Department of Planning and Environment

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Explanation of Intended Effect

Explorer Street Site, Eveleigh

September 2023





Acknowledgement of Country

The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and we show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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1 Introduction

1.1 Purpose

The Department of Planning and Environment (the Department) is working with Land and Housing Corporation (LAHC), the City of Sydney Council and the community to facilitate the renewal of the Explorer Street social housing estate in Eveleigh.

The proposed renewal of this Explorer Street Site (the site) has the potential to deliver increase the supply of social, affordable and private housing in a highly accessible inner-city location, close to public transport, services and jobs.

This Explanation of Intended Effect (EIE) outlines proposed new development controls and zones for the site. Specifically, the EIE proposes that the site be rezoned and included under Sydney Local Environmental Plan 2012 (Sydney LEP 2012) via a self-repealing State Environmental Planning Policy (SEPP) made in accordance with the *Environmental Planning and Assessment Act 1979* (the EP&A Act).

The site is currently zoned and identified within the Redfern–Waterloo Authority Sites State Significant Precinct under Appendix 3 of the State Environmental Planning Policy (Precincts–Eastern Harbour City) 2021 (Eastern Harbour City SEPP).

The proposed amendments outlined in this EIE are being taken forward through a State Government led rezoning process.

1.2 The Explorer Street Site

The 2.3 hectare Explorer Street site is located on Gadigal Country, approximately 2.5 kilometres southwest of central Sydney. The site is bounded by Eveleigh rail yards to the north, Station Place to the east, a Sydney Trains work site to the west and Henderson Road/Railway Parade to the south see **Figure 1.**

The South Sydney Rotary Park is located within the southern part of the site fronting Henderson Road/Railway Parade. This part of the site is situated over the Eastern Suburbs Line rail tunnel. A small local park owned by the City of Sydney is located at the northeast corner of the site fronting Station Place.

Included within the site are the Council owned local roads of Aurora Place, Explorer Street, Progress Road and Station Place. The small Council owned local park at 4A Station Place at the north eastern corner of the site has been included in the site but isn't proposed to be subject to development control changes proposed by this EIE.

The norther part of the site currently accommodates 46 dwellings in a townhouse configuration ranging in height from one to three storeys. LAHC has advised the existing homes are significantly under-occupied; with 14 of these dwellings only have one tenant each and 21 dwellings only have two people in each; despite all dwellings having 3 to 5 bedrooms. LAHC has also indicated that the priority waitlist for the Sydney LGA shows high demand for smaller units of the following sizes:

- 80% are seeking studio or 1 bedroom properties
- 16% are seeking 2 bedroom properties
- 4% seeking 3+ bedroom properties



Figure 1: Explorer Street location

1.3 Objectives and Intended Outcomes

New planning controls are needed to facilitate renewal of the Explorer Street Site.

The intended outcome of the proposed SEPP is to amend the *Sydney Local Environmental Plan 2012* (Sydney LEP 2012) and the Eastern Harbour City SEPP to enable the renewal of the site to permit new and additional housing that caters for a range of tenures including social, affordable, and private housing, that are supported by improved public spaces. The intention of the proposed amendments is to facilitate:

- Approximately 32,600 square metres of floor space for residential flat buildings providing approximately 400 new homes, including 30% social housing and 20% affordable housing.
- Renewal of South Sydney Rotary Park, an existing public park of 6,880 square metres, with
 accessible paths and increased tree canopy cover and biodiversity as well as space for active
 recreation and quiet enjoyment.
- Maintaining the existing 655 square metre Council-owned pocket park on Station Place.
- Maintaining and upgrading the existing streets, Explorer Street and Aurora Place, with new kerbs, footpaths, and street trees to provide welcoming, accessible public spaces.

1.3.1 Concept Scheme

This proposed controls and zoning outlined in this EIE have been informed by a design investigation led process that included representatives from LAHC and the City of Sydney Council led by qualified design consultants engaged by the Department. This work was informed by various investigative studies to be exhibited alongside this EIE. The resultant concept scheme for the site is shown and tested in the Design Report that is exhibited with this EIE (see **Figure 2**).

Various development options were considered, and the resultant concept scheme evolved through both the site analysis, testing for potential impacts such as solar access and the implementation of best practice urban and architectural design principles.

Key design directions that informed the concept scheme include:

- Limiting development within the existing built areas, to retain the existing park spaces and road network;
- Retaining and improving adjoining parkland areas;
- Maximising solar access to adjoining parkland spaces and existing residential developments.

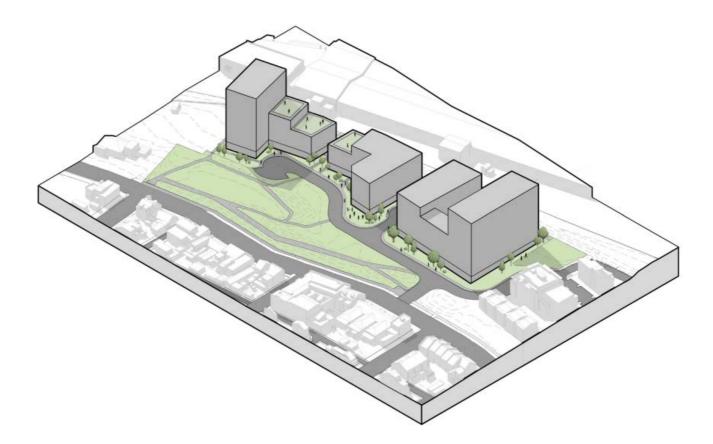


Figure 2: Concept Scheme for the site (source: WMK and Urbis)

2 Explanation of Changes

The Explorer Street Site currently forms part of the Redfern-Waterloo Authority Sites State Significant Precinct under the Eastern Harbour City SEPP. To facilitate the rezoning proposal, it is proposed to remove the Explorer Street Site from the Eastern Harbour City SEPP and instead ensure the zone and planning controls for the site are included and regulated by Sydney LEP 2012.

To do this the Explorer Street Site will be removed from 'Redfern Waterloo Authority Sites Land Application Map' and other associated maps under the Eastern Harbour City SEPP and instead, be rezoned under the Sydney LEP 2012 (see Annexures – Proposed Mapping Amendments).

The proposed amendments to Sydney LEP 2012 outlined below seek to facilitate the opportunity to increase the supply of social, affordable and private housing in a highly accessible inner-city location close to public transport, services and jobs. These proposed planning provisions are supported by a proposed Design Guide which provides further detailed provisions to apply to future development on the site.

All detailed proposed mapping in support of this EIE are included in the Annexure.

2.1 Land use zoning

The existing land use zones for the site are 'Residential Zone — Medium Density Residential' for the existing residential area and 'Recreation Zone — Public Recreation' for the existing open space (Sydney Rotary Park). Notably the north-eastern pocket park is zoned Residential. The existing zoning for the site and its surrounds is shown in **Figure 3**.

The Explorer Street Site is proposed to be zoned R1 General Residential and RE1 Public Recreation under Sydney LEP 2012 (see **Figure 4**). The R1 General Residential zone, which currently applies to neighbouring properties on Henderson Road, will allow for a variety of housing types including attached dwellings, residential flat buildings, boarding houses and group homes, and also allows for community facilities and neighbourhood shops. The proposed RE1 Public Recreation zone will allow the park areas to continue be used for public open space and recreational purposes.

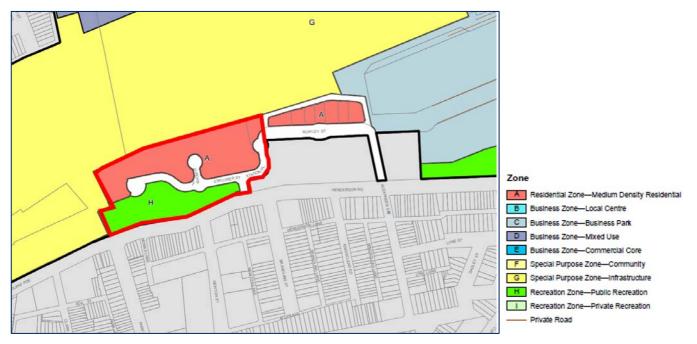


Figure 3: Existing Land Use Zoning Map

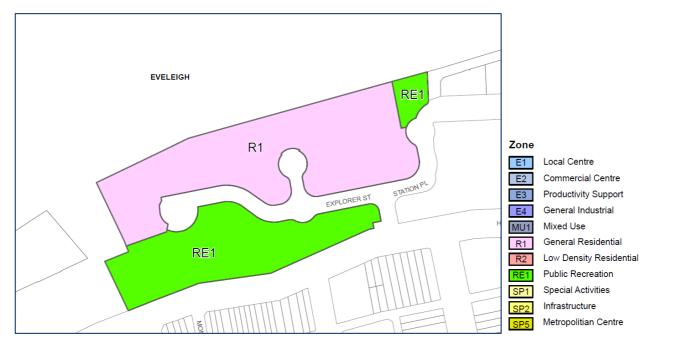


Figure 4: Proposed Land Use Zoning Map

2.2 Height of Buildings

The maximum building height control that applies currently to the residential area and the north eastern pocket park of the site is shown as 'existing' on the Height of Buildings Map in the EHC SEPP (see **Figure 5**). This provision limits building heights for these parts of the site to what is currently located on the site. No height controls apply to the South Sydney Rotary Park.

The proposed Height of Buildings map for the site is shown in **Figure 6**. A maximum building height of RL48.25m (9 storeys) is proposed to apply to the central part of site and a maximum height of RL60.7 (13 storeys) to the western and eastern ends of the residential part of the site. A maximum height limit of 3 metres will apply to South Sydney Rotary Park, which allows for 1 storey structures or buildings that may accommodate public amenities and small community buildings.

The north eastern pocket park will not have a height of building standard applied to it. This is approach is consistent with other smaller parks in the Sydney LGA.

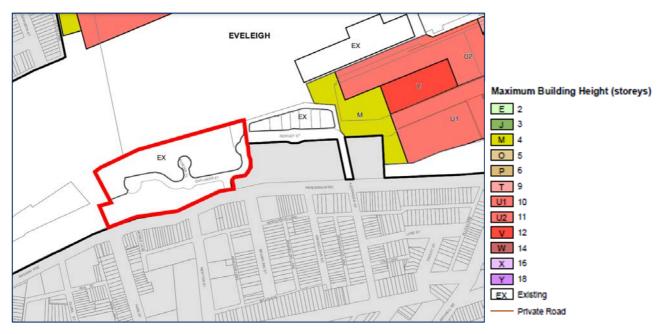


Figure 5: Existing Height of Building Map

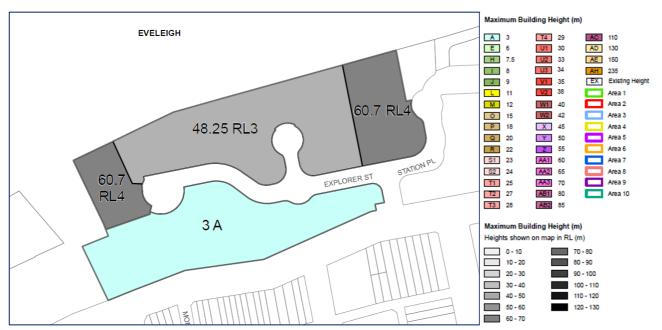


Figure 6: Proposed Height of Building Map

2.3 Floor space ratio (FSR)

Under EHC SEPP the maximum floor space ratio (FSR) that currently applies to the residential area of the site is shown as 'existing' on the Floor Space Ratio Map (**Figure 7**). This means that if the site is redeveloped it cannot support any more floor space beyond what is current in place on the site.

It is proposed that the Floor Space Ratio controls for the site be amended to allow for a maximum FSR of 2.94:1, only to the residential land situated north of Explorer Street (see area mapped in blue in **Figure 8**). No FSR standard is to apply to the existing parks.

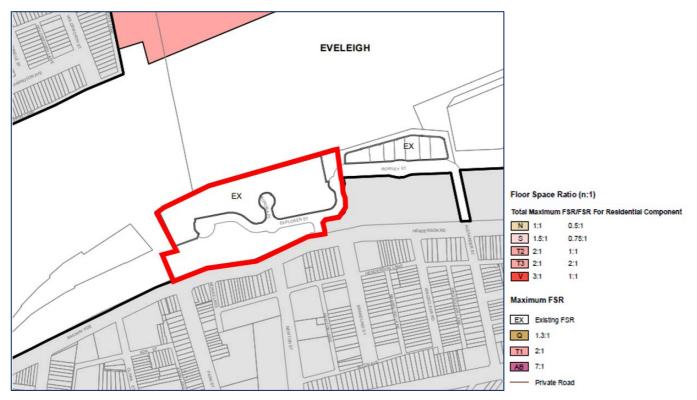


Figure 7: Floor Space Ratio Map

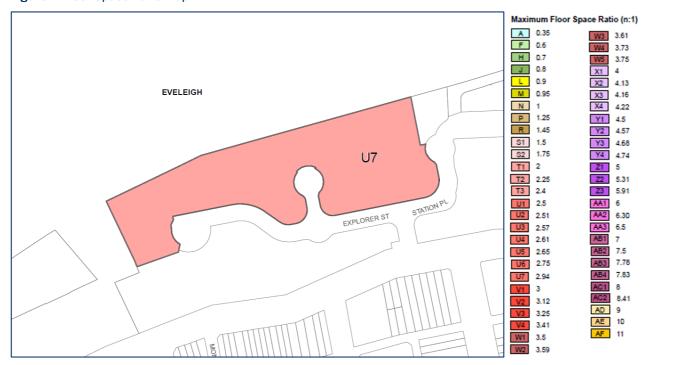


Figure 8: Proposed Floor Space Ratio Map

2.4 Site-specific provisions

A new site-specific provision for the Explorer Street site is proposed to be included in Sydney LEP 2012 to set out other defining controls as outlined below.

2.4.1 Design excellence

In accordance with the 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) ¹of 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 and a height up to 10% greater than the maximum height

New development will be required to exhibit design excellence by undergoing a competitive design process in accordance with the existing provisions of Sydney LEP 2012. The provisions require a Design Excellence Strategy approved by the consent authority setting out the detail of the competitive design process in accordance with either:

- the City of Sydney's Competitive Design Policy, or
- a design excellence process that has been agreed upon with the NSW Government Architect.

Existing provisions permitting additional height and FSR for a building demonstrating design excellence under clause 6.21D of Sydney LEP 2012 is proposed by this EIE not to apply to the site. This is to ensure that future development is contained within the proposed height and floor space controls proposed by this EIE. This proposed planning controls have been developed to maximise sun access to the park and neighbouring sites.

A provision within the proposed and supporting Design Guide also requires that the design excellence strategy is outlined prior to the granting of the first development application (DA) approval for the site. Further details regarding this process are outlined in the **draft Design Guide**.

2.4.2 Design Guide for the Explorer Street site

A further site-specific provision is proposed in the LEP to require the development consent authority to consider a Design Guide made by the Planning Secretary. This includes additional design and amenity provisions that must be considered before granting consent to development on the site. This Guide will be published on the Department's website before the proposed SEPP is made.

The proposed Design Guide along with the proposed controls in this EIE sets out a comprehensive suite of built form and urban design provisions to ensure that new development within the Site achieves high quality outcomes for built form and public space.

¹ Capital investment Value is defined under the Environment Planning and Assessment Regulation 2021 as:

[&]quot;capital investment value of a development or project includes all costs necessary to establish and operate the project, including the design and construction of buildings, structures, associated infrastructure and fixed or mobile plant and equipment, other than the following costs—

⁽a) amounts payable, or the cost of land dedicated or other benefit provided, under a condition imposed under the Act, Division 7.1 or 7.2 or a planning agreement,

⁽b) costs relating to a part of the development or project that is the subject of a separate development consent or project approval,

⁽c) land costs, including costs of marketing and selling land,

⁽d) GST, within the meaning of the A New Tax System (Goods and Services Tax) Act 1999 of the Commonwealth."

Specifically, the draft Design Guide addresses:

- Connecting with Country
- Public Open Space
- Building Layout, Form and Design
- Transport, Movement and Parking
- Environmentally Sustainable Development
- Water and Flood Management
- Waste Management
- Contamination
- Social Responsibilities
- Design excellence

The Department is also considering options for amending the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) to require development applications (DAs) made in respect of the Explorer Street Site to comply with the draft Design Guide.

2.4.3 Car parking

Part 7, Division 1 of Sydney LEP 2012 contains provisions relating to car parking. It identifies the maximum number of car parking spaces that may be provided to service particular uses of land depending on the site's location.

Clauses 7.4 and 7.5 of Sydney LEP 2012 set out the relevant car parking rates for residential land uses shown as Categories A to C on the Land Use and Transport Integration Map (LUTI Map).

The Explorer Street Site is located close to Redfern and Erskineville Stations as well as the new Waterloo Metro Station, which is due to open in 2024. The Redfern Station Southern Concourse project currently under construction and due for completion at the end of spring in 2023 will reduce the time it takes to walk from Explorer Street to Redfern Station. Frequent bus services in the local area and the recently completed permanent off road cycle lane on Henderson Street also ensure that the Explorer Street Site is very well serviced by public and active transport options allowing reliance on private vehicle trips to be minimised and ensuring sustainable transport objectives can be achieved.

Based on the site's locational attributes it is proposed to limit the number of car park spaces in the precinct by allocating the Explorer Street Site Category A on the LUTI Map. Development of residential flat buildings on land in Category A includes the maximum number of parking spaces set out below:

- For each studio dwelling 0.1 car parking spaces, and
- For each 1 bedroom dwelling 0.3 car parking spaces, and
- For each 2 bedroom dwelling 0.7 car parking spaces, and
- For each 3 or more bedroom dwelling 1 car parking space.

2.4.4 Social and Affordable housing

It is proposed to require 20% of floor space on the Explorer Street Site be used for the purposes of affordable housing in addition to the provision of 30% of floor space for social housing on the site.

The Department and LAHC (in its capacity as landowner) are considering options to realise the delivery of social and affordable housing, such as a site-specific provision in the Sydney LEP 2012 or through other non-statutory mechanisms (e.g. a Voluntary Planning Agreement). If a site-specific provision were adopted, it is proposed to require the consent authority be satisfied that 20% of the total floor area intended to be used for residential purposes will be used for social housing and 30% of the total floor area intended to be used for residential purposes will be used for social housing.

The Department is also considering whether amendment to the EP&A Regulation is appropriate to prescribe conditions on development consent to achieve these social and affordable housing thresholds.

2.4.5 Infrastructure funding and delivery

Local infrastructure

The City of Sydney Development Contributions Plan 2015 applies to new development on the site. The plan enables the City of Sydney to levy a monetary contribution on new development that contributes to the provision of local infrastructure works and upgrades within the local area. The Plan sets out contributions rates, as well as alternatives to monetary contributions including dedications of land, works in kind or other material benefits.

Consultation regarding infrastructure needs, costs and mechanisms for delivery are underway in collaboration with the City of Sydney and LAHC and it is envisaged that development of the Explorer Street Site will be subject to payment of monetary contributions in accordance with the City of Sydney Development Contributions Plan 2015.

State infrastructure

The State Government's Housing and Productivity Contribution Scheme is expected to come into effect on 1 October 2023. The implementation of the scheme will help fund the delivery of infrastructure in high-growth areas by levying for contributions from new development to contribute towards the provision of new State Government infrastructure.

It is expected that future development for the renewal of the Explorer Street Site will pay a Housing and Productivity Contribution, and the delivery of social and affordable housing components of the development may offset part of this contribution.

2.5 Contamination

The site historically formed part of the Eveleigh Railyards, and as such the site may potentially be contaminated. A contamination assessment is currently being carried out to identify the nature/extent of any contamination on the site. Once the contamination assessment is completed the Minister will consider the results of the assessment and decide whether the proposed rezoning of the site should proceed.

If the proposal were to proceed and some level of contamination is identified on the site, options would be explored to insert additional controls into the Sydney LEP 2012 to address the remediation requirements for the site.

These options may involve:

- requiring remediation to be undertaken in accordance with the requirements of *State Environmental Planning Policy (Resilience and Hazards) 2021*, including ensuring that the requirements in section 4.6 of the SEPP are met regardless of whether the proposed development would involve a change of use of the kind specified in that section; or
- requiring that consent could not be granted unless the consent authority was satisfied that
 the occupation or use of a building or land to which a development application relates will
 not occur unless a site audit statement (within the meaning of the Contaminated Land
 Management Act 1997) has been obtained which outlines that the land is suitable for the
 proposed uses.

2.6 Proposed amendment to Eastern Harbour City SEPP

With the proposed introduction of new planning controls for the Explorer Street Site under the Sydney LEP 2012, other provisions in *State Environmental Planning Policy (Precincts – Eastern Harbour City) 2021* (the Eastern Harbour City SEPP) will no longer be required. It is therefore proposed to remove the Explorer Street Site from the Redfern Waterloo Authority Sites Map, thereby removing the application of the Eastern Harbour City SEPP to the site.

Instead, the land to which Sydney LEP 2012 applies will be extended to include the site and the proposed provisions outlined within this EIE will apply. To achieve this, it is proposed to amend the relevant maps in both the Sydney LEP 2012 and the Eastern Harbour City SEPP.

Clause 2.8 (2) of the Eastern Harbour City SEPP outlines that the Minister is the consent authority under Part 4 of the EP&A Act for development with a capital investment value of under \$10 million on land in the Redfern Waterloo Authority Sites. As it is proposed to remove the application of the Eastern Harbour City SEPP, the Minister will no longer be the consent authority for development at the Explorer Street Site with a capital investment value of less than \$10 million under these provisions.

2.7 Planning Systems SEPP

The site currently forms part of a State Significant Development site - Redfern Waterloo Authority Sites under *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP). This SEPP declares certain types of development as State significant development (SSD) including specified development within identified State Significant Sites (Schedule 2 of the SEPP).

Under Schedule 2 development with a Capital Investment Value (CIV) of more than \$10 million on land identified as being within the Redfern-Waterloo Authority Sites (including the Explorer Street Site) is State Significant Development (SSD).

The Department in collaboration with the City of Sydney Council has reviewed the Redfern-Waterloo Authority Sites and considers that development on the site should not be designated as SSD under these provisions. Accordingly, it is proposed that the Explorer Street Site will be removed from the Redfern Waterloo Authority Sites Map. This will mean that development on the site would no longer be categorised as SSD under Schedule 2 of the Planning Systems SEPP.

It is however considered appropriate that future provisions under the Planning Systems SEPP designate development on behalf of LAHC or the Aboriginal Housing Office as SSD for projects that have more than 75 homes or with a Capital Investment Value over \$30 million in the precinct. Note that in accordance with the Planning Systems SEPP, development by or on behalf of LAHC for the purposes of the *Housing Act 2001* is already designated SSD if the development has a capital investment value of more than \$100 million.

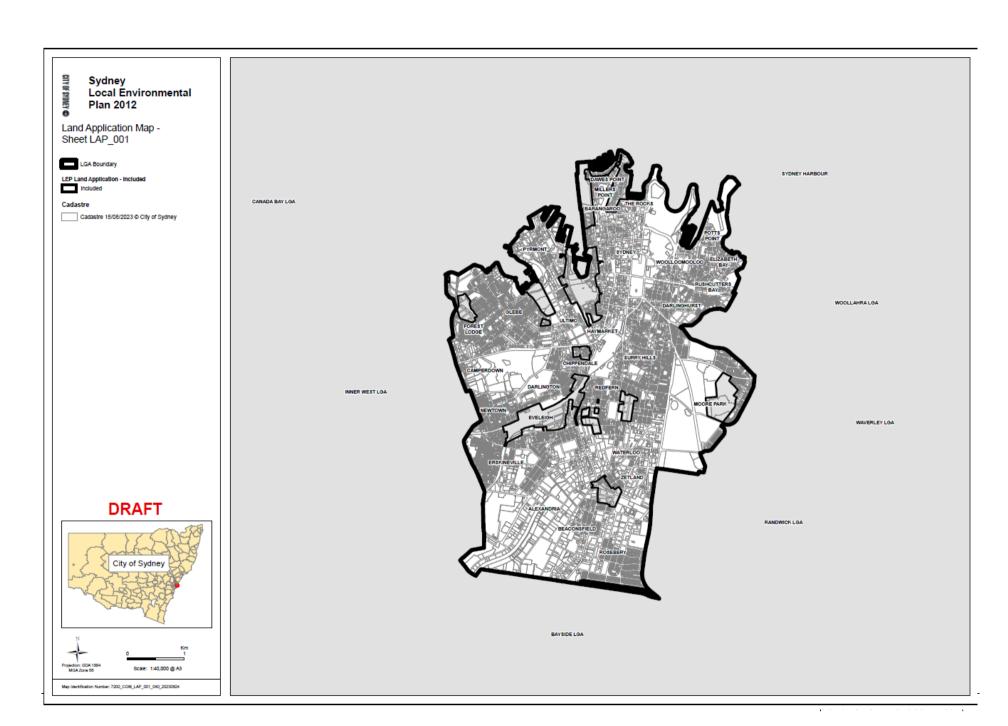
2.8 Housing SEPP

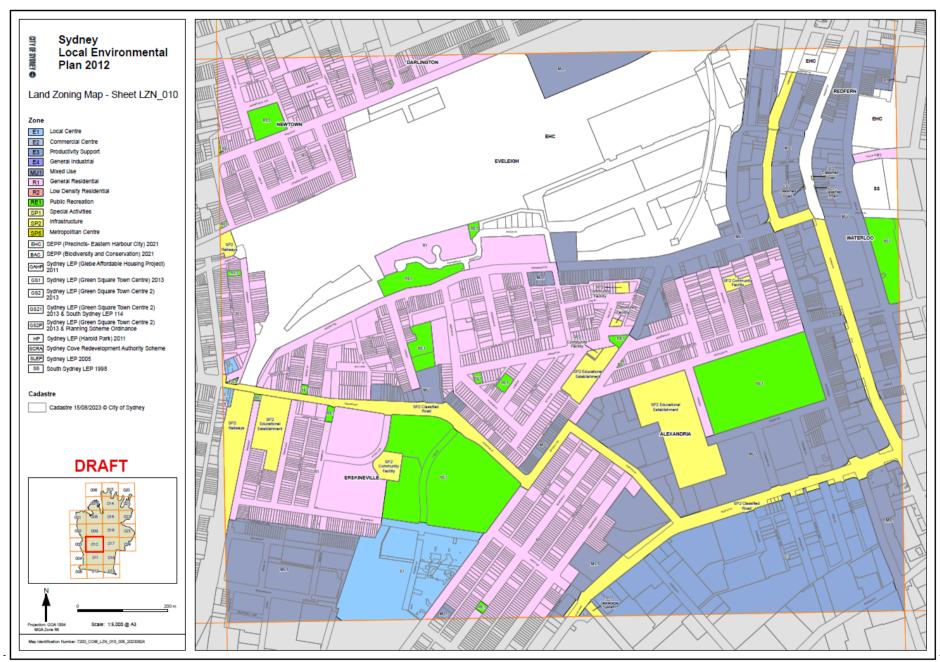
The State Environmental Planning Policy (Housing) 2021 (Housing SEPP) includes provisions to support development of a variety of housing types including social and affordable housing, build-to-rent and seniors housing. Some provisions of this SEPP allow for floor space bonuses to encourage development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

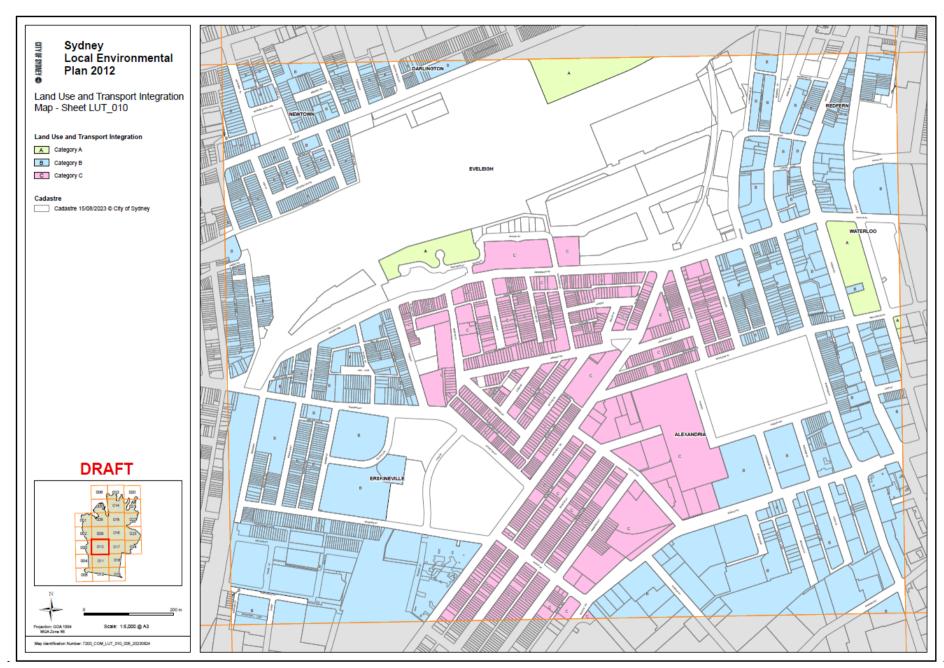
Given that the proposed new planning controls for Sydney LEP 2012 as outlined in this EIE have been carefully prepared to consider local site constraints and ensure good levels of amenity it is proposed to exclude the site from the floor space bonuses applicable under the Housing SEPP.

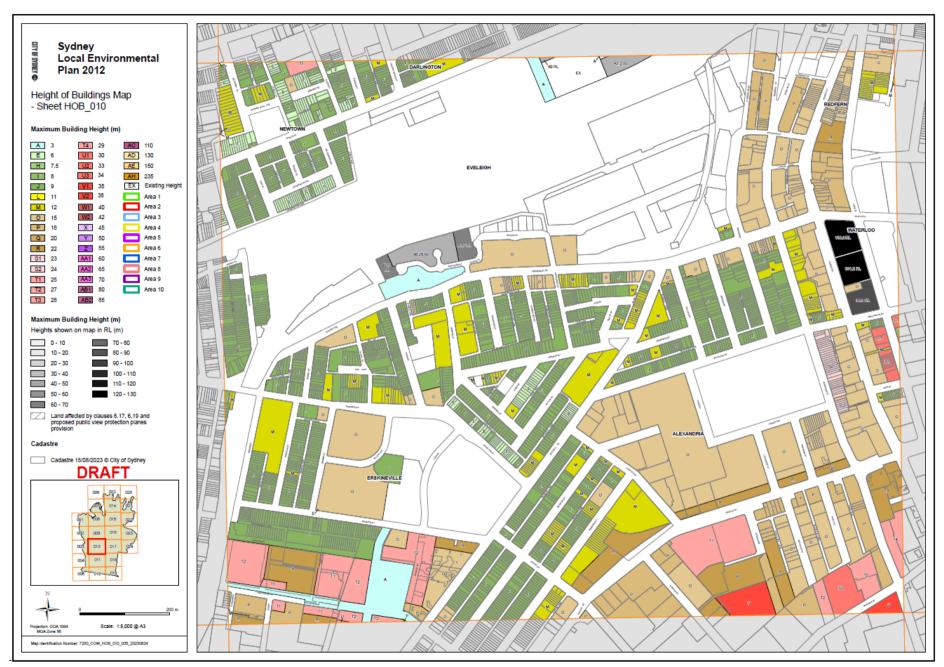
Clause 1.9 of the Sydney LEP 2012 lists sites to which specified SEPPs do not apply. In this regard it is proposed to list the site in Clause 1.9 to ensure that no additional floor space bonuses can be sought under the Housing SEPP.

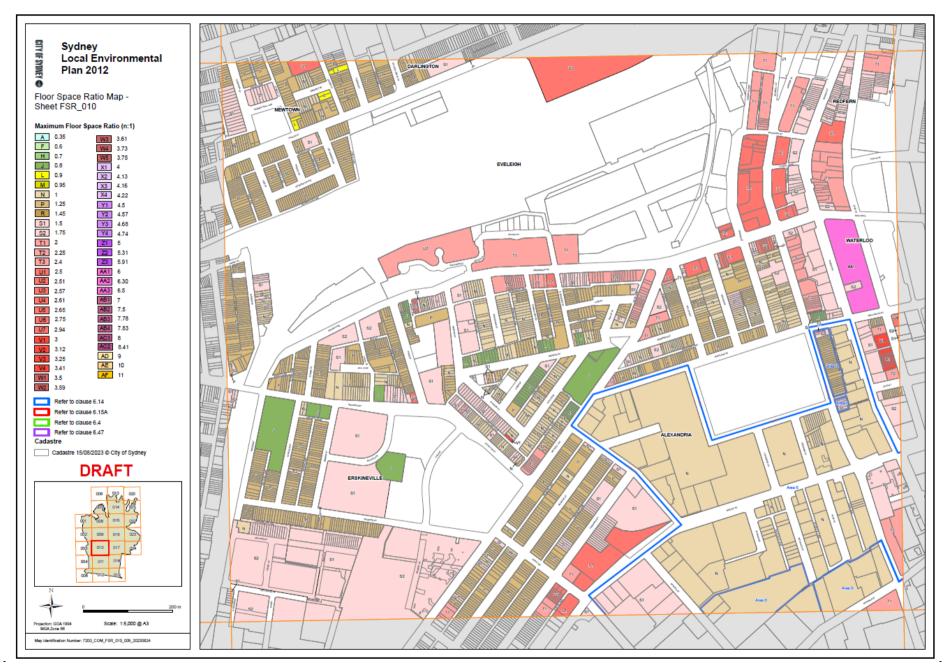
Annexure – Proposed mapping amendments

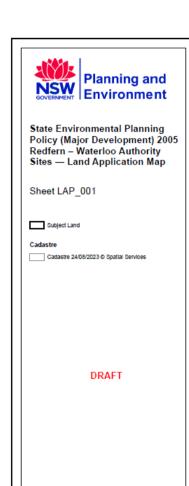






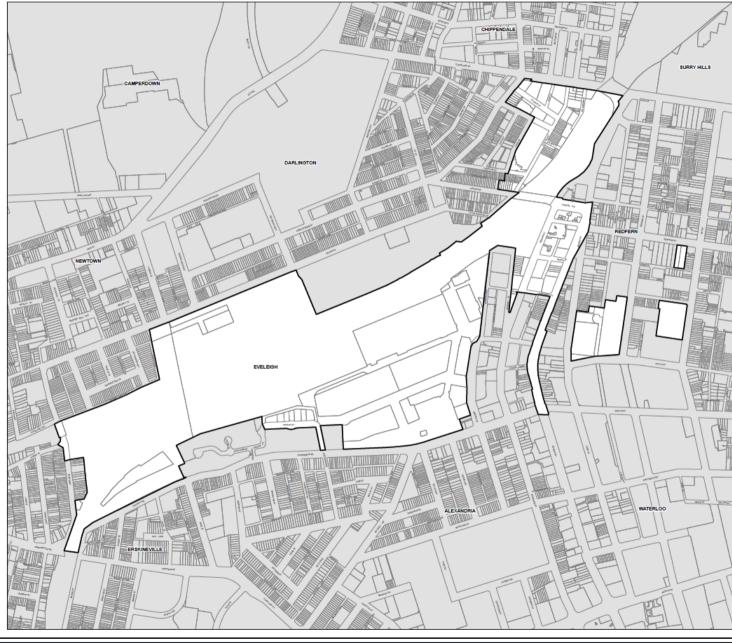


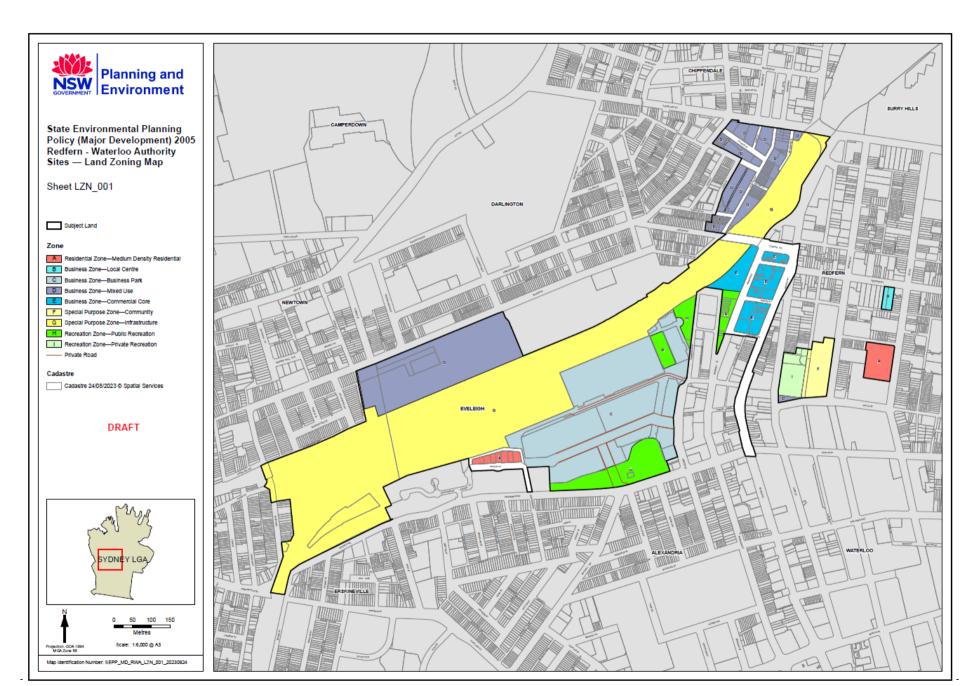


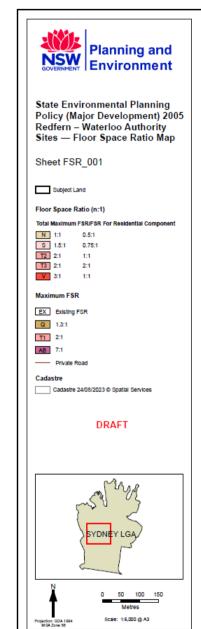


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