

Re: Explorer Street – Rezoning Proposal

REDWatch was established to monitor such sites

This submission is made on behalf of REDWatch Incorporated (REDWatch). REDWatch was set up in 2004 with the following objects in its constitution:

REDWatch is a group of community residents and friends from Redfern, Waterloo, Eveleigh and Darlington who support the existing diversity in these areas and wish to promote sustainable, responsible economic and social development.

REDWatch recognises the importance of the Aboriginal community to the area.

REDWatch has been formed to:

1. Monitor the activities of the Government (local, state and federal), the Redfern Waterloo Authority, and any other government instrumentality with responsibility for the Redfern, Waterloo, Darlington and Eveleigh area, to ensure that:

- (a) The strategy benefits a diverse community*
- (b) Communication and consultation is comprehensive and responsive*
- (c) Pressure is maintained on authorities*

2. Provide a mechanism for discussion and action on community issues.

3. Enhance communication between community groups and encourage broad community participation.

This may involve: Holding regular meetings; Holding community forums and other events; Establishing a website; Communicating with the community through other means; Meeting with government representatives and authorities; Cooperating with other community organisations; And any other means the association deems appropriate.

REDWatch makes this submission on the Explorer Street Rezoning Proposal in line with these objects.

REDWatch welcomes the opportunity to comment upon this planning proposal.

REDWatch thanks DPE for undertaking a Social Impact Assessment for this rezoning and in general terms supports the SIA recommendations and looks forward to seeing these embedded in a SIMP.

REDWatch is of the view that for public housing rezonings that SIAs should be undertaken at the earliest possible stage, including preliminary SIAs at project announcement stage, as public housing, by government decisions, concentrates vulnerable people in the estates being redeveloped. SIAs for such sites should not be left until DA stage as is the current DPE requirement.

We also thank the City of Sydney Council for including the SIA requirement in its initial requirements, as well as DPE for undertaking the SIA in line with DPE's SIA Guidelines. It is important for the community that an SIA has been conducted by a party other than the landowner who has a vested interest in the outcome.

Reasons for opposing Rezoning

REDWatch opposes the current proposal for rezoning of this site and is of the view that better social and community outcomes will be achieved by this site not being rezoned and developed at this time under the existing social housing redevelopment settings.

The site is government owned land under the control of the NSW Land and Housing Corporation (LAHC). The request to rezone was made under the former NSW Liberal Government. The new Federal and State Labor Governments have outlined a number of aspirations for building more social and affordable housing. The initial NSW announcement that sites such as this will deliver 20% affordable housing on top of the 30% social is currently unfunded and is unlikely to be in perpetuity if it is to be market funded. The current model still involves the alienation of current social housing land for private housing.

REDWatch is concerned that the SIA did not assess the social impact of the sell-off of public housing land to fund the delivery of new social housing – it should have. The use of public housing land to fund replacement and new social housing depletes the stock of inner city public land. Land available to future generations to provide housing for those people who the market fails, especially those who qualify for social housing.

It is entirely unlikely in 50-60 years (or 30 years if Explorer Street sets the expected redevelopment timeline) that this same self-funded model can even replace the number of social housing units currently proposed on what will be by then by 9% of the existing site or under 3% of the site in the following redevelopment cycle. The suggestion we have heard previously that a future government can buy land for future social housing seems highly unlikely given expected increased cost of land and government budget constraints.

One of the big challenges in delivering social and affordable housing in new areas is community opposition. Using existing Social Housing land to deliver social and affordable housing provides both tenure and social mix within communities that already have and accept public / social housing.

Under current government settings, the Explorer Street redevelopment will see at least 50% of the land lost to government and potentially 70% if the affordable housing is only for a limited period and can then be sold off.

The Federal Government has put in place some government funding for new social housing, but the NSW government has not yet announced how it plans to fund new public housing without selling off its public housing land. A delay in this rezoning and the subsequent redevelopment are likely to result in more social and affordable housing being delivered on this site. In addition by removing the self-funding obligation from LAHC it is likely that LAHC will not push the yield on sites to the max in its attempt to maximise social housing yield. The changes under consideration are likely to result in better social housing outcomes.

The SIA identifies some additional reasons that support a delay while other development options are explored by the new NSW Government. The housing stock proposed for demolition is large. LAHC has argued that the majority of people on the waiting list require one or two bedroom units. LAHC has not yet produced a [Local Area Analysis](#) housing profile for the City of Sydney LGA – which covers the large inner city estates, so it is not possible to independently test the requirements of those on the waiting list against existing housing stock.

The DCJ [expected waiting times](#) for the CS01 Inner City Allocation Zone show that the expected waiting list for 4+ bedrooms in the allocation zone is 10+ years as opposed to 5-10 years for smaller properties. This indicates that while the bulk of the wait list may need smaller houses, there is insufficient large housing in the inner city for those who qualify for 4+ bedroom housing. Nine of the 46 homes at Explorer Street are 4+ bedrooms with the balance 3 bedrooms. The SIA found that there was some over occupancy as well as the LAHC identified under occupancy. Under occupancy may result from the Department of Communities and Justice (DCJ) allocating smaller households to larger properties or it can result from larger families when children have grown up and moved out. There is hence a management dimension to the stock mismatch that can relate to under occupancy. One Explorer Street tenant at a REDWatch meeting said she was in a large house and had made an application to be transferred but that the application had not been dealt with. Dealing with this request would have made a larger home available for those on the waiting list.

The SIA has identified the need for some unit sizes in the new development to be 4+ bedrooms to guarantee right of return and for staging of inner city public housing redevelopments to minimise the impact on the waiting list. It is clear from the waiting list information that removing the largest housing stock at Explorer Street and needing to relocate those in need of larger housing will significantly impact waiting times for those on the waiting list who need large housing. This impact has been underestimated in the SIA and it disproportionately impacts Aboriginal families who tend to be larger and also have obligations to house visitors.

The NSW Government has announced that it proposes to deliver new social and affordable housing in redevelopments on government owned land. There are suitable sites in the surrounding area. Given the delay in delivering estate redevelopment, and the impact it has on the waiting list and housing stock in the short term, it makes much more sense for new social and affordable housing to be given priority on other government sites so there is an increase in social housing that can at least lessen the impact of proposed redevelopment of inner city public housing estates, like Explorer Street on the waiting list.

The housing stock at Explorer Street is only 30 years old and the buildings should be able to be maintained fit for purpose for some time rather than needing to be immediately demolished and rebuilt.

Dealing with social impacts are crucial for the rezoning of existing public housing estates where people already live. Most large scale rezoning in the inner city happen on industrial land where there is

not an existing residential population or it happens on land that is privately owned where the landowners can choose when and how they respond to the zoning change. There are existing residential populations who are impacted by Public Housing rezoning as soon as the plans for redevelopment are announced. In London ballots are being held of social housing tenants at the beginning of the redevelopment process to see if tenants support the proposed redevelopment. While this approach has not yet been adopted in Australia, its use overseas does underline the special issues around such social housing redevelopments.

It is for these reasons that REDWatch opposes the current rezoning proposal at this time.

Further Concerns about the Rezoning proposal

Lack of Shadow diagrams and Visual impact on Station Place and Rowley Street

REDWatch is concerned that there were not full shadow impact drawings for Station Place and Rowley Street residences. There was only shadow assessment for Henderson Road properties to the south, even though logic dictates that properties to the east were likely to be significantly overshadowed in the afternoon. This is an important omission when the area most impacted was built to much lower height controls to that which is proposed to its west.

The Visual Impact Assessment also does not provide any impact assessment from this location. It justifies this on page 13 when it says: "A small number of dwellings to the east of the site along Station Place and Rowley Street will also have side views of the site from dwellings located at the western edge of RFBs located at 49 Henderson Road and 1-5 Rowley Street. Views from these locations are from external terraces orientated to the north and south and small windows on the western elevations of the buildings".

It should be noted that the north facing terraces of the units towards Henderson Road, in line with the carpark exit, will be directly impacted by overshadowing as likely may be those facing Rowley Street. The omission of the impact on these premises by a 13 storey building proposed across the road is a major oversight that needs to be assessed.

Lack of gradation towards the east

Placing a 13 storey building to the eastern edge of the development does not gradate to the 4 storey buildings existing opposite. While this design approach results from the constraints of the site and the need to deliver solar access to the park, it has the effect of the height being pushed to the edges, not being massed towards the middle of the site, leading to a pre-existing low rise residential development being excessively overshadowed. Has an option for the park been explored that concentrates height to the west and which tapers more towards its 15 meter neighbours to the east?

Height of Buildings (HOB)

There continues to be concern about the height proposed, with locals pointing out it will be higher than the South Eveleigh Channel 7 building. While the DPE reference scheme has reduced the yield on the site from LAHC's initial request, there is a belief that what is proposed still includes a LAHC premium and that a private development under the City of Sydney Council regulations would only be around 10 storeys.

REDWatch also notes Council's concern that the controls allow for up to 9 storey buildings in the centre of the site that may impact solar access to the park to the south. We support Council's proposal that the permissible heights be linked to the park's solar access. REDWatch prefers a more granular approach to HOB and FSR controls that deal with such problems in the LEP at rezoning rather than spreading height and FSR across the entire development site.

REDWatch strongly supports that the HOB includes all design bonuses. REDWatch would prefer to see the HOB reduced by the amount of the possible bonus so there is a real incentive for good design rather than the current proposal that says the controls include any bonuses.

Floor Space Ratio (FSR)

The floor space proposed is almost 50% more than the adjoining housing development. Given the limitations of the site having to provide good solar access to a park to the south there is an argument to say that including the height distribution, the allowed floor space may be too high. REDWatch strongly supports that FSR includes all design bonuses.

REDWatch would prefer to see the FSR reduced by the amount of the possible bonus so there is a real incentive for good design rather than the current proposal where the controls include any bonuses.

Land Use

REDWatch supports the proposed land zoning, however the rezoning should be contingent on LAHC

and Council reaching agreement on the transfer of South Sydney Rotary Park to Council after the required remediation. As we have seen in Waterloo, LAHC are not good managers of public spaces and local parks must be under the Control of Council if the rezoning proceeds to guarantee proper public open space.

Design Guide

REDWatch notes the City of Sydney's suggestions to improve the design guide and supports these.

We also note DPE 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. REDWatch supports this approach to strengthen the role of the design guide, as this provides greater certainty to the community regarding the rezoning outcome and helps prevent development creep. This is especial the case when the LEP controls are not granular and the zoned 9 storeys cannot apply across the area shown in the LEP if the solar access to the park is to be met.

REDWatch is concerned that as the Design Guide is just a guide, so that like a DCP, it can be more easily circumvented than the LEP planning controls. For this reason REDWatch would prefer to see the outcome proposed in the reference scheme and the design guide detailed in the LEP controls, instead of in the Design Guide.

It has been suggested to REDWatch that that LAHC should look at the Arkadia Apartments on Sydney Park Road in Alexandria, as a good model. This was developed by Defense Housing Australia and comprises 55% build-to-rent (for Defense personnel) and 45% for sale on the open market. It has won numerous awards for its livability and sustainability see <https://architectureau.com/articles/arkadia/>

Pedestrian issues and parking rate

REDWatch notes the proposal for the site to be rezoned category A to limit car parking on the site while the older units to the east are category C with a large carpark. The proposal uses the sites location and proximity to railway stations and services to justify category A. The proposal however does not recognise that the site sits on a major rail corridor making access to services like Sydney University and Carriageworks difficult. While Carriageworks fits within the proposals 800m radius access to it is actually 1.8km away due to the impervious rail corridor. It is a 1 km walk just to get over the rail corridor at Macdonaldtown and 1.1km to do so at Redfern.

REDWatch is of the view that this development would definitely benefit from the pedestrian bridge proposed between Carriageworks and South Eveleigh. The referenced new Southern Concourse has minimal impact on permeability over the rail line. This development should contribute towards such infrastructure in line with the old RWA vision and Contributions Plan. REDWatch notes that the Social Infrastructure study found "Although it is an area that enjoys a reasonable provision of urban amenity, accessibility and infrastructure, access to that infrastructure and services is limited physically (with the presence of the railway line restricting access to the north) and economically".

Making areas more walkable has to sit alongside reduced parking and other moves to lessen people's need for private cars and associated in-development parking. With increased development along the railway corridor permeability across the railway line becomes crucial to have a connected neighbourhood.

REDWatch supports Council's proposal for shared zones on streets within the redevelopment, noting however that the main carpark in the development to the east exits into Station Place.

Concern has been raised about traffic impacts on Henderson Road, Railway Parade and Park Street as the only through streets. Locals in the area will have a better local knowledge of these issues that REDWatch.

Social and Affordable Housing

REDWatch supports the setting of minimums for social and affordable housing being set at the rezoning stage in site specific provisions. The minimums for this site are too low and we have opposed this rezoning because we do not believe rezoning at this point of time will maximise the social and affordable housing that can be delivered on this site.

REDWatch supports the call of the Redfern Waterloo Aboriginal Controlled Organisations and Allies that all development on government controlled land in the Redfern, Eveleigh, Darlington and Waterloo area deliver 10% of the total units as social and affordable housing for Aboriginal people. There should hence be around 40 Aboriginal homes delivered by this project where the current proposal is only for 16 homes being 20% of the 20% affordable housing.

Recognition of the Aboriginal community and Designing for Country in the Redfern Waterloo area has to include keeping a viable Aboriginal community across ages and incomes in the area. An adequate

supply of Aboriginal affordable housing is essential for those growing up in the area to also work in the area and remain connected to their community and country. The planning proposal needs to revise the Aboriginal targets and to incorporate a minimum 10% Aboriginal Social Affordable housing in the site specific provisions. This is especially so as a number of Aboriginal families currently live in the Endeavour Street public housing and they are one part of the community who have an interest in larger homes and raising families in the area.

REDWatch supports the proposal that affordable housing and social housing targets be set on floor space rather than front doors or units as happened in Waterloo South.

REDWatch does not support affordable housing which is not in perpetuity. It is a planning absurdity to say in planning controls that there will be say 20% affordable housing if it is there only at build but has reverted to private housing 10 to 15 years down the track. The government needs to build a stock of long term affordable housing and not repeat the NRAS problem currently being experienced, where affordable housing tenants are being removed and their houses going to the private market.

REDWatch is also of the view that Affordable Housing needs to be aimed at those most impacted by affordability, so affordable housing must be calculated as a percentage of income as it is under the Housing SEPP 2021.

REDWatch supports DPE amending the EP&A Regulation to prescribe conditions on development consent to achieve social and affordable housing thresholds to ensure that the minimum benefits of social and affordable housing from the rezoning are delivered.

REDWatch agrees that no affordable housing bonuses, that increase FSR and HOB, should apply to this site.

Local Infrastructure and delivery of the park

REDWatch notes Council's submission regarding the conditions for it to take responsibility for the park. The site was previously part of the Eveleigh Railyards and has a cut and cover of the Eastern Suburbs line underneath the Park. Decontamination is a big issue and the delay in getting drilling approval from Transport for NSW Rail has not helped an assessment of the site.

In REDWatch's view, resolving the future of the park is central to the rezoning proceeding. The rezoning should either be put on hold until this matter is resolved as per Council's submission, or approval be contingent on the issue being resolved to Council's satisfaction and Council taking control of a park that meets its lack of contamination requirements. This proposal is different to the proposal's solution that if the rezoning proceeds the decision about contamination should be made only by the Minister. The delivery of a usable well managed park is central to the rezoning and must be adequately dealt with at the rezoning stage to the satisfaction of Council who should run it.

REDWatch notes that solar access to the park is reduced from 100% to a minimum of 50% as a result of the rezoning. We also note Council's concern that the draft controls allow up to 9 storeys in the area where the reference scheme 4,6,7 and 9 storeys to achieve the minimum 50% winter solar access to the park. REDWatch supports the controls guaranteeing minimum solar access, preferably by a more granular allocation of height across the site rather than the blanket 9 storeys.

Quality open space is essential as the area's population increases. Council has worked hard to preserve solar access to its parks by gradating building controls to allow such access. The potential loss of solar access to the park is another indicator that the height and floor space proposed for the site is excessive. REDWatch would like to see a proposal where overshadowing of public recreational space was further reduced.

Locals have raised concern about the park sloping to Henderson Road and questioned if this really gets mid-winter sun. The cross sections in the design report do not show the level shift from the park to the street and site maps do not seem to go to the street as shown in the land use map. REDWatch has been unable to get clarification about how this area is treated in the park solar access calculations and the drawings indicate this may not have been considered and may impact the solar calculations.

The proposal relies on the existing open space area fronting Henderson Road to provide open area amenity for the dwellings, however a large part of this existing area comprises a drainage retention basin. The Storm Water Management Report says this has not yet been examined, but recognises that the site is subject to flooding. Locals say that this area is unusable after wet periods. The development needs to provide an alternative storm water disposal system that ensures good drainage so the park is usable at all times. Currently storm water has only been assessed for the part of the site that will be built upon. Drainage around the park may not be easy because of the barrier created by the Illawarra rail tunnel under the park.

State Infrastructure delivery

We have argued previously that this increase in development along the rail corridor strengthens the

case for a cross railway link between Carriageworks and South Eveleigh. Sites under BEP1 paid contributions to the old RWA Contributions Plan for such a bridge and this should be delivered with contribution also from this site.

REDWatch agrees that the delivery of affordable housing on this site should be offset against any contribution due to the RWA Affordable Housing Contributions fund or its successor.

Redfern Waterloo Authority Sites in Eastern Harbour SEPP and Planning Systems SEPP

REDWatch welcomes the removal of the site from the former Redfern Waterloo Authority Sites under Eastern Harbour SEPP and the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP). REDWatch requests DPE also explore moving the remaining former Redfern Waterloo Authority sites to the Sydney LEP so that all RWA sites are under the Sydney LEP.

REDWatch has concerns about decisions on this site remaining State Significant as in our experience sites are better dealt with in a broader local context by Council. State Significant consent sites do not tend to deal adequately with the State Significant site's surrounding context and hence do not result in the best outcomes. It is important that sites be dealt with within a wider community strategic context. The City of Sydney and the Central Sydney Planning Committee are well placed to deal with complex state significant projects. This also avoids any perception of the state government giving generous planning outcomes to other parts of government. As a fall back, if the site is handled under the SSD processes within DPE, it should ensure Council is actively involved in the SSD process at all stages.

Social Infrastructure

Care should be taken when drawing conclusions from the demographic figures in the social baseline part of the report.

Explorer Street and the adjoining social housing in Rowley Street is only part of a mixed Statistical Area (SA1) with a lot of private units also within the SA1, so these figures are not characteristic of the public housing residents impacted by the proposal.

A more accurate general picture of public housing residents is provided by looking at public housing only SA1s in Waterloo, Redfern and Surry Hills. For example the SEIFA index of advantage and disadvantage for the SA1 that covers Explorer Street has an index of 1,015 compared to an index of 595 (SA1 11703164703) and 625 (SA1 11703164707) for public housing only SA1s in Waterloo.

The demographics do not deal with the disparity between social and private tenants. Social housing disadvantage is masked by the dilution with private owners and renters. Given the tenure mix proposed for Explorer Street, the future SA1 SEIFA index of advantage and disadvantage is likely to improve further even though there may be 74 more social housing tenants living on the site as there may also be 200 additional private units and 80 affordable housing units.

While Explorer Street sits within the Redfern Street Village area it sits on the very edge of that area at the bottom of a hill and has little in common with Redfern Street Village. A better comparison would probably be the Erskineville Eveleigh Profile Area used by the City of Sydney for its own community profiles.

Community Facilities

The Social Infrastructure Study found "there is existing unmet demand for community facilities and active recreation in this part of Sydney". What is not explored is the impact of the economic disparity on people's access to community facilities. Council encourages sport and recreation type activities at a fee at many of its community facilities. This suits those who can pay for such access.

The Explorer Street development will increase the number of social housing tenants in the area, given the Bridge Housing properties in Rowley Street. LAHC's development model however expects the consortium CHP to handle its own tenants needs and hence unless specified it is likely that any facilities with the development focused on social housing tenants will only be for those of the new development.

The rezoning should require a community facility that can be accessed by both social housing tenants in the new development as well as those from the adjoining Bridge site. This is not to say that this facility cannot be accessed by other tenures, but rather to say it should focus on ensuring that there is a location where social housing tenants can meet and access outreach services.

Social Impact Assessment and Social Impact Management Plan

REDWatch welcomes the SIA and its recommendation that a "future Social Impact Management Plan should be prepared as part of future development application(s) in order to refine and ascertain the measures recommended in this SIA". REDWatch notes however that this recommendation has not been referred to in the Explanation of Intended Effect and that the Draft Design Guide (p52) only calls for it to "Ensure that development applications are accompanied by sufficient information so that social

issues and impacts resulting from development can be adequately assessed”.

There will be a requirement at SSDA stage to do a SIA and the proposed Design Guide reference does not seem to add anything to what would otherwise be required. The Design Guide needs to include the SIA recommendation that SIMPs be prepared as part of future DAs rather than the SIMPs being further delayed. This is particularly important given the SIA findings that “Over half of the anticipated negative impacts are anticipated during the pre-construction period, and many of them are related to the relocation process for existing social housing tenants”.

Given that impacts start from the announcement of public housing redevelopments, REDWatch is of the view that preliminary SIAs and SIMPs should be required at the time of the announcement. While this is not possible currently under the NSW planning system for public housing, the opportunity is there in this development to make a site specific requirement for a SIMP to address identified SIA issues at the earliest possible opportunity.

REDWatch hence urges DPE to include a SIMP requirement in the site specific requirements. We note that Council in its submission has also said “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”.

Conclusion

REDWatch has opposed this rezoning on the basis that a delay is likely to result in a better outcome with more social and affordable housing and place less pressure on the social housing waitlist.

We have however provided comment on various aspects of the proposal for consideration so that DPE have feedback on the existing proposal. This includes areas REDWatch supports as well as those where we think more work is required before a final rezoning is undertaken.

Thank you for the opportunity to comment on this proposal.

Yours Faithfully

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REDWatch is a residents and friends group covering Redfern Eveleigh Darlington and Waterloo (the same area originally covered by the Redfern Waterloo Authority). REDWatch monitors government activities in the area and seeks to ensure community involvement in all decisions made about the area. More details can be found at www.redwatch.org.au.