP will be a more effective way to deliver on the District Plan’s vision for a low emissions and high efficiency precinct in Redfern – Waterloo.</i></p>	<p>The site’s redevelopment would create opportunities for development designed in accordance with the principles of Environmentally Sustainable Development (ESD), new public open spaces, the co-location of housing and jobs, and the promotion of active transport use through TOD.</p> <p>Numerous examples exist in Sydney and the world of single-site developments which achieve excellence in environmental sustainability.</p>
<p><i>Consistent with a relevant local strategy that has been endorsed by the Department.</i></p>	
<p><i>Sustainable Sydney 2030 is the City of Sydney’s endorsed Community Strategic Plan. Relevant directions and actions include:</i></p> <p><i>Sustainable Sydney 2030 – Strategic direction 1</i></p>	<p>The proposal would continue to accommodate 240 jobs on the site, through the provision of ground and level 1 commercial premises capable of supporting a higher employment density than the current facilities. Accordingly there would be no net loss of jobs on the site.</p>

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**Table 1. Strategic and Site-Specific Merit Test (Response to Council Assessment)**

<b>Council Comment</b>	<b>Response to Council Comment based on Merit Assessment</b>
<p><i>"A globally competitive and innovative city" in Sustainable Sydney 2030 includes objectives to secure space and infrastructure to support sustainable economic growth, and for the planning system to support diverse economic activity in the city. It also emphasises how creativity and innovation are fostered through collaboration between businesses, academia, government, the creative sector and the wider community. Redfern and Australian Technology Park typifies this cluster of activities, and makes up an important current and future part of the Innovation Corridor identified by the District Plan.</i></p> <p><i>The planning proposal request, by proposing a predominantly residential high rise building, and a net reduction in commercial floor space, within this area would be contrary to the directions in Sustainable Sydney 2030.</i></p>	<p>The commercial floor space that would be delivered on the site would be flexible, adaptable and conducive to the needs of start-ups, creative industries, innovation, knowledge-intensive sectors and other businesses which would directly align with the intended economic role of the Innovation Corridor and Redfern/ATP Knowledge Hub.</p>
<p><i>Sustainable Sydney 2030 – Strategic direction 3</i></p> <p><i>"Integrated transport for a connected city" sets a vision for public transport, walking and cycling being the first choice transport modes in the city. Sustainable Sydney 2030 emphasises aligning transport infrastructure with growth and distribution of population and employment centres. Sites with good connections to villages and the City centre are strategically important to realising this vision of an integrated and connected city.</i></p> <p><i>The site is well connected to the City centre and villages, being within close walking distance of Redfern Station and Waterloo Metro. Its location between Redfern Village and ATP also makes it an accessible and well served employment centre within the Innovation Corridor. If it were to be developed as a predominantly residential high rise building as per the planning proposal request, this site's ability to contribute would be forgone, and may reduce the suitability of surrounding sites for employment uses due to land use conflicts.</i></p>	<p>The proposal would continue to accommodate 240 jobs on the site, through the provision of ground and level 1 commercial premises capable of supporting a higher employment density than the current facilities. Accordingly there would be no net loss of jobs on the site.</p> <p>The commercial floor space that would be delivered on the site would be flexible, adaptable and conducive to the needs of start-ups, creative industries, innovation, knowledge-intensive sectors and other businesses which would directly align with the intended economic role of the Innovation Corridor and Redfern/ATP Knowledge Hub.</p> <p>The site is already zoned for mixed use development, which the proposal would support the delivery of. The appropriateness of the site for mixed use development has therefore previously been conceded by Council and DPE through the initial zoning process. The proposed provision of mixed residential and commercial premises on the site is therefore consistent with the current zoning and previous Council/DPE Strategic Planning exercises. Land use conflict would therefore not be an issue.</p> <p>Rather than compromising future commercial development and nightlife activities on surrounding sites, the proposed mixed use development would complement and support such future developments. The resident population and workforce to be</p>

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<b>Council Comment</b>	<b>Response to Council Comment based on Merit Assessment</b>
	<p>accommodated on the site by the proposal would stimulate demand for, and thereby support, other services/facilities/activities during both the daytime and night-time. Similarly, a local workforce would exist such that commercial developments on other sites would not lead to the area being 'deserted' at night and therefore being 'dormitory' (which would arise if commercial development was not complemented by residential development and was thereby forced to rely on commuters).</p>
<p><i>Sustainable Sydney 2030 emphasizes managing demand for parking spaces constrained road capacity, in order to preference critical services.</i></p> <p><i>The planning proposal request allows for 243 car spaces, using the maximum rates under Sydney LEP 2012. Given the site's strategically located position close to Redfern Station and the planned Waterloo Metro, and the extremely constrained road network surrounding the site, a development on the site should minimise the amount of parking necessary to support critical services and equitable access.</i></p>	<p>The site is highly accessible by active transport modes, including public transport, walking and cycling.</p> <p>The proposed car parking provision responds to the need to minimise on-street parking and the associated congestion that would arise.</p>
<p><i>Sustainable Sydney 2030 – Strategic direction 8</i></p> <p><i>"Housing for a diverse community" sets out the City's housing priorities, including high quality, high amenity and well serviced housing, and affordable rental housing delivered through planning and policy levers.</i></p> <p><i>Sustainable Sydney 2030 advocates for balancing land supply across residential development, employment uses, social infrastructure and other uses, to ensure that housing in the local area can be well serviced by infrastructure and jobs. Development on this site for a predominantly residential building as per the planning proposal request would involve replacing space for employment and services with housing, and relying on residents to travel out of the area to access these needs.</i></p>	<p>The proposal would retain approximately 240 jobs on the site, thereby not resulting in any loss of employment.</p> <p>On-site commercial space, together with existing and future jobs in short walking distance of the site within the Redfern centre and ATP, would allow for residents to work locally. This would retain a local resident workforce and avoid the need for residents to travel away to access employment and services.</p>
<p><i>Acting on the strategic objective to enact all planning and policy levers to increase the supply of affordable housing, the City has recently exhibited a draft Affordable Housing Program. The inconsistency between the affordable housing offer in this planning proposal request and the draft Program is discussed</i></p>	<p>The public benefit offer, including affordable housing, has been informed by detailed feasibility studies, responds to Strategic objectives for the site and corridor, and delivers on the infrastructure needs identified by the Economic Benefit and Community Needs Assessment (prepared as part of the original Planning Proposal).</p>

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<b>Council Comment</b>	<b>Response to Council Comment based on Merit Assessment</b>
<p>earlier in this table under Objective 11 of the Region Plan – "Housing is more diverse and affordable".</p>	<p>It is noteworthy that the affordable housing offer is consistent with the Region Plan.</p>
<p><i>Sustainable Sydney 2030 – Strategic direction 9</i></p> <p><i>"Sustainable development, renewal and design" outlines the improvements that should result from urban renewal development. This encompasses a better built form with design excellence and high environmental performance, great public spaces and parks, and resilience to respond to future needs.</i></p> <p><i>Sustainable Sydney 2030 emphasises the need to provide space for economic growth and innovation, and that the businesses, services and activities the city needs to function efficiently are well located.</i></p> <p><i>This site is located within the Innovation Corridor, and has been identified by the City and the Greater Sydney Commission a technology sector cluster and centre of innovation. The site is very well connected to other employment and innovation districts. It is within walking and cycling distance of Australian Technology Park and the planned Eveleigh technology precinct. Redfern Station connects the site to Sydney CBD, Parramatta and the rest of Greater Sydney. The planned Waterloo Metro station will connect the site via the Sydney Metro to Barangaroo and Macquarie Park.</i></p> <p><i>If the planning proposal request is accepted, this strategically located site would be developed as a predominantly residential high rise building, strata subdivided and unable to contribute to the area's future vision as a centre of innovation and knowledge economy jobs. The economic advantages of its excellent location and connectivity to the rest of Sydney will be foregone, and may hamper the ability for nearby sites to develop for employment uses through land use conflicts.</i></p>	<p>The commercial floor space that would be delivered on the site would be flexible, adaptable and conducive to the needs of start-ups, creative industries, innovation, knowledge-intensive sectors and other businesses which would directly align with the intended economic role of the Innovation Corridor and Redfern/ATP Knowledge Hub.</p> <p>The proposal would provide a highly compatible mix of land uses that would similarly be compatible with the types of commercial space and other uses designated for the surrounding area. The site is zoned for mixed use development and would contribute to the creation of a vibrant mixed use corridor. Land use conflict would not be an issue.</p>
<p><i>Sustainable Sydney 2030 envisages that development and urban renewal will result in great public buildings, streets, squares and parks for everyone to be use and enjoy, and create an urban environment that encourages people to meet, talk, be active, enjoy the city and participate in its social, civic and cultural life.</i></p>	<p>The original VPA offer included dedication of land for open space and a laneway. At the suggestion of Council officers, the VPA Offer was adjusted to maximize affordable housing as part of the VPA negotiation.</p> <p>An activated public domain would be achieved through:</p>

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<b>Council Comment</b>	<b>Response to Council Comment based on Merit Assessment</b>
<p><i>The planning proposal request includes a through site link, and laneway widening on Cornwallis Lane and Margaret Street. The resulting 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. Together this will create a narrow, dark, windy and unpleasant environment, not the "urban environment that encourages people to meet, talk, be active, enjoy the city and participate in its social civic and cultural life" that Sustainable Sydney 2030 envisages.</i></p> <p><i>The planning proposal request does not include any offer to upgrade the nearby parks or reserves to the standard required to serve the proposed additional 314 apartments.</i></p>	<ul style="list-style-type: none"> <li>▪ Two (2) new ground-level public open spaces;</li> <li>▪ New pedestrian through-site link and mall;</li> <li>▪ Active commercial frontages at street level, incorporating studios, galleries and workspaces;</li> <li>▪ Orientation of buildings to address the street, lanes and public open spaces;</li> <li>▪ Improved pedestrian infrastructure including widened footpaths and awnings;</li> <li>▪ Public art; and</li> <li>▪ Landscaping.</li> </ul> <p>The widening and 'greening' of Cornwallis Lane would contribute to the fine grain and human scale of the streetscape and boost tree canopy cover. Terrace and rooftop gardens would also contribute to the urban tree canopy, positively contributing to microclimate, biodiversity and habitat, whilst optimising opportunities for social interaction amongst residents.</p>
<p><i>Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognized by existing planning controls.</i></p>	
<p><i>The delivery of the Sydney Metro City &amp; Southwest will involve a new station within 450m of this site in 2024. With the Sydenham to Bankstown extension, capacity on the City Circle will also be freed up, increasing capacity at Redfern Station.</i></p> <p><i>These changes may be a catalyst for increased population growth and higher density development in the Redfern-Waterloo area, particularly between the two stations along the Botany Road corridor.</i></p> <p><i>The additional capacity for population growth, where along the corridor growth should be delivered, the most suitable mix of land uses, and any additional requirements for non-transport related infrastructure to support growth are all being assessed as part of the Central to Eveleigh LUIIP, currently being undertaken by the Department of Planning and Environment.</i></p> <p><i>This site-specific planning proposal request for an individual block within the corridor, if accepted, would pre-empt the LUIIP and ignore the wider strategic context besides transport infrastructure investment. This would be an inequitable outcome, with this site absorbing a fixed amount of additional</i></p>	<p>A preliminary Planning Proposal document was presented to both City of Sydney Council and the Department of Planning and Environment (DPE) at the commencement of the process. 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.</p>

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<i>development potential for the area before a proper strategic process can fairly allocate and distribute it.</i>	
<b>Site-Specific Merit Test</b>	
<i>The natural environment (including known significant environmental values, resources or hazards).</i>	
<i>A wind report undertaken for the site shows that it is exposed to strong winds, particularly from the south. To effectively mitigate down draft at street level, a podium with an 8m tower setback would be required, which given the dimensions of the site would prohibit a tall tower.</i>	Applying a podium with an 8m tower setback is not an appropriate typology given the site dimensions. In fact, the vast majority of towers approved in the Sydney CBD and inner-city neighbourhoods do not have podiums. Examples include all One Central Park towers; Darling Square towers and the majority of residential towers at Green Square.
<i>The proposed built form in the planning proposal request 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. Given the size of the block, appropriate setbacks to mitigate wind impacts would not leave sufficient room for the building. The planning proposal request relies exclusively on special treatments, such as vertical gardens, to mitigate wind impacts, but they are subject to failure over the life of the building.</i>	<p>The Proposal has been designed in close consultation with a wind expert and provides a place-led solution to mitigate wind impacts. Wind is mitigated by a combination of elements including:</p> <ul style="list-style-type: none"> <li>▪ Faceted facades that slow downward draft along the entire façade;</li> <li>▪ Varied setbacks of the towers to podiums to dissipate the majority of downward draft across the podium roof;</li> <li>▪ 3.5m or wider pedestrian awnings/shelters;</li> <li>▪ Louvres, vertical greenery and other elements.</li> </ul> <p>These building treatments reflect the recommendations of the Wind Report.</p>
<i>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. With the size of the block, there is no other suitable room for communal open space.</i>	<p>The City of Sydney introduced Australia's first green roof policy to encourage communal open space on the roofs of apartments. The Proposal is consistent with this policy and other approvals by the City of Sydney (e.g. Tower Residence in Waterloo and Observatory Tower Building).</p> <p>Council's policy, built precedents and the Proposal's Wind Report contradict Council's suggestion the communal roof gardens would not be comfortable or usable. Specifically, the Wind Report concludes <i>"with the inclusion of these treatments to the final design, it is expected that wind conditions for all outdoor trafficable areas within and around the proposed development will be suitable for their intended use."</i></p>
<i>As no deep soil areas are provided at street level the proposal will need to rely on alternative measures for</i>	The Proposal provides 7.1% of the site area (180m <sup>2</sup> ) as deep soil, thereby complying with the 7% ADG

## STRATEGIC AND SITE-SPECIFIC MERIT TESTS

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)

<b>Table 1. Strategic and Site-Specific Merit Test (Response to Council Assessment)</b>	
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<i>stormwater management on the site. Given that the proposal includes a 4.5 storey basement carpark, meeting these requirements will pose a significant challenge.</i>	requirement. The area of deep soil on the site could be increased to 11%, if required, through minor adjustments to the basement car park.
<i>The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal.</i>	
<p><i>The proposed heights of 30 and 18 storeys are not contextually appropriate, given the existing, permissible or likely future developments in the local vicinity.</i></p> <p><i>Nearby 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 9 to 12 storeys tall.</i></p> <p><i>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 RL of the proposed development would be higher than the buildings at Redfern Station, even though the site is downhill.</i></p>	There is no Planning justification for heights transitioning down away from stations. For example, heights have not transitioned down away from Green Square Station. Instead, tall towers approved by the City of Sydney are interspersed throughout the Green Square and Victoria Park precincts.
<i>A proposal for over station development at Waterloo Metro Quarter includes a 30 storey tower and smaller towers transitioning away from the area.</i>	The proposal at Waterloo Metro Quarter includes three (3) 30 storey towers. With the recently released Waterloo Estate Concept Plans, smaller towers do not transition away from the area. Instead taller towers are distributed equally throughout the Precinct.
<i>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 anything in the surrounding area, and is not related to an activity centre or sensible cluster of tall buildings.</i>	<p>The site is very close (approximately 2 minute walk) to both Redfern Station and proposed Waterloo Metro.</p> <p>The site is part of a north-south high rise spine forming part of the Central to Eveleigh precinct.</p>
<p><i>Terraces on Rosehill Street:</i></p> <p><i>The site shares a block with five terraces, located immediately to the south. If the site were to be developed according to the planning proposal request, the height transition to these terraces would be an exceptionally poor urban design outcome, with significant amenity impacts. The transition (or "stepping down") of a 30 storey tower to a 19 storey tower and then to the existing 2 storey terraces</i></p>	<p>The transition between the Proposal and terraces provides a high quality urban design outcome where a juxtaposition be-tween building heights, age and materiality contributes to a sense of place.</p> <p>Examples of similar and successful height transitions between high-rise developments and low-rise terraces may be observed throughout Sydney LGA, including:</p>

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<p>would not effectively ameliorate the enormous height difference across the single block.</p>	<ul style="list-style-type: none"> <li>▪ Green Square’s Ovo Tower (28 storeys) adjoining 2 storey terraces on Portman Street;</li> <li>▪ One Central Park’s Jean Nouveal Tower (30 storeys) adjoining three storey buildings;</li> <li>▪ Redfern’s Igloo Tower (18 stories) adjoining two storey terraces;</li> <li>▪ Potts Point’s Springfield Avenue Tower (14 storeys) adjoining three storey terraces;</li> <li>▪ Potts Point’s Macleay Street Tower (20 storeys) adjoining 4 storey buildings; and</li> <li>▪ Hyde Park Towers adjoining Darlinghurst 2 storey terraces;</li> <li>▪ Palmer Street, Woolloomooloo;</li> <li>▪ Forbes Street, Paddington; and</li> <li>▪ John Street, Pyrmont.</li> </ul> <p>Further details, Architectural Sections and photographs showing these examples of precedent are provided in the Assessment of Strategic Merit and Site-Specific Merit at <b>Appendix 2</b>.</p> <p>Additionally, whilst the existing development to the south comprises two (2) storeys, it is noteworthy that pursuant to the current SLEP2012 controls, the adjoining land is subject to an 18m height standard. The future development scenario, and desired future built form character, for these sites may therefore reasonably be considered in light of the 18m height standard. Given the broader urban renewal of the area, age, disrepair of existing terraces and fact they are not heritage items, in all likelihood they will be redeveloped over the medium term.</p> <p>Further, the Proposal does not simply go from a 19 storey tower to the existing 2 storey terraces. Instead, a two storey podium base that aligns with the height of the terraces is provided with the tower itself setback 12m from the terraces. This approach is consistent with world’s best practice for tall buildings, such as Toronto’s Tall Building Guidelines.</p>
<p><i>Cornwallis Lane:</i></p> <p><i>The planning proposal request includes the “transformation” of Cornwallis Lane, including widening and on-street activation with commercial tenancies on the ground floor. The lane continues south of the site along the 5 terraces, and is built up on both sides. The planning proposal request does not encompass this section of the laneway, so it will</i></p>	<p>The proposal transforms the majority of the length of Cornwallis Lane. The transformation includes laneway widening, ground floor activation, public realm improvements, public art and greening.</p> <p>This type of laneway transformation from a ‘space to a place’ is supported by the Greater Sydney Commission’s Three Cities Plan and Eastern District</p>

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<p><i>remain in its current state indefinitely. Transforming one portion of the laneway outside the development while leaving a significant portion of it undeveloped and narrow significantly reduces its potential as an active, pedestrianised and lively public space.</i></p>	<p>Plan on 'Streets As Places'. The approach is also supported by the City of Sydney's Streets Code.</p> <p>With only a small part of the southern end of the laneway not part of the Proposal, we do not accept a significant part of the laneway is undeveloped. Further, as part of the Proposal the proponent will provide public realm improvements where feasible to the southern end of the laneway to create a continuous pedestrian experience.</p> <p>With these improvements, the impetus is created for the southern terraces to address the laneway over time. The fact the laneway may narrow helps to create a unique place. Examples of narrow laneways in the City of Sydney include Ash St and Palings Lane and demonstrate that high quality places are possible.</p> <p>In addition, the incremental transformation of the City of Sydney's laneways has been a long term strategy of the City reflected in key documents such as <i>Gehl's Sydney Public Space Public Life 2007</i>.</p>
<p><i>Building separation – Cornwallis Lane:</i></p> <p><i>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 ADG requirements and allow additional development on this site. The ADG requirements for separation between two habitable residential spaces for 8+ storey buildings is 24m, and 18m for habitable facing non-habitable residential spaces. Given the size of the blocks, and the narrow width of the laneway, setbacks to provide minimum required building separation for buildings over 8 storeys are not possible on either side of Cornwallis Lane.</i></p>	<p>The proposal does comply with the ADG requirements for building separation.</p> <p>In accordance with the 'How to Measure Building Separation' for adjoining sites requirements, half the minimum separation distance measured to the centre-line of Cornwallis Lane has been applied. The reason for this interpretation is the existing, narrow width of Cornwallis Lane effectively results in the two sites being 'adjoining'.</p> <p>Specifically, the proposal complies with the following:</p> <ul style="list-style-type: none"> <li>▪ Proposed Levels 1 and 2 are commercial and separation is not required;</li> <li>▪ Proposed Levels 3 to 4 apply the above standard and provide 6m of building separation to the centre line of Cornwallis Lane. The potential redevelopment of the adjoining site for these levels is also able to apply a 6m setback, providing a total of 12m separation.</li> <li>▪ Proposed Levels 5 to 8 apply the above standard and provide 9m of building separation to the centre line of Cornwallis Lane. The potential redevelopment of the adjoining site for these levels is also able to</li> </ul>

## STRATEGIC AND SITE-SPECIFIC MERIT TESTS

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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	<p>apply a 9m setback, providing a total of 18m building separation. The adjoining site has the potential to reduce this setback if non-habitable floor space is provided.</p> <ul style="list-style-type: none"> <li>Proposed Levels 9 to 30 apply the above standard and provide 12m of building separation to the centre line of Cornwallis Lane. The potential redevelopment of the adjoining site for these levels is also able to apply a 12m setback, providing a total of 24m separation.</li> </ul> <p>Further details and Architectural Sections are provided in the Assessment of Strategic Merit and Site-Specific Merit at <b>Appendix 2</b>.</p>
<p><i>Building separation – Margaret Street:</i></p> <p><i>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 ADG 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 result in a poor urban design outcome.</i></p>	<p>The proposal does comply with the ADG requirements for building separation. The calculation of building separation for Margaret Street is consistent with the approach applied to Cornwallis Lane (refer above).</p> <p>Further details and Architectural Sections are provided in the Assessment of Strategic Merit and Site-Specific Merit at <b>Appendix 2</b>.</p>
<p><i>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.</i></p>	
<p><i>The planning proposal request takes a narrow approach to infrastructure delivery, relying heavily on existing and the planned Waterloo Metro station to justify a large increase in population and development density.</i></p> <p><i>While transport is an important infrastructure consideration, it is a very narrow approach to ensuring that the needs of the future population are met. The Central to Eveleigh LUIIP, in planning for any uplift in density and development as a result of the future Waterloo Metro station, will consider the full scope of infrastructure required to serve a future population. This planning proposal request, if accepted, would pre-empt this process, and may reduce opportunities to deliver infrastructure needs identified in the LUIIP on this site.</i></p> <p><i>The LUIIP may include a Special Infrastructure Contribution (SIC) for development within the Central to Eveleigh corridor. This planning proposal</i></p>	<p>The submitted Planning Proposal takes a broad approach to infrastructure, including affordable housing and 813m<sup>2</sup> of affordable start-up space providing opportunities for approximately 55 local entrepreneurs. The start-up space will have a positive multiplier effect on the local economy and will positively contribute to creating the innovation hub for the area announced by the Premier of NSW on 7th August 2018.</p> <p>However, during discussions with Council on the draft VPA Offer, Council suggested the affordable start-up space be deleted from the offer and the focus be on affordable housing exclusively. It is considered unreasonable for Council to suggest our Proposal takes a narrow approach to infrastructure delivery.</p> <p>Additionally, the Planning Proposal does consider other infrastructure that would be required to support the future development.</p>

## STRATEGIC AND SITE-SPECIFIC MERIT TESTS

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44-70 Rosehill Street, Redfern (Lot 1 DP 792628)

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<p><i>request, if accepted, would not be subject to a SIC because it pre-empts the LUIIP. The landowner therefore avoids making a contribution to the infrastructure required to serve the future population of the area, but will benefit from its delivery.</i></p>	<p>The social and economic effects of the proposal have been considered within the Economic Benefit and Community Needs Assessment. Based on the proposal supporting the concept development with a new residential population of 624 people and the maintenance of a 240-person workforce on the site, the needs assessment has generated the following demand estimates:</p> <ul style="list-style-type: none"> <li>▪ Childcare – new demand for 16 childcare centre places (noting that demand generated by the on-site workforce has not been counted as this demand would be existing). The demand is considered to be met by existing and planned childcare facilities in the area.</li> <li>▪ Open space – the increased residential population of the future development would generate additional demand for open space. Improvements or dedication of local open space are an identified need in the local community. It is noteworthy though that the future development meets the City of Sydney’s requirements for all residential dwellings to be within 400m from local open space, as the site is located adjacent to Gibbons Reserve.</li> <li>▪ Affordable housing – the City of Sydney is identified as an area where need for affordable housing exists, and in response a target for 7.5% of all housing to be social housing and 7.5% to be affordable housing, has been established. The site is located close to key infrastructure, economic opportunities and amenity of Redfern village, and is considered an appropriate location for affordable housing.</li> <li>▪ Health – given the availability of existing health facilities, new health infrastructure is not considered a requirement for the future development.</li> <li>▪ Education – given the new school developments already being carried out in Alexandria, Green Square and Surry Hills, new education infrastructure is not considered a requirement for the future development.</li> </ul> <p>Based on the needs assessment summarised above, the report provides the following recommendations</p>

## STRATEGIC AND SITE-SPECIFIC MERIT TESTS

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44-70 Rosehill Street, Redfern (Lot 1 DP 792628)

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<b>Council Comment</b>	<b>Response to Council Comment based on Merit Assessment</b>
	<p>for a VPA to support the proposed LEP amendments and future development:</p> <ul style="list-style-type: none"> <li>▪ Embellishment or dedication of local open space should be considered as part of any planning agreement for the proposed development.</li> <li>▪ Creative infrastructure that could be provided may include temporary spaces or long-term opportunities for creatives, artists and makers to live, work, exhibit, sell and learn locally.</li> <li>▪ Cultural infrastructure is appropriate to consider as part any planning agreement for the proposed development.</li> <li>▪ Affordable housing is appropriate to consider as part of any planning agreement for the proposed development.</li> </ul> <p>The infrastructure demands generated by the proposal have been addressed within the Draft VPA Offer, which has been the subject of ongoing discussions with Council.</p>
<p><i>A Community Needs Assessment submitted by the proponent states that the future population would be adequately served by existing and planned childcare, health and education facilities in the surrounding area.</i></p> <p><i>The City of Sydney has identified an inadequate supply of child care spaces in the area. Health and education facilities are the responsibility of the NSW Government, and the need for additional infrastructure (as well as funding mechanisms to delivery it) will be considered as part of the LUIIP.</i></p>	<p>The need for a new child care centre was not identified by City of Sydney during discussions. If desired, a child care could be incorporated into the Proposal.</p>
<p><i>The assessment also states that the City of Sydney has identified need for affordable housing, which will be improved through the public benefit offer to include 5% affordable housing on-site.</i></p> <p><i>Affordable housing is a crucial infrastructure need for the Redfern area. The included public benefit offer to dedicate 5% of residential floor space to on-site affordable housing is at the bottom end of the Greater Sydney Region Plan's range of 5-10% affordable housing and falls well short of the requirements for "planning proposal land" (or land seeing a value uplift from a change to planning</i></p>	<p>The public benefit offer, including affordable housing, has been informed by detailed feasibility studies, responds to Strategic objectives for the site and corridor, and delivers on the infrastructure needs identified by the Economic Benefit and Community Needs Assessment (prepared as part of the original Planning Proposal).</p> <p>It is noteworthy that the affordable housing offer <i>is</i> consistent with the Region Plan.</p>

## STRATEGIC AND SITE-SPECIFIC MERIT TESTS

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44-70 Rosehill Street, Redfern (Lot 1 DP 792628)

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<i>controls) in the exhibited draft Affordable Housing program.</i>	
<i>The assessment identifies the need for improved open space, but the proposal does not make a meaningful contribution. The parks and reserves nearby will require significant improvements to support the new residents, and no funding mechanisms for this are included in the planning proposal request.</i>	<p>The original VPA offer included dedication of land for open space and a laneway. At the suggestion of Council officers, the VPA Offer was adjusted to maximize affordable housing as part of the VPA negotiation.</p> <p>An activated public domain would be achieved through:</p> <ul style="list-style-type: none"> <li>▪ Two (2) new ground-level public open spaces;</li> <li>▪ New pedestrian through-site link and mall;</li> <li>▪ Active commercial frontages at street level, incorporating studios, galleries and workspaces;</li> <li>▪ Orientation of buildings to address the street, lanes and public open spaces;</li> <li>▪ Improved pedestrian infrastructure including widened footpaths and awnings;</li> <li>▪ Public art; and</li> <li>▪ Landscaping.</li> </ul> <p>The widening and 'greening' of Cornwallis Lane would contribute to the fine grain and human scale of the streetscape and boost tree canopy cover. Terrace and rooftop gardens would also contribute to the urban tree canopy, positively contributing to microclimate, biodiversity and habitat, whilst optimising opportunities for social interaction amongst residents.</p>

## STRATEGIC AND SITE-SPECIFIC MERIT TESTS

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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The above assessment demonstrates that that the proposed rezoning for additional building height and FSR to support high density mixed use development on the site, exhibits strategic merit and site-specific merit. It is noted that this matrix intends to directly respond to the specific matters raised by Council, and should be read in conjunction with the original Planning Proposal documents, including the original Strategic Merit Test.

In summary, the proposal is consistent with key strategic plans for the site, corridor, precinct, district and Greater Sydney. Importantly, the proposal leverages new investment in Sydney Metro and will assist in the revitalisation of the precinct surrounding Waterloo station. Similarly, the proposal would provide an important contribution to the realisation of housing and jobs targets, and the creation of the designated Digital Industries Hub in Redfern. The future provision of high density mixed use development would be compatible with the natural environment, surrounding land uses and built form (existing and future), and infrastructure (existing and future).

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

## **STRATEGIC AND SITE-SPECIFIC MERIT TESTS**

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for the Purpose of a Mixed Use Tower  
44-70 Rosehill Street, Redfern (Lot 1 DP 792628)

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# **Appendix 1    Overshadowing Impacts Assessment (previously submitted to Council)**

## **STRATEGIC AND SITE-SPECIFIC MERIT TESTS**

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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### **Appendix 2 Assessment of Strategic Merit and Site Specific Merit (provides a direct response to matters raised in Council's Assessment Report in relation to which an opportunity to respond has not been provided by Council)**