

Explorer Street webinar – questions and answers

These questions were asked during the Explorer Street online information session held on 26 October 2023

Questions about zoning

Are you proposing changes to the LEP on Henderson Road?

This site under consideration is limited to land owned by LAHC. The site goes to the boundary of South Sydney Rotary Park and the zoning that's applied in that location is an RE1 Public Recreation zone with a 3-metre height limit. The 3-metre height limit would allow for normal structures in an outdoor space like a kiosk or public amenities, and the zoning is intended for outdoor recreation. There are no changes proposed to areas outside the subject site (see [Figure 1 of the Explanation of Intended Effect](#)).

So, no changes to either height or FSR to other adjacent properties e.g., on south side of Henderson Rd?

That's correct. The current planning controls associated with the properties to the south of Henderson Road will remain unchanged.

What is RE1 zoning?

The RE1 Public Recreation zone is proposed to apply to South Sydney Rotary Park and the Station Street pocket park. This is an existing land use zone in [Sydney Local Environmental Plan 2012](#) that typically applies to parks and includes the following objectives:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To provide links between open space areas.
- To protect sun access to publicly accessible land.

What is the nature of the retail component?

One of the objectives of the proposed R1 General Residential zone is to enable other land uses that provide facilities or services to meet the day to day needs of residents. To do this the zone permits a limited number of non-residential uses including neighbourhood shops and community facilities. The reference design includes a small area of retail floor space in an accessible gathering place to show the potential for a café, corner store or doctor's office to, which may be included in the future detailed design.

Questions about height and density

Will there be a height limit with the rezoning?

Yes. The proposed height limit over South Sydney Rotary Park is 3m to allow for public amenities if needed. The residential area one height limit that represents a maximum 13 storeys on the east and west buildings and one that represents a maximum 9 storeys over the middle of the site. The development also needs to achieve the Design Guide requirement for a minimum of 4 hours of sun access to 50% of South Sydney Rotary Park in mid-winter. This means the final building heights in the middle of the site will have to be 9 storeys or lower to achieve this.

What is GFA?

GFA stands for Gross Floor Area and relates to the floor space ratio. The definition can be found in the Sydney Local Environmental Plan 2012 and is defined as *'the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor'*.

What is FSR? Are you including the park in the denominator for calculating FSR?

Floor space ratio (FSR) is the relationship of the total gross floor area (GFA) of a building relative to the total site area it is built on and indicates the intended density.

The proposed FSR of 2.94:1 is applied to the existing residential area only and does not apply to the parks as shown in Figure 8 of the Explanation of Intended Effect.

Is the FSR set, or will it be uplifted by design excellence or affordable housing bonuses? Noting that "amendments to the existing in-fill affordable housing provisions under the Housing SEPP to introduce a new floor space bonus of 30 per cent and a height bonus of 30 per cent for residential developments with at least 15 per cent affordable housing (note: affordable housing gross floor area is required to be used for affordable housing purposes for a minimum period of 15 years)."

Can you guarantee that the buildings will not increase any higher than the proposed numbers shown?

The State Environmental Planning Policy (Housing) 2021 (Housing SEPP) includes provisions to support development of a variety of housing types including social and affordable housing. Some provisions of this SEPP allow for floor space bonuses to encourage development of the diverse housing types.

It is proposed to exclude the site from the floor space bonuses applicable under the Housing SEPP because the proposed height and density provisions have been carefully prepared to consider local site constraints. The Explanation of Intended Effect which

explains that the site would be listed in Clause 1.9 of the Sydney LEP 2012 to ensure that no additional floor space bonuses can be sought under the Housing SEPP.

Under existing provisions in Sydney LEP 2012, any new development that is over 25 metres in building height and/or with a Capital Investment Value (CIV) 1 of greater than \$100 million, will be required to be designed in accordance with design excellence and undergo a Design Competition. The provisions allow for a building demonstrating design excellence to include bonuses of up to 10% additional floor space or a height up to 10% greater than the maximum height.

While new development on the site will be required to exhibit design excellence by undergoing a competitive design process in accordance with the existing provisions of Sydney LEP 2012, the bonus provisions will not apply to the site (see Section 2.4 of the [Explanation of Intended Effect](#) for further information). This is to ensure that future development is contained within the height and floor space controls proposed by the EIE.

Questions about housing and relocations

How are social and affordable housing defined?

The draft planning controls use the umbrella term ‘social housing’ to include both public housing and social housing that’s operated by non-government operators.

Affordable housing is defined under the [Environmental Planning and Assessment Act 1979](#) as housing for very low income households, low income households or moderate income households.

Are you able to share more info on waiting list needs for general vs priority?

The Department of Communities and Justice (DCJ) has developed an annual NSW Social Housing Assistance Commissioning Data Report that provides a NSW wide overview of social housing assistance, including applications for social housing, social housing tenancies and private market assistance. The report and supporting database are available on the [DCJ website](#).

The data shows that as of June 2022, the highest demand in the Inner City area (where the Explorer St estate is located) is for studio and 1 bedroom apartments. The demand for studio and 1 bedroom apartments accounts for over 80% of the combined priority and general waiting lists. The proposed planning controls accommodate a range of apartment sizes in any future redevelopment.

LAHC needs some 3+ bedrooms but it is getting rid of them on this site. What does the right of return mean if there are no places available with 4 or 5 bedrooms?

Most of the homes that are likely to be built on this site will be 1, 2 and 3 bedroom units. However, if there are specific families that need bigger accommodation that currently live there, the future design for the site can include these.

The exhibited Draft Design Guide includes a provision, Provision 2 in part 3.3.4 Flexible Housing and Apartment Mix, regarding the mix of dwelling sizes based on the current provisions included in the Council's Development Control Plan (DCP). This enables future development to have a broad range of dwelling sizes from studios upwards stating:

Development that proposes more than 20 dwellings is to provide a mix of dwellings consistent with the following percentage mix. Bedroom mixes can be assembled using any selection of the following ranges: a) Studio: 5-10% b) 1 bedroom: 10-30% c) 2 bedroom: 40-75% d) 3+ bedroom: 10-100%

LAHC notes that existing tenants will have the right to return.

Is the sizing of Aboriginal housing proposing the same as for non aboriginal housing? What allowance has been made for Aboriginal families?

The Draft Design Guide seeks to ensure that the affordable and social housing provided meets the needs of the local community (see [section 3.3.7 Affordable and social housing](#)) and includes provisions for the design of Aboriginal and Torres Strait Islander housing to be informed by an Aboriginal or Torres Strait Islander architect with experience in designing culturally appropriate housing. The sizing of units will be determined at the detailed design stage before a development application has been lodged.

Will the ownership of land change in the future, or at any stage?

LAHC has advised that it normally enters into a Project Delivery Agreement with a delivery partner where the land stays within the ownership of LAHC. The market homes will be sold by LAHC via the delivery partner under a stratum arrangement. The social homes will remain within the ownership of LAHC. The affordable homes are likely to be managed by a Community Housing Partner (CHP).

Who will own and manage the affordable housing and are there any requirements regarding rent setting?

The final delivery of this affordable housing, including future ownership and management, is typically determined after rezoning. Land and Housing Corporation (LAHC) has advised that the affordable homes are likely to be managed by a Community Housing Provider (CHP).

Provisions regarding rent setting will be determined by the future manager.

Do you know what the distribution of affordable and social housing within the development will be? Will it be evenly distributed or different blocks for private / affordable / social?

This is expected to be addressed at the detailed design stage and is not specified in the draft planning controls. LAHC would typically seek out a delivery partner who would bring their expertise to look at how the overall development assessment is designed. The development will be ‘tenure blind’ which means all of the development would look the same and you wouldn’t be able to differentiate between whether it was social or affordable or private housing.

The department is consulting with LAHC and community housing providers to seek advice on planning controls for the design and tenure mix of future housing.

Is the Affordable Housing provision of 20% to be 20% in perpetuity or can it just be used as Affordable housing for a short period of time i.e., 20% at build but after say 10 years nil.

How long the proposed units will remain as affordable housing has not yet been determined.

20% of 20% only delivers 16 Aboriginal Affordable housing units. This is well short of the call of Aboriginal organisations of 10% of the total on this site.

The proposed inclusion of Aboriginal Affordable housing units has been increased from 10% of affordable housing to 20% based on information about the surrounding community and consultation with key stakeholders. This is a minimum requirement established in the Design Guide.

Questions about open space

Are the solar calculations done as two separate parks, or one total?

The solar calculations apply separately to each park.

The exhibited Draft Design Guide includes separate provisions for both parks in Table 1: Public open space requirements. The provisions for sun access state:

ensure at least 50% of its area receives at least four hours sunlight in midwinter between 9am and 3pm on 21 June

Can you explain why Design Guide P57 shows trees to be removed and doesn't correspond with the aerial render?

Further information regarding which of the existing trees are proposed to be retained or removed can be found in the *Schedule 2 – Register of Existing Trees* in the Explorer Street Design Guide includes details of which trees should be retained.

Part 3.2.4 – Vegetation and Green Infrastructure of the Draft Explorer Street Design Guide includes a provision requiring that existing healthy mature trees identified in Schedule 2 – Register of Existing Trees are to be retained and protected in accordance with the *Australian Standard 4970 – Protection of Trees on Development Sites*. An additional provision requires the following minimum canopy coverage for the site:

- a) 15% canopy coverage of each property site within 10 years from the completion of development.
- b) 60% canopy cover in each street.
- c) 55% canopy cover for the neighbourhood parks (e.g. South Sydney Rotary Park) and 70% for pocket parks.

The renders are a visualization of the masterplan and depict fewer trees (than required by the Design Guide provisions) to ensure that the buildings are clearly visible.

Sunlight is important but so is daylight i.e., views of the sky, which seems never to be considered. Have you considered visual bulk impacts?

The Design Report sets out the approach to developing the masterplan including how the bulk of the development has been broken up with lower buildings and breaks between the buildings and the Visual Impact Assessment assesses the impact of the masterplan on views from public areas.

The Designing with Country report also looks at how to connect with the natural environment and qualities of the site and these principles are embedded in the Design Guide to ensure that future design respects the site as much as possible.

Will open space be controlled by LAHC (like Waterloo Green) / CHP or will it be run by Council? Who manages it will have a big impact on its quality and ongoing maintenance.

South Sydney Rotary Park is currently owned by LAHC but managed by the City of Sydney (Council). LAHC and Council are currently working on an agreement to determine how the park will be managed in the future. However, at this stage no decision has been made. The Department will continue to work alongside LAHC and Council to resolve this matter.

A large portion of Rotary Park along Henderson Road is a steep hill that is not usable. I believe this makes the 50% solar access number misleading. Can you please ensure that at least 50% of level/gently sloped park area receives sufficient solar access?

An analysis of the 'useable public space / steep public space' within Rotary Park can be found on Page 19 of the [Urban Design report](#). It is acknowledged that parts of Rotary Park are potentially too steep for active recreation. However, these areas still provide positive overall outcomes for the park regardless of topography (i.e. areas for tree and vegetation planting).

The Department will take the level of solar access to the useable portions of the public space within Rotary Park into consideration when we prepare the final recommendation. It is noted that detailed design of the park is yet to be resolved and it is expected that further community engagement will be part of that process.

Questions about governance

What other options have been examined apart from rezoning of Explorer Street?

The Land and Housing Corporation (LAHC) has considered keeping the estate as it is but has not considered any other options aside from rezoning, as LAHC wants to deliver more and better social housing and would not entertain selling the site for other uses or developing the site for other uses.

What does PWG stand for?

PWG stands for Project Working Group. The PWG convened by the Department of Planning and Environment, includes representatives from Land and Housing Corporation (LAHC) and City of Sydney (Council). The PWG meet throughout the rezoning investigation process to consider issues and provide feedback to the Department.

What is the relationship between the City of Sydney and Department of Planning for the approval process? Will City of Sydney have any decision-making power?

Is this being approved through the SSD (State Significant Development) planning approval pathway?

We think that's quite likely and that means that the assessment of any future Development Application would probably be carried out by the Department of Planning and Environment instead of Council.

State Environmental Planning Policy (Planning Systems) 2021 sets out that a development on behalf of LAHC with a CIV over \$100m is designated SSD. Colleagues in the Department

have recently been consulting regarding changes to these provisions to include development of 75 or more dwellings or with a CIV over \$30m.

The Department considers the following when assessing State Significant Development applications:

- existing strategic plans and policies (including state, regional and local)
- feedback and comments from the relevant local council(s)
- specialised and technical input and advice received from federal and state government agencies
- public submissions received during the exhibition
- the public interest.

Further information on the State Significant Development process can be found on our [website](#).

Other questions

Can you estimate what the construction period may be?

For a site of this size, we would normally expect it to take between 32 and 36 months.

Why do none of the images show the full height of the taller buildings?

There are a range of images available in the [Design Report](#) and [Visual Impact Assessment](#), along with a physical model on display at the City of Sydney offices that shows the full extent of the proposal.

Is there any allowance for a future footbridge to north Eveleigh?

It is not expected that the proposed development would generate the need for a footbridge and as such does not include allowances for a future footbridge to North Eveleigh.

How will residential amenity be protected against activity along the railway corridor?

A Noise and Vibration Impact Assessment has been prepared to address amenity concerns relating to the railway corridor. The report shows that the future detailed design will need to be informed by more detailed acoustic assessment and the design should include features to minimise the impact of air and ground-borne noise and vibrations on lower levels of the buildings. The draft Design Guide includes this as a requirement.