

# Submission to Explanation of Intended Effect for the Explorer Street Site, Eveleigh



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# Introduction



*Explorer Street site location.*

The City of Sydney (the City) welcomes the opportunity to provide a submission on the Department of Planning and Environment's Explanation of Intended Effect (EIE) and draft Design Guide for the Explorer Street site (the site) in Eveleigh. The City acknowledges the work to develop the proposal.

It is understood the objectives of the proposal outlined in the EIE are to facilitate:

- approximately 400 new homes, including 30% social housing and 20% affordable housing
- renewal of South Sydney Rotary Park
- maintaining the Council-owned pocket park on Station Place
- maintaining and upgrading the existing streets, Explorer Street and Aurora Place

It is noted the EIE is to make amendment to the Sydney Local Environmental Plan 2012 (Sydney LEP) and make site specific provisions that relate to it. In doing so, the site will be subject to other relevant provisions of the Sydney LEP, for example, the design excellence requirements.

The City has closely reviewed the EIE, draft Design Guide and the supporting technical studies and, while generally supportive of the proposal, has identified some matters of concern.

This submission makes recommendations for change to the EIE and the draft Design Guide prior to finalising the new planning controls for the site.

# 1. Built form

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## 1.1. Building height

The building heights in the concept (reference) scheme show a variety of building heights across the sites, including higher buildings at either end of the site and lower buildings in the middle of the site to secure the best solar access to the park. However, this has been translated into simplified maximum building heights to be inserted in the Sydney LEP.

The City is concerned that the requirement in the Design Guide for at least 50% of the parkland to receive at least four hours sunlight in midwinter between 9am and 3pm cannot be achieved if the proposed maximum building heights in the Sydney LEP were to be realised throughout the site.

**Recommendation 1:** Include explicit requirement in the Sydney LEP for the consent authority to consider the impact development will have on solar access to South Sydney Rotary Park, or alternatively amend the maximum building height maps to more accurately reflect the concept scheme heights of individual buildings.

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## 1.2. Setbacks

The diagrams indicating setbacks in the draft Design Guide are generally derived from the Urban Design Report that was prepared by WMK Architecture as a technical document for the planning proposal. However, these setbacks do not comply with the Apartment Design Guide (ADG) design criteria 3F-1(1).

The draft Design Guide should be amended to show in the relevant diagram (Figure 7), a written provision under section 3.3.3, that all ADG minimum setback objectives must be adhered to. This includes the setbacks to the west and north boundaries above eight storeys (above the seventh level as the ground level is considered a storey) that needs be a minimum of 12 metres (instead of the 9 metres currently shown). This is unlikely to impact on the achievable gross floor area (GFA).

Clarity in planning controls will avoid misunderstanding and delay at the future application stage.

**Recommendation 2:** Amend the draft Design Guide to show in the relevant diagram and require in the written provisions that all ADG minimum setback requirements must be observed.

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## 1.3. Natural cross ventilation

The City is concerned that the cross-ventilation plans and related calculations in the Development Summary Table in the Urban Design Report do not properly reflect ADG design criteria 4B-3(1).

While it is noted these plans and calculations do not form part of the planning controls, it is possible that this could lead to misunderstanding, risks and delay at the future application stage.

As above, clarity in planning controls will avoid this, and it is therefore recommended that a provision be included under section 3.3.2 in the draft Design Guide to clarify that ADG design criteria relating to natural cross ventilation are to be met.

**Recommendation 3:** Amend the draft Design Guide to require in the written provisions that ADG natural cross ventilation design criteria are to be met.

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## 1.4. Trees and vegetation

The City supports the objectives and provisions within the draft Design Guide relating to vegetation and green infrastructure and tree management. The City notes that tree removal is a last resort, and strong justification needs to be made for the removal of any tree as part of the detailed design at the future development application stage.

The landscape design for the public open space has a strong focus on native and endemic evergreen tree species. Given that much of the park will have increased shade the City suggests a review of tree species to ensure adequate solar access is achieved for park users. Some consideration of deciduous species may be needed to ensure the space remains attractive and usable, especially in winter.

**Recommendation 4:** Conduct a review of the tree species selection for the landscape design with consideration of solar access for park users.

# 2. Social and affordable housing

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## 2.1. Social housing and affordable housing

On 15 May 2023, Council voted unanimously to support the preservation of the Explorer Street site as wholly public and affordable housing. As part of this resolution, the Lord Mayor wrote to the NSW Premier and Minister for Housing to call on the NSW Government to preserve Explorer Street as wholly public and affordable housing.

Throughout the planning process for the Explorer Street site, the City has made this resolution clear and advocated for increasing the provision of social and affordable housing and to maximise the retention of government owned land for future generations.

With a five to 10 year waiting period for social housing in the local area, there is an urgent need to deliver more social and housing. The City maintains that through the tenure mix, a greater percentage of social and affordable housing could be achieved on the site.

Whilst the tenure mix of 50 per cent private, 30 per cent social housing and 20 per cent affordable housing does not reflect the City's position for 100 per cent social and affordable housing on the site, it is noted that this tenure mix is higher than previous proposed by the NSW Government and overall this will be an increase in the amount of social housing dwellings on the site. The City acknowledges Land and Housing Corporation (LAHC) for its changed commitment to increasing social housing outcomes on its redevelopment lands.

The EIE notes that the Department and LAHC are considering the various options to realise the delivery of social and affordable housing. The City supports the option for a site-specific provision in the Sydney LEP 2012 to require the consent authority be satisfied that 20 per cent of the residential floor area will be used for affordable housing and 30 per cent of the residential floor area be used for social housing, both 'in perpetuity'. This will immediately secure the outcome on the site in conjunction with the increase in development capacity. While a planning agreement may be a suitable approach, it must be prepared, publicly exhibited, executed and registered on title prior to the planning controls being made.

The City also supports the enhancement and mitigation measures addressed within the Social Infrastructure and Social Impact Assessment by WSP. The City reaffirms the importance for the relevant authorities to implement the measures identified in the assessment to support existing residents during temporary relocation and return to the site. The City supports the need for a Social Impact Management Plan to be prepared at the future application stage to refine the measures recommended in the Social Infrastructure and Social Impact Assessment.

The City acknowledges the redevelopment of the site provides an opportunity to create a mix of dwelling size to accommodate the existing residents as well as households on the priority social housing waitlist for the Sydney Local Government Area.

However, the exhibited documentation does not specifically indicate the apartment configurations for the social and affordable housing proportion of dwellings. Given that there are currently six households with 4 to 7 occupants on the site, there is a need to ensure an appropriate number of larger homes to safeguard a meaningful right of return for larger households or residents with diverse needs.

- Recommendation 5:** Ensure the site is retained in public ownership (through leasehold arrangements rather than sale).
- Recommendation 6:** Deliver 100 per cent of the site as social and affordable housing.
- Recommendation 7:** Where 100 per cent of social and affordable housing cannot be achieved, it must be maximised on the site. A site-specific provision must be included in the Sydney LEP that *at least* 30% of all housing be social housing and 20% of all housing be affordable housing provided in perpetuity.
- Recommendation 8:** Ensure an appropriate number of larger social housing apartments are available to safeguard a meaningful right of return for those larger households living in the current housing on the site.
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## 2.2. Aboriginal and Torres Strait Islander housing

The City supports the provision in the draft Design Guide to allocate a minimum of 20 per cent of the total number of affordable housing dwellings for Aboriginal and Torres Strait Islander housing, and for the design to be informed by an Aboriginal or Torres Strait Islander architect with experience in designing culturally appropriate housing.

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## 2.3. Defining affordable housing

It is essential that affordable housing provided on the site is provided for the long-term benefit of the community. Any resulting affordable housing should be owned and managed by a Tier 1 or Tier 2 community housing provider and a restriction on use applied requiring it remain affordable in perpetuity. In accordance with Section 13(1)(a) of State Environmental Planning Policy (Housing) 202, affordable housing should be rented to very low to moderate income households for no more than 30% of household income.

# 3. Public infrastructure

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## 3.1. Contributions

The City of Sydney Development Contributions Plan 2015, or any replacement of that document, will apply to new development on the site. It is noted the City will make a significant contribution to the development of the site by excluding the affordable and social housing from the need to pay any local infrastructure contributions.

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## 3.2. Open space

The draft Design Guide includes provisions to guide the improvement of current open space on the site, in particular South Sydney Rotary Park.

The City notes the current landowner of the open space, LAHC, has made a draft offer to enter into a planning agreement for the dedication of South Sydney Rotary Park to the City of Sydney.

Currently the City is unable to accept the offer until the full extent of any possible contamination of the park is known. Notwithstanding this, the City currently has responsibility for the care of the park. It is noted that should the park come into the ownership of the City of Sydney, the future design of the park, and the works, will be the responsibility of the City and any future design will be City led and subject to further consultation with the community.

It is also noted that if instead the current arrangements persist, where LAHC maintains ownership, and the City is to have care and control the park, the park is to be designed to City design standards and asset management requirements. This will require careful consultation with the City.

The uncertainty about the future ownership of the park has complicated the provisions in the draft Design Guide. The City is concerned that provision 3.2.1(2) of the draft Design Guide assumes the design of the park would be undertaken by the future developer of the site and the details of the design submitted with a development application.

The City is also concerned that the design guide does not have a requirement for the developer to make the improvements to the park prior to occupation of the site, rather the draft Design Guide only speaks to the principles and requirements for the park design. It is the City's view that in-lieu of a planning agreement between the Department and/or the City for the improvement of South Sydney Rotary Park, certainty that the park will be upgraded to support the significantly higher population on the site should be secured in the planning controls – preferably the Sydney LEP.

**Recommendation 9:** Amend the draft Design Guide to clarify that provision 3.2.1(2), that requires a Public Open Space Plan be submitted with any development application, only applies where the City of Sydney is not the landowner, noting if the City becomes the landowner, the City will prepare the future design of the park.

**Recommendation 10:** Provide certainty in the planning controls, preferably the Sydney LEP, that where the City of Sydney is not the landowner, that the developer will upgrade South Sydney Rotary Park to support the significantly higher population on the site.



### 3.3. Streets

As above, there is currently no planning agreement in place to ensure the delivery of public infrastructure, including upgrades to the current road network, in conjunction with the development.

Notwithstanding the above, the City notes and supports the requirement in the draft Design Guide that the streets be upgraded in accordance with the provisions of the Design Guide to the Sydney Streets Design Code, the Transport for NSW Walking Space Guide – Towards Pedestrian Comfort and Safety 2020 and with the City of Sydney's Streets Code.

The City has reviewed the street layout and the Movement and Access Map (Figure 9) presented in the draft Design Guide.

It is the City's preference that a 10km/h shared zone be delivered from the vehicular access point at Henderson Road and onto Progress Road, Explorer Street and Aurora Place. A shared zone would be suitable for the low volume of expected traffic from the development. This would improve pedestrian priority. The technical directions for traffic calming such as horizontal deflection, planting and paving would be required to reinforce this 10km/h speed. The technical directions are available here - [https://roads-waterways.transport.nsw.gov.au/trafficinformation/downloads/ttd\\_2016-001.pdf](https://roads-waterways.transport.nsw.gov.au/trafficinformation/downloads/ttd_2016-001.pdf).

If this is unsupported, the City recommends a 10km/h shared zone be delivered for at least the portion of Explorer Street west of Aurora Place, with the required traffic calming measures.

Under the proposed 30km/h speed limit for Explorer Street, traffic calming measures would still be required.

The City also recommends amending the Movement and Access Map to indicate carpark access off Aurora Place for both basements, not off Explorer Street. This would minimise traffic on Explorer Street west of Aurora Place while still allowing for pick up / drop off and emergency vehicle access. If Explorer Street west of Aurora Place is also created as a shared zone, as per the City's recommendation, the minimal volumes of traffic on this street would mean the street could function as an additional public space, providing opportunities for children to play and people to gather.

The City also recommends the draft Design Guide be amended to improve pedestrian connectivity from Henderson Road to Explorer Street, with a continuous footpath treatment on Progress Road.

A pedestrian path is also required on the southern side of Explorer Street. It is noted the Explorer Street cross section at Figure 11 only shows a pedestrian path on the development side of the road and not adjacent to the park. This also requires amendment.

**Recommendation 11:** Amend the Movement and Access Map in the draft Design Guide to:

- require Explorer Street and Aurora Place be a 10km/h shared zone to improve pedestrian priority;
- locate entries to basements on either side of Aurora Place and removing the basement entry at the far end of Explorer Street;
- indicate pedestrian connectivity from Henderson Road to Explorer Street, along Progress Road

**Recommendation 12:** Include a pedestrian path on both side of Explorer Street within the street cross section diagrams in section 3.5 *Transport, Movement and Parking* of the draft Design Guide.

# 4. Contamination

It is noted appropriate contamination investigations have not been provided in conjunction with this rezoning proposal.

The EIE therefore outlines options to explore should some level of contamination be identified on the site at a later date, including options to insert additional controls into the Sydney LEP 2012 to address the remediation requirements for the site.

The City supports a cautious approach to the management of contamination on the site and recommends delayed rezoning of the site until the contamination assessment has been completed. This will allow for informed consideration of the appropriateness of the rezoning.

The City's Contaminated Land Policy outlines conditions for contamination and acceptance of land. The draft Design Guide should make reference to this Policy and note that Environmental Management Plans (EMP) are to be avoided where possible as the ongoing costs of an EMP should not be borne by ratepayers.

**Recommendation 13:** Rezoning of the site should be contingent on the contamination assessment being completed and to allow informed consideration of the appropriateness of the rezoning.

**Recommendation 14:** Include a provision in the draft Design Guide to make reference to the City's Contaminated Land Policy and to stipulate that Environmental Management Plans are to be avoided where possible.

# 5. Approval pathway

It is noted the NSW Government intends to amend the Planning Systems SEPP to introduce a new State Significant Development (SSD) threshold for development carried out by LAHC and AHO (and Landcom for developments that include at least 50 per cent affordable housing) containing more than 75 dwellings or a capital investment value greater than \$30 million. It is likely under this provision that the redevelopment of Explorer Street would be identified as SSD.

The City has made separate submission to this proposal, however, notes it is strongly opposed to the expansion of state planning authority for LAHC, AHO and Landcom development.

The removal of planning authority from local government lacks transparency and impartiality and will generate mistrust in the community for the development.

The City is working collaboratively with NSW Government to renew social housing sites. It is the City's view that collaboration yields a better outcome for the redevelopment of sites, one that results in good social housing outcomes, but is also consistent with the expectations of our community for new development.

The City strongly supports the amendment to the Planning Systems SEPP to remove the site from the Redfern Waterloo Authority Sites Map so that development on the site would no longer be categorised as SSD under Schedule 2 of that SEPP. The City also supports the integration of the site into Sydney LEP 2012 and deletion of planning controls from the Eastern Harbour City SEPP.

**Recommendation 15:** Identify the City of Sydney as the consent authority for future development applications.

# 6. Sustainability

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## 6.1. Sustainability

The City is committed to creating a more resilient and sustainable city. The City has advocated for better performance standards for new buildings and directs all new buildings to be resource-efficient and net zero energy. The City makes the following recommendations to increase the sustainability and resilience of the development.

**Recommendation 16:** Include an additional provision under section 3.6.3 *Materials and building components* in the draft Design Guide to require that new buildings implement circular design strategies in accordance with NSW Office of Energy and Climate Change *Circular design guidelines for the built environment* and deliver a reduction in embodied carbon compared to a reference building as assessed in accordance with the Green Star LCA criteria.

**Recommendation 17:** Include an additional provision under 3.6 *Environmentally Sustainable Development* to provide guidance on achieving 'Net Zero' to meet the committed objective at 3.6(a), including consideration of an all-electric development.

**Recommendation 18:** Include an additional section under 3.6 *Environmentally Sustainable Development*, titled Climate Risk and Resilience, to require any application at the future application stage to be supported by a 'Climate Risk and Adaptation Plan' that demonstrates how the precinct is capable of functioning effectively under predicted climate change impacts associated with the RCP8.5 scenario (flooding, heat, extreme storm, humidity).

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## 6.2 Urban heat effects

The draft Design Guide includes an objective under section 3.6 *Environmentally Sustainable Development* to minimise urban heat effects. However, there are no design provisions to support this objective other than those to address reflectivity which are proposed to address glare. It is the City's view that the local climate sensitive design objectives and provisions included in the Waterloo Estate (South) Design Guide should be replicated for the Explorer Street Design Guide.

These provisions will ensure the health, safety and comfort of people in streets and buildings by minimising heat. These provisions could be partnered with the existing objectives and provisions for reflectivity so that the Environmentally Sustainable Development section addresses both glare and heat mitigation through design. Greening on roofs must only be provided in addition to deep-soil planting and canopy cover.

**Recommendation 19:** Include design provisions to support the objective to minimise urban heat effects.

## 6.3. Embedded Networks

Done well, embedded networks are an opportunity to provide cost-effective, renewable electricity at scale, and to support the electrification of buildings and precincts.

The former NSW Government's Inquiry on Embedded Networks in NSW revealed that many developers are installing fossil fuel energy through embedded networks in residential locking renters and strata communities – especially those on lower incomes – into expensive and polluting energy contracts, impacting their ability to make future changes.

The City is concerned that embedded networks are allowed to act like monopolies locking renters and strata communities – especially those on lower incomes – into expensive and polluting energy contracts, impacting their ability to make future changes.

In the absence of effective regulation for embedded networks in NSW at this point in time, the City asks the NSW government to take appropriate steps to ensure all residents in this development, in particular social and affordable housing residents - are protected from the potential negative consequences of embedded networks.

**Recommendation 20:** Ensure that any potential embedded networks that are established as part of this development provide adequate consumer protections that align with protections afforded to standard customers, including the ability to choose renewable energy sources (GreenPower) from electricity providers.

# 7. Social Heritage

The Heritage Impact Assessment prepared by Urbis acknowledges that the subject site has social significance. The current residents in the existing housing development at Explorer Street have high level of social cohesion, with 40% of households living on the property having lived there for more than 20 years. This tendency for long occupation indicates *'an established population, with potentially strong community connections, local routines and way of life'*.

Given this acknowledgement of social significance, and the development being identified as important to the community's sense of place, an archival recording of the existing development to capture the qualities of the site that contribute to this significance would be an appropriate heritage management measure. Given this significance, it is even more important that this community has a meaningful right of return once the redevelopment is completed.

It is recommended that an additional provision be included in section 3.3.12 *Heritage* of the draft Design Guide to require an archival recording as part of the Heritage Interpretation Strategy.

**Recommendation 21:** Include a provision under 3.3.12 *Heritage* for a detailed archival recording of the existing social housing dwellings, the setting, views and landscape of the site including oral histories of the residents, to be conducted prior to any physical works commencing or tenant relocations.

# 8. Design Excellence

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## 8.1 Design excellence requirement

It is the City's experience that better outcomes are achieved when there are real FSR or height incentives for undertaking the competitive design process. Simply requiring a competitive design process (with no incentive attached) and providing a maximum FSR (that is understood by the developer as their 'by right' FSR) does not achieve the full benefits of an incentive-based approach.

The City therefore recommends Sydney LEP clause 6.21(D)(3)(b) to be retained to preserve this incentivised approach but only if the mapped floor space is reduced by 10%.

To accommodate the retention of the incentive for undertaking a competitive design process, the maximum Floor Space Ratio in the EIE should be reduced by 10% and a competitive design competition required to achieve up to 10% FSR subject to the development demonstrating design excellence, as defined under the Sydney LEP.

**Recommendation 22:** Re-instate the Sydney LEPs incentive-based approach to achieving design excellence which has worked well over more than 20 years.

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## 8.2 Design Excellence Strategy

The City of Sydney Competitive Design Policy (Section 1.2) requires that the competitive design process is to be undertaken in accordance with a Design Excellence Strategy approved by the Consent Authority as part of an associated site-specific DCP or concepts stage development application (Stage 1 development application).

As the Design Guide is intended to fulfil the requirement of a site-specific DCP, the Design Excellence Strategy is required to be approved as part of, and included as provisions in, the draft Design Guide. The provision should not just list the requirements of a Design Excellence Strategy, but address each of the matters that a Strategy is to define.

Further detail is required to be included in the Design Guide. The City recommends the inclusion of the following details (shown in italics) to address each of the matters that a Strategy is to define:

- a. The location and extent of each competitive design process
- b. The number and type of competitive design process(es) to be undertaken ('open' or 'invited')
  - *Two competitive design processes should be undertaken for the site: one for the Block A and B (buildings west of Aurora Place) and one for Block C1 and C2 (buildings east of Aurora Place).*
- c. The number and expertise of designers involved in the process(es)
  - *The selection of competitors will:*
    - *include a range of emerging and established architectural practices;*
    - *require that each competitor will be a person, corporation or firm registered as an architect in accordance with the NSW Architects Act 2003, or in the case of interstate or overseas Competitors, eligible for registration with their equivalent association.*

- *require each competitor to have demonstrated capabilities in design excellence by being the recipient of an Australian Institute of Architects (AIA) award or commendation, or in the case of overseas competitors the same with their equivalent professional association.*
- d. How fine grain and contextually varied architectural design variety is to be achieved across large sites
- e. Whether the competitive design process is pursuing additional floor space or building height
- f. Options for distributing any additional floor space area or building height which may be granted by the consent authority for a building demonstrating design excellence, as defined under 6.21A of the LEP
- g. The target benchmarks for ecologically sustainable development, including minimum sustainability ratings and performance outcomes
  - *The development should include measurable targets that exceed minimum mandated requirements (including imminent updates) and reflect at a minimum best practice for the development type)*
- h. The composition of the jury
  - *On jury composition, it is recommended that:*
    - *The jury will be comprised of:*
      - *two members nominated by the consent authority (or the local authority where the consent authority is the Minister or their delegate), one of which must also be a member of the State Design Review Panel; and*
      - *two members nominated by the proponent; and*
      - *the Government Architect NSW (Jury Chair) or their nominee.*
    - *The proponent and consent authority/local authority must provide written acknowledgment of the nominated jurors.*
    - *Jury members are to:*
      - *represent the public interest;*
      - *include only persons who have expertise and experience in the design and construction professions and industry;*
      - *include a majority of registered architects;*
      - *have a gender representation ratio of 40% male, 40% female and 20% any gender.*

**Recommendation 23:** Enable a proponent to progress to design competition without a concept stage application by amending provision 3.2.4 *Design Excellence Strategy* of the draft Design Guide to provide details that address each of the matters that a Design Excellence Strategy is to define.



# 9. Traffic, transport, and servicing

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## 9.1 Traffic impacts

The City has reviewed the Traffic Impact Assessment and is in agreement with the findings that the development should have a minimal impact on the surrounding road network due to the restricted maximum parking rates. However, the City has some concern with the methodology used as part of the assessment.

Firstly, the use of standard vehicle trip generation rates is inappropriate in such a dense and parking-constrained environment. It is recommended that traffic surveys of a comparable development, close to the site is used to support any future development application.

Secondly, the 90:10 in/out split seems high. Prior to Covid-19, the conventional approach was an 80:20 split. Since then, the City has observed less tidal peak hour traffic due to changing behaviours (such as hybrid working models). Similarly, traffic surveys of a comparable development close to the site should be used instead of standards rates in any traffic study submitted in support of a development application.

**Recommendation 24:** In any traffic study prepared in support of the future development application, ensure the methodology incorporates traffic surveys of a comparable development close to the site instead of standard vehicle trip generation rates.

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## 9.2 Pedestrian improvements

This proposal increases the need for a pedestrian and cycling bridge that would link North Eveleigh to South Eveleigh. The walking catchments shown in the Transport Impact Assessment highlight the lack of permeability to the north across the rail line.

**Recommendation 25:** The NSW Government should provide the previously committed pedestrian bridge that would link North Eveleigh to South Eveleigh to accommodate the increased densification of the area as part of this redevelopment.

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## 9.3 Parking

The City notes that limiting parking on the site is reasonable in the context of it being close to high-capacity public transport options, a new cycleway along Henderson Road and services and retail located in Australian Technology Park and Erskineville Village.

It is the City's preference that bike parking for residents be provided as a Class 2 secure room rather than individual lockers. This provides residents with greater flexibility, as some will have no bikes and others will have more than one.

**Recommendation 26:** Revise the bike parking provision in section 3.5 *Transport, Movement and Parking* of the draft Design Guide to be provided as a Class 2 secure room rather than individual lockers.

## 9.4 Servicing

The City supports the requirement in the draft Design Guide that waste collection and loading is to comply with the City of Sydney *Guidelines for Waste Management in New Developments*.

Given the size of the proposed development the City requires the management and collection of waste to be located in the basement, away from the public domain. To ensure that bins and bulky household waste are managed within the development and to avoid illegal dumping, the City's 10.6m vehicle must be accommodated.

The concept scheme in the Urban Design Report does not provide adequate loading and servicing facilities. The Transport Impact Assessment indicates five loading spaces; however, these are unable to be located in the concept scheme. The Medium Rigid Vehicle space shown in the concept scheme does not appear to have the right dimensions. There does not appear to be space for the Council waste truck in the basement, and the path of travel from the bin rooms to the waste collection point is unclear.

The following recommendations are required to align with the City's requirements for waste management facilities.

**Recommendation 27:** Include in the draft Design Guide clear requirements for the management and collection of waste in the basement, allowing for the provision of five loading bays, at least one per basement to accommodate a 10.6 metre Council waste vehicle and include a swept path to demonstrate how this vehicle is able to access the space and enter and exit in a forward direction.

**Recommendation 28:** Include in the draft Design Guide a requirement for the basement layouts allow for adequate clearance behind the loading bays for manoeuvring goods and bins, and for a clear path of travel between bin rooms and loading bays.

**Recommendation 29:** Include an additional provision under section 3.8.3 *Collection and minimisation of waste during occupation* in the draft Design Guide to require, in accordance with the City's *Guidelines for Waste Management in New Developments. Development*, that:

- development applications must incorporate well designed waste management systems;
- the development includes sufficient space for the management and storage of all bins required to manage predicted waste and recycling generation; and
- waste management, storage and collection must be wholly accommodated within the site.

# 10. Flood and stormwater management

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## 10.1 Water and flood management

The City has reviewed the water and flood management objectives contained within the draft Design Guide and recommends a number of additional objectives to be included to ensure best practice considerations are included.

**Recommendation 30:** Include the following objectives under section 3.7 *Water and Flood Management* of the draft Design Guide:

- ensure development minimises risk to human life and damage to property caused by flooding;
- apply a merit-based approach to all development decisions considering ecological, social, and environmental considerations;
- ensure that, in the event of a flood, adequate access to affected properties is available for emergency service personnel and that safe egress is available for residents; and
- ensure that proposed development does not increase the flood inundation in the neighbouring properties.

The City has also reviewed the provisions for the site-specific flood study in the draft Design Guide. The flood impact and risk assessment required at the future application stage must address impacts of proposed development based on changes in flood levels, duration of flooding, depth & velocity, flood warning & evacuation time, frequency of inundation, flood function categorisation and flood hazards for full range of events up to and including PMF.

The flood impact and risk assessment should include maps showing flood behaviour, flood hazard and flood function in pre-development and post-development scenarios. The assessment should also include a comprehensive flood emergency plan outlining key evacuation issues and recommended actions. The flood planning levels should comply with the requirements specified in the City's Interim Floodplain Management Policy 2014.

To resolve inconsistencies between the draft Design Guide and the Sydney LEP 2012, the reference to clause 7.15 of the Sydney LEP 2012 should be removed as it has been repealed.

**Recommendation 31:** Amend section 3.7.1 *Site specific flood study* of the draft Design Guide to include additional requirements to ensure the study includes all essential considerations for the pre-development and post-development scenarios as well as a flood emergency response management plan.

**Recommendation 32:** Remove the reference to Clause 7.15 of the Sydney LEP 2012 in provision 3.7.1(1) of the draft Design Guide, as this clause has been repealed.

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## 10.2 Flood Assessment Report

The City has reviewed the Flood Assessment Report. Some inconsistencies have been identified in the Report that should be addressed in the draft Design Guide and the site-specific flood impact and risk assessment to be prepared at the future application stage.

Reference to the City's framework for floodplain management is required in the draft Design Guide. Additionally, the 1% AEP flood levels and PMG spot levels need to be provided at a closer interval around the proposed building blocks to have better flexibility to determine the required floor level or basement entry level for preparing detailed architectural plans at the future application stage, particularly for the design competition. The City suggests a one metre interval.

**Recommendation 33:** Amend section 3.7 *Water and Flood Management* of the draft Design Guide to require compliance with the City of Sydney *Interim Floodplain Management Policy 2014*, or any other flooding requirements in the *Sydney Development Control Plan 2012*.

**Recommendation 34:** Include a provision under section 3.7 *Water and Flood Management* of the draft Design Guide for the 1% AEP flood levels and PMG spot levels to be provided at a closer (1m) interval.

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## 10.3 Stormwater Management Report

The City has reviewed the Stormwater Management Report and has prepared the following advice in relation to stormwater management. It is noted that Sydney Trains will be consulted for any stormwater assets located within the subject site and to consider the impact of proposed development on their land / infrastructure.

Council information indicates that there is major trunk drainage infrastructure through the western side of the subject site, sitting underneath a number of the existing social housing dwellings. The existing drainage assets within subject site should be field verified and shown on the plans and, if necessary, design should explore options to realign the stormwater drainage conduit to minimise impacts of proposed development.

The stormwater management plan 426320-MMD-DA-XX-DRG-C-0001 shows overland flow paths at rear property boundary. Further consideration will be required at the development application stage to ensure that surface runoff from within the subject site and neighbouring property is conveyed into proposed stormwater drainage system to avoid flooding in private properties due to overland flows.

The design should explore options to upgrade/ renew existing gross pollutant trap located in the South Sydney Rotary Park to improve its performance to comply with requirements specified in the City's DCP 2012.

**Recommendation 35:** Include a provision under section 3.7 *Water and Flood Management* of the draft Design Guide to require that surface runoff from within the site and neighbouring property is conveyed into proposed stormwater drainage system to avoid flooding in private properties due to overland flows.

# 11. Draft Design Guide – minor amendments

## 11.1 Design Guide review

In its review of the draft Design Guide, the City has identified a number of minor issues and inconsistencies that should be addressed prior to finalising the new planning controls for Waterloo Estate (South), shown in Table 1.

**Table 1:** Issues in the draft design guide

Page	Reference	Content	Comment
6	1.6 How to use this Design Guide		Include a note to the effect of “A reference in this Design Guide to any Australian Standard, legislation or policy including to Sydney LEP 2012 or Sydney DCP 2012 are also references to any amendment or replacement as made.”
7	2 Locality Statement	“The Explorer Street site lies on the Traditional homelands of the Gadigal peoples. Aboriginal peoples have always lived in Redfern/Erskineville, with cultural, historical and contemporary links to this land.”	Amend this sentence to “The Explorer Street site lies on the Traditional homelands of the Gadigal <del>peoples</del> . Aboriginal peoples have always lived in <del>Redfern/Erskineville</del> <b>this area</b> , with cultural, historical and contemporary links to this land.”  Gal’ means ‘people’, so a reference to ‘Gadigal people’ translates as ‘Gadi people people’. Gadigal is sufficient.  Referencing ‘this area’ would be more correct as it has not always been Redfern / Erskineville.
7	2 Locality Statement	“The Redfern area has developed into a strong Aboriginal community and the birthplace of Aboriginal led	Amend this sentence to “The Redfern area has developed into a strong Aboriginal community and the <del>birthplace</del> <b>home</b> of Aboriginal led activism and rights movements from the 1970’s.”

Page	Reference	Content	Comment
		activism and rights movements from the 1970's."	As Aboriginal led activism predates the 1970's, the suggested word change provides clarification.
7	2 Locality Statement	"The renewal provides the opportunity to improve the amenity and usability of Rotary Park and strengthen its connectivity to the greater green space network."	As the planning agreement and the details to be contained within it have not been confirmed, any reference to improvements to Rotary Park should be deleted.
7	2 Locality Statement		Remove the word 'off-road' in reference to the cycle way along Henderson Road.
8	2 Locality Statement	"Future development will contribute positively to its surrounding urban fabric, by providing a varied skyline that considers the heritage significance of the surrounding area."	Delete this sentence as it is unnecessary and incorrect.
8	2 Locality Statement	"When the Explorer Street site is complete, it will have potential to accommodate approximately 800 residents."	Replace the word 'complete' with 'redeveloped'.
10	2.2 Urban Strategy		Delete the word 'generally' here and throughout the Design Guide.
10	Figure 2. Indicative Urban Strategy Map		Clarify what the white area on the diagram is showing in the legend.

Page	Reference	Content	Comment
10	Figure 2. Indicative Urban Strategy Map		Clarify what is meant by 'gathering area' and if there is a provision related to this.
10	Figure 2. Indicative Urban Strategy Map		Indicate 'retained existing trees' on the diagram.
11	Figure 3. Indicative 3D Urban Strategy Example		The 3D Urban Strategy Example figure should be deleted, as it is only a concept scheme.
13	Figure 4. Connecting with Country Map		Remove any measures proposed for the City of Sydney Park in the north-eastern portion of the site. As the planning agreement and the details to be contained within it have not been confirmed, any reference to improvements to Rotary Park should be deleted.
14	3.2.1 Public Open Space		As the planning agreement and the details to be contained within it have not been confirmed, any reference to public art for public open space should be deleted.
15	3.2.1 Public Open Space		As South Sydney Rotary Park is owned by Land and Housing Corporation but under the care and control of the City - provide clarification as to who prepares the Public Open Space Plan. If the City is expected to continue to maintain the park, any Plan of this nature will require agreement from the City.
16	Figure 5. Public Open Space Map		As mentioned above, clarify what the white area on the diagram is showing in the legend.
17	Table 1: Public Open Space Requirements		Amend the size column to indicate 'no less than existing' for both parks.  Replace 'predominantly level land' with 'ensure all seating and gathering areas can be accessed by all' or the like – as predominantly level land may not be achievable.

Page	Reference	Content	Comment
18	3.2.2 Solar Access to Open Space		Replace 'Solar access diagrams' with 'solar insolation diagrams'.
18	3.2.3 Public Art		Clarify the intended location for 'public artworks in private developments'.  Amend the provision to require the Public Art Strategy to comply with the City of Sydney's policies for public art.
22	3.2.4 Vegetation and Green Infrastructure		Add to the existing provision under section 3.2.4(7) to include that no more than 40% of one family is to be used.
22	3.2.4 Vegetation and Green Infrastructure		Include a diagram to explain and support provision 3.2.4(9).
25	3.3.1 Subdivision and Strata Subdivision		Include a subdivision diagram and additional provisions to specify how the lots can be arranged with regard to tenure – for example whether social and affordable housing can be on the same lot, the minimum number of lots or how the boundaries can be adjusted to depart from the diagram.
25	3.3.1 Subdivision and Strata Subdivision		Reconsider the use of the word 'discouraged' in relation to the strata titling of affordable housing.
27	3.3.3 Building Setbacks		Amend objective 3.3.3.(c) to include 'or any relevant subsequent document' following the title of the Transport for NSW guide as these technical documents are updated regularly. If the earlier recommendation to include references to subsequent documents in section 1.6 is realised, this amendment is not necessary.
27	3.3.3. Building Setbacks		Reword provision 3.3.3.(1) or provide a clear diagram, as this could be interpreted as applying to the ground level only.



Page	Reference	Content	Comment
28	Figure 7. Ground Level Setbacks map		<p>Amend the diagram to express the setbacks as a minimum.</p> <p>Amend the diagram to colour the full extent of the setback (not just a line) and ensure that these follow the street reservation alignments where they do – and not where they do not.</p>
29	3.3.5 Accessible Design		Amend Provision 1 to ensure all development is to comply with the City's Inclusive and Accessible Public Domain Guidelines.
29	3.3.5 Accessible Design	<p>All dwellings are to achieve Liveable Housing Australia certification, with the overall development achieving the following accessible certification targets:</p> <p>a) Silver Level: 60%</p> <p>b) Gold Level: 30%</p> <p>c) Platinum Level: 10%</p>	Amend this provision to ensure 100% of all social and affordable housing is delivered to the Liveable Housing Guideline's gold level. This is consistent with the agreed targets for public housing under the <a href="#">National Dialogue on Universal Housing Design - Strategic Plan</a> and the City's Local Housing Strategy. All market housing should achieve minimum silver level with 10% platinum.
31	3.3.7 Affordable and Social Housing		<p>Suggestion to include the following provisions:</p> <p>affordable housing is to be made available to a mix of households on very low to moderate incomes and rented at no more than 30% of gross household income;</p> <p>affordable housing is to be used for affordable rental housing in perpetuity;</p> <p>affordable housing is to be owned and/or managed by government or a Tier 1 or Tier 2 community housing provider.</p>

Page	Reference	Content	Comment
32	Table 4: Noise Intrusion Requirements		<p>Delete the 'No natural ventilation' row, as all apartments must be naturally ventilated.</p> <p>Insert a provision requiring the noise reduction measures to work with natural ventilation – with reference to the City of Sydney's <i>Alternative natural ventilation of apartments in noisy environments</i>.</p>
39	3.5 Transport, Movement and Parking		<p>Include an objective and related provisions for new footpaths and show these on an accompanying diagram.</p>
44 and 45	3.5 Transport, Movement and Parking		<p>Replace the existing street cross section illustrations in section 3.5 Transport, Movement and Parking of the draft Design Guide with black and white diagrams consistent with the Sydney DCP to improve clarity.</p>
43	Figure 9: Movement and Access Map		<p>Amend the diagram to show adequate street tree plantings – on Aurora Place and the southern side of Explorer Street.</p> <p>Clarify what is meant by 'pedestrian connectivity' and whether these are pedestrian crossings.</p>
44	Figure 10: Key Road Section Plan		<p>Indicate where roadway blisters are to be eliminated and include an accompanying provision to this effect.</p>
44	Figure 11: Explorer Street Typical Road Section and Figure 12: Aurora Place Typical Road Section		<p>These diagrams should be redrawn as black and white diagrams to align with the Sydney DCP and improve clarity.</p> <p>Remove references to services on these drawings unless locations for them have been confirmed.</p> <p>The building setback in these drawings does not accord with the setback diagram earlier in the Design Guide.</p> <p>Amend the diagram to show the footpath sloping towards the street - not away from it.</p>

Page	Reference	Content	Comment
47	3.7 Water and Flood Management		It is the City's view that this section should generally rely on the provisions in the Sydney DCP. It is noted the City's Interim Floodplain Management Policy will likely be replaced by updated provisions, consistent with State Government requirements, in the Sydney DCP over the next year.
50	3.8 Waste Management		It is the City's view that this section should generally rely on the provisions in the Sydney DCP.

**Recommendation 36:** Make the above amendments to the draft Design Guide to address a number of minor inconsistencies and errors and to improve readability.

