

# ETHOS URBAN

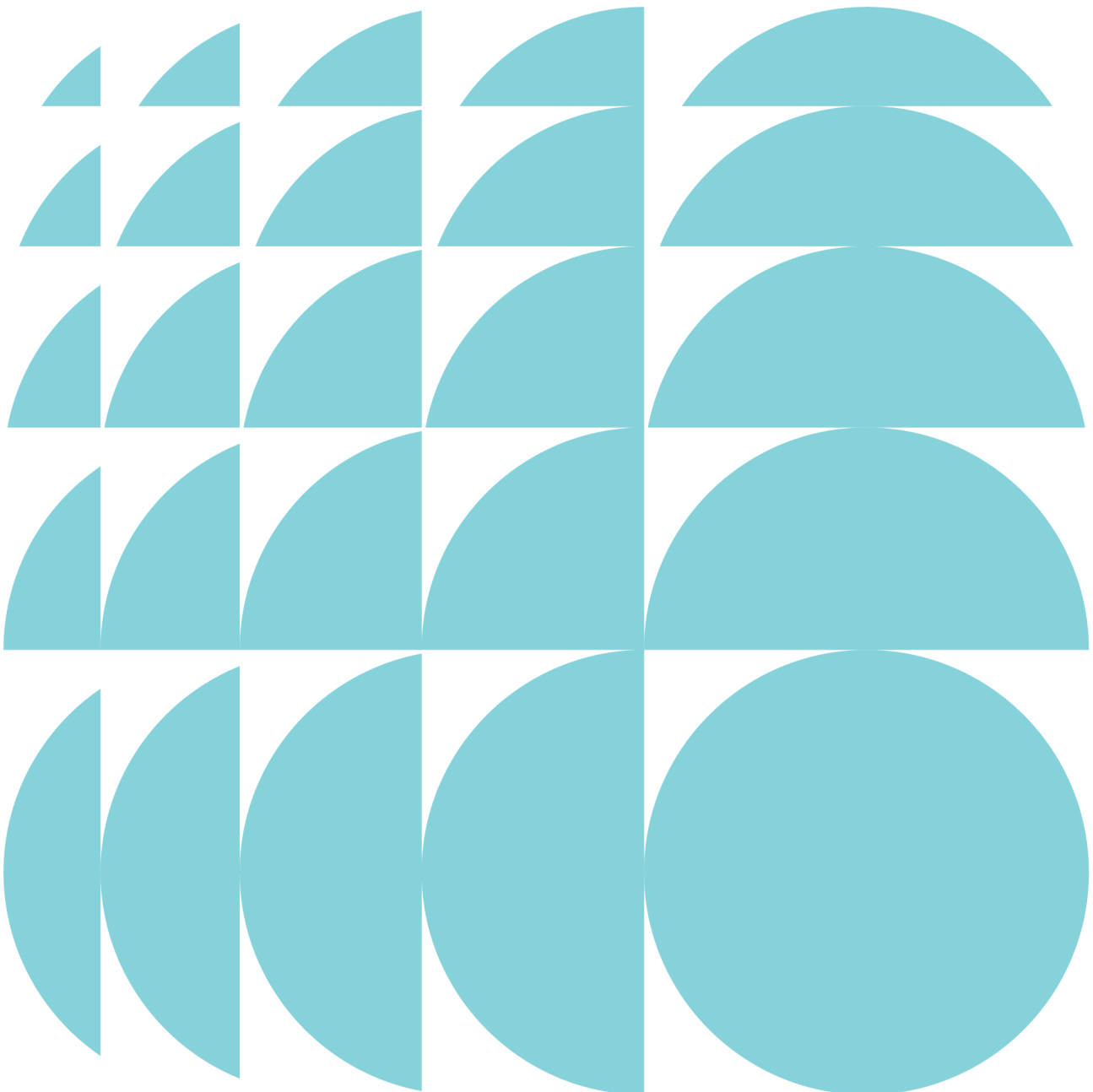
## Submissions Report SSD-11429726

26-42 Eden Street and 161-179 Princes Highway,  
Arncliffe  
Eden Street Communities Plus

Submitted to Department of Planning, Industry  
and Environment

On behalf of Arncliffe Eden Property Pty Ltd

8 February 2022 | 218757



*Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.*

*We acknowledge the Gadigal people, of the Eora Nation, the Traditional Custodians of the land where this document was prepared, and all peoples and nations from lands affected.*

*We pay our respects to their Elders past, present and emerging.*

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#### CONTACT

|            |                    |  |           |
|------------|--------------------|--|-----------|
| Jim Murray | Associate Director | <a href="mailto:jmurray@ethosurban.com">jmurray@ethosurban.com</a> | 9956 6962 |
|------------|--------------------|--|-----------|

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This document has been prepared by:

This document has been reviewed by:



|             |            |            |            |
|-------------|------------|------------|------------|
| Yousheng Li | 08.02.2022 | Jim Murray | 08.02.2022 |
|-------------|------------|------------|------------|

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|-------------|---------------|-------------|-------------|
| DRAFT       | 01.02.2022    | YL          | JM          |
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Ethos Urban Pty Ltd  
ABN 13 615 087 931.  
[www.ethosurban.com](http://www.ethosurban.com)  
173 Sussex Street, Sydney  
NSW 2000 t 61 2 9956 6952

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| <b>J</b> | Amended Clause 4.6 Variation Request – Floor<br>Space Ratio<br><i>Ethos Urban</i> | <b>U</b> | Post-Exhibition SDRP Meeting Notes<br><i>NSW Government Architect</i>      |
| <b>K</b> | Updated Transport Impact Assessment<br><i>Stanbury Traffic Planning</i>           | <b>V</b> | Submissions Register<br><i>Ethos Urban</i>                                 |

## 1.0 Introduction

### 1.1 Purpose of this Report

This Submissions Report has been prepared by Ethos Urban on behalf of Arncliffe Eden Property Pty Ltd, as part of a Response to Submissions (RTS) submitted to the Department of Planning, Industry and Environment (DPIE) to address submissions and key issues raised following the exhibition of the Environmental Impact Statement (EIS) for the Eden Street Communities Plus project in Arncliffe (SSDA-11429726).

SSD-11429726 was formally lodged with DPIE on 6 July 2021. In response to a Request for Information (RFI) dated 9 July, an amended EIS was submitted on 19 July 2021. It was publicly exhibited from 30 July 2021 to 26 August 2021 providing Bayside Council, State agencies and the public the opportunity to make submissions on the project. A summary of the project as exhibited is provided in **Section 1.4**.

The submissions received during the exhibition of the EIS form the subject of this report, known as the Submissions Report. Design amendments have been made in response to submissions and further details are provided in **Section 4** and the following:

- Amended Architectural Plans (**Appendix A**),
- Design Amendment Report (**Appendix B**),
- Amended Landscape Plans (**Appendix C**), and other appended supporting information (Table of Contents).

This Submissions Report has been prepared in accordance with the requirements of Part 4 of the EP&A Act, Schedule 2 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the issued SEARs for SSD-11429726, and the July 2021 *State Significant Development Guidelines – Preparing a Submissions Report*.

This report includes:

- A summary of the government and public submissions (**Section 2**);
- Details of further actions undertaken by the Proponent (**Section 3**);
- Amendments made to the proposal in response to issues raised (**Section 4**);
- The Proponent's detailed response to each of the issues raised (**Sections 5 – 7**);
- Environmental assessment of the amended proposal (**Section 8**); and
- Amended mitigation measures (**Section 9**).

### 1.2 Project Background

The NSW Land and Housing Corporation (LAHC) is a public trading enterprise established under the *Housing Act 2001* to manage the NSW Government's social housing portfolio. Social housing is primarily Government-owned accommodation that provides those who are unable to access suitable accommodation on the private rental market.

In 2015, LAHC launched the 'Communities Plus' program to deliver 23,000 new and replacement social housing dwellings, through the redevelopment of existing land. Development delivered under 'Communities Plus' is mixed-tenure, comprising both social and market housing. This serves two purposes: to deliver truly integrated communities that avoid concentrating large amounts of social housing in isolation, and to offset the cost of delivering new social housing.

26-42 Eden Street and 161-179 Princes Highway, Arncliffe (the site) is a major redevelopment site under the Communities Plus scheme. It is owned by LAHC and contains 142 social housing units that are no longer fit for purpose and in need of renewal. Billbergia (Arncliffe Eden Property Pty Ltd) is partnering with LAHC to redevelop the site into a mixed-use precinct with retail and residential uses, comprising both market and social housing. This includes 180 new social housing dwellings to be managed by Evolve Housing, a Community Housing Provider (CHP).

### 1.3 State Significant Development

As outlined in the exhibited EIS, the project is SSD pursuant to Clause 10, Schedule 2 of *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) as it is located on land owned by LAHC, is being carried out on behalf of LAHC, and has a capital investment value of more than \$30 million.

### 1.4 Original Development (as Exhibited)

SSD-11429726, as exhibited, sought consent for the following:

- Demolition of all existing buildings and structures on the site;
- Site preparation works, excavation and tree removal;
- The construction of a mixed-use development comprising:
  - 744 apartments across (4) buildings between 19-23 storeys in height, as follows:
    - 186 market housing apartments in Building A;
    - 202 market housing apartments in Building B;
    - 180 social housing apartments in Building C; and
    - 176 market housing apartments in Building D;
  - 3,113m<sup>2</sup> retail gross floor area;
  - 240m<sup>2</sup> for a future childcare centre;
  - 3,706m<sup>2</sup> of communal open space;
  - 813 spaces of lower ground and basement car parking; and
- 4,870m<sup>2</sup> of publicly accessible open space including a 4,000m<sup>2</sup> park, an 870m<sup>2</sup> public plaza (meeting space), and through site link connecting Eden Street and the Princes Highway.

Refer to the exhibited EIS prepared by Ethos Urban dated 19 July 2021 and attached technical reports for further detail. An artist's impression of the development, as exhibited, is provided in **Figure 1** below.

### 1.5 Pre-Lodgement Consultation

During the preparation of the EIS, the Proponent engaged with key stakeholders, including:

- The Department of Planning, Industry and Environment (DPIE);
- Bayside Council;
- The NSW Government Architect through the State Design Review Panel (SDRP) process;
- Relevant utility providers; and
- The local community (public consultation).

The pre-lodgement consultation is documented in Section 3 of the exhibited EIS.

### 1.6 Actions Taken Since Lodgement

The following actions have taken place since the EIS was placed on exhibition. Further discussion is provided in **Section 3** below. Further discussion is provided in **Section 3** below.

- Following receipt of agency and public submissions, DPIE issued a Key Issues Letter dated 24 September 2021 requesting further information be provided in response to the submissions raised;
- The Proponent has undertaken further consultation with key stakeholders and groups, including the DPIE, the NSW Government Architect State Design Review Panel, Bayside Council and Transport for NSW;
- The design has been amended to respond to the submissions and further consultation; and
- The Proponent has updated and/or prepared project documentation where relevant to respond to submissions and to address the design amendments.



**Figure 1** Photomontage of SSD-11429726 (as originally exhibited) looking north-west from the Princes Highway,  
*Source: Group GSA*



## 2.0 Analysis of Submissions

### 2.1 Overview

During the project's public exhibition period, a total of twenty-two (22) submissions were received, including submissions made by government authorities and agencies, and the public:

- Eleven (11) submissions from Government bodies and agencies, including the DPIE Key Issues Letter;
- Eleven (11) submissions from members of the general public.

A response to each submission is provided in **Sections 5 – 7**. As consistent with DPIE's July 2021 *State significant development guidelines – preparing a submissions report*, a Submissions Register is provided at **Appendix V**. An overview of the submissions is provided below.

### 2.2 DPIE Key Issues Letter

The DPIE Key Issues Letter requested clarifications and/or further information on a number of issues raised in the submissions, including:

- Design Excellence;
- Planning control variations;
- Amenity;
- Traffic and parking;
- Childcare centre;
- Housing policy;
- Social impacts;
- Contributions;
- Trees and landscape;
- Wind; and
- Urban Design Report.

On 10 November 2021, email correspondence was received from DPIE identifying additional matters for clarification following a meeting between the Proponent and DPIE. A detailed response to each issue raised by DPIE is provided at **Section 5**.

### 2.3 Government and Agency Submissions

Excluding the DPIE Key Issues Letter, a total of ten (10) submissions were received from local and state Government bodies and agencies:

- Bayside Council (Council);
- Civil Aviation Safety Authority (CASA);
- DPIE – Water Group;
- DPIE – Environment, Energy and Science Group (EES);
- Environment Protection Authority (EPA);
- Heritage NSW;
- Heritage NSW – Aboriginal Cultural Heritage (ACH);
- Land and Housing Corporation (LAHC);
- Transport for NSW (TfNSW); and
- Sydney Water.

In summary:

- The Bayside Council submission noted that 'Council supports the provision of social housing and the development generally' but raised concerns around the bulk and scale of the development as exhibited and therefore did not support the development in its exhibited form.
- The LAHC submission supported the proposed development.
- All other submissions provided comments, and neither supported nor opposed the proposed development.

A detailed response to each agency submission is provided in **Section 6**.

## 2.4 Public Submissions

A total of eleven (11) submissions were received from members of the public, including one submission by Strata Plan 56932 at 158-164 Princes Highway, Arncliffe. 10 submissions opposed the proposal and one submission provided comments but did not appear to support or oppose the proposed development. The submissions raised the following issues:

- Built form, bulk and scale;
- Visual impacts;
- Landscape design;
- Traffic and parking;
- Infrastructure impacts;
- Construction impacts; and
- Social impacts.

A detailed response to the public submissions is provided in **Section 7**.

### 3.0 Actions Taken Since Exhibition

**Table 1** outlines the actions undertaken by the Proponent to progress the project in response to submissions.

**Table 1 Actions taken since exhibition**

| Action             | Description   |
|--------------------|---|
| Further engagement | <p>The Proponent has consulted extensively with key stakeholders:</p> <p><b><u>NSW Government Architect State Design Review Panel</u></b></p> <ul style="list-style-type: none"> <li>The project's engagement with the Government Architect State Design Review Panel (SDRP) has continued. The 4<sup>th</sup> and 5<sup>th</sup> SDRP meetings were held following public exhibition, on 29 September and 24 November respectively. The SDRP process ensures the project as amended under this RTS continues to exhibit design excellence. SDRP minutes of these meetings are attached at <b>Appendix U</b>.</li> </ul> <p><b><u>Bayside Council</u></b></p> <p>The Proponent has held several meetings with Bayside Council post-exhibition:</p> <ul style="list-style-type: none"> <li>On 16 September 2021 to discuss concerns raised in Council's submission in general;</li> <li>On 21 October 2021 with Council's traffic team to discuss traffic engineering matters; and</li> <li>On 22 November 2021 to discuss development contributions and public domain items.</li> </ul> <p><b><u>DPIE</u></b></p> <ul style="list-style-type: none"> <li>The Proponent met with the DPIE Assessment team on 4 November 2021 to discuss issues raised in the Key Issues Letter and outline the proposed response.</li> <li>A further meeting was held between the Proponent, the DPIE Assessment team and Transport for NSW (TfNSW) to discuss traffic engineering matters on 7 December 2021.</li> </ul> <p><b><u>Registered Aboriginal Parties</u></b></p> <ul style="list-style-type: none"> <li>In response to issues raised by Heritage NSW – Aboriginal Cultural Heritage (ACH), the project team is currently engaged in consultation with relevant Registered Aboriginal Parties (RAPs), including the Didge Ngunawal Clan; Waawaar Awaa Aboriginal Corporation; Kamilaroi Yankuntjatjara Working Group; Goobah Developments; A1 Indigenous Services; and Butucarbin Aboriginal Corporation. Refer to <b>Sections 6.7 and 8.13</b>.</li> </ul> |
| Project amendments | <p>The Proponent has proposed amendments to the built form and apartment layouts, architecture, childcare location, site access and landscaping. The proposed amendments are discussed in <b>Section 4</b> and documented in the amended Architectural Plans (<b>Appendix A</b>) the Design Amendment Report (<b>Appendix B</b>) and amended Landscape Plans (<b>Appendix C</b>).</p>   |
| Further assessment | <p>Additional assessment has been undertaken by the project team where necessary to respond to submissions, and to quantify any changes to conclusions, recommendations and mitigation measures resulting from the proposed amendments. The additional assessment is appended to this Submissions Report (refer to Table of Contents) and comprises:</p> <ul style="list-style-type: none"> <li>CPTED Cover Letter prepared by Ethos Urban (<b>Appendix E</b>);</li> <li>Accessibility Statement prepared by Morris Goding Access Consulting (<b>Appendix F</b>);</li> <li>Visual Impact Cover Letter prepared by Ethos Urban (<b>Appendix G</b>);</li> <li>Arborist Cover Letter prepared by Naturally Trees (<b>Appendix H</b>);</li> <li>Amended Clause 4.6 Variation Requests prepared by Ethos Urban (<b>Appendices I and J</b>);</li> <li>Updated Transport Impact Assessment prepared by Stanbury Traffic Planning (<b>Appendix K</b>);</li> <li>Aboriginal Cultural Heritage Assessment Report prepared by Artefact Heritage (<b>Appendix L</b>);</li> <li>Flood Impact Assessment Report prepared by TTW (<b>Appendix M</b>);</li> <li>Amended Stormwater Plans prepared by TTW (<b>Appendix N</b>);</li> <li>Updated BASIX Certificate prepared by Integreco (<b>Appendix O</b>);</li> <li>Amended Airspace Assessment prepared by Thompson GCS (<b>Appendix P</b>);</li> <li>Amended Social Impact Assessment prepared by Ethos Urban (<b>Appendix Q</b>);</li> <li>BCA Cover Letter prepared by Blackett Maguire + Goldsmith (<b>Appendix R</b>); and</li> <li>Fire Engineering Cover Letter prepared by Stantec (<b>Appendix S</b>).</li> </ul> <p>An environmental assessment of the project as amended by this RTS is provided in <b>Section 8</b>.</p>  |



## 4.0 Proposed Amendments

Following exhibition, amendments have been made to the design of SSD-11429726 pursuant to Clause 55 of the EP&A Regulation. They comprise the following:

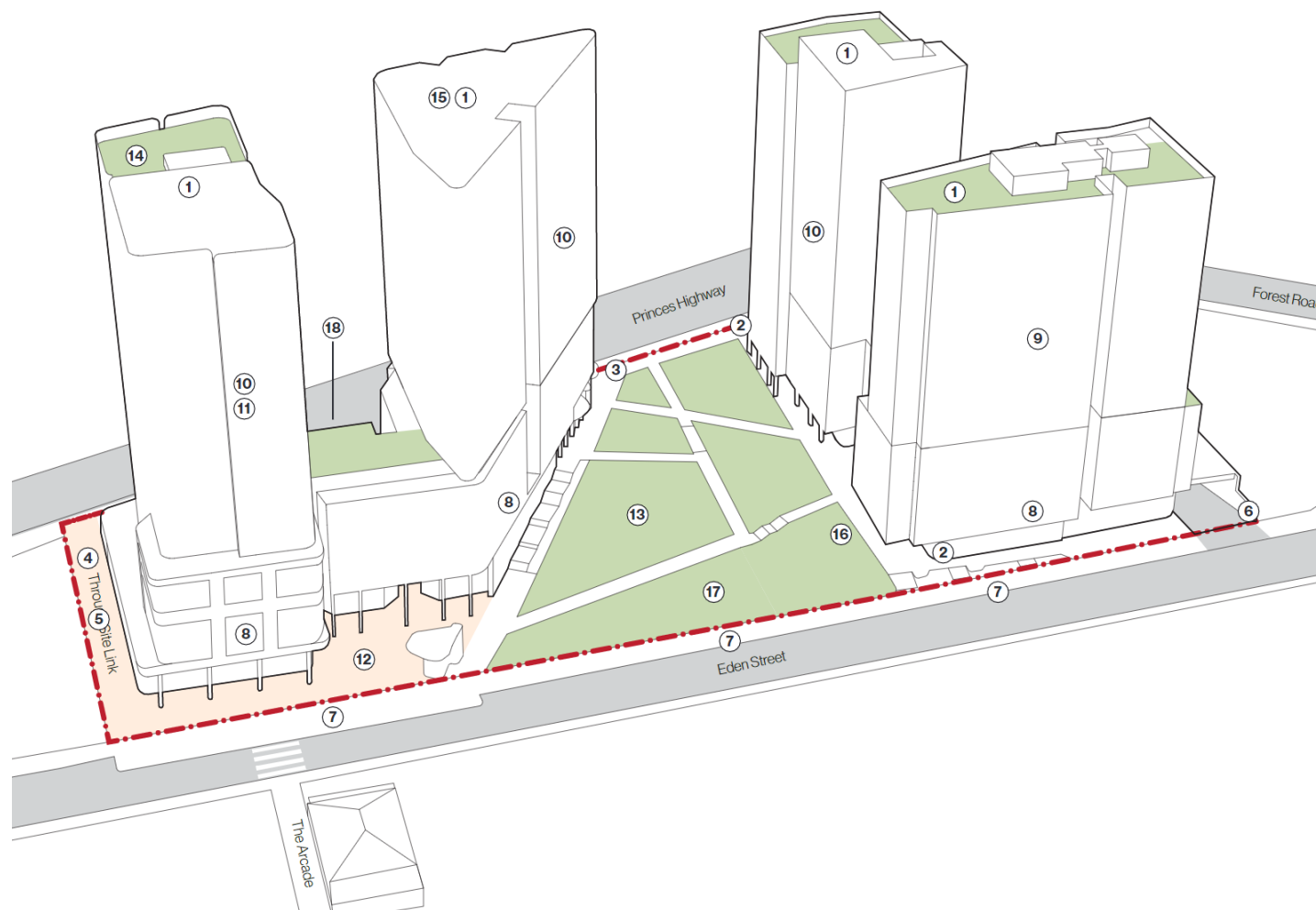
- Buildings A and B have been reduced in height to comply with the site's 70m height limit, excepting a minor 1.5m exceedance for the Building B lift overrun. An additional storey has been added for Building C, while remaining below the 70m height limit (**Section 4.1**);
- The building floorplates for Buildings A, B and C have been amended to increase the number of apartments that are naturally cross ventilated and to revise the articulation of the tower forms (**Section 4.2**);
- Significant amendments have been made to the materiality and façade expression of the podium and tower forms for each building, including to reduce glazing and increase solidity (**Section 4.3**);
- The proposed childcare centre has been relocated to the upper ground and level one of Building C, and the retail floor area originally proposed in that location has been relocated to Building D (**Section 4.4**);
- Amendments have been made to reduce the basement footprint and increase soil and planting area, increase the existing number of trees to be retained, provide a flat area within Eden Street Park, and refine the design of the 'Meeting Place' public plaza (**Section 4.5**); and
- The Eden Street driveway has been simplified with a single entrance and exit point now shared between the basement and loading dock, reducing its width. An additional vehicular entrance has also been provided to the Princes Highway (**Section 4.6**).

The proposed amendments are illustrated in **Figures 2 – 5** and described in detail in the following subsections of this Submissions Report. A numerical comparative summary is provided at



**Figure 2** Photomontage of SSD-11429726 (as proposed to be amended) looking north west from the Princes Highway

Source: Group GSA



## Summary of Changes

1. Buildings all compliant with LEP height ( Bldg B lift over run is the only exceedance)
2. Childcare moved from Princes Hwy (Bldg. D) to Eden St ( Bldg C) & landscape setback to Princes Hwy redesigned to DCP and lobby entry
3. Basements all setback from Princes Hwy Boundary by 3m deep soil, & Lower ground setback 6m for 2/3 of Princes Hwy length
4. Removal of basements from under the entire through site link on the northern boundary
5. Lessened impact to tree 109 TPZ + amendments to lower ground plan retail
6. Retention of tree 03 on Eden St & 40% reduction to driveway crossover via consolidation
7. Additional existing trees retained
8. Building footprints of buildings A, B and C developed to improve cross vent and stronger form articulation
9. Each building individually now meets ADG compliance for cross vent & solar
10. Materials palette of buildings consolidated and further refined
11. Expression of architecture and detailing across towers simplified and unified
12. Meeting place simplified
13. Public Park developed with larger flat area for recreation
14. Communal open space to rooftop of Bldg A revised to sit wholly within LEP height limit ( now 2/3 of rooftop)
15. Communal open space removed from Bldg B rooftop and replaced with a green roof and solar farm
16. Bicycle storage clearly defined in basement
17. deep soil zone under park shape adjusted ( % maintained)
18. new deceleration lane and left in only ramp access added from Princes Hwy to B01 as requested by TfNSW, public realm adjusted to accommodate

**Figure 3** Summary of design changes (looking east from Eden Street)

Source: Group GSA



**Figure 4** Amended development, viewed from Princes Highway

Source: Group GSA



**Figure 5** Amended development, viewed from Eden Street

Source: Group GSA



## 4.1 Building Heights

The proposed amendments to the maximum building height for each building are outlined in Table 2, explained below, and illustrated at **Figures 6 – 8**.

**Table 2 Amendments to building heights**

| Building   | Height (as exhibited) | Height (as amended) | +/-     |
|------------|-----------------------|---------------------|---------|
| Building A | 74.3m (RL 95.05m)     | 70m (RL 90.75m)     | - 4.3m  |
| Building B | 74.85m (RL 98.25m)    | 71.5m (RL 94.9m)    | - 3.35m |
| Building C | 64.3m (RL 89.65m)     | 67.4m (RL 92.65m)   | + 3.1m  |
| Building D | 60.6m (RL 91.2m)      | 60.6m (RL 91.2m)    | N/A     |

**Building A:** Building A still comprises 22 storeys. The maximum building height has been reduced by:

- Reducing all floor to floor heights (excepting ground level) between storeys to a maximum of 3.1 metres;
- Reconfiguring the rooftop open space to utilise half of the rooftop area; and
- Redesigning the top floor (level 20) as a walk-up storey (no lift access) which removes the lift overrun protrusion above the parapet.

Building A now complies with the maximum 70 metre development standard (**Figure 6**).



**Figure 6 Building A (north east elevation), as exhibited (left) and as amended (right)**

Source: Group GSA

**Building B:** Building B still comprises 23 storeys. The maximum building height has been reduced by:

- Reducing all floor to floor heights between storeys to a maximum of 3.1 metres (excepting ground level); and
- Removing the rooftop open space.

A minor 1.5 metre variation (2.14%) to the maximum 70 metre development standard remains to accommodate the lift overrun (**Figure 7**).



**Figure 7** Building B (north east elevation), as exhibited (left) and as amended (right)

Source: Group GSA

**Building C:** The maximum building height has increased from 19 to 20 storeys to accommodate a reconfigured apartment layout which reduces the maximum number of apartments per floor from 12 to 10. The amendment provides natural ventilation to a greater number of apartments. Building C continues to comply with the maximum 70 metre development standard (**Figure 8**).



**Figure 8** Building C (south east elevation), as exhibited (left) and as amended (right)

Source: Group GSA

**Building D:** The maximum height remains unchanged and complies with the 70 metre development standard.

## 4.2 Building Floorplates and Façade Articulation

The building floorplates for Buildings A, B and C have been amended to increase the number of apartments that are naturally cross ventilated, and to revise the articulation of the tower forms. Over 60% of all apartments in the first 9 storeys of every building are now naturally cross ventilated, exceeding the ADG minimum – see **Section 8.5**. Building C has also had its maximum number of apartments per floor reduced from 12 to 10.

The refinements to each building are discussed in detail on page 4 of the Design Amendment Report (**Appendix B**) and summarised in **Table 3**.

**Table 3 Amendments to building floorplates**

| Building   | Amendments  |
|------------|---|
| Building A | <ul style="list-style-type: none"> <li>Reconfiguration of the building podium to increase cross ventilation to apartments.</li> <li>Steeping of the tower form to increase cross ventilation on the northern façade. The step is continued up the tower for form articulation.</li> <li>Slipping of the western façade to improve solar access and cross ventilation of a number of apartments.</li> <li>Introduction of plenum-assisted cross ventilation opportunity across lobby to 1-bedroom apartments in the tower opposite the circulation core.</li> </ul>                    |
| Building B | <ul style="list-style-type: none"> <li>Relocation of the condenser farm from behind the lobby to the northern façade, to provide clear views from the lobby to Eden Street Park and enabling breaks in built form to increase cross ventilation and articulation.</li> <li>Split in north western tower façade to allow for additional point of ventilation and daylight to the corridor.</li> <li>Articulation of tower form to the north eastern orientation to increase cross ventilation</li> <li>Introduction of opportunities for plenum-assisted cross ventilation.</li> </ul> |
| Building C | <ul style="list-style-type: none"> <li>New large step in form facing Eden Street to increase cross ventilation and improve articulation.</li> <li>Step in form to northern end to increase cross ventilation and improve articulation.</li> <li>Step in form to south eastern form to increase cross ventilation and articulation in built form.</li> </ul>   |
| Building D | <ul style="list-style-type: none"> <li>Removal of condenser farm in podium for improved cross ventilation.</li> <li>Introduction of step in built form for the south western podium for improved cross ventilation.</li> </ul>  |

The amendments have also reduced the extent of wintergardens required (and therefore the required FSR variation) from 1,825m<sup>2</sup> to 1,737m<sup>2</sup>. See Clause 4.6 Variation Report for FSR at **Appendix J**.

## 4.3 Materiality, Façade Expression and Solidity

Significant amendments have been made to the materiality and façade expression of the podium and tower forms for each building. The proposed amendments generally comprise unification and simplification of form, consolidation of the material palette (including using concrete as a consistent material), finer grain podium architecture and more prominent horizontal articulation.

The amended architectural expression reduces the glazing and increases solidity. A solidity of 50% or more is achieved for the majority of the facades of all buildings as summarised in **Table 4**. The proposed façade amendments are discussed in further detail in the Design Amendment Report (**Appendix B**).

**Table 4 Façade solidity percentage**

| Façade          | Building A | Building B | Building C | Building D |
|-----------------|------------|------------|------------|------------|
| Eastern façade  | 58% solid  | 50% solid  | 57% solid  | 52% solid  |
| Northern façade | 48% solid  | 63% solid  | 55% solid  | 47% solid  |
| Western façade  | 52% solid  | 52% solid  | 53% solid  | 52% solid  |
| Southern facade | 46% solid  | 45% solid  | 83% solid  | 56% solid  |

Artist's impressions of the revised facades are provided in **Figures 9 – 12** below.





**Figure 9** Eden Street elevation, as exhibited

Source: Group GSA



**Figure 10** Eden Street elevation, as amended

Source: Group GSA





**Figure 11** Princes Highway elevation, as exhibited

Source: Group GSA

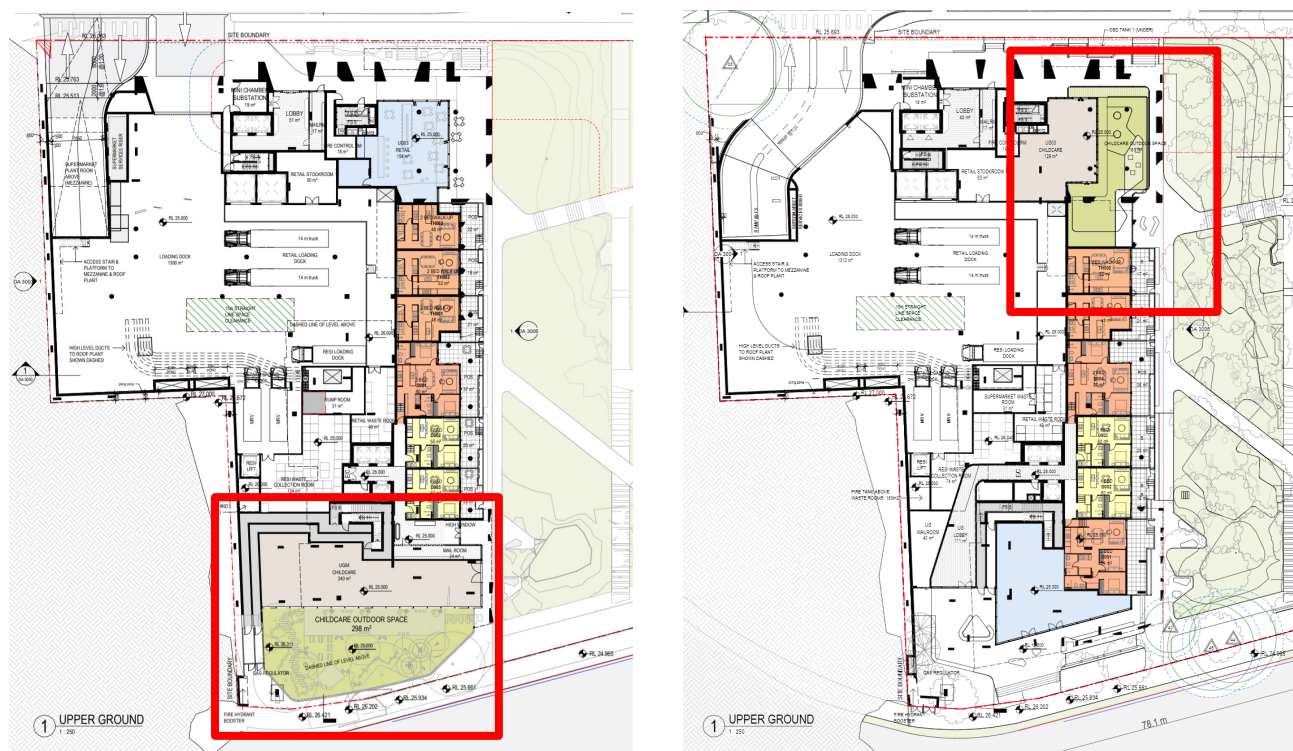


**Figure 12** Princes Highway elevation, as amended  
*Source: Group GSA*



#### 4.4 Relocation of the Childcare Centre

The proposed childcare centre has been relocated to the upper ground and level one of Building C. The retail floor area originally proposed in that location has been relocated to Building D. The childcare centre is now located along the Eden Street frontage with an aspect towards Eden Street Park, and the retail tenancy is located along the Princes Highway (Figure 13).



**Figure 13** Childcare centre location (red) – as exhibited (left), and as amended (right)

Source: Group GSA, edits by Ethos Urban

#### 4.5 Landscape, Tree Retention and Open Space

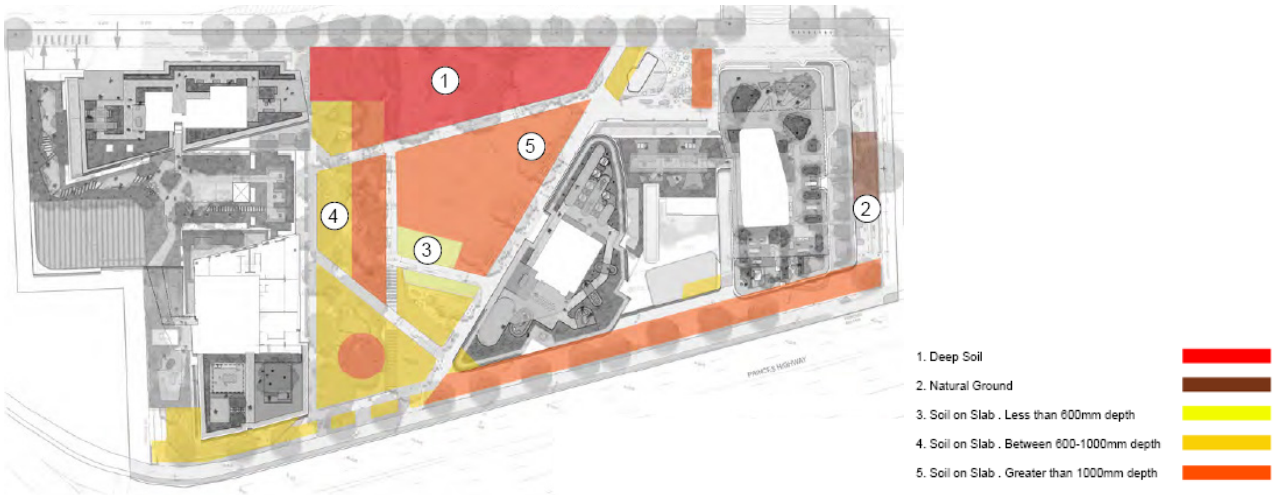
##### 4.5.1 Soil Zones

The basement footprint has been reduced along the Princes Highway and removed from below the through site link to increase the amount of natural ground and soil on slab on site.

Under the amended RTS scheme, an additional minimum 3m wide continuous 'natural ground' soil area has been provided to the site's Princes Highway frontage, and a further 3m as soil as slab with width varying between 1.2m and 4.7m. This results in a 6 metre natural soil setback to the Princes Highway allotment boundary.

13% of the site is now either deep soil (8%) or 'natural ground' (5%), and 33% of all site area is of soil depth adequate to support tree planting. This significantly exceeds requirements for deep soil under SEPP ARH (>15% of site area to support tree or shrub planting).

The proposed amendments which are illustrated in **Figures 14 – 16**.



**Figure 14** Soil area, as exhibited

Source: Group GSA



**Figure 15** Soil area, as proposed to be amended

Source: Group GSA



**Figure 16** Revised Princes Highway soil setback cross section

Source: Group GSA

### 4.5.2 Tree Planting and Retention

The proposal will result in a net increase of 105 trees on site. The soil volume allocated to each proposed tree varies between 100m<sup>3</sup> – 120m<sup>3</sup>, which is well above the required DCP minimum of 35m<sup>3</sup>. The proposed amendments to the basement footprint have enabled the retention of additional trees and increased tree protection zones (TPZ) as illustrated in **Figure 17** and outlined below:

- The built form encroachment into the Tree 109 TPZ has been reduced to no more than 10% (down from as 18% exhibited) in line with AS4970-2009 recommendations and ensuring that the tree can be retained effectively. The encroachment of the Tree 111 TPZ remains at 10% enabling its retention.
- Trees 44-45 *Corymbia citriodora* (lemon-scented gum) along the Princes Highway frontage are now proposed to be retained.
- The reconfiguration of the Eden Street basement entry (see **Section 4.6.1**) enables Tree 3 (*Corymbia citriodora*) to be retained.



**Figure 17 Amendments to basement envelope, reducing impacts on Tree 109 (red) and enabling retention of Trees 3, 44-45 (green)**

Source: Group GSA, edits by Ethos Urban

### 4.5.3 Eden Street Park

The Eden Street Park surface levels have been amended to provide a 270m<sup>2</sup> flat area suitable for a range of activities including ball games. The Park's perimeter remains at the same level as the surrounding pathways to ensure level access. The proposed amendments are illustrated in **Figures 18 – 19**.

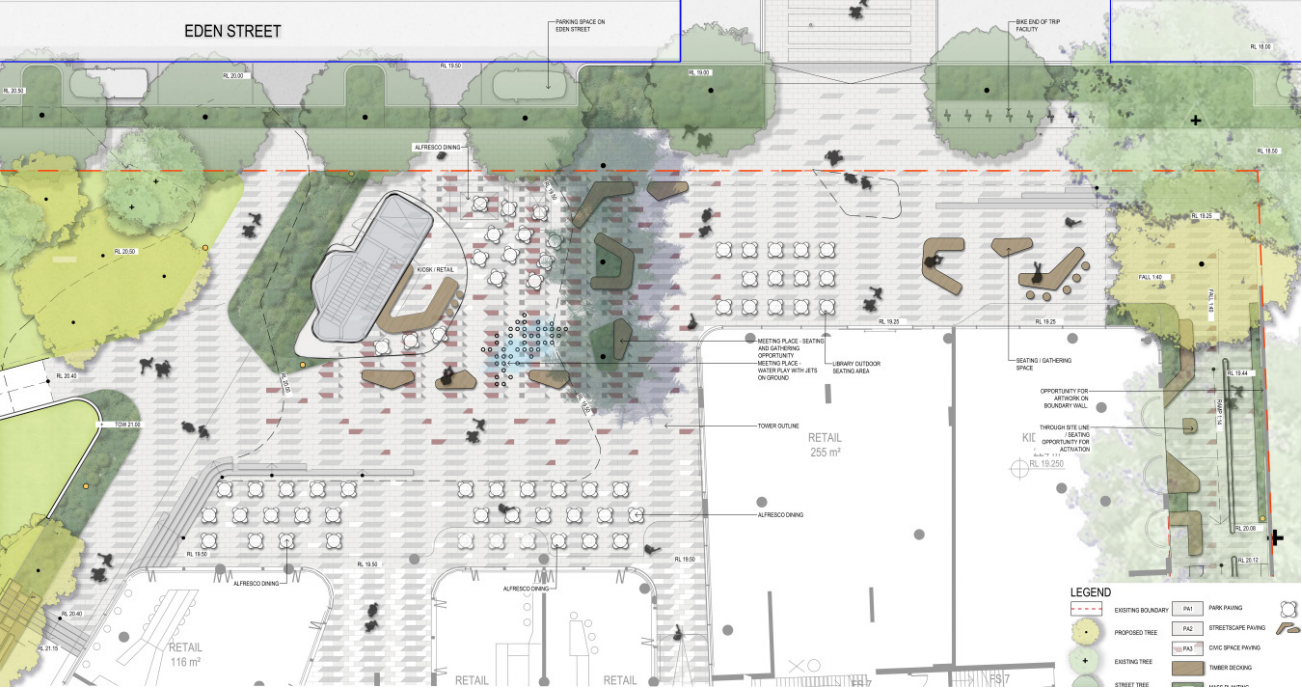






# 4.5.4 Meeting Place

Amendments are proposed to the design of the ‘Meeting Place’ public plaza. The informal outdoor seating and planting has been reconfigured to create an open flexible area adjacent to Eden Street for community events and to provide for greater integration between Building A and the public domain. The kiosk area has also been amended to incorporate embedded and tiered landscaped elements. The exhibited plan and proposed amendments are illustrated at **Figures 20 – 21**.



**Figure 20 Meeting Place design, as exhibited**

Source: Group GSA



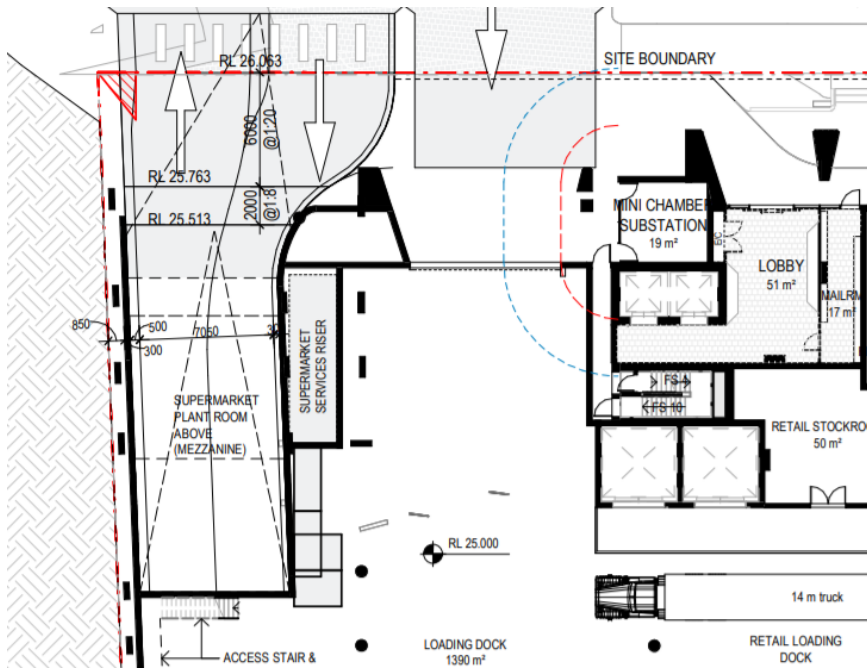
**Figure 21 Meeting Place design, as amended**

Source: Group GSA

## 4.6 Vehicular Access

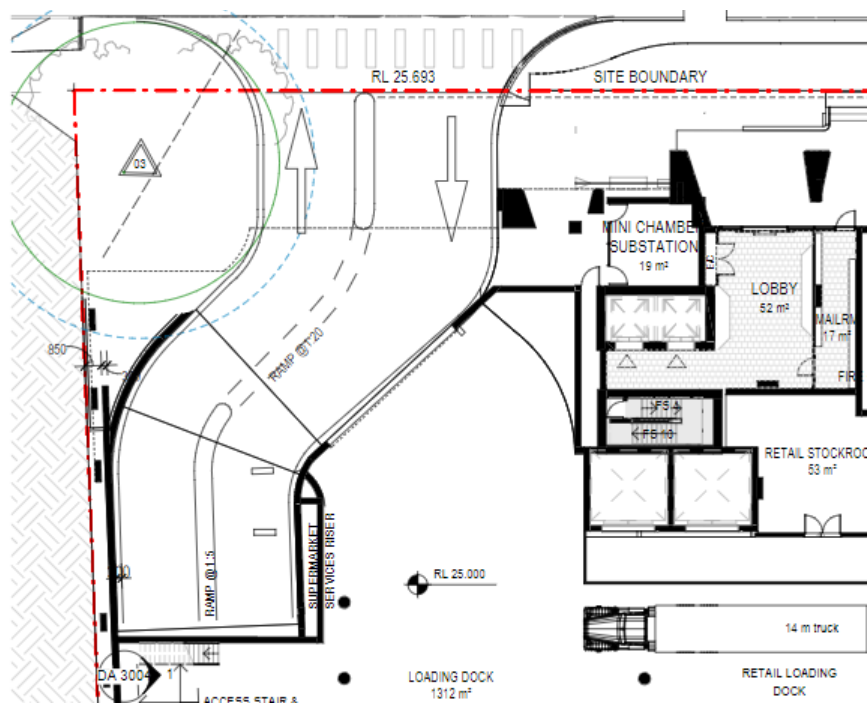
### 4.6.1 Eden Street Driveway

The Eden Street driveway has been reconfigured to provide a single entrance and exit point shared between the basement and loading dock (refer to **Figures 22 – 23**). The reconfiguration reduces the width of the driveway (from 29m to 12.3m) to improve public domain amenity for pedestrians, enables the retention of Tree 3 on the site's southwestern corner, and locates the site's entrance a greater distance from the bend in Eden Street.



**Figure 22** Eden Street driveway configuration, as exhibited

Source: Group GSA



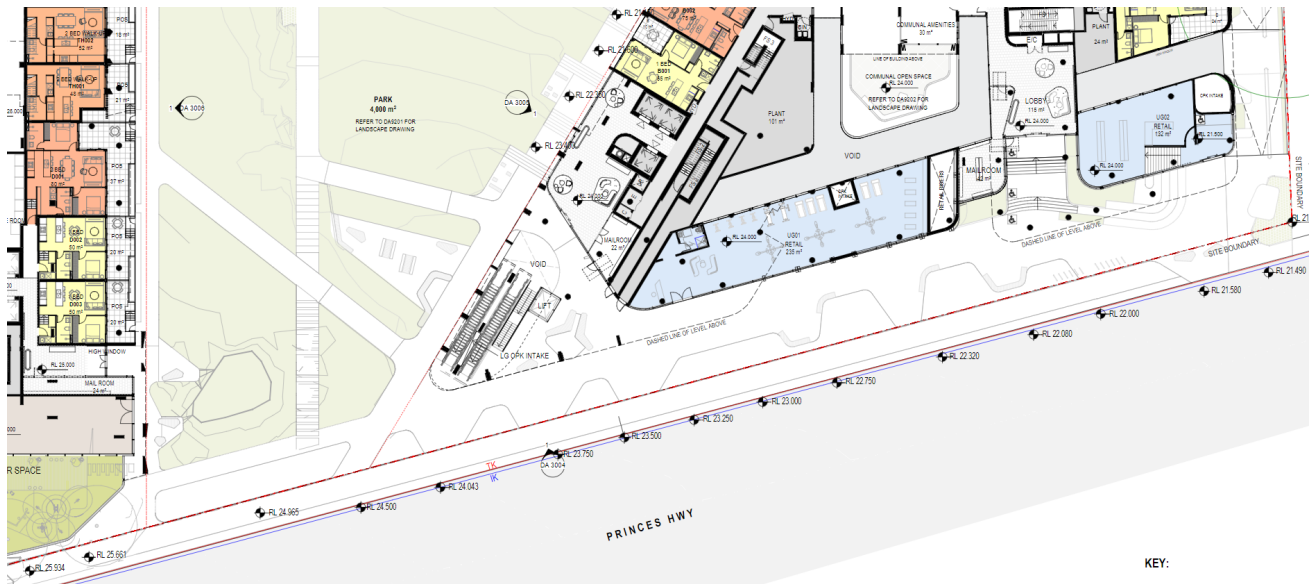
**Figure 23** Eden Street driveway configuration, as amended

Source: Group GSA



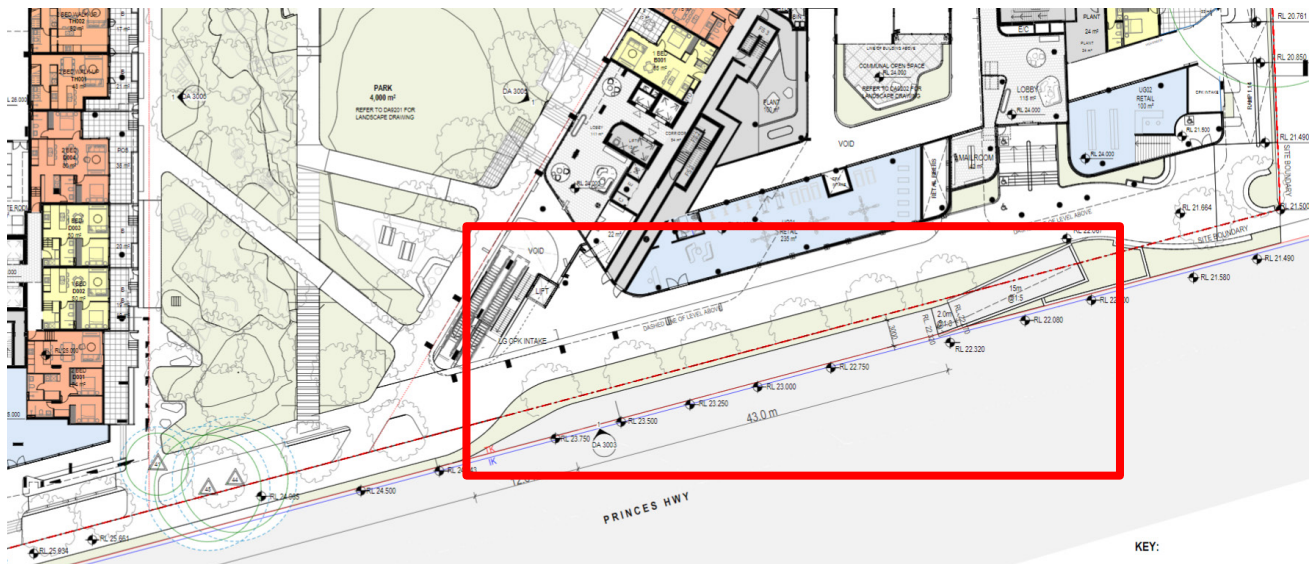
#### 4.6.2 Princes Highway Vehicular Entrance

A new deceleration lane and left-in only basement entrance is proposed from the Princes Highway (refer to **Figures 24 – 25**). The Princes Highway access will improve access to the development for vehicles coming from the south on Princes Highway or east on Wickham Street. It removes the need for vehicles coming from the south and east to access the site via the local road network (Eden Street via Burrows Street), which will reduce the volume of traffic on the local roads and improve the amenity of Eden Street.



**Figure 24** Princes Highway frontage, as exhibited

Source: Group GSA



**Figure 25** Princes Highway frontage as amended, with new vehicular entrance (red)

Source: Group GSA, edits by Ethos Urban

## 4.7 Comparative Summary

A comparative numerical summary between SSD-11429726 as exhibited, and as proposed to be amended, is provided in **Table 5** below. Where amendments have been made, these are shown in ***bold italics***.

**Table 5** Comparative numerical summary

| Component   | As exhibited  | As amended   |
|---|---|--|
| Site area   | 13,440.3m <sup>2</sup>  | 13,440.3m <sup>2</sup>   |
| GFA   | Residential: 61,160m <sup>2</sup> ( <i>62,985m<sup>2</sup> including wintergardens</i> )<br>Retail: 3,113m <sup>2</sup><br>Childcare: 240m <sup>2</sup><br><br>Total: 64,513m <sup>2</sup> ( <i>66,338m<sup>2</sup> including wintergardens</i> ) | Residential: 61,160m ( <b><i>62,897m<sup>2</sup> including wintergardens</i></b> )<br>Retail: 3,113m <sup>2</sup><br>Childcare: 240m <sup>2</sup><br><br>Total: 64,513m <sup>2</sup> ( <b><i>66,250m<sup>2</sup> including wintergardens</i></b> ) |
| FSR   | 4.80:1 ( <i>4.94:1 including wintergardens</i> )  | 4.80:1 ( <b><i>4.93:1 including wintergardens</i></b> )  |
| Maximum height  | Building A: RL 95.05m<br>Building B: RL 98.25m<br>Building C: RL 89.65m<br>Building D: RL 91.2m   | <b>Building A: RL 90.75m</b><br><b>Building B: RL 94.9m</b><br><b>Building C: RL 92.65m</b><br>Building D: RL 91.2m  |
| Maximum height (storeys) ( <i>including lower and upper ground floors</i> ) | Building A: 22 storeys<br>Building B: 23 storeys<br>Building C: 19 storeys<br>Building D: 22 storeys  | Building A: 22 storeys<br>Building B: 23 storeys<br>Building C: <b>20 storeys</b><br>Building D: 22 storeys  |
| Apartments  | Building A: 186<br>Building B: 202<br>Building C: 180 (social housing)<br>Building D: 176<br><br>Total: 744   | Building A: 186<br>Building B: 202<br>Building C: 180 (social housing)<br>Building D: 176<br><br>Total: 744  |
| Apartment mix   | Studio: 9 (1.2%)<br>1 bedroom: 323 (43.4%)<br>2 bedroom: 262, including 3x 2 bedroom townhouses (35.2%)<br>3 bedroom: 150 (20.2%)   | Studio: 9 (1.2%)<br>1 bedroom: 323 (43.4%)<br>2 bedroom: 262, including 3x 2 bedroom townhouses (35.2%)<br>3 bedroom: 150 (20.2%)  |
| Vehicular parking   | Residential: 654<br>Visitor: 75<br>Retail: 78<br>Childcare: 6<br>Total: 813 car spaces<br><br>Motorcycle: 67 spaces<br>Bicycle: 392 spaces  | Residential: 654<br>Visitor: 75<br>Retail: 78<br>Childcare: 6<br>Total: 813 car spaces<br><br>Motorcycle: 67 spaces<br><b>Bicycle: 398 spaces</b>  |
| Communal (residents') open space  | 3,706m <sup>2</sup>   | <b>2,893m<sup>2</sup></b>  |
| Publicly accessible open space  | Eden Street park: 4,000m <sup>2</sup><br>Public plaza (meeting space): 870m <sup>2</sup><br><br>Total: 4,870m <sup>2</sup>  | Eden Street park: 4,000m <sup>2</sup><br>Public plaza (meeting space): 870m <sup>2</sup><br><br>Total: 4,870m <sup>2</sup>   |

## 5.0 Response to Department of Planning, Industry and Environment

### 5.1 Response to DPIE Key Issues Letter

**Table 6** provides a response to the Key Issues Letter issued by the DPIE dated 24 September 2021.

**Table 6 Response to DPIE Key Issues Letter**

| Item              |   | Response   |
|-------------------|---|--|
| Design Excellence | Address the issues raised by the SDRP in their most recent review, including concerns regarding architectural expression, glazing, the response to Country and other matters.   | <p>The SDRP confirmed via email dated 20 December 2021 that:</p> <p><i>“The panel is pleased to advise the project (with the latest amendments as proposed and illustrated in views sent 17/12/21) is considered to have satisfied Bayside LEP Clause 6.10 (3) which states:</i></p> <p><i>(3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.”</i></p> <p>Therefore, the amended proposal is considered to have satisfactorily addressed the matters raised by the SDRP. The design amendments proposed in response to the matters raised by the SDRP are addressed in the Design Amendment Report at <b>Appendix B</b>.</p> |
|                   | Address the design related comments and concerns raised by council including but not limited to:<br>a) Height and floor space variations<br>b) Street wall height<br>c) Active street frontages<br>d) Ground level floor to ceiling heights along the Princes Highway<br>e) Open space design<br>f) Basement setbacks and deep soil planting<br>g) Location of the childcare centre<br>h) Relationship to existing/future development of neighbouring sites | The Council's comments and concerns are addressed in detail at <b>Section 6.1</b> .  |
|                   | Your response to these issues must be presented to the SDRP to be critically analysed by the panel.   | Refer to SDRP response above. Matters raised by the SDRP have been satisfactorily addressed.   |
|                   | Following this process, you are requested to demonstrate how the issues raised by both the panel and Council have been resolved in consultation with the panel and that the proposal achieves design excellence.  | As above.  |
|                   | Noting the potential adjoining redevelopment sites to the north and south within the block, provide more specific contextual analysis of these sites and demonstrate how the proposal future proofs their potential future redevelopment.   | Refer to Adjacent Development analysis at page 12 of the Design Amendment Report ( <b>Appendix B</b> ). Group GSA has undertaken a comprehensive review of   |

| Item       |  | Response   |
|------------|--|--|
|            |  | <p>the surround are feasibly developable and capable of compliance with the ADG, including for solar access.</p> <p>The analysis demonstrates that surrounding sites have been future proofed with regards to setbacks, amenity, and overshadowing to ensure the feasible development of the entire surrounding precinct.</p>  |
| Variations | <p>Reconsider the proposed variations to development standards, noting the height/floor space controls were recently amended in 2018. Provide an analysis of alternative built form approaches which would deliver the proposed social housing floorspace, whilst complying with the height controls.</p> <p>If you wish to pursue variations to the development standards:</p> <ul style="list-style-type: none"> <li>clarify how the proposed additional height for the private housing buildings A and B enables additional affordable housing on the site</li> <li>quantify the amount of social housing (dwelling numbers and floorspace), which would be lost by a height compliant proposal including supporting evidence verified by LAHC</li> <li>provide further analysis of the benefits of the non-compliance including consideration of design excellence, visual and amenity impacts.</li> <li>Provide Gross Floor Area (GFA) calculations for the omitted the wintergardens.</li> </ul> | <p><u>Height</u><br/>Buildings A, C and D comply with the site's 70 metre height limit. The height of Building B has also been reduced to comply, apart from a minor and localised variation of 1.5m (2.14%) to accommodate lift overrun. The overrun is centrally located and will not be visible from the public domain or surrounding dwellings. An amended Clause 4.6 Variation is provided at <b>Appendix I</b>.</p> <p><u>Floor Space Ratio</u><br/>The proposed FSR variation is minimal and entirely the result of enclosing certain balconies facing the Princes Highway to become wintergardens which enables the balconies to achieve the required noise criteria for residential use. There is no public benefit in maintaining the development standard, as it would limit the usability of the private open space of certain dwellings.</p> <p>The enclosed balconies will perform the function of regular balconies and will not increase the development's land use intensity. An updated Clause 4.6 Variation Report for FSR is provided at <b>Appendix J</b>. The Amended Architectural Plans (<b>Appendix A</b>) identifies where wintergardens are to be located.</p> <p>The height of Building A has been amended to comply with the site's 70 metre height limit. The height of Building B has also been amended to comply, apart from a minor and localised variation of 1.5m to accommodate the lift overrun. This overrun is located so that it is not visible from the streetscape or public domain and does not contribute additional view impacts.</p> <p>The proposal has been amended to comply with the maximum height limit apart from a minor variation to facilitate the centrally located lift overrun in Building B. The visual and amenity impacts of the proposed 2.14% variation will be imperceptible from the surrounding public domain and dwellings.</p> <p>The SDRP have confirmed the proposal satisfies the BLEP 2021 design excellence provision.</p> <p>Refer to Drawings DA4100 – 4103 within the Amended Architectural Plans (<b>Appendix A</b>) for wintergarden locations. The wintergardens constitute a total GFA of 1,737m<sup>2</sup>.</p> |

| Item    |  | Response   |
|---------|--|--|
| Amenity | Provide an assessment of the proposal against the Design Quality Principles and the objectives and design criteria of the ADG, including a compliance analysis for each building.  | <p>An assessment against SEPP 65 Design Quality Principles is provided in the Design Amendment Report at <b>Appendix B</b>.</p> <p>Assessment against the objectives and design criteria of the ADG is provided at <b>Section 8.2.3</b>.</p>   |
|         | <p>Clarify:</p> <ul style="list-style-type: none"> <li>the number and location of apartments receiving no solar access during mid-winter and provide an analysis of sunlight received outside of this period (summer and equinox)</li> </ul> | <p>The number of apartments which receive no solar access at midwinter between 9:00 – 15:00 is 108/744 (14.5%), which is the same as exhibited. This is compliant with the prescribed ADG maximum of no more than 15%.</p> <p>These apartments are generally those with a predominantly southerly aspect to the Princes Highway. Further detail is provided within the solar compliance diagrams at Drawings DA4450 – 4490 of the Amended Architectural Plans (<b>Appendix A</b>).</p> <p>Overshadowing Plans have been prepared for the midsummer and equinox scenarios.</p>  |
|         | <ul style="list-style-type: none"> <li>the percentage of cross ventilated apartments, noting some single aspect apartments in Building C appear to have been include in the calculations</li> </ul>  | <p>203/325 (63%) of all apartments in the first 9 storeys of the amended proposal are naturally cross ventilated, with a minimum of 60% in each building. Detailed cross ventilation diagrams are provided in the Amended Architectural Plans (<b>Appendix A</b>).</p>   |
|         | <ul style="list-style-type: none"> <li>the precise number and location of apartments requiring mechanical ventilation and further information to justify how this aligns with the ADG.</li> </ul>  | <p>The ADG does not include any acoustic criteria or requirements for cross ventilated apartments. The proposal achieves the ADG objective 4B-3 and the relevant design criteria.</p> <p>Refer to the 'Amenity and Ventilation' section provided at pages 47-49 of the Design Amendment Report (<b>Appendix B</b>). It is envisioned that a total of 495 apartments will require alternative ventilation to bedrooms and living areas, and 149 apartments will require alternative ventilation to bedrooms only, on the basis of preliminary noise assessments.</p> <p>The precise number and location of these apartments is shown in the Design Amendment Report. Further work and collaboration will occur at the detailed design stage to ensure compliance with relevant standards including consideration of additional measures that may improve resident amenity.</p> <p>A Acoustic Statement for Ventilation to Apartments has been prepared by JHA at <b>Appendix T</b>. The statement outlines the relevant standards and guidelines and the measures that will be explored to ensure the acoustic and ventilation requirements of each apartment are met.</p> <p>All apartments requiring alternative ventilation will still be provided with operable windows, enabling future residents the choice to ventilate their apartments as they like.</p> |

| Item                |  | Response  |
|---------------------|--|---|
|                     | <ul style="list-style-type: none"> <li>the number and location of apartments which do not meet minimum room dimension requirements.</li> </ul>   | <p>The Architectural Plans (<b>Appendix A</b>) have been updated with critical dimensions for all bedrooms and living rooms. All living rooms achieve complaint widths and depths. Where a bedroom does not achieve a minimum dimension of 3m, this is due to it being located in a section of building with angled façade where walls are not perpendicular. In these instances, careful consideration has been paid to ensure that the bedhead is in excess of 3m and the bedroom amenity is not compromised, and a minimum dimension of 2.9m is provided. Therefore, any variations are negligible.</p> <p>In addition to this, apartments in Building C have also been designed to achieve Liveable Housing Australia Design Guidelines, with 80% of apartments within Building C achieving Silver, and 20% achieving Gold standards.</p> |
|                     | Confirm whether any surrounding residential properties currently receiving less than 2 hours solar access mid-winter would have their solar access reduced by more than 20%.   | The midwinter overshadowing diagram (Drawing DA4580 of Architectural Plans submitted with the EIS) demonstrates that there are no surrounding residential properties currently receiving less than 2 hours direct sunlight during midwinter.  |
|                     | Provide additional analysis of properties which do not meet the ADG solar access minimum to the south (including 7 Forest Road and 181 Princes highway) and how future development on this site could achieve acceptable solar access.                   | <p>The project team has ensured that surrounding sites, including 7 Forest Road and 181 Princes Highway, can be feasibly redeveloped in a manner that complies with the ADG, including with regards to overshadowing. A comprehensive review of the surrounding site context has informed the proposed design. Refer to Adjacent Development analysis at page 15 of the Design Amendment Report (<b>Appendix B</b>).</p> <p>Furthermore, the proposal will result in an improved overshadowing outcome for the existing 7 Forest Road dwelling when compared to the DCP Indicative Built Form Study, by enabling an additional hour of direct sunlight to be provided between 2-3pm.</p>  |
| Traffic and Parking | Work with TfNSW and Council to satisfactorily address their significant concerns about traffic impacts, access, and road safety.   | Noted. Detailed responses to TfNSW ( <b>Section 6.9</b> ) and Council ( <b>Section 6.1</b> ) submissions are provided below.  |
|                     | Clarify whether bicycle parking and end of trip facilities are to be provided in accordance with Council's DCP requirements.   | The proposed total bicycle parking provision of 398 parking spaces is compliant with and readily exceeds the relevant RDCP 2011 requirements of 78 spaces, as requested by Council. Refer to further discussion in response to Council submission ( <b>Section 6.1</b> ).   |
| Childcare centre    | Options should be explored to relocate the childcare centre away from the Princes Highway frontage to resolve issues associated with noise, pollution and inactive frontages to the Princes Highway.   | The childcare centre has been relocated to the site's Eden Street frontage interfacing with Eden Street Park, resolving these issues. Refer to <b>Section 4.4</b> .   |
| Housing Policy      | <p>Include consideration of the proposal against the following policies/guidance:</p> <ul style="list-style-type: none"> <li>a. Draft Housing SEPP</li> <li>b. Housing 2041 strategy</li> <li>c. Future Directions for Social Housing in NSW.</li> </ul> | <p><u>Draft Housing SEPP</u></p> <p>Savings provisions are provided within Schedule 7 of the new Housing SEPP. Therefore, SEPP ARH continues to apply to the development. Refer to <b>Section 8.2.2</b>.</p> <p><u>Housing 2041 Strategy</u></p>  |



| Item           |   | Response  |
|----------------|---|---|
|                |   | <p>The proposal is consistent with the overarching objectives of Housing 2041. Refer to <b>Section 8.1.1</b>.</p> <p><u>Future Directions for Social Housing in NSW</u></p> <p>The proposal is consistent with Future Directions. Refer to <b>Section 8.1.2</b>.</p>  |
| Social Impacts | <p>Update the Social Impact assessment to provide additional information on the projects impacts on:</p> <ul style="list-style-type: none"> <li>the needs of the former residents and how they will be included in decision-making processes about the project</li> </ul> | <p>An additional chapter has been included in the revised SIA (<b>Appendix Q</b>) – 9.4.8 ‘Decision making systems’ – to respond to this issue raised. In summary:</p> <ul style="list-style-type: none"> <li>The Proponent inherited a vacant site at the commencement of the project, with former long term residents having already been relocated by LAHC in anticipation of the site’s redevelopment.</li> <li>From March 2017 and through the lead up to planned relocations in May 2018, LAHC and the Department of Communities and Justice (then known as Family and Community Services) engaged with former tenants through a series of consultative steps. Relocation interviews with each tenant identified individual needs and preferences relating to the move, including where tenants would prefer to live next, any special needs and whether they would like to return after redevelopment. This consultation is referenced in sections 3.2 and 8.2 of the SIA.</li> <li>All previous tenants will be offered the right to return to the redeveloped site. The tenants would all have given their preference as part of housing needs assessment through the DCJ Relocations Officer and on completion of the project DCJ will contact them to offer new dwellings if they wish to return.</li> <li>In addition, the Proponent has had a broad community engagement program as part of the lead-up to the SSDA. A Translating and Interpreting Service (TIS) was also set up for the project and communicated on fliers distributed in the locality to assist community members speaking Arabic or Chinese (see Section 8.2.3 of the SIA).</li> <li>The proposal has been designed to be tenure blind, with the same housing standards, quality and design applied across both social and market housing dwellings to create a true mixed-tenure community.</li> <li>Various likely impacts on the social housing residents have been addressed across a number of social impact categories, e.g., sections 9.4.1 Way of Life, 9.4.2 Community, 9.4.5 Health and Wellbeing of the SIA.</li> </ul> |
|                | <ul style="list-style-type: none"> <li>Aboriginal and community cultural values, including those of the former tenants who have been relocated from the site and affected by the project.</li> </ul>  | <p>As noted above, the Proponent inherited a vacant site. However, the project has considered likely impacts on community and cultural values more broadly (see sections 9.4.2 Community, 9.4.3 Surroundings, 9.4.7 Culture of the SIA – <b>Appendix Q</b>), based on the:</p> <ul style="list-style-type: none"> <li>community profile in the study area (described in Chapter 6.0 of the SIA), and</li> </ul>   |

| Item                |   | Response   |
|---------------------|---|--|
|                     |   | <ul style="list-style-type: none"> <li>outcomes of the consultation programs undertaken by a) LAHC and Evolve, b) the proponent, and c) DPIE (to inform development of Bayside West Precincts) - as described in Chapter 8 of the SIA.</li> <li>A Translating and Interpreting Service (TIS) has been set up for the engagement program to assist community members speaking Arabic or Chinese (see Section 8.2.3 of the SIA).</li> <li>An ACHAR has also been prepared for the project (<b>Appendix L</b>). Local Aboriginal stakeholders were engaged, and the outcomes of this work have informed the proposed design of this site (as referenced in Section 4.1.1 and 8.2.3 of the SIA).</li> </ul>  |
|                     | Revise mitigation and enhancement measures to form actionable commitments.  | The proponent is committed to implementing the mitigation measures. The SIA has been revised ( <b>Appendix Q</b> ) with all mitigation measures now forming actionable commitments.  |
| Contributions       | Clarify how the proposed public domain upgrades including the shared pathway along Princes Highway will be delivered where funding is not provided within Council contributions plans.  | <p>The shared pathway forms part of the 'Pedestrian and cycleway improvements' under Schedule 1 of the Bayside West Special Infrastructure Contribution (SIC). The proponent is willing to deliver the new 2.5 metre shared path along the Princes Highway through a works-in-kind (WIK) agreement with DPIE, where the cost of works is offset against the SIC levy. This can be facilitated through a condition of consent. A detailed response to public domain upgrades is provided with the Bayside Council submission response – <b>Section 6.1</b>.</p> <p>Discussions are continuing between the project team, DPIE and Council regarding the public domain upgrades.</p>  |
|                     | Confirm Special Infrastructure contributions.   | <p>The Proponent has calculated that the SSDA is subject to a \$2,848,500 contribution levy under the Bayside West SIC. The following SIC works can be delivered via a WIK agreement and the cost offset against the contributions levy:</p> <ul style="list-style-type: none"> <li>Princes Highway - new 2.5 metre wide shared pedestrian and bicycle path, including new paved footpath.</li> <li>Forest Rd / Eden Street intersection - Modification of existing pedestrian refuge to prevent right turns from Forest Road into Eden Street (and enforce left-in/ left-out movements).</li> </ul> <p>Discussions are continuing between the proponent, DPIE and Council with regards to the public domain, contributions, and WIK agreements.</p> |
| Trees and landscape | Noting the concerns raised by EESG and Council, consider options, including reconfiguration of the proposed basement to increase deep soil zones and retain existing high-quality existing trees near the boundary, in particular trees 1, 2, 3, 4, 5, 105 and 109. | The basement footprint has been reconfigured, including the provision a 6-metre landscaped setback to the Princes Highway (including 3 metres of natural soil), and removal of basement structure from under the northern through site link. Refer to <b>Section 4.5.1</b> above.  |



| Item   | Response  |
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|  | <p>The basement footprint adjustments have enabled the retention of Tree 3 on Eden Street, Trees 44-45 along the Princes Highway, and reduced the TPZ intrusion to tree 109. Refer to <b>Section 4.5.2</b>.</p> <p>Trees 1-2, and 4-5 conflict with the Eden Street driveway, basement and building layout. The amended basement entry is supported by Council and facilitates the retention of Tree 3. Tree 105 is located below the Princes Highway street level by 1-2m in height. It is not possible to retain this tree and still provide active street frontages and continuous and accessible footpaths along the public domain and to the mixed-use buildings along the Princes Highway.</p>  |
| Provide a comparison of existing and proposed canopy cover percentages and an assessment of the proposal against the green view index.   | The proposal significantly increases tree cover at the site, from 1,400m <sup>2</sup> (10% of site area) to 4,470m <sup>2</sup> (33% of site area). The additional streetscape planting and vegetation within Eden Street Park will significantly improves visual perception of greenery and vegetation in line with the principles of the green view index.  |
| Provide more detailed evidence and analyse of how indigenous consultation has informed the landscape proposal and explore scope for indigenous ownership and management of appropriate elements. | <p>The project has involved ongoing consultation with Indigenous members of the community, including Yvonne Sims (Elder of the Bidjigal people) and Peter Cooley (Indigirow). Refer to page 16 of the Design Amendment Report (<b>Appendix B</b>).</p> <p>Consultation is also currently occurring with the following Registered Aboriginal Parties (RAPs) – refer to ACHAR at <b>Appendix L</b>:</p> <ul style="list-style-type: none"> <li>• Didge Ngunawal Clan;</li> <li>• Waawaar Awa Aboriginal Corporation;</li> <li>• Kamilaroi Yankuntjatjara Working Group;</li> <li>• Goobah Developments;</li> <li>• A1 Indigenous Services; and</li> <li>• Butucarbin Aboriginal Corporation.</li> </ul> <p>Group GSA and WSP are also committed to preparing a detailed response on strategies for engagement and co-design moving forward.</p> |
| Clarify how the public domain/open space will be maintained including any arrangements for indigenous involvement, management, or custodianship of appropriate elements.                         | <p>Council have advised that they do not want to maintain the public domain / open space. Ongoing maintenance will be undertaken by site management.</p> <p>The Proponent is committed to ensuring ongoing Indigenous involvement and management. Refer to page 16 of the Design Amendment Report (<b>Appendix B</b>). Group GSA and WSP are also committed to preparing a detailed response on strategies for engagement and co-design.</p>  |
| Wind   | <p>Clarify how the recommended wind mitigation measures have been incorporated into the proposal.</p> <p>The proposed development has been designed with input from SLR, and the recommendations of the exhibited Wind Report. This includes the following:</p>   |

| Item | Response  |
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|      | <ul style="list-style-type: none"> <li>Proposed planting of new trees and vegetation locates higher density along the pedestrian pathways of Eden Street and Princess Highway, with landscaping density is particularly increased around the corners of the development.</li> <li>Wind impacts on the through site link is protected by the boundary wall, combined with landscaping. Existing trees to be retained on the northern boundary and new low level landscaping provide a wide canopy cover that will assist in sheltering from north-easterly winds.</li> <li>Protection of lobby entries in all buildings by setting them back into the corresponding building facades, in addition to the buffering created by the external facade layer provided by the podium porticos/portals.</li> <li>Protection of retail entries in all buildings by setting them back into the corresponding building facades and/or by creating a buffer with the external facade layer, provided by the podium porticos.</li> <li>The outdoor childcare play area is protected by 2000mm high fences that perform as wind shielding. This outdoor area is under cover, providing a horizontal windbreak. Dense landscaping is surrounding this area, mitigating adverse wind conditions.</li> <li>Communal open spaces are protected by dense vegetation all around them. Pergolas are provided along outdoor seating areas, that will work mitigating possible adverse wind conditions as horizontal windbreaks.</li> <li>The 870m<sup>2</sup> 'Meeting Place' plaza protected by dense vegetation around and within it. The kiosk zone is sheltered by its cover, and seating areas are sheltered by the extension of the adjacent building slab. These horizontal elements, together with the tree canopy in areas within the plaza, work as windbreaks.</li> <li>Balconies generally have a single open aspect, with a few exceptions in some corner locations. The protection strategies that have been implemented for some of the two aspect balconies that will reduce the risk of adverse wind conditions associated with pressure differences include: <ul style="list-style-type: none"> <li>An extra external glazed layer, transforming the balconies in winter gardens;</li> <li>Vertical elements/louvres to shelter the balcony from the wind of one of the aspects; and</li> <li>External facade layer with openings, that reduce the wind exposed area.</li> </ul> </li> <li>The level 6 podium communal open space between Buildings A and B is protected by some buffering vegetation (trees) and a large pergola as a windbreak.</li> <li>The Building A rooftop design includes trees provide relief from strong winds. The Building B rooftop is not accessible to residents. The Buildings C and D</li> </ul> |

| Item                |  | Response   |
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|                     |  | <p>rooftops incorporate pergolas, fixed furniture and landscaping that work as windbreaks.</p> <p>SLR's involvement in the project will continue as it progresses to detailed design and construction certificate stage, ensuring that compliance is achieved and acceptable wind conditions provided.</p> |
|                     | Review whether the communal open space and rooftop gardens surrounded by the proposed 1.8m screens constitute additional Gross Floor Area.   | The glass screen to the rooftop communal open space have been reduced to 1.5m. Being located on the rooftop, the rooftop gardens do not comprise GFA. Under the Bayside LEP 2021, GFA is defined as being relevant to each floor of a building, but not a rooftop open area.                               |
| Urban Design Report | Update the Urban Design Report to remove reference to a proposed supermarket and community centre and update the urban design rationale where these elements are relied on upon as part of the design rationale. | The Design Amendment Report ( <b>Appendix B</b> ) does not make any reference to a community centre and/or supermarket.  |
|                     | Provide Appendix A to the Urban Design Report.   | The SDRP Summary referenced as Appendix A in the Urban Design Report was submitted as Appendix HH of the EIS.  |

## 5.2 Response to DPIE Correspondence – November 2021

As noted in **Section 3**, the project team met the DPIE assessment team on 4 November 2021 to discuss the project post exhibition. On 10 November 2021, email correspondence was received from the DPIE identifying additional matters for clarification following the meeting. A response to items raised in the email is provided in **Table 7**.

**Table 7 Response to DPIE email correspondence**

| Item              |  | Response   |
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| Design Excellence | Areas where the proposal does not comply with Council policy, including DCP and Public Domain Manual requirements, should be clearly identified and appropriately justified and presented to the SDRP for endorsement.   | <p>The SDRP have confirmed the amended proposal satisfies the design excellence provisions of the Bayside LEP 2021.</p> <p>An assessment of the amended proposal against the site-specific DCP controls is provided at <b>Section 8.4</b> below.</p> |
| Cross ventilation | The draft response has not provided any information or analysis of apartments requiring mechanical ventilation which are also counted as cross ventilated for the purpose of ADG compliance. Further justification and analysis should be provided to demonstrate that acceptable internal amenity will be provide for future residents. | Refer to response to this issue provided in <b>Section 5.1</b> above.  |
|                   | Consider amendments to achieve a minimum 60% cross ventilated apartments within each building.   | Each building in the amended proposal achieves a minimum 60% cross ventilated apartments in accordance with the requirements of the ADG.   |
| Overshadowing     | Drawing DA 4580 referenced in the draft response shows only adjacent buildings within the block. The shadow of the proposal will affect buildings further afield. A heat map diagram should be provide clearly demonstrating whether the proposal's  | The Overshadowing Plans (Drawings DA-4551 – 4570) provided as part of the Amended Architectural Plans ( <b>Appendix A</b> ) demonstrate the extent of the proposed development's impact on overshadowing. They demonstrate that the                  |

| Item                |   | Response  |
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|                     | impact on individual units in surrounding buildings meet the minimum ADG solar access requirements.   | <p>development will not reduce the solar access of surrounding residential receivers to below ADG prescribed minimums apart from 7 Forest Road and 181 Princes Highway.</p> <p>We note the proposal reduces solar access to 7 Forest Road below 2 hours, however, this is still an improved outcome when compared to the DCP built form study by enabling an additional hour of direct sunlight to the dwelling between 2pm-3pm. The proposal also reduces solar access to the vacant and derelict 181 Princes Highway property below 2 hours. The Overshadowing Plans demonstrate this is consistent with the impacts of the DCP envelope.</p> <p>In addition, feasibility studies have been undertaken by Group GSA demonstrating that all surrounding sites can be feasibly redeveloped to meet solar access requirements. The Adjacent Development analysis at page 15 of the Design Amendment Report (<b>Appendix B</b>) demonstrates 7 Forest Road and 181 Princes Highway can be redeveloped in a manner that complies with the ADG.</p> |
| Trees and landscape | The draft response has not demonstrated how options to the reduce basement footprint or other amendments to the proposal have been considered to support the conclusion that is not possible to retain more existing trees on site.                               | Refer to <b>Section 4.5</b> above. The basement envelope has been amended to retain trees 3 and 44-45, and to reduce the TPZ encroachment for tree 109. The proposal represents a significant increase in tree cover compared to existing site conditions.  |
|                     | The proposed revised setback to Princes Highway is 3m less than that required by Council. Careful consideration of this element is recommended to ensure an appropriate design response which achieves the intention of Council's requirements for this frontage. | Refer to <b>Section 4.5.1</b> . The basement setback to Princes Highway has been amended so that 6m of soil setback has been provided, including a 3m wide continuous 'natural ground' soil area and additional 3m of soil on slab. This is consistent with requirements under the Rockdale DCP for a 6m setback from the property line. See <b>Figure 11</b> .   |
|                     | Further clarification is required regarding the proposed deep soil zones and how these satisfy the deep soil requirements of the SEPP ARH (15%).  | Deep soil is defined under clause 14(1)(d) of SEPP ARH as ' <i>soil of a sufficient depth to support the growth of trees and shrubs</i> '. 33% of the site is proposed to be soil of depth 600mm or deeper, which is sufficient to accommodate tree and shrubs and therefore is considered as deep soil for the purposes of SEPP ARH. This significantly exceeds the 15% minimum requirement. See <b>Section 8.2.1</b> .  |
| Wind                | The response to this point references the design of the building podium and articulation only. The RtS should demonstrate how the recommended additional, wind mitigation measures outlined in the wind report have been integrated into the proposal.            | Refer to response to this issue provided in <b>Section 5.1</b> above.   |
| Housing policy      | Directly address the 70/30 affordable market housing requirement within Future Directions for Social Housing in NSW and clarify how, despite not having met this target, the proposal has maximised the provision of social housing on the site.                  | The proposed 180 out of 744 apartments (24.19%) as social housing is comparable with other Communities Plus projects, including at Lidcombe (63/376; 16.75% - Council reference DA2021/0430) and Ivanhoe Estate Macquarie Park (950/3300; 28.79% - SSD-8707).   |

| Item          |   | Response   |
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|               |   | The percentage of social housing is set by the NSW Land and Housing Corporation (LAHC) as the landowner of the site to provide optimal balance between market and social housing. The proposal increases the number of social housing dwellings at the site by 26.8% (142 to 180) and ensures that it is integrated into a tenure-blind, truly mixed-use precinct.   |
|               | Provide a full assessment of the proposal the SEPP ARH, in particular Clause 14.  | Detailed assessment against Clause 14 of SEPP ARH is provided in <b>Section 8.2.1</b> below.   |
| Cycle parking | Consider options to provide communal/unallocated cycle parking as required by Council, to ensure flexible use and availability for residents without private storage provision. | While it is acknowledged that Council has raised comments with respect to bicycle parking in storage cases, the proposed storage cage arrangements are satisfactory as: <ul style="list-style-type: none"> <li>• The storage of bicycle within individual cages provides a greater level of security than designated bicycle storage rooms;</li> <li>• The use of apartment storage cages for bicycle storage is consistent with other Council requirements; and</li> <li>• Oversize storage cages are provided to ensure that the potential accommodation of bicycles does not impact the normal requirement for storage volume.</li> </ul> |
|               | More detail will be required to demonstrate the adequacy of storage space/accommodation of cycle parking within storage cages.  | Oversize storage cages are provided to ensure that the potential accommodation of bicycles does not impact the normal requirement for storage volume. Refer to Architectural Plans at <b>Appendix A</b> .  |

## 6.0 Response to Government Agencies



This section responds to submission received from the following local and state Government bodies and agencies:

- Bayside Council (Council);
- Civil Aviation Safety Authority (CASA);
- DPIE – Water Group;
- DPIE – Environment, Energy and Science Group (EES);
- Environment Protection Authority (EPA);
- Heritage NSW;
- Heritage NSW – Aboriginal Cultural Heritage (ACH);
- Land and Housing Corporation (LAHC);
- Transport for NSW (TfNSW); and
- Sydney Water.

### 6.1 Bayside Council Submission

**Table 8 Response to Bayside Council submission**

| Item   | Response   |
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| <p>Draft Housing SEPP</p> <p>It is noted that Clause 15 the draft Housing SEPP, Division 1, In-fill Affordable Housing states:</p> <p><i>15 Development to which Division applies</i><br/> <i>(1) This Division applies to residential development if—</i><br/> <i>(a) the development is permitted with consent under another environmental planning instrument, and</i><br/> <i>(b) the development is on non-heritage land, and</i><br/> <i>(c) at least 20% of the gross floor area of the development will be used for the purposes of affordable housing, and</i></p> <p>The proposed development provides 18% of the gross floor area of the development for the purposes of Affordable Housing. It is noted that Clause 6 of the current Affordable Rental Housing SEPP is not carried over into the draft Housing SEPP, namely:</p> <p><i>(2) In this Policy, residential development is taken to be for the purposes of affordable housing if the development is on land owned by the Land and Housing Corporation.</i></p> <p>The proposed development is inconsistent with the provisions of the draft Housing SEPP.</p> | <p>Savings provisions are provided within the new Housing SEPP at Schedule 7. Therefore, SEPP ARH continues to apply to the development and all residential floorspace (i.e., 97.6% of GFA) is affordable housing. Refer to <b>Section 8.2.2</b>.</p>                            |
| <p>Apartment Design Guide</p> <p><b>3E Deep Soil</b></p> <p>For sites that have an overall area greater than 1,500sqm, Part 3E of the ADG recommends that 15% deep soil with a minimum dimension of 6 metres be provided. At 7%, the proposal is substantially below and would benefit from additional deep soil provided along the Princes Highway frontage to allow for large tree planting. This will</p>   | <p>The amended proposal achieves Design Criteria 1 under ADG Objective 3E-1.</p> <p>The basement footprint has been amended and is now setback from the Princes Highway which allows additional deep soil and enables the retention of Trees 44-45 (2 x lemon scented gums).</p> |

| Item                      |  | Response  |
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|                           | <p>require a greater basement setback and may potentially result in the loss of several carparking spaces.</p> <p><b>4B Natural Ventilation</b></p> <p>A number of single aspect apartments throughout the development have been nominated as having cross ventilation, which is not correct. As stated in the ADG “<i>effective cross ventilation is achieved when the inlet and outlet have approximately the same area, allowing air to be drawn through the apartment using opposite air pressures on each side of the building</i>”.</p> <p>For example, below is a screenshot of the natural ventilation diagram of Tower 5C. This shows the central unit as naturally ventilated but not its neighbours either side, despite having a similar layout. The proposal is put forward as providing the minimum 60% cross ventilated apartments, which appears to be an overstatement.</p>  | <p>The Proponent has maximised the provision of ‘natural ground’ on the site. Refer to detailed discussion at <b>Section 4.5.1</b>. 33% of the site will comprise soil area suitable for tree planting.</p> <p>A minimum 60% of apartments (up to nine storeys) in each building in the amended proposal are cross ventilated. Refer to <b>Section 4.2</b>. This includes Building C as shown below. Detailed cross ventilation diagrams are provided within Drawings DA4410 – 4441 of the Amended Architectural Plans (<b>Appendix A</b>).</p>                |
| Rockdale LEP 2011         | <p><b>6.11 Active Street Frontages</b></p> <p>There are elements of the development that do not satisfy the provisions of Clause 6.11 of RLEP 2011, namely the outdoor play area to the proposed childcare centre. This represents a substantial proportion of the frontage along Princes Highway that is not activated in accordance with the provisions of this clause.</p> <p>Furthermore, it is not considered appropriate to locate the child care centre open outdoor play areas on the Princes Highway frontage, when the area could be better located for health and amenity toward the public park in the middle.</p>   | <p>The amended proposal complies with Clause 6.9 of the BLEP 2021. The childcare centre has been relocated to Building C towards the park and a retail tenancy is now provided in its place. This results in the Princes Highway accommodating active uses. Refer to <b>Section 4.4</b>.</p>  |
| Clause 4.6 Considerations | <p><b>Floor Space Ratio</b></p> <p>The site is mapped with a 4:1 FSR under Rockdale LEP 2011. An FSR bonus of 20% available under the Affordable Rental Housing SEPP, equating to 4.8:1. The EIS states that an FSR variation over the 4.8:1 allowed of 1825m<sup>2</sup> is proposed, which is 2.8%. It is noted that the submitted Gross Floor Area (GFA) calculations do not include the wintergardens. They should be, so that they can be checked against the clause 4.6 statement for accuracy.</p>  | <p>Schedule 7 Clause 2 (a) of the Housing SEPP provides a saving provision that means the provisions of the SEPP ARH continue to apply to the proposal. Therefore, the provisions of the Housing SEPP are not a relevant matter for consideration.</p> <p>The amended proposal's FSR is 4.93:1 which represents a minor variation of 2.69%. A Clause 4.6 Variation Report for FSR is provided at <b>Appendix J</b>. The proposed FSR variation is entirely the result of enclosing certain balconies facing the Princes Highway to become wintergardens, enabling these balconies to achieve the required noise criteria for residential use.</p> |




| Item   | Response  |                     |                   |  |          |                 |                     |                   |              |     |        |        |            |     |        |         |            |     |        |        |            |     |        |        |  |
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| <p>There is little justification for non-compliance, when the generous height and FSR controls created for the site via SEPP Arncliffe and Banksia Precincts conferred considerable uplift to LAHC over those of surrounding sites, and a substantial bonus is available and being accessed for the affordable housing.</p> <p>Were the site owned by an entity other than LAHC, the bonus would be 7.2% or an FSR of 4.29:1 (based on the formula set out in clause 13(2)(b)(ii) of the SEPP).</p> <p>The draft Housing SEPP must be considered in the Section 4.15 assessment. The provisions for defining Affordable Housing under the current SEPP (Clause 6) is not carried over, therefore, the 20% FSR bonus would not apply. The high density is exemplified by the non-compliant height and street wall setbacks.</p>   | <p>If the balconies were not enclosed the noise levels from the Princes Highway would limit their usability. The enclosed balconies will perform the function of regular balconies and will not increase the development's land use intensity.</p> <p>There is no public benefit in maintaining the development standard, as it would limit the usability of the private open space of certain dwellings.</p> |                     |                   |  |          |                 |                     |                   |              |     |        |        |            |     |        |         |            |     |        |        |            |     |        |        |  |
| <p>It is understood that the proponent is preparing a planning proposal that will seek to increase FSR and height. This is the appropriate process to consider all or any variations to planning controls in a holistic way. Fragmenting the consideration of planning control breaches between cl.4.6 and a planning proposal is a misuse of the planning process and could be seen as double dipping.</p>  | <p>The amended proposal complies with the maximum height with the exception of localised variation on Building B to accommodate the lift overrun, and the minor FSR variation is entirely due to creating usable balconies. It is reasonable to apply the provisions of clause 4.6 to vary the maximum FSR and height in this circumstance.</p>   |                     |                   |  |          |                 |                     |                   |              |     |        |        |            |     |        |         |            |     |        |        |            |     |        |        |  |
| <p><i>Height</i></p> <p>Table 1 on page 4 of the Clause 4.6 request prepared by Ethos Urban (5 May 2021) shows the extent of the variation to height of the proposal as follows:</p> <table><tr><th colspan="4">Table 1      Height variation by building</th></tr><tr><th>Building</th><th>LEP 2011 Height</th><th>Max Building Height</th><th>Maximum Variation</th></tr><tr><td>Building A/B</td><td>70m</td><td>74.3 m</td><td>+4.3 m</td></tr><tr><td>Building B</td><td>70m</td><td>74.85m</td><td>+5.05 m</td></tr><tr><td>Building C</td><td>70m</td><td>64.3 m</td><td>-5.7 m</td></tr><tr><td>Building D</td><td>70m</td><td>60.6 m</td><td>-9.4 m</td></tr></table> <p>As indicated above, there is an error in the maximum variation sought for the height exceedance of Building B, with the maximum height of 74.85m being contradictory to the maximum variation column of 5.05m. Whilst minor, a Clause 4.6 statement must accurately state what the variation is to be considered by the consent authority. This should be checked by the assessing officer and corrected by Ethos.</p> | Table 1      Height variation by building   |                     |                   |  | Building | LEP 2011 Height | Max Building Height | Maximum Variation | Building A/B | 70m | 74.3 m | +4.3 m | Building B | 70m | 74.85m | +5.05 m | Building C | 70m | 64.3 m | -5.7 m | Building D | 70m | 60.6 m | -9.4 m | <p>See above, and discussion at <b>Section 4.1</b>. A Clause 4.6 Variation for Height has been provided at <b>Appendix I</b> to address the Building B lift overrun.</p> |
| Table 1      Height variation by building  |   |                     |                   |  |          |                 |                     |                   |              |     |        |        |            |     |        |         |            |     |        |        |            |     |        |        |  |
| Building   | LEP 2011 Height   | Max Building Height | Maximum Variation |  |          |                 |                     |                   |              |     |        |        |            |     |        |         |            |     |        |        |            |     |        |        |  |
| Building A/B   | 70m   | 74.3 m              | +4.3 m            |  |          |                 |                     |                   |              |     |        |        |            |     |        |         |            |     |        |        |            |     |        |        |  |
| Building B   | 70m   | 74.85m              | +5.05 m           |  |          |                 |                     |                   |              |     |        |        |            |     |        |         |            |     |        |        |            |     |        |        |  |
| Building C   | 70m   | 64.3 m              | -5.7 m            |  |          |                 |                     |                   |              |     |        |        |            |     |        |         |            |     |        |        |            |     |        |        |  |
| Building D   | 70m   | 60.6 m              | -9.4 m            |  |          |                 |                     |                   |              |     |        |        |            |     |        |         |            |     |        |        |            |     |        |        |  |
| <p>The proposed breach is not supported, as the height under the Rockdale LEP 2011 is already significantly higher than all other sites in the locality. This site was identified as a landmark site and given a significantly higher height limit, and any additional height will make it difficult to reconcile with the surrounding area.</p> <p>It is noted that the height of building controls for the surrounding land, whilst also benefiting from uplift under the recent SEPP Arncliffe &amp; Banksia Precincts, is limited to 31m, 36m and 42m, which is more than 30m less than the subject proposal.</p>  | <p>The amended proposal complies with the maximum height with the exception of localised variation on Building B to accommodate the lift overrun. A Clause 4.6 Variation for Height has been provided at <b>Appendix I</b> to address the Building B lift overrun.</p>  |                     |                   |  |          |                 |                     |                   |              |     |        |        |            |     |        |         |            |     |        |        |            |     |        |        |  |

| Item              |  | Response  |
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|                   | <p>The commentary of the surrounding heights, and the proposal's 'transition' to them, is questionable. As stated above, the height differential is dramatic and not considered transitional. Further, there is no attempt to setback the additional height from the edges of the building, especially where the entirety is set against the street wall height of the Princes Highway elevations. This is not supported.</p> <p>The 'provision of social housing under the SEPP ARH' is not considered an adequate argument to breach the height limit, given the non-compliance with floor space ratio.</p> <p>The purported lack of material impact, such as overshadowing, should be better quantified. There may be an argument for redistribution of height from buildings C and D to reduce impacts from them.</p> <p>The argument that the building elements exceeding the height does not include habitable floor area is also questioned. Deletion of a level below would still permit the height limit to be much more closely adhered to (if only resulting in a 1m or so breach), whilst also providing for rooftop facilities.</p> <p>There is no attempt to setback the additional height from the edges of the building, especially where the entirety is set against the street wall height of the Princes Highway elevations. This is not supported.</p> | <p>Refer height discussion above.</p> <p>Refer height discussion above.</p>   |
| Rockdale DCP 2011 | <p>The proposed development should ensure compliance with the provisions of the Rockdale DCP, in particular, those set out in Chapter 7.7 – Arncliffe and Banksia. The site is in the Arncliffe Town Centre sub-precinct, and the proposal is to comply with the provisions contained therein. Retail Streets landscape controls, in particular with respect to street trees and undergrounding of power lines, should be satisfied by the proposal.</p>   | <p>We note that Clause 11 of the <i>State Environmental Planning Policy (State and Regional Development) 2011</i> (SRD SEPP) states that:</p> <p><i>11 Exclusion of application of development control plans</i></p> <p><i>Development control plans (whether made before or after the commencement of this Policy) do not apply to—</i></p> <p><i>(a) State significant development, or</i></p> <p><i>(b) development for which a relevant council is the consent authority under section 4.37 of the Act.</i></p> <p>Notwithstanding, the proposal has been designed to generally align with the relevant provisions of Chapter 7.7. of the Rockdale DCP, including with respect to street trees. Where variations to the Rockdale DCP are proposed justification is provided at <b>Section 8.4</b>. Street trees will be provided to the public domain with generous landscape interfaces in accordance with the Amended Landscape Plans (<b>Appendix C</b>).</p> <p>By further setting back the basement envelope, the extent of soil area along the Princes Highway and northern through site link has been increased – see <b>Section 4.5.1</b> – and the number of trees retained has also increased (<b>Section 4.5.2</b>).</p> |

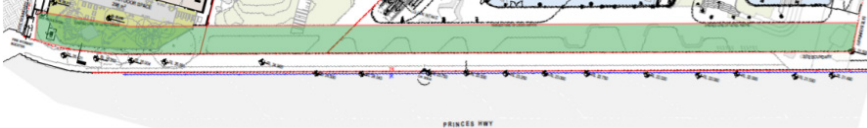
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| <p>Part 4.2 requires a maximum street wall height of 6-storeys at the perimeter of all frontages, including the park. The proposal does not comply with this, accentuating the vertically imposing facades on the public domain.</p> | <p>Undergrounding of power lines will be undertaken as part of the development.</p> <p>The proposal has been through a comprehensive and robust design review process with the SDRP. Four meetings and two desktop reviews have been held to date.</p> <p>The SDRP confirmed on 20 December 2021 that the amended proposal satisfies Clause 6.10(3) of the BLEP 2021 which translates as the SDRP confirming they believe the amended proposal exhibits design excellence.</p> <p>The proposed street wall heights have not been identified as a matter of concern by the SDRP. Notwithstanding, the following discussion considers the proposed massing.</p> <p>The street wall to Eden Street is setback from the public domain a greater distance than the DCP envelope - which reduces the perceived verticality and visual impact of the built form on the public domain.</p> <p>The proposed architectural massing incorporates towers above a podium base which are visually distinct and separate elements. The materiality of the base for each building is comprised of a grounding palette that is detailed and fine grained, with expressed modules and elements. The base of the buildings reflects the scale of the DCP street wall height control. The materiality of the towers is light and recessive which reduces the visual impact of the tower forms and creates a clear visual and architectural distinction between the base and tower of each building.</p> <p>The proposal achieves the objectives of Part 7.7 Section 4.2 of the DCP as follows:</p> <p><i>To coordinate building massing along streets and across blocks;</i></p> <p>The proposed massing is compatible and consistent with the recently constructed and approved development on the eastern side of the Princes Highway which adopt a comparable street wall height strategy. As outlined in the Design Report, the proposal represents a coherent and coordinated design response to the block's planning controls and its context and characteristics.</p> <p><i>To ameliorate the effects of existing unevenly scaled and massed buildings;</i></p> <p>The proposal is evenly scaled and massed. As outlined above, each building comprises a base and tower. The base of each tower is scaled to respond to the DCP's 6 storey street wall height and the base facades are solid and fine grained which provide an appropriate response to the scale of the public</p> |

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|              | <p>The retail tenancies should incorporate 7m high floor to ceiling heights along the Princes Highway frontage.</p> <p>Amendments should be made to set back the basement from the Princes Highway frontage to create more genuine deep soil along this frontage, to allow uninhibited healthy tree growth. Refer to the image from the DCP below. The childcare centre outdoor space ignores this requirement completely. The sections through Tower D do not demonstrate how trees, or deep soil planting, will be accommodated with the basement directly underneath.</p>   | <p>domain. Each tower is designed to have a fluid and horizontal façade that is light and recessive above the base. Extensive use of façade articulation and appropriate breaks in the built form will provide visual relief so that the built form is not vertically imposing when viewed from the public domain.</p> <p>The proposal includes retail tenancies along the Princes Highway frontage in accordance with the requirements of clause 6.9 of the Bayside LEP, and the built form is otherwise consistent with the desired future character of Arncliffe Town Centre under the DCP.</p> <p>Compared to 7m high showroom uses, the specialised/boutique retail tenancies facing the Princes Highway to instead be delivered under the proposal better compliments the project's residential component, the site's broader retail offering, and better responds to existing and projected market demand.</p> <p>Showrooms would not be consistent with the desired character of this development as a highly walkable and activated precinct with a retail offering tailored towards daily convenience.</p> <p>A greater basement setback is now provided to the Princes Highway. See <b>Section 4.5.1</b> and <b>Figure 11</b>. This includes a 3m 'natural soil' area and an additional 3m of soil on slab (between 1.2m and 4.7m) from the site allotment boundary, for a total 6m of landscaped setback.</p> <p>The childcare centre has been relocated.</p> |
| Urban Design | <p>The proposal was previously reviewed in December 2020. Design development that has been undertaken since the proposal was last reviewed includes:</p> <ul style="list-style-type: none"> <li>• Street setbacks have been increased from Eden Street;</li> <li>• A more activated street interface has been developed to Princes Highway; and</li> <li>• All community facilities have been removed from the proposal.</li> </ul> <p>A strategy for the development of the Eden Street Precinct is documented in the Rockdale DCP, Part 7 Special Precincts. Figure 7 of section 7.19 shows indicative built form within the Eden Street Precinct. The built form diagrams depict a park that links Eden Street with the Princes Highway, the park provides:</p> <ul style="list-style-type: none"> <li>• clear pedestrian links between Eden Street and the Princes Highway;</li> <li>• a generous level lawn area, that will provide a flexible space for outdoor activities, overlooked by perimeter steps; and</li> <li>• new tree planting at the park's interface with Princes Highway to supplement existing established trees, providing a significant grove of trees between the highway and park.</li> </ul> | Noted and agreed.   |



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| <p>The current proposal provides some positive developments to the strategy outlined in Council's DCP. The splayed shape of the park, generous northern forecourt (meeting place), and rationalised pedestrian strategy, all contribute to a park that is better connected to the train station, and more sheltered from the harsh environment of the Princes Highway.</p>   |  |
| <p>However, further consideration of the following issues is recommended:</p> <ul style="list-style-type: none"> <li>The functionality of the central green space is questioned. The DCP envisaged a relatively flat central green space with steps around a portion of the perimeter. This space would facilitate a range of activities, including ball games.</li> </ul>   | <p>Elevation levels within Eden Street Park have been amended to provide a flat area suitable for ball games. See <b>Section 4.5.3</b>.</p> <p>The design intent for the use of the green space is to provide lawn areas for picnicking and informal relaxation. Note that the slope of the lawn area ranges from 1:7 to 1:20 as amended.</p> <p>The design strategy for the park has evolved with the intent to address challenges regarding the level change from Princes Highway to Eden Street. The proposed design avoids steps and areas of distinct level change to ensure equal access through the park.</p> |
| <ul style="list-style-type: none"> <li>Greater provision should be made to increase the density of trees at the park's interface with the highway. Existing established trees in this area should be maintained. To increase opportunity for deep soil planting, the reduction of the extent of the basement in this location is recommended.</li> </ul>   | <p>Through further setting back the basement envelope, the extent of soil area along the Princes Highway and northern through site link has been increased – see <b>Section 4.5.1</b> – and the number of trees to be retained has also increased (<b>Section 4.5.2</b>).</p>  |
| <ul style="list-style-type: none"> <li>Very minimal setbacks have been proposed between the basement and site boundaries. This leaves little scope to maintain existing trees or accommodate new trees of scale. The photo below shows an existing tree in the north western corner of the site within the proposed basement vehicular entry. The driveway should be adjusted to allow existing mature trees to be maintained.</li> </ul>  | <p>The pictured tree (tree 03) is now to be retained by reconfiguring the basement driveway. See <b>Section 4.5.2</b> and <b>Section 4.6.1</b>.</p> <p>The proposed driveway is located on the southern end of Eden Street to maximise its distance from Eden Street Park and the pedestrian crossing to Arncliffe Station, therefore minimising pedestrian-vehicular conflict.</p>  |
| <ul style="list-style-type: none"> <li>Existing trees should be maintained in all locations where they are providing a positive contribution to the streetscape or improved interface with neighbouring properties. To achieve this, basement setbacks should be developed in response to a detailed review of existing trees.</li> </ul>  | <p>By setting back the basement envelope, the extent of soil area along the Princes Highway and northern through site link has been increased – see <b>Section 4.5.1</b> – and the number of trees retained has also increased (<b>Section 4.5.2</b>).</p>   |
| <p>To meet Design Excellence requirements, the proposal must <i>'demonstrate how the proposed building (layout, height, bulk, scale, separation, setbacks, interface and</i></p>   | <p>Group GSA has undertaken a comprehensive review of the surrounding site context in designing the proposed scheme, so that surrounding sites (including</p>  |

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| <p><i>articulation) addresses and responds to the context, site characteristics, streetscape and existing and future character of the locality.'</i></p> <p>The proposal occupies the central portion of a large urban block. The north eastern and south western edges of the block remain potential development sites that can be developed with buildings up to 13 storeys in height. A comprehensive design response for the subject site must be informed by a contextual study that shows how the full extent of the urban block can be developed to realise Councils' vision for this precinct. A contextual analysis should be provided to demonstrate how/if the proposal contributes to a positive pattern of development on the whole urban block, addressing the following:</p> <p>The proposal appears to provide a nil set back to its southwestern boundary. In places this will present a blank wall up to 10m in height to the existing neighbouring site. This design also suggests that future development will adjoin the subject site with a podium of a similar height. Further analysis of the development potential of the neighbouring site is required to determine if a nil set back to the southwestern boundary is an appropriate strategy, that will accommodate an appropriate built form outcome on the neighbouring site.</p> | <p>7 Forest Road and 181 Princes Highway to the south) are feasibly developable and capable of compliance with the ADG, including for solar access.</p> <p>Refer to Adjacent Development analysis at page 15 of the Design Amendment Report (<b>Appendix B</b>). The analysis demonstrates that surrounding sites have been future proofed with regards to setbacks, amenity, and overshadowing to ensure the feasible development of the entire surrounding precinct.</p>  |  |  |   |   |
| <p>In regard to sustainability and amenity, the following should be considered:</p> <ul style="list-style-type: none"> <li>The proposed residential flat buildings have large floor plates, with some lobbies containing up to 11 units. It is noted that windows are provided to all lobbies, however, the scale of the lobbies will result in internalised corridors dependent upon artificial lighting. Further development of these circulation corridors is recommended, to embrace Apartment Design Guide (ADG) design criteria 4F 1.</li> </ul>   | <p>The proposed buildings have been designed to be slender in accordance with the site-specific planning controls under Section 7.7 of the Rockdale DCP. All Towers have a maximum floor plate of less than 800m<sup>2</sup>.</p> <p>Building C has been amended to reduce the number of apartments per floor from a maximum of 12 under the exhibited scheme to a maximum of 10. Building cores on all levels have a maximum of 10 apartments apart from Building B podium levels 2-5 (11 units). This is consistent with the design guidance under Objective 4F-D1 which states that no more than 12 apartments should be provided off a single circulation core off a single level.</p> <p>The proposed number of apartments per floor per building is summarised below:</p> <table border="0"> <tr> <td> <p>Building A</p> <ul style="list-style-type: none"> <li>6 apartments upper ground</li> <li>9 apartments levels 1 to 20</li> </ul> </td><td> <p>Building C</p> <ul style="list-style-type: none"> <li>10 apartments levels 1 to 18</li> </ul> </td></tr> <tr> <td> <p>Building B</p> <ul style="list-style-type: none"> <li>3 apartments upper ground</li> <li>9 apartments level 1</li> <li>11 apartments levels 2 to 5</li> <li>10 apartments level 6</li> </ul> </td><td> <p>Building D</p> <ul style="list-style-type: none"> <li>3 apartments upper ground</li> <li>8 apartments level 1</li> <li>9 apartments levels 6 to 18</li> <li>5 apartments level 19</li> </ul> </td></tr> </table> | <p>Building A</p> <ul style="list-style-type: none"> <li>6 apartments upper ground</li> <li>9 apartments levels 1 to 20</li> </ul> | <p>Building C</p> <ul style="list-style-type: none"> <li>10 apartments levels 1 to 18</li> </ul> | <p>Building B</p> <ul style="list-style-type: none"> <li>3 apartments upper ground</li> <li>9 apartments level 1</li> <li>11 apartments levels 2 to 5</li> <li>10 apartments level 6</li> </ul> | <p>Building D</p> <ul style="list-style-type: none"> <li>3 apartments upper ground</li> <li>8 apartments level 1</li> <li>9 apartments levels 6 to 18</li> <li>5 apartments level 19</li> </ul> |
| <p>Building A</p> <ul style="list-style-type: none"> <li>6 apartments upper ground</li> <li>9 apartments levels 1 to 20</li> </ul>   | <p>Building C</p> <ul style="list-style-type: none"> <li>10 apartments levels 1 to 18</li> </ul>  |  |  |   |   |
| <p>Building B</p> <ul style="list-style-type: none"> <li>3 apartments upper ground</li> <li>9 apartments level 1</li> <li>11 apartments levels 2 to 5</li> <li>10 apartments level 6</li> </ul>  | <p>Building D</p> <ul style="list-style-type: none"> <li>3 apartments upper ground</li> <li>8 apartments level 1</li> <li>9 apartments levels 6 to 18</li> <li>5 apartments level 19</li> </ul>   |  |  |   |   |

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|           | <ul style="list-style-type: none"> <li>The proposal's natural ventilation strategy is outlined in drawings DA 4400 and DA 4401. This drawing nominates a number of single sided units as being cross ventilated, however, these units do not appear to meet ADG requirements for natural cross ventilation. The proposal does not currently meet ADG natural cross ventilation requirements (60% of units to be naturally cross ventilated). Further detailed development information is required to demonstrate ADG compliance.</li> </ul> <p>The strong reference has previously been expressed to include the properties to the south of the site to Forest Road, as this would achieve a better outcome in terms of built form and vehicular access, and would allow the impact on those properties to be moderated. If these properties are not included, the impact on them and a viable future development scenario for them should be considered and articulated as part of the application.</p>  | <ul style="list-style-type: none"> <li>9 apartments levels 7 to 21</li> </ul> <p>The amended proposal complies with the cross ventilation design criteria in the ADG. Refer to <b>Section 4.2</b>. Detailed Cross Ventilation diagrams are provided within Drawings DA4410 – 4441 of the Amended Architectural Plans (<b>Appendix A</b>).</p> <p>The Proponent has made reasonable offers to purchase the neighbouring properties to the south. The offers have not been accepted.</p> <p>The proposed development has been designed to ensure that surrounding sites can be feasibly redeveloped in accordance with ADG, and in particular solar access. This includes 7 Forest Road and 181 Princes Highway. Refer to Adjacent Development analysis at page 15 of the Design Amendment Report (<b>Appendix B</b>).</p> |
| Landscape | <p><i>Frontage Landscape Treatment to Princes Highway</i></p> <p>The landscape treatment should be consistent with DCP requirements (Part 7.7 Rockdale DCP), which requires a 6 metre setback with deep soil planting. The Arncliffe &amp; Banksia Public Domain Plan &amp; Technical Manual (July 2020) provides further details of the treatment required in frontage setbacks and in the public domain related to this site. The tree planting along Princes Highway is imposed in the DCP to improve visual character and pedestrian amenity.</p>  <p>The site has some existing trees along the Princes Highway frontage which are significant and proposed structures could be redesigned to allow the retention of these trees.</p> <p>The present scheme provides only a portion of the frontage with trees, and these are above structures. This is not consistent with the DCP. The selected species for this frontage is Eucalyptus Robusta to be planted at 400 Litres.</p> <p>The proposed childcare centre open space must not be located within the 6 metre frontage setback to Princes Highway, as this is intended to be a landscaped buffer. All planting in the interface with the public domain shall follow CPTED principles.</p> | <p>A greater basement setback is now provided to the Princes Highway. See <b>Section 4.5.1</b> and <b>Figure 11</b>. This includes a 3m 'natural soil' area and an additional 3m of soil on slab (between 1.2m and 4.7m), for a total of 6m of landscaped area from the site boundary.</p> <p>The basement envelope has also been modified to enable the retention of significant trees 44-45 along the Princes Highway. Refer to <b>Section 4.5.2</b>.</p> <p>The selected species for the frontage has been revised to be Eucalyptus Robusta. Refer to Amended Landscape Plans at <b>Appendix C</b>.</p> <p>The childcare centre has been relocated to Eden Street. Refer to <b>Section 4.4</b>.</p>   |

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| <p>The planter interface with public domain should avoid the inclusion of retaining walls. Soil levels of the planters should match existing natural ground levels present in the public domain.</p>  | <p>The new 6m wide soil trench along the eastern boundary ensures there will be no raised planters along the Princes Highway interface.</p> <p>The Eden Street interface with Eden Street Park has been designed to incorporate a 940m<sup>2</sup> deep soil zone to allow for significant planting of both new and existing trees at natural ground level.</p>   |
| <p>The proposal must integrate the cycle routes defined in the Arncliffe &amp; Banksia Public Domain Plan &amp; Technical Manual (July 2020) Figure 3.17.</p>   | <p>The <i>Arncliffe &amp; Banksia Public Domain Plan &amp; Technical Manual</i> (Technical Manual) identifies a 3m wide two-way cycle path on the opposite side of Eden Street and a 2.5m shared pathway along the Princes Highway public domain.</p> <p>The 3m cycle path along Eden Street is located on the western side of Eden Street and forms part of the schedule of works in the Banksia and Arncliffe Contributions Plan. They are not relied upon by the amended proposal nor are they identified as a short-term item in the Contributions Plan. The public domain design included in the amended proposal has been designed to allow the future construction of the cycle route.</p> <p>The Princes Highway shared way is identified in the Bayside West SIC schedule of works. The Proponent proposes to deliver the new 2.5 metre shared path along the Princes Highway through a works-in-kind (WIK) agreement with DPIE, where the cost of works is offset against the SIC levy, as it forms part of identified 'Pedestrian and cycleway improvements' under Schedule 1 of the Bayside West SIC.</p> |
| <p><i>Existing Vegetation</i></p> <p>Many significant trees are proposed to be removed. It appears no effort has been made to design around the significant trees on the site. Only some allowances in the design have been made to retain some trees in the public domain and within neighbouring properties.</p> <p>Trees identified 1, 2, 3, 4, 5 and 105 in the Tree Schedule (Appendix 2) of the submitted Arboricultural Impact Appraisal and Method Statement, prepared by Naturally Trees, should be considered for retention, as these groups of trees provide very significant canopy, privacy and amenity, and are located in the periphery of the built block. All existing healthy trees along the frontage setback should be retained, as these trees are a valuable asset for the community and the environment.</p> <p>Bayside Council is one of the LGAs with low canopy cover and has a priority to retain and protect as many existing trees as possible. This proposal is not considering Council's or the community's priorities in relation to existing canopy cover.</p> | <p>The basement footprint has been reconfigured, including the provision a 6-metre landscaped setback to the Princes Highway (including 3 metres of natural soil), and removal of basement structure from under the northern through site link. Refer to <b>Section 4.5.1</b> above.</p> <p>The basement footprint adjustments have enabled the retention of Tree 3 on Eden Street, Trees 44-45 along the Princes Highway, and reduced the TPZ intrusion to tree 109. Refer to <b>Section 4.5.2</b>.</p> <p>Trees 1-2, and 4-5 conflict with the Eden Street driveway, basement and building layout. The amended basement entry is supported by Council and facilitates the retention of Tree 3.</p> <p>Tree 105 is located below the Princes Highway street level by 1-2m in height. It is not possible to retain this tree and still provide active street frontages and continuous and accessible footpaths along the public domain and to the mixed-use buildings along the Princes Highway.</p>  |
| <p><i>Proposed Landscape Treatment</i></p>  | <p>The precinct design includes planting in deep (natural) soil, as well as planting on structure. 8% of the site is provided as deep soil area and an additional 5% as natural ground, for a total of 13%. 33% of all site area is of soil depth</p>   |



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| <p>As per Council's Green Plan, the development proposal is to maximise tree canopy within and outside the development site. All planting on slab can still be considered to be of benefit to the public, though canopy trees are not optimal over slabs. Planting in deep soil areas has known environmental benefits, and trees can fully develop, avoiding conflicts with structures and maintenance issues.</p> <p>The planting in deep soil within the site is limited to 8 x Liriodendron tulipifera, which are not native trees. The proposal does not include native planting to offset the canopy loss of the vast number of trees proposed removed.</p> <p>Artificial turf is proposed on the roof terrace and other areas a sunny aspect. This treatment under the sun absorbs and retains heat, contributing to the urban heat island effect.</p> <p>From the landscape and environmental perspective, the proposal fails in providing an ecologically sustainable development, which by definition means: 'using, conserving and enhancing the community's resources so that ecological processes, on which life depends, are maintained, and the total quality of life, now and in the future, can be increased'.</p> | <p>adequate to support tree planting. The planting on structure includes soil areas over 1m in depth which allow the establishment of large shade trees. See <b>Section 4.5.1</b>.</p> <p>It is proposed that 70% of the tree planting will be native species, representing a significant percentage of all vegetation to be planted. The use of artificial turf (in lieu of pavement) is proposed in medium-high wear areas where natural vegetation would not be appropriate.</p> |
| <p><i>Deep Soil</i></p> <p>To comply with Objective 3E-1 of the Apartment Design Guide, the proposal should contain a minimum deep soil area of 15% of the site area. The deep soil areas should be a minimum 6 metres wide and will be preferably located along the frontage or rear setback.</p> <p>Deep soil area provision must be included along the Princes Highway Frontage. If trees are healthy and worthy of retention along this setback, a layout which allows the retention of these trees should be considered.</p>   | <p>The proposal complies with the Objective 3E-1 design criteria, which requires that 7% of the site area is provided as deep soil. See <b>Section 4.5.1</b>.</p> <p>8% of the site is provided as deep soil area, including along the Princes Highway and an additional 5% as natural ground, for a total of 13%. 33% of all site area is of soil depth adequate to support tree planting.</p>   |
| <p><i>Stormwater Proposal</i></p> <p>The stormwater system should be within the building footprint, and not within the proposed deep soil areas, to allow adequate, uninhibited areas for trees to mature. Water sensitive urban design elements, such as bio-remediation beds to open spaces, could be included as they can be of an effective scale and contribute to park character.</p>   | <p>The In-ground stormwater pipe from OSD tank 1 re-routed to avoid deep soil area. See Stormwater Plans drawings C05, C06 and C07 provided at <b>Appendix N</b>.</p>   |
| <p><i>Public Domain Improvements</i></p> <p>For specific information regarding Public Domain, the proponent is referred to the Arncliffe and Banksia Public Domain Plan &amp; Technical Manual. The documents call for the following:</p> <ul style="list-style-type: none"> <li>Undergrounding of overhead services to maximise tree canopy opportunities;</li> </ul>  | <p>Undergrounding of power lines will be undertaken by the proponent during construction.</p>   |

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|                     | <ul style="list-style-type: none"> <li>Princes Highway includes a 2.5m wide shared path, include a new paved footpath, pavers to be Vega Black Granite pavement (PA1);</li> </ul>  | Appropriate paving will be provided.  |
|                     | <ul style="list-style-type: none"> <li>Retain existing large scale trees located in street reserves or setbacks;</li> </ul>  | The design has been amended to retain existing trees wherever possible. Refer to <b>Section 4.5.2</b> . Moreover, proposal will result in a net increase of 105 trees.  |
|                     | <ul style="list-style-type: none"> <li>Reduce excess carriageway areas and lane widths, and provide expanded footpath zones for informal gathering, seating and outdoor dining;</li> </ul>   | <p>Seating, gathering, and dining spaces have been provided at appropriate public domain locations within the development, including Eden Street Park and the new public plaza.</p> <p>The public domain has been designed to comply with the spatial requirements of the Council's Public Domain Technical Manual.</p> |
|                     | <ul style="list-style-type: none"> <li>Provide additional tree planting to provide shade and seasonal colour, in accordance with Council guidelines;</li> </ul>  | The proposal contains extensive landscaping. Refer to Amended Landscape Plans at <b>Appendix C</b> . The proposal will result in a net increase of 105 trees compared to existing conditions.   |
|                     | <ul style="list-style-type: none"> <li>Provide new rain gardens that can filter street runoff;</li> </ul>  | Rain gardens are proposed within the public domain. Locations are identified on the Amended Landscape Plans ( <b>Appendix C</b> ).  |
|                     | <ul style="list-style-type: none"> <li>Provide new streetscape elements including furniture and improved pedestrian lighting in accordance with Council guidelines;</li> </ul>   | High quality street furniture and pedestrian lighting will be provided in accordance with Council guidelines in the public domain.  |
|                     | <ul style="list-style-type: none"> <li>Retain and expand any possible canopy trees;</li> </ul>   | As noted above, the proposal will significantly expand the on-site tree canopy.   |
|                     | <ul style="list-style-type: none"> <li>The Princes Highway frontage setback must be deep soil with large canopy trees at 10 to 12 metre centres, with the selected species for this frontage being Eucalyptus Robusta to be planted at 400 Litres, planted in a deep soil area of 6 x 6 metres each; and</li> </ul>        | The deep soil provision along the Prince Highway is discussed above. Large canopy trees at 10 to 12 metres will be provided. The selected species for the frontage has been revised to be Eucalyptus Robusta. Refer to Amended Landscape Plans at <b>Appendix C</b> .   |
|                     | <ul style="list-style-type: none"> <li>Eden Street public domain will include kerbside parking between tree pits planted with Pyrus Calleryana.</li> </ul> <p>Refer to the Arncliffe and Banksia Public Domain Plan &amp; Technical Manual for further details.</p>  | Street tree planting along Eden Street will be <i>Pyrus Calleryana</i> (Callery Pear) as shown in the Amended Landscape Plans ( <b>Appendix C</b> ) in accordance with Figure 5.2 – Street Tree Masterplan (page 127) of the Technical Manual.  |
| Safety and Security | <p>The basement levels comprise a singular open floor plate, particularly the residential parking. This raises concern with security. It is not clearly demonstrated on the plans how access control is provided between the different towers. Separation should be considered.</p>  | There will be security gates and a roller shutter that separates the residential carparking access and area from the retail carparking area.  |
|                     | <p>The recommendations in the Crime Prevention Through Environmental Design (CPTED) Report (Ethos Urban, p.22) should be implemented. The following recommendation in particular is considered relevant, further reinforcing the need to re-examine the location and design of the childcare centre outdoor play area:</p> | The Amended Landscape Plans ( <b>Appendix C</b> ) demonstrate that extensive landscaping treatments will be applied to the perimeter of the childcare fencing, providing an appropriate privacy and visual buffer from the surrounding public domain.   |

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|                           | <i>Ensure environmental maintenance procedures align with the principles of CPTED, including the minimisation of concealment opportunities and maintaining surveillance opportunities and access control. However, in saying this, landscaping treatments are recommended to be applied to the perimeter of the childcare outdoor space fencing to minimise opportunities for overlooking into this space from members of the public traversing the streetscape.</i>  | The revised location of the childcare centre away from the Princes Highway ( <b>Section 4.4</b> ) and instead facing Eden Street Park also provides greater integration with the landscaping to be delivered within the park.   |
| Flooding                  | This site is affected by shallow surface flows in the 1% AEP event and PMF Flood event. A Flood Impact Assessment was undertaken by a consultant, which demonstrates that the proposal will have negligible impacts on the existing flooding situation.   | Noted and agreed.   |
|                           | <p><i>Habitable floor level</i></p> <p>There are no flood related development controls for the residential and retail component of the development. It is indicated that all habitable floor levels will be designed at least 300mm above the existing ground level, this satisfies the advice provided in Council's Flood Advice.</p> <p>The minimum habitable floor for the Childcare centre must be designed above the PMF flood level.</p>  | Noted and agreed. The minimum habitable floorspace area for the childcare centre has been designed to be above the PMF flood level.   |
|                           | <p><i>Basement driveway Crest level</i></p> <p>The flood report indicated that the crest will be designed at 1% AEP Flood level. In accordance with Rockdale Technical Specification, section 8, 2011, the basement driveway is to have at least 100mm freeboard over the 1% AEP flood level. The flood assessment report and architectural plans shall be amended accordingly. A screenshot of the driveway design requirement is shown below:</p>   | The crest level has been amended. See Stormwater Plans provided by TTW at <b>Appendix N</b> .   |
|                           | Basement walls must be fully tanked to avoid large amounts of seepage entering the drainage pits and pumps in the basement and 24/7 pumping into the road kerb & gutter in the operational stage of the development.  | Noted.  |
| Parking, Traffic & Access | <i>Traffic Impacts</i>  | The surveys were undertaken outside of any significant COVID related restrictions or lockdowns. It is noted that TfNSW have not identified any concerns with respect to the traffic survey timing and results within their submission.  |
|                           | Traffic modelling based on traffic counts from March 2021 do not accurately represent traffic conditions due to changes in behaviour associated with Covid-19.  | The traffic intersection modelling results presented are averages of all directions. This implies better performance than reality. For example, the report identifies Princes Highway and Brodie Spark Drive achieving a level of service (LOS) B. When reviewing the detail in Appendix 4, this is clearly not the case. In the PM peak, the intersection of Princes Highway & Brodie Spark (R2) achieves a LOS F, which will worsen due to this development, as there are no alternative ways to enter the site when travelling from the north. |
|                           | The traffic intersection modelling results presented are averages of all directions. This implies better performance than reality. For example, the report identifies Princes Highway and Brodie Spark Drive achieving a level of service (LOS) B. When reviewing the detail in Appendix 4, this is clearly not the case. In the PM peak, the intersection of Princes Highway & Brodie Spark (R2) achieves a LOS F, which will worsen due to this development, as there are no alternative ways to enter the site when travelling from the north. | Intersection modelling has been undertaken and presented in accordance with TfNSW protocol and guidelines. Under these procedures, the total intersection level of service is adopted for intersections under traffic signal control, rather than the worst movement level of service. Notwithstanding this, all intersection movement levels of service are provided within the Updated Transport Impact Assessment ( <b>Appendix K</b> ).   |

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|  | <p>The modelling files have been submitted to and peer reviewed by TfNSW on numerous occasions throughout the assessment process and no concerns have been raised by TfNSW with respect to the existing or future operational performance of the junction of Princes highway and Brodie Spark Drive.</p> <p>We note the identified right turn movement providing a level of service F is the movement from Brodie Park Drive to Princes Highway. The proposal is not expected to generate any additional demand for this movement. Significantly more efficient precinct egress is available via the signalised junction of the Highway and Burrows Street.</p>  |
| <p>The modelling shows an increase in traffic in the PM peak from 416 to 439 vehicles/hr. This predicted increase doesn't appear to be appropriate, given the limited alternatives to enter the site.</p> <p>The reporting from the modelling appears to be selectively used. This development will make an existing problem area worse, and Council has no way to resolve the problem, as the main access roads are State Roads. Modelling must be peer reviewed.</p>   | <p>Motorists approaching the site from the north via the Princes Highway are projected to comprise 25% of all inbound vehicle movements. These movements have been evenly distributed between Brodie Spark Drive and Firth Street.</p> <p>Modelling files have been submitted to and peer reviewed by TfNSW on numerous occasions throughout the assessment process and no concerns have been raised by TfNSW with respect to the existing or future operational performance of the junction of Princes highway and Brodie Spark Drive.</p>  |
| <p>The applicant needs to liaise with TfNSW to determine the modelling requirements and appropriate design requirements for the intersection of the Princes Highway with Allen or Burrows Street, to accommodate southbound right-turn movements for this proposed development.</p>  | <p>Significant liaison with TfNSW has occurred, including the submission of updated road network modelling packages investigating various precinct and site access scenarios. Following this liaison, TfNSW has provided advice dated 25 January 2022, indicating the following:</p> <ul style="list-style-type: none"> <li>• TfNSW expressed in-principle support for a deceleration lane left-in only arrangement from Princes Highway to the subject development (<b>Section 4.6.2</b>);</li> <li>• Unrestricted access / egress between the site and Eden Street is supported; and</li> <li>• The removal of right turn movements between Forest Road and Eden Street is supported.</li> </ul> <p>No alterations to the existing Princes Highway junctions with Allen and Burrows Road were required or are supportable.</p> |
| <p>Vehicular access to this development is significantly impaired due to the lack of right turn movements at various intersections along Princes Highway and Forest Road on approach to the site. This, combined with modifications to the intersection of Eden Street with Forest Road to be left-in/ left-out only (prohibiting right turn movements into Eden Street) results in the only southbound right turn access to the development being via the intersection of Brodie Spark Drive and Princes Highway.</p> | <p>As above. The road network modelling files have been submitted to and peer reviewed by TfNSW on numerous occasions throughout the assessment process and no concerns have been raised by TfNSW with respect to the existing or future operational performance of the junction of Princes highway and Brodie Spark Drive.</p>  |



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| <p>The intersection of Brodie Spark Drive and Princes Highway (southbound right turn movements) and the road network of Wolli Creek cannot accommodate the additional traffic generation from this development. Wolli Creek is a high pedestrian area, and this intersection has poor intersection performance (F – for turning right off Princes Highway).</p>  |  |
| <p>This development triggers the need for additional right turn movements at Allen Street or Burrows Road from the Princes Highway to provide connection to this development that avoids vehicles using Brodie Spark Drive. The applicant needs to liaise with Transport for NSW (TfNSW) to determine an appropriate design at the intersection of Allen or Burrows Street to accommodate southbound right-turn movements.</p> <p>Modifying the Eden Street intersection also has the potential to negatively impact the Firth Street/ Forest Road intersection, which needs to be assessed and investigated to understand what impacts will be created.</p>   | As above.  |
| <p><i>Vehicular Access</i></p> <p>The proposed vehicular access design to Eden Street involves three driveways. These three driveways all placed adjacent to each other result in an excessively large 29m wide driveway that has significant detrimental impacts upon the public domain, and is not supported. Furthermore, these three driveways are all located at a significant bend of Eden street, where sight distances are significantly constrained.</p> <p>This excessively large driveway width (29m) needs to be reduced in size whilst still functioning correctly as per Australian Standards. To achieve this, the design of the parking facility needs to be amended to facilitate the movements of service vehicles to the loading dock via the same driveway as the basement vehicular access.</p> | <p>The development as amended involves the rationalisation of the Eden Street access/egress into a single access roadway (<b>Section 4.6.1</b>). It facilitates both passenger and heavy vehicle access, forming a T-junction with Eden Street being governed by 'Stop' signage control, with Eden Street forming the priority route.</p> <p>This arrangement has been designed in direct consultation with Council's traffic engineers. During this consultation, it has been agreed that the updated scheme provides for safe and efficient connectivity between the site and Eden Street, in conjunction with a proposed introduction of a 40km/h high pedestrian activity area speed limit within Eden Street.</p> |
| <p>Given the sight distance constraints identified in the traffic report associated with the bend in Eden Street's alignment, a Category 4 driveway access is not considered appropriate for the development and instead, a Category 5 vehicular access driveway (i.e., intersection) must be provided for this development. This aspect is already acknowledged in the traffic report. However, the current design of the intersection is not supported as it does not appropriately resemble an intersection.</p>  | As above.  |
| <p>The vehicular access needs to be entirely redesigned to properly reflect an intersection design as per AS/NZS2890.1:2004 section 3.1.1. This will require some opening up of the area and building around the intersection and the provision of a far longer length with a flatter gradient. Additionally, the intersection needs to be set back as far as feasibly possible from the bend in Eden Street. A safety concern is raised regarding the location of the southernmost driveway within close proximity to the bend on Eden Street. The sight distance of 50m to the south is inadequate and less than the required 69m, and the seagull treatment (s1.3.6) proposed does not fully mitigate risks.</p>  | As above. The proposed amended site access junction location facilitates appropriate sight distance along Eden Street, commensurate with the proposed introduction of a 40km/h high pedestrian activity area speed limit.  |

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|      | The applicant hasn't provided detail to demonstrate whether the road width is adequate for the changes proposed, including provision of seagull treatment and the proposed bidirectional separated cycle path (as per Arncliffe and Banksia Public Domain Plan).  | The amended site access arrangement ( <b>Section 4.6.1</b> ) removes the originally proposed seagull treatment within Eden Street. The arrangement does not compromise the ability to deliver the cycle path. Refer to further discussion in Section 7.11 Contributions responses below.   |
|      | The treatment appears to show movement from the south (right turn) into the building is only to the private vehicle parking area (not loading zone). The swept path plans only show movements to and from site via the north. There is no swept path diagram for heavy vehicles exiting the site to the south. This plan shows vehicles existing to the north only. If there are restrictions on exiting to north only signage must be clear to prevent inappropriate left turns to south.  | This is addressed by the amended access arrangements. In this regard, it is proposed that vehicles over 9m in length will be restricted to exit the site via a right turn only, desirably then accessing the surrounding public road network via the traffic signals at the junction of Princes Highway and Burrows Street.  |
|      | It is recommended that entry to the basement lower parking levels should include a setback area at street level in case a vehicle breaks down and totally blocks access into or out of the development.   | The amended site access arrangement provides a 6m wide ingress lane thereby allowing trailing vehicles to pass a stationary vehicle in the event of a breakdown.   |
|      | The loading dock should be completely redesigned so that it does not rely on a separate vehicular crossing. Furthermore, the seagull intersection needs to be carefully designed to ensure it meets Australian Standards, Austroads and Council requirements. To ensure it is designed well, some road widening may be necessary.   | The amended Eden Street site access arrangement ( <b>Section 4.6.1</b> ) provides for a single rationalised access roadway accommodating both passenger vehicle and heavy vehicle access movements. The originally proposed seagull arrangement has been deleted.  |
|      | Other associated issues include:<br><ul style="list-style-type: none"> <li>Swept paths depicted on sheet 14 and 15 (pages 88 &amp; 89) of the Traffic Report indicate further issues with the design of the vehicular access and seagull intersection. The design forces vehicles to drive in the oncoming lane at poor angles in order to enter/ exit the driveway. This permanent arrangement is dangerous and will not be supported. These swept paths indicate that right turn entering/ exiting the site will be particularly difficult for motorists and not conducive to a safe intersection;</li> </ul> | The amended site access arrangement removes the originally proposed seagull treatment within Eden Street. Updated site access and egress swept path plans have been prepared and are appended to the Updated Transport Impact Assessment ( <b>Appendix K</b> ).<br><br>These swept paths illustrate site access and egress movements are facilitated in a safe and efficient manner. |
|      | <ul style="list-style-type: none"> <li>The swept paths on sheet 16 (page 90) do not accurately reflect the architectural plans (near the bicycle parking). They must be revised to accurately reflect the architectural plans;</li> </ul>   | The updated documentation is consistent.   |
|      | <ul style="list-style-type: none"> <li>It needs to be demonstrated that the painted seagull intersection treatment will feasibly work within the road carriageway of Eden Street. The developer will be responsible for all costs associated with constructing this seagull intersection;</li> </ul>  | As above. The seagull treatment has been removed from the application.   |
|      | <ul style="list-style-type: none"> <li>A queueing analysis/ assessment must be undertaken in accordance with Australian Standards for the vehicular entry;</li> </ul>   | An appropriate queueing analysis is provided within Sections 3.1.2.2 and 3.1.1.6 of the Updated Transport Impact Assessment Report ( <b>Appendix K</b> ), concluding that the extent of internal queueing is consistent with the relevant specifications of AS2890.1:2004.   |
|      | <ul style="list-style-type: none"> <li>Intersection performance must be assessed for the development's required intersection with Eden Street;</li> </ul>   | Intersection modelling has been provided within Section 8.3 of the Updated Transport Impact Assessment Report ( <b>Appendix K</b> ), concluding that proposed amended Eden Street access roadway is projected to provide motorists with a good level of service with spare capacity.   |

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| <ul style="list-style-type: none"> <li>Suitable stop/ give way signage must be incorporated into the design of the intersection; and</li> <li>Current swept path design of service vehicles into the site is not supported.</li> </ul>  | <p>Noted. The proposal incorporates appropriate 'Stop' signage and pavement marking, providing priority to through Eden Street traffic movements.</p> <p>Updated site access and egress swept path plans have been prepared and are appended to the Updated Transport Impact Assessment (<b>Appendix K</b>). These swept paths illustrate site access / egress and internal circulation movements are facilitated in a safe and efficient manner.</p>   |
| <p>It needs to be demonstrated that it is feasible for an articulated vehicle (AV) to reach this site. Swept path analysis (complying with Australian Standards) must be provided for assessment along the entire inbound and outbound travel path through the local road network from the State roads. It is noted that a 14.5m long AV does not comply with AS2890.2:2018, which states that AVs typically have a length of 20m.</p>  | <p>The scale of the retail tenancies is such that 20m long articulated vehicles are not required to service the site. The largest vehicle required to service the site is a 14.5m long truck. Appropriate swept path analysis for such vehicles is provided within the Updated Transport Impact Assessment report (<b>Appendix K</b>).</p>  |
| <p>This proponent should consider providing an easement for vehicular access through the basement that benefits the properties of 181 Princes Highway and 7 Forest Road (including designing the basement to facilitate a future breakthrough). This will enable these sites to utilise this development's basement to achieve vehicular access to Eden Street (local road network) in their future re-development. Otherwise, when redeveloped, these sites will be forced to provide a driveway to the classified road network in a very poor location.</p> | <p>The Proponent has considered the provision of an easement in detail. Given basement design constraints in providing adequate parking while maximising the site's deep soil provision, it was determined that facilitating a breakthrough to the sites to the south was not possible at this stage.</p>   |
| <p><i>Parking</i></p> <p>The site is located within 800m of Arncliffe Station, which means that the RTA Guide to Traffic Generating Development Rates (Metropolitan Sub-Regional Centres) are applicable to this development, not the RDCP2011 parking rates. The development provides residential "market" parking in accordance with this parking rate and is supported. The social housing dwellings are provided with car parking spaces that meet the requirements of the SEPP ARH, which is supported.</p>  | <p>Noted and agreed.</p>  |
| <p>The Rockdale DCP 2011 bicycle parking rates are very low and outdated. The development should be revised to provide an increased bicycle parking provision at a rate of 1 space per 2 dwellings as a sustainability measure. Bicycle parking should be provided for the nonresidential component at a rate of 1 space per 150m<sup>2</sup> GFA, with suitable end of trip facilities.</p>  | <p>Council's DCP requires bicycle parking to be provided at a rate of 1 space per 10 market residential dwellings, 1 space per 200m<sup>2</sup> of retail floorspace and 1 space per 10 children for the childcare centre. On the basis of 564 market residential dwellings, 3,353m<sup>2</sup> retail floor space and 40 children within the childcare, 57 resident spaces, 13 retail staff, 4 retail customer and 4 childcare centre spaces are required (total of 78 spaces).</p> <p>Notwithstanding the above, Council's submission requested increased bicycle parking for the market housing component at a rate of 1 space per 2 dwellings. This site-specific requirement is 5 times the documented DCP requirement, increasing the DCP requirement for the residential component from 57 spaces to 282 spaces.</p> <p>The amended development scheme provides:</p> |

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|  | <ul style="list-style-type: none"> <li>• 372 storage cages, capable of accommodating resident bicycles within the basement parking levels, thereby readily exceeding Council's site-specific requirements by some 90 spaces;</li> <li>• 22 bicycle parking spaces dedicated to the retail component, exceeding the DCP requirement by 5 spaces; and</li> <li>• 4 bicycle parking spaces dedicated to the childcare centre as per the DCP.</li> </ul>  |
| <p>Section 4.7 of the traffic report indicates that the development does not comply with the Rockdale DCP 2011 bicycle parking rate provision, because there is sufficient area in the residential storage cages for bicycles. The applicant's proposed use of the storage cages for bicycle parking is not supported. All bicycle parking spaces should be provided in a dedicated secured bicycle parking area (monitored by CCTV) and the bicycle parking spaces designed in accordance with AS2890.3:2015 for the applicable user class.</p> | <p>While it is acknowledged that Council has raised comments with respect to bicycle parking in storage cages, the proposed storage cage arrangements are satisfactory as:</p> <ul style="list-style-type: none"> <li>• The storage of bicycle within individual cages provides a greater level of security than designated bicycle storage rooms;</li> <li>• The use of apartment storage cages for bicycle storage is consistent with other Council requirements; and</li> <li>• Oversize storage cages are provided to ensure that the potential accommodation of bicycles does not impact the normal requirement for storage volume.</li> </ul> |
| <p>The development is also required to provide car wash bays at a rate of 1 per 60 units, dimensioned 3.5m wide and bunded with all run-off going only to the sewer (Rockdale Technical Specification Stormwater Management section 7.5.5). It may be considered to have some car wash bays shared with visitor parking spaces.</p>  | <p>The amended development scheme provides the appropriate car wash provision and layout in accordance with Council's requirements.</p>   |
| <p>The childcare parking spaces must be clearly shown on the plans. The parent pick-up/dropoff spaces are to be at least 2.6m wide and have separated access directly to the childcare facility (so that parents and children do not have to walk through the car parking aisle).</p>  | <p>The amended development scheme provides a dedicated childcare parking area, whereby visitor spaces are appropriately dimensions and provide direct connectivity to passenger lifts to facilitate safe and efficient centre access/egress.</p>  |
| <p>Providing retail parking at the Rockdale DCP 2011 rate is acceptable however, all 78 spaces need to be provided for use by retail visitors (not 66). Staff parking can be provided separately. The parking spaces for retail visitors will need to be secured via boom gate and have a limited timed period of free parking, to deter all day commuter/residential parking not associated with the retail component of the development.</p>   | <p>The amended development scheme provides all 78 retail staff parking spaces available to visitors and customers.</p>  |
| <p>Car share spaces can only be provided internally within the development site, not on-street.</p>  | <p>The amended development scheme provides all a total of six car share parking spaces within the publicly accessible retail parking area, but additional to the abovementioned 78 retail parking provision.</p>  |
| <p><i>Loading/Unloading &amp; Waste Collection</i></p> <p>The proposed loading &amp; unloading provision within the loading dock (2 AV loading spaces, 1 Council waste collection bay and 3 MRV loading bays) is considered acceptable. However, the ability for loading/ unloading to occur for residents in Towers A &amp; B is questioned due to how far away the loading dock is from Towers A &amp; B. To</p>   | <p>The amended development scheme provides a total of four additional van loading spaces within the basement parking areas, with convenient access to all development towers.</p>   |



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| ameliorate this issue, a few van loading/ unloading spaces could be provided in locations as close as possible to the lift lobby for Towers A & B within the basement.   |  |
| All waste must be able to be adequately transported up to the loading dock for collection within the loading dock, as on-street waste collection is not permitted and bins are not permitted to be presented to the street for collection. A loading dock management plan is required to be provided.  | This can be facilitated through a condition of consent.  |
| <p><i>Construction vehicle access</i></p> <p>S9.4 Construction assumes all inbound construction traffic is from the south. This assessment is only acceptable if there is a restriction on all construction vehicles to only enter from certain streets.</p>   | Refer to Section 9.4 Construction Vehicle Transport Routes within the Updated Transport Impact Assessment ( <b>Appendix K</b> ). All construction vehicles are to access the site as specified within a provided CTMP during construction certificate stage. Construction workers must comply with the transport routes as specified.  |
| <p>The report identifies all materials from the site will be removed using the roads Eden Street / Forest Road / Wickham Street / West Botany Street / Marsh Street and finally the M5, but it does not describe how heavy vehicles will access the site. It appears the Traffic Assessment and CTMP are deliberately avoiding the access to this site as the only access to this site from the north will be via Princes Highway / Brodie Spark Drive / Arncliffe Street / Burrows Road, and finally, into Eden Street.</p> <p>Construction vehicle access must be limited to entry and exit via Eden Street/ Forest Road intersection or Burrows Road/ Princes Highway intersection. No access to construction vehicles to Burrow Road west of Eden Street, Brodies Spark Drive or Arncliffe Street.</p> | Section 9.4 of the Updated Transport Impact Assessment ( <b>Appendix K</b> ) provides details of the construction vehicle egress routes from the site. These routes identify that all vehicles must exit the site and the precinct via Eden Street and thence Burrows Street to access Princes Highway. No construction vehicles are to travel via Brodie Spark Drive. Construction workers must comply with the transport routes as specified.  |
| The CTMP also states all worker vehicles will be contained on site in the basement parking levels. This would not occur for at least 12 months while these lower parking levels are constructed.   | The Updated Transport Impact Assessment ( <b>Appendix K</b> ) specifies that prior to the construction of the basement parking levels, all construction site personnel must park within the subject site and not within the surrounding public road network.   |
| The applicant must provide a Parking Management Plan for construction workers. The Parking Management Plan must consider parking away from the site and transport of workers to the site. The plan must reflect the number of workers at various stages of construction. The plan is not to rely on construction workers parking in nearby residential streets due to the impact on residential amenity in the adjoining area.   | This can be facilitated through a condition of consent.  |
| <p><i>Sustainable Transport</i></p> <p>This development needs to provide and promote sustainable transport options to decrease the prevalence and reliance on unsustainable transport options. To achieve this the following is to be addressed at minimum:</p> <p>a) The amount of car spaces equipped with electric vehicle (EV) charging facilities shall be increased to be a minimum of 20% of all proposed car parking spaces within the development (with the 20% being split proportionally between all uses in the development). The EV charging points shall be provided as 'Level 2' charging</p>   | <p>Whilst it is considered desirable that a development of the subject scale provide some level of convenient access to electric car charging infrastructure, there are no known specifications which provide developers with directions on what the extent of charging infrastructure is appropriate.</p> <p>Council does not nominate electric car charge point requirements within its DCP, so it is uncertain where the 20% rate nominated comes from.</p> <p>Electric car sales account for approximately 1.5% of all car sales in Australia up to August 2021. Whilst it is acknowledged that the market share has increased</p> |

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|                       | <p>infrastructure with a power range of 7kW-22kW, as defined by NSW Electric and Hybrid Vehicle Plan, Future Transport 2056. The designs and allocation of EV charging points is to comply with the following:</p> <ul style="list-style-type: none"> <li>Privately available spaces shall be designed with 'Level 2' slow charging points – single phase with 7kW power;</li> <li>Publicly available spaces shall be designed with 'Level 2' fast charging points – three-phase with 11-22kW power;</li> <li>The development shall provide either buried cables or cable trays sufficient to accommodate the electric circuitry to each car space required to provide EV charging points. Electrical load management requirements shall be identified, and it shall be confirmed that there is an adequate distribution board size provided for the electric vehicle charging point system;</li> <li>The loading dock of the development shall also implement an EV charging point suitable for an EV truck;</li> <li>Nominated car share spaces operated by a commercial car share operator, car share spaces shall be provided at a rate of 1 space per 100 dwellings. These car share spaces shall be in a publicly accessible area within the development, and <ul style="list-style-type: none"> <li>Provision of residential bicycle parking at a rate of 1 space per 2 dwellings</li> <li>Provision of commercial bicycle parking (at a rate of 1 space per 150m2 GFA) and appropriately designed end of trip facilities to match the scale of the development and bicycle parking provision.</li> </ul> </li> </ul> <p><i>Pedestrians</i></p> <p>Pedestrian movements across Forest Road from this site will significantly increase to Wardell Street and the school and Arncliffe Youth Centre with no safe pedestrian passage. Fencing is strongly recommended along the entire Forest Road frontage between Princes Highway and Firth Street to encourage vulnerable pedestrians to use traffic signals either at Princes Highway or Firth Street.</p> | <p>in recent times, with electric cars accounting for approximately 0.2% in 2018 in Australia, the provision of dedicated infrastructure for 20% of all off-street car parking spaces is clearly excessive.</p> <p>The application proposes six of the retail customer parking spaces to be fitted with charging infrastructure, representing 7.5% of the total yield.</p> <p>Further, 10 of the residential visitor parking spaces are proposed to be fitted with electric charge points, representing 13% of the total yield.</p> <p>The above charging infrastructure is considered appropriate to service the non-resident charging demands.</p> <p>Further to the above, it is now proposed that 20% of the resident parking spaces be provided with the capability of providing charging infrastructure in the future at the specific parking space owner's expense, should it be desired.</p> |
| Stormwater Management | <p><i>On-Site Detention</i></p> <p>On-Site Detention (OSD) is required as part of this development, in accordance with Section 6 of the Rockdale Technical Specification: Stormwater Management. The OSD design is to be revised to be provide a "nested storage", in accordance with Section 6.3 of this technical specification. It is to be demonstrated that Section 6.7 of the technical specification is complied with. Furthermore, it is not clear on the plans as to where OSD tank 1 discharges. Amended plans are to be provided for assessment.</p> <p>All stormwater run-off is to discharge into underground stormwater infrastructure, no kerb outlets are permitted.</p>   | <p>The 2x OSD designs have been amended with 2-year ARI storm event nested storage as per Section 6.3 of the Rockdale Technical Specification. Refer to the Stormwater Plans at <b>Appendix N</b>.</p> <p>The amended proposal complies. The proposed new Pipe Network System in Eden Street will direct the OSD outflows to the existing Council network in Burrows Street. Refer to the Stormwater Plans at <b>Appendix N</b>.</p>   |


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| <p>Bayside Council will require a positive covenant to be registered on the title of the land where OSD and Stormwater Quality Improvement Devices (SQIDS) are present, to ensure their ongoing maintenance, as per Rockdale Technical Specification Stormwater Management. This can form part of the conditions of consent.</p>   | <p>Noted. This can be facilitated through a standard condition of consent.</p>   |
| <p>While not required by Council, there is potential to provide 'smart' detention at this large site, in a relatively small catchment that could mitigate the risk of coincidental peaks and time discharge for low tide periods. There is a risk of the detention on site resulting in coincidental peaks within the catchment (with the Wollongong Road and Bonar Street stormwater networks) that meet at a restriction under the SWSOOS, just upstream of the Bonnie Doon Channel.</p> <p>During high tides this pipe is outlet controlled and there is no discharge often resulting in flooding in lower reaches of the catchment particularly Arncliffe Street at Guess Avenue. There is potential for this development site to investigate and implement the use of smart technology to release at low tides (without detention) and to retain during high tides, for release either once capacity of tanks is reached or during next low tide.</p> | <p>Noted.</p>  |
| <p><i>Water Sensitive Urban Design</i></p> <p>The development requires the use of a Water Sensitive Urban Design Approach (WSUD) to the design of the drainage system. Rockdale Technical Specification Stormwater Management Section 7.5 requires the development to confirm the targets for the stormwater pollution reduction and to justify the target by an analysis using MUSIC. This has been demonstrated and the proposed SQIDS, swales and rainwater tanks are acceptable.</p>   | <p>The Amended Stormwater Plans (<b>Appendix N</b>) incorporate WSUD devices such as gross pollutant traps, rainwater tanks, bioswale, detention basin and stormfilter units. Compliance to Council's water quality improvement targets has been demonstrated by MUSIC modelling.</p>  |
| <p>The report and MUSIC modelling indicate that 6 x 25kl rainwater tanks are proposed for the development, which is strongly supported by Council and complies. However, it is not clear as to where the rainwater tanks are located on the plans provided, so they must be clearly shown on the plans. These rainwater tanks must be designed to be connected for internal non-potable stormwater re-use, with the re-use being maximised. To maximise re-use, connections should be provided to all ground level &amp; lower ground level landscape irrigation, all car wash bays, all ground level &amp; lower ground level toilet + urinal flushing, and the cold water tap that supplies all clothes washers in the ground level and lower ground level. A landscape irrigation system must be provided in the park.</p>  | <p>Re-use of rainwater from rainwater tanks will be utilised. Refer to Stormwater Plans at <b>Appendix N</b>.</p> <p>Rainwater tank re-use connections to toilets are not required as there are adequate landscaping areas to be irrigated. MUSIC modelling shows Council's water quality improvement targets are met with the allocation of rainwater tanks for irrigation.</p> |
| <p><i>Subsurface Structures</i></p> <p>The basement levels are required to be designed as a fully tanked and waterproof structure due to the presence of shallow groundwater table. No groundwater is permitted to enter the basement. Subsoil drainage around the subsurface structure must allow free movement of groundwater around the structure but must not be connected to the internal drainage system. No pump-out is permitted to drain and</p>  | <p>Noted.</p>  |

| Item           |  | Response   |
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|                | <p>discharge groundwater seepage from the basement to the stormwater system. The pump-out system for the basement needs to comply with AS/NZS 3500.3:2018.</p> <p>The stormwater system in the parking facility and loading dock must incorporate an oil separator in accordance with Rockdale Technical Specification – Stormwater Management before the run-off is discharged from the site. Basement stormwater drainage plans are to be provided for assessment.</p>   | Noted.   |
| Public Domain  | <p><i>Arncliffe and Banksia Public Domain Plan</i></p> <p>The applicant must address the proposed upgrades to the Public Domain, as identified in the Arncliffe and Banksia Public Domain Plan &amp; Technical Manual. These proposed upgrades are to be incorporated into the detailed design plans, and are required to be constructed as part of the development – with particular attention to the upgrades along Princes Highway, Eden Street and Eden Park, as mentioned in each respective section of the Manual. The applicant is responsible for carrying out and funding the proposed works for the entire width of the site frontage to Princes Highway &amp; Eden Street, as well as Eden Park. The extent of works must include, but is not limited to, the below mentioned upgrades as per the Arncliffe and Banksia Public Domain Plan &amp; Technical Manual. The extent of works must specifically include the following:</p> <ul style="list-style-type: none"> <li>• The full width and extent of a new bi-directional bicycle lane on Eden Street from Forest Road to Burrows (note that since the Arncliffe and Banksia Contributions Plan levies for this, a funding arrangement may be entered into with Council);</li> <li>• A raised painted pedestrian crossing connecting the through site link and arcade towards Arncliffe Station;</li> <li>• Public domain street scape upgrade works along the full frontage of the site including new footpath, street tree planting, undergrounding of all overhead wires on Princes Highway and, removal of redundant Ausgrid poles and installation of underground supplied street lighting columns along both frontages. The new footpaths on Eden Street shall be 2.8m wide and the footpath on Princes Highway shall be 2.1m wide.</li> </ul> <p>Note: Some upgrades that impact the road carriageway will require approval from the Bayside Council Traffic Committee, and subsequently endorsed at a Council meeting.</p> | <p>N/A – see response to each item below.</p> <p>Refer to above response on this matter.</p> <p>The crossing forms part of the proposal and will be constructed by the Proponent.</p> <p>The Proponent will undertake the nominated public domain upgrade works.</p>           |
| Sustainability | <p>This development is in a Design Excellence area, and needs to demonstrate an excellence in sustainability, which must include, but not be limited to, the following measures:</p> <ul style="list-style-type: none"> <li>• Addressing sustainable transport requirements mentioned previously;</li> <li>• The extent of the PV system is to be increased to ensure that the rooftops of all buildings incorporate the provision of Photovoltaic Cells that maximise the use of available nontrafficable rooftop space;</li> </ul>   | <p>Noted. Refer to discussion around Parking, Traffic &amp; Access above.</p> <p>PV will be maximised in all locations and balanced with other rooftop spaces, such as rooftop gardens. Innovative use of PV in shading structures will also be investigated and designed.</p> |



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|              | <ul style="list-style-type: none"> <li>• Maximisation of non-potable stormwater re-use of the lower ground level &amp; ground level of the development including all landscape irrigation, clothes washers, toilets and car washing;</li> </ul>  | <p>Rainwater reuse is proposed for all irrigation and all car washing.</p> <p>The use of dual reticulation to apartments will not be effective or cost-efficient with the available rainwater and stormwater, unless blackwater treatment is introduced. As an alternative approach, top-rated (or very close to top-rated) toilets and clothes washers have been proposed. This will mean minimal potable water is used for toilets and laundry.</p>  |
|              | <ul style="list-style-type: none"> <li>• Zoned and sensor-controlled lighting and air conditioning should be provided as part of the development;</li> <li>• Use of LEDs and other low energy flicker free lighting resources;</li> <li>• Use of water saving appliances above and beyond BASIX requirements;</li> <li>• Provide ample recycling storage rooms;</li> <li>• Use of blast slag, fly ash or other pozzolan admixtures in concrete to minimise cement and reduce embodied carbon;</li> <li>• Extensive use of planters on interior and exterior to the buildings including provision of additional green walls, green roofs etc.; and</li> <li>• Provide separate circuiting for temporary power to minimal stair and corridor lighting.</li> </ul>  | <p>Noted. The proposed development will incorporate these measures.</p>  |
| Geotechnical | <p>The applicant shall provide a Geotechnical Engineering Report that addresses (but is not limited to) the following:</p> <ul style="list-style-type: none"> <li>• The type and extent of substrata formations by the provision of a minimum of two representative bore hole logs which are to provide a full description of all material from the ground surface to 1.0m below the proposed lowest basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum;</li> <li>• The appropriate means of excavation/shoring in light of the above point, and proximity to adjacent property and structures. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations/buildings shall be discussed and ameliorated;</li> <li>• The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site); and</li> <li>• Recommendations to allow the satisfactory implementation of the works.</li> </ul> <p>The Geotechnical Report must be prepared by a suitably qualified Geotechnical Engineer that is experienced in these relevant investigations and reporting.</p> | <p>A comprehensive Geotechnical Report and Stage 2 Detailed Site Investigation was submitted with the EIS at Appendix R. The report was prepared by a qualified Geotechnical Engineer (ADE Consulting). As part of the preparation of the report, an intrusive sampling investigation was undertaken with 44 primary soil samples taken at 22 borehole locations across the site.</p> <p>Recommendations on demolition and excavation (including with regards to techniques, methodology, monitoring, support structures, and foundations) were provided at Chapter 6 of the Geotechnical Report. The recommendations will be incorporated into a detailed Construction Environmental Management Plan (CEMP) following appointment of a principal contractor prior to issuance of a construction certificate as is industry best practice.</p> |

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| Section 7.11 Contributions           | <p>The applicant implies the s.7.11 contributions will go towards a shared pedestrian/ cycle path along the western Princes Highway footpath between Forest Road and Burrows Street. This is incorrect, as there is no provision in the Arncliffe and Banksia s.7.11 Contributions Plan to provide for public domain works in front of private property. The provision of this shared pedestrian/ cycle path on Princes Highway is to be delivered by the applicant as part of their public domain works. The full cost is to be borne by the developer.</p>   | <p>The Proponent proposes to deliver the new 2.5 metre shared path along the Princes Highway through a works-in-kind (WIK) agreement with DPIE, where the cost of works is offset against the SIC levy, as it forms part of identified 'Pedestrian and cycleway improvements' under Schedule 1 of the Bayside West SIC. If accepted, detailed design of the shared path will occur at the construction certificate stage.</p>  |
|                                      | <p>The applicant also proposes modification of existing pedestrian refuge to prevent right turns from Forest Road into Eden Street (and enforce left-in/ left-out movements), with s.7.11 funds. This is not provided for in the Contributions Plan either, and therefore cannot be funded by the Contributions Plan. The developer is to fully fund the cost of these works.</p>  | <p>This item is identified under Schedule 1 – 'Pedestrian and cycleway improvements' of the Bayside West SIC. The proponent is willing to enter into a WIK agreement with DPIE to facilitate the intersection upgrade, where the cost of works is offset against the SIC levy. If accepted, detailed design of the intersection works will occur at the construction certificate stage.</p>  |
|                                      | <p>Council requests that the following condition be applied to the consent:</p> <p><i>Section 7.11 Contributions</i><br/> <i>A Section 7.11 contribution of \$12,183,162.07 shall be paid to Council. The contribution is calculated according to the provisions contained within the Council's adopted Arncliffe and Banksia Local Infrastructure Contributions Plan 2020. The amount to be paid is to be adjusted at the time of payment, in accordance with the review process contained in the Contributions Plan. The contribution is to be paid prior to the issue of any Compliance Certificate; Subdivision Certificate or Construction Certificate. The contributions will be used towards the provision or improvement of the amenities and services identified below:</i><br/> <i>Transport – 3,824,798.57</i><br/> <i>Stormwater Management – 558,565.51</i><br/> <i>Open Space – 2,407,660.09</i><br/> <i>Community Facilities – 5,260,526.26</i><br/> <i>Administration – 131,611.66</i><br/> <i>Total in 2021/22 – 12,183,162.07.</i></p> | <p>The Proponent notes the contributions payable in accordance with the Banksia and Arncliffe Contributions Plan. It is noted that the Council's Contributions Plan (Part 3.3) identifies that an applicant:</p> <p><i>"may offer to enter into a Planning agreement to undertake works, make monetary contributions, dedicate land, or provide some other material public benefit."</i></p> <p>The Eden Street Park will provide high quality open space amenity for future residents and the wider Arncliffe community. The Park will cost approximately \$4,000,000 to construct and deliver; furthermore, the ongoing management and maintenance of the park will be undertaken by the owner's corporation and not Council. It represents a clear material public benefit.</p> <p>The Proponent believes it is reasonable to seek an offset of \$2,407,660.09 which is equal to the Open Space portion of the total contribution amount identified in the Council's submission (which is approx. \$1,590,000 less than the cost of delivering the park).</p> <p>Therefore, the appropriate 7.11 payment for the project should be \$9,775,501.98 (all costs nominated by Council excepting the open space fee).</p> <p>Discussions with Council are ongoing regarding the proposed offset.</p> |
| Special Infrastructure Contributions | <p>Council notes that the site is located in a 'Special Contributions Area' under section 7.1 of the EPAA and that contributions will also be payable under this scheme.</p>   | <p>Noted.</p>  |
| Property                             | <p>Council staff provide the following comments in relation to property:</p> <ul style="list-style-type: none"> <li>The proposal provides approx. 4,870 sqm of open space including a 4,000 sqm park and 870 sqm public plaza. This space is to remain in the ownership of LAHC,</li> </ul>  | <p>Noted.</p>  |

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|                         | <p>or controlled through a community association established through a strata scheme, and it will be necessary to ensure the general community has access rights to use this space through covenants, rights of way, and/or easements. It is important these rights extend to the through site links. A condition should be placed on the consent requiring the proponent to liaise with Council staff in regards to the detail of this.</p> <ul style="list-style-type: none"> <li>The project documentation notes one of the key objectives is to provide private market, affordable and social housing. It is noted that 180 social housing units are concentrated within Building C, which appears contrary to the LAHC's policy to deconcentrate social housing.</li> </ul> | <p>As consistent with other developments delivered under the 'Communities Plus' programme (such as at Macquarie Park and Lidcombe), it is LAHC's preference for new social housing dwellings to be concentrated in buildings that form part of a broader, highly integrated mixed tenure precinct.</p> <p>Locating all the social housing apartments in Building C confers operational advantages for Evolve Housing as the building's Community Housing Provider. The current arrangement also maximises Evolve's capability to maintain and provide repairs to Building C when needed.</p>  |
| Plans and Documentation | <p>There are no elevations or dimensioned setbacks shown for the plant room behind Tower C. The reliance on the rendered image of the area is insufficient. Dimensioned plans and elevations are to be submitted in addition to the section and rendered imagery.</p>    | <p>The common southern boundary shared with 52 Eden Street and 7 Forest Road has been updated to include a landscape buffer through a planter box buffering the communal open space and plant room to the neighbouring properties.</p> <p>Refer to drawings DA2007, DA3050 and DA3033 within the Architectural Plans (<b>Appendix A</b>) for details of this proposed treatment.</p> <p>The natural ground level on this boundary varies between RL 27.1 and RL27.8. The proposed planter will be recessed into the slab resulting in a boundary wall condition averaging 4.5m high. Future development would likely have a ground level FFL of minimum RL28.5 allowing for a level threshold in the centre of the Eden Street boundary. This would reduce the height of the boundary wall to 3.5m. The proposed wall type is a white precast concrete panel.</p> |
|                         | Overshadowing to the southwestern neighbouring properties, particularly 52-54 Eden Street, 7-25 Forest Road and 181 Princes Highway, needs to be shown.  | Refer to previous responses to this item.   |
|                         | The Plant and Loading area on neighbouring properties presents an aggressive interface with a 10.1m high blank wall to the southwestern boundary and should be setback behind a landscaped buffer that is planted in scale with this element.  | <p>The built form of the proposed development presents as a 6 storey podium at this location, as consistent with the street wall height requirements under the Rockdale DCP. Substantial landscaping has been provided atop the podium roof of this area, as shown within Drawing DA 9233 of the Amended Landscape Plans at <b>Appendix C</b>.</p> <p>The presentation of the 10.1 wall was chosen by the Proponent as a deliberate design choice, in order to not compromise the future development potential of</p>   |

| Item       |   | Response   |
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|            | <p>The southern corner of the site, in the location of the electricity substation and fire hydrant booster, is not clearly shown on the elevations. Concern is raised as to the visual impact of these services at the street edge and how the hydrant booster interfaces with the adjoining property. They should be as concealed as possible.</p> <p>Additionally, there are no dimensions found on any of the floor plans above ground level.</p>  | <p>adjacent sites (including at 52 Eden Street neighbouring the plant and loading area), and ensure they can be developed in accordance with their planning controls without setback, sight line and/or privacy concerns facing the Eden Street site.</p> <p>The southern corner of the site on the Princes Highway is the location of the hydrant booster assembly and a gas regulator totem. Building D elevations DA3042 and DA3043 of the Amended Architectural Plans (<b>Appendix A</b>) and the Amended Landscape Plans (<b>Appendix C</b>) provide details of this enclosure.</p> <p>There are two new proposed substations, both located on the Eden Street boundary, with no substation proposed in the southern corner of the site. One is located on the Upper Ground floor under Building C and is integrated into the building façade to minimise its visual impact (refer to Drawings DA2005 and DA3031).</p> <p>The other is located in an underground chamber on Eden Street (refer to Drawings DA2003 and DA2004). To further minimise the impact of this chamber, all required access hatches, egress stairs and fresh air intake/exhaust have been integrated into the meeting place landscape design and kiosk.</p> <p>The architectural documentation (<b>Appendix A</b>) has been updated with critical dimensions to all bedrooms and living rooms.</p> |
| Conclusion | <p>The land has been zoned and identified for very significant uplift and identified as a landmark site that can accommodate significantly more development than any other site in the locality, including social housing. Council supports the provision of social housing and the development generally, provided it complies with and respects the detailed, recently applied planning controls and policies. There is no reasonable justification for the development not to comply given this context.</p> <p>There are a number of very serious issues that need to be resolved, especially traffic, access and movement to and around the site generally. The creation of a comfortable and attractive environment at ground level is also critical through greater consideration of tree retention, canopy tree planting, and integration with the public domain as envisaged in the applicable plans.</p> <p>Council requests that the issues raised in this submission be carefully considered and would be happy to work with the DPIE and proponent on reviewing solutions.</p> | <p>Noted. Refer to responses to issues raised in this submission above.</p>  |

## 6.2 Civil Aviation Safety Authority Submission

**Table 9 Response to CASA submission**

| Item  | Response |
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| <p>CASA has reviewed the Airspace assessment (Appendix Y to the EIS) for the proposed development and has no major concerns with the Airspace assessment.</p> <p>As described in the Airspace assessment, the buildings and cranes will infringe prescribed airspace for Sydney Airport and approvals will be required from the Department of Infrastructure, Transport, Regional Development and Communications (DITRDC).</p> <p>In accordance with the Airports (Protection of Airspace) Regulations 1996, Sydney Airport will invite recommendations from CASA and Airservices Australia and progress the recommendations to DITRDC. CASA will assess the buildings and cranes in detail from an airspace obstacle perspective and provide specific recommendations for obstacle lighting and marking when the height of PANS-OPS surfaces have been confirmed by Airservices Australia.</p> | Noted.   |

## 6.3 DPIE – Environment, Energy and Science Group Submission

**Table 10 Response to EES submission**

| Item   | Response   |
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| <p>Biodiversity and Impacts to Native Vegetation</p>   | <p>Noted.</p>  |
| <p>EES issued a Biodiversity Development Assessment Report waiver on 15 January 2021 on the basis that the proposed development is not likely to have any significant impact on biodiversity values. The waiver was issued based on the removal of trees and vegetation within the subject site. Additional impacts have been identified during EES's assessment which must be addressed.</p>  | <p>Refer to <b>Section 4.5.1</b> above. The basement structure has been removed from the northern frontage through site link entirely. This reduces the built form's encroachment on the Tree Protection Zone (TPZ) of Tree 109 to no more than 10% (down from 18% in the exhibited scheme) in line with AS4970-2009 recommendations, ensuring that the tree can be retained effectively.</p> <p>Thee impact onto the TPZ of Tree 111 remains at less than 10% and therefore the tree can also be retained in line with AS4970-2009. T</p> <p>This is supported by the Arborist Report attached to this Submissions Report at <b>Appendix H</b>.</p> |
| <p>The Arboricultural Impact Appraisal and Method statement prepared by Naturally Trees dated 16 November 2020 (the arborist report) provides recommendations for the retention and protection of two significant trees including one Eucalyptus pilularis (tree 109 located within the adjoining property at 20-24 Eden Street) and one Lophostemon confertus (tree 111 located within the Eden Street road reserve). Tree 109 was specifically noted for retention in the BDAR Waiver Assessment prepared by Cumberland Ecology dated 7 January 2021. Architectural plans show works are proposed within the tree protection zone of these trees which is not consistent with the recommendations of the arborist report. To ensure the protection and retention of these trees the recommendations contained with the arborist report are to be implemented. In particular, for tree 109, the arborist report notes that existing levels between the tree and the exploratory trench (as detailed in the report), must remain unaltered and that there is to be no services or built structures placed within this critical zone.</p> <p>Design changes within the tree protection zone of these trees will be required to comply with the recommendations of the arborist report and ensure the retention and protection of trees 109 and 111.</p> |  |



| Item  |   | Response |
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| Flooding/<br>Floodplain<br>Risk<br>Management | The flood risk management reports for the proposed development have been reviewed and there are no outstanding matters to be addressed. | Noted.   |

## 6.4 DPIE – Water Group Submission

**Table 11 Response to DPIE Water submission**

| Item  |  | Response   |
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| Due to water requirements not included in the issued SEARS, we recommend the proponent address them at the RTS stage. The following are the requirements for DPIE Water and NRAR:<br>The identification of an adequate and secure water supply for the life of the project. This includes confirmation that water can be sourced from an appropriately authorised and reliable supply. This is also to include an assessment of the current market depth where water entitlement is required to be purchased. |  | Potable water for the development is to be sourced from the reticulated Sydney Water potable water network. As per the exhibited Infrastructure Management Plan prepared by JHA (Appendix AA of EIS), there is a likelihood that watermain amplification will be required to support the potable needs of the project.<br><br>Alternatively, a site storage tank may be introduced to minimise the peak demands, in line with the authority's limitation. Suitability of the potable water infrastructure will be confirmed via a Sydney Water Section 73 submission, subsequent to receiving DA approval as consistent with industry best practice. |
| A detailed and consolidated site water balance.   |  | A detailed site water balance shall be undertaken during the design development stage following DA approval, as consistent with best practice. It will include: <ul style="list-style-type: none"> <li>• Potable water usage;</li> <li>• Rainwater capture;</li> <li>• Reduction in stormwater run-off as a result of rainwater capture; and</li> <li>• Reduction in potable water consumption as a result of stormwater capture.</li> </ul>   |
| Assessment of impacts on surface and ground water sources (both quality and quantity), related infrastructure, adjacent licensed water users, basic landholder rights, watercourses, riparian land, and groundwater dependent ecosystems, and measures proposed to reduce and mitigate these impacts  |  | This issue is addressed within the Groundwater Management Response prepared by ADE Consulting at <b>Appendix D</b> .   |
| Proposed surface and groundwater monitoring activities and methodologies.   |  | This issue is addressed within the Groundwater Management Response prepared by ADE Consulting at <b>Appendix D</b> .   |
| Consideration of relevant legislation, policies and guidelines, including the NSW Aquifer Interference Policy (2012), the Guidelines for Controlled Activities on Waterfront Land (2018) and the relevant Water Sharing Plans (available at <a href="https://www.industry.nsw.gov.au/water">https://www.industry.nsw.gov.au/water</a> ).  |  | This issue is addressed within the Groundwater Management Response prepared by ADE Consulting at <b>Appendix D</b> .   |

## 6.5 Environment Protection Authority Submission

**Table 12 Response to EPA submission**

| Item   | Response |
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| The EPA has no comments to provide on this project and no follow-up consultation is required, Bayside City Council should be consulted as the appropriate regulatory authority for the <i>Protection of the Environment Operations Act 1997</i> in relation to the proposal. | Noted.   |

## 6.6 Heritage NSW Submission

**Table 13 Response to Heritage NSW submission**

| Item                                  | Response  |  |
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| Built Heritage                        | <p>It is considered that the HIS assesses the heritage impact on SHR listed Railway Station Site as well as the visual impact in general on heritage items in vicinity in a limited way. It is desirable that the HIS is updated to include comment on findings of the Visual impact Assessment report vis-à-vis heritage.</p> <p>However, it is acknowledged that due to the nature of the project there will be some unavoidable visual impact in context of the amended urban design controls and evolving character of the area.</p>                                    | Noted.   |
| Non-Aboriginal (Historic) Archaeology | <p>It is recommended that the following standard condition of consent is included:</p> <p><i>UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS</i><br/><i>The Applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.</i></p> | The proponent agrees with the inclusion of the condition of consent. |

## 6.7 Heritage NSW – Aboriginal Cultural Heritage Submission

**Table 14 Response to ACH submission**

| Item  | Response   |
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| <p>Heritage NSW has reviewed the ACHAR prepared by WSP. It is noted that the SEARs included the following with regard to Aboriginal cultural heritage matters:</p> <ul style="list-style-type: none"> <li><i>an Aboriginal Cultural Heritage Assessment Report in accordance with relevant guidelines, identifying, describing and assessing any impacts for any Aboriginal cultural heritage values on the site, including archaeology.</i></li> </ul> | An Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared by Artefact Heritage at <b>Appendix L</b> . The ACHAR has been prepared in line with relevant guidelines and the issued SEARs. |

| Item   | Response   |
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| <p>While we support the engagement undertaken with the Aboriginal community, we advise that the ACHAR submitted has not been prepared in accordance with the relevant guidelines, does not consider archaeological Aboriginal cultural heritage values and therefore does not meet the requirements of the SEARs.</p> <p>Heritage NSW recommends that a complete ACHAR is prepared for the proposed development.</p>   |  |
| <p>Heritage NSW provides the following recommendations:<br/>The EIS must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). This may include the need for surface survey and test excavation. The identification of cultural heritage values must be conducted in accordance with the Code of Practice for Archaeological Investigation of Aboriginal objects in NSW (DECCW 2010), and be guided by the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales (OEH 2011).</p> | <p>Refer to the ACHAR prepared by Artefact Heritage at <b>Appendix L</b>. Following detailed analysis including physical inspection in line with the relevant guidelines, the study area was found to be disturbed and to have a nil-low potential for Aboriginal objects. It was recommended that further assessment is not required.</p>   |
| <p>Consultation with Aboriginal people must be undertaken and documented in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.</p>  | <p>Refer to the ACHAR prepared by Artefact Heritage at <b>Appendix L</b>. Ongoing consultation with relevant Aboriginal people has been documented in the ACHAR. Consultation is currently occurring with the following Registered Aboriginal Parties (RAPs):</p> <ul style="list-style-type: none"> <li>• Didge Ngunawal Clan;</li> <li>• Waawaar Awaa Aboriginal Corporation;</li> <li>• Kamilaroi Yankuntjatjara Working Group;</li> <li>• Goobah Developments;</li> <li>• A1 Indigenous Services; and</li> <li>• Butucarbin Aboriginal Corporation.</li> </ul> |
| <p>Impacts on Aboriginal cultural heritage values are to be assessed and documented in the ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to Heritage NSW.</p>   | <p>Refer to the ACHAR prepared by Artefact Heritage at <b>Appendix L</b>. The study area was found to be disturbed and to have a nil-low potential for Aboriginal objects. It was recommended that further assessment is not required.</p> <p>Principles to avoid/minimise harm, and mitigation measures are provided in Sections 9-10 of the ACHAR.</p>   |
| <p>The assessment of Aboriginal cultural heritage values must include a surface survey undertaken by a qualified archaeologist. The result of the surface survey is to inform the need for targeted test excavation to better assess the integrity, extent, distribution, nature and overall significance of the archaeological record. The results of surface surveys and test excavations are to be documented.</p>  | <p>An archaeological survey/site inspection has been conducted. Refer to the ACHAR prepared by Artefact Heritage at <b>Appendix L</b>. The site survey did not reveal any artefacts or areas of archaeological potential.</p>  |
| <p>The ACHAR must outline procedures to be followed if Aboriginal objects are found at any stage of the life of the project to formulate appropriate measures to manage unforeseen impacts.</p>  | <p>Protocols for unexpected finds have been provided at Section 101 of the ACHAR (<b>Appendix L</b>), including in the event Aboriginal archaeological material and/or human remains are found.</p>  |
| <p>The ACHAR must outline procedures to be followed in the event Aboriginal burials or skeletal material is uncovered during construction to formulate appropriate measures to manage the impacts to this material.</p>  |  |

| Item  | Response  |
|---|---|
| <p>Notwithstanding the need for an ACHAR to be submitted in line with the requirements outlined above, we advise that the EIS provides inaccurate advice for the management of unexpected finds in the Mitigation Measures table on page 72. Heritage NSW provides the following recommendations:</p> <ul style="list-style-type: none"> <li>References to chance finds of Aboriginal objects needs to include a direction to register the object(s) with AHIMS and consult with the Registered Aboriginal Parties on the most appropriate management protocols.</li> <li>The references to the need to obtain Aboriginal Heritage Impact Permits should be revised as these may not be relevant to approved SSD's.</li> </ul> <p>The EIS needs to incorporate the management and mitigation strategies recommended in the ACHAR.</p> | <p>Noted. The project mitigation measures have been amended to incorporate the findings of the new ACHAR (<b>Appendix L</b>). Refer to <b>Section 9</b> of this Submissions Report.</p> |

## 6.8 NSW Land and Housing Corporation Submission

**Table 15 Response to LAHC submission**

| Item  | Response                 |
|---|--------------------------|
| <p>The NSW Land and Housing Corporation (LAHC) is supportive of the State Significant Development application of the Eden St, Arncliffe Mixed Use Redevelopment currently on exhibition (SSD-11429726), in line with the NSW Government's Future Directions for Social Housing policy.</p> <p>The project will revitalise LAHC's aging social housing estate at Arncliffe and deliver more and better social housing which is sustainable, less expensive to maintain and meet the needs of NSW's social housing tenants now and into the future.</p> | <p>Noted and agreed.</p> |

## 6.9 Transport for NSW Submission

**Table 16 Response to TfNSW submission**

| Item  | Response   |
|---|--|
| <p>Traffic Generation and Proposed Mitigation Measures</p> <p><u>Comment:</u> After review of the SIDRA modelling files, TfNSW has identified some potential impacts to the surrounding classified road network, including the Motorway but also the local road networks.</p> <p><u>Recommendation:</u> TfNSW advises that the applicant should consider assessing whether signalising the intersection of Princes Highway / Allen Street would mitigate the impacts to the surrounding classified and local road networks, improving accessibility to the site. Allen Street provides east / west connectivity between Princes Highway and the larger Arncliffe / Turrella residential / retail / industrial precincts i.e. railway underpass. This would enhance safe connectivity for pedestrians in the precinct and would contribute to supporting active transport in the area. As such, TfNSW recommends the applicant models this in SIDRA and provides the electronic copy to TfNSW for review and comment as part of the 'Response to Submissions'.</p> | <p>Significant liaison with TfNSW has occurred, including the submission of updated road network modelling packages investigating various precinct and site access scenarios. Following this liaison, TfNSW has provided advice dated 25 January 2022, indicating the following:</p> <ul style="list-style-type: none"> <li>TfNSW expressed in-principle support for a deceleration lane left-in only arrangement from Princes Highway to the subject development (<b>Section 4.6.2</b>);</li> <li>Unrestricted access / egress between the site and Eden Street is supported; and</li> <li>The removal of right turn movements between Forest Road and Eden Street is supported.</li> </ul> |

| Item                                 |   | Response  |
|--------------------------------------|---|---|
|                                      |   | <p>No alterations to the existing Princes Highway junctions with Allen and Burrows Road were required or are supportable.</p> <p>The originally submitted Transport Impact Assessment has been updated to reflect the above, attached at <b>Appendix K</b>.</p> |
|                                      | <p><u>Comment:</u> TfNSW supports Left-in, left-out (LILO) arrangement at the intersection Forest Road and Eden Street, however notes that there is not sufficient space for a median island on Forest Road.</p> <p><u>Recommendation:</u> It is recommended to redesign the existing island on Eden Street to reinforce LILO arrangement. As Eden Street is under the care and control of Council, any mitigation works shall be to the satisfaction of Council. As there is no sufficient width for Median Island on Forest Road, consideration should be given to the redesign of the existing island on site road and appropriate signposting to enforce LILO movements only.</p> | Noted.  |
| Proposed Princes Highway Civil Works | <p><u>Comment:</u> TfNSW has reviewed the plans and notes that the vehicular access to the proposed development is via Eden Street (local road network), which is supported by TfNSW. It should be noted that there is several redundant vehicle crossovers that will need to be replaced with kerb and guttering to match existing on the Princes Highway frontage of the development.</p> <p><u>Recommendation:</u> The applicant will need to obtain concurrence under section 138 of the Roads Act 1993 from TfNSW separate to this application for these civil works and will need to enter into a Works Authorisation Deed with TfNSW.</p>                                      | Noted.  |
| Active Transport                     | <p><u>Comment:</u> TfNSW supports the proposed upgrades to the surrounding footways of the proposed development on the local road network to improve pedestrian and cyclist connectivity to the Arncliffe Transport Interchange.</p> <p><u>Recommendation:</u> The developed options should be discussed with Council and TfNSW.</p>  | Noted.  |
| Bicycle and Car Parking Rates        | <p><u>Comment:</u> Details of the proposed number of car and bicycle parking spaces and compliance with appropriate parking codes and justification for the level of car parking provided on the development site should be provided as per Council's requirements.</p>   | Noted.  |
| Green Travel Plan                    | <p><u>Comment:</u> Transport for NSW (TfNSW) has reviewed the Green Travel Plan (GTP) and has a number of recommendations to improve the GTP and proposed initiatives to encourage sustainable transport to the site. TfNSW would welcome further discussions with the proponent regarding these matters to ensure their delivery and can be contacted directly at <a href="mailto:development.sco@transport.nsw.gov.au">development.sco@transport.nsw.gov.au</a>.</p> <p><u>Recommendations:</u></p>   | Noted. These items can be incorporated within an updated GTP prior to occupancy as required.  |



| Item   | Response |
|--|----------|
| <p>Prior to occupancy, the proponent is to provide a Green Travel Plan for TfNSW's consideration that:</p> <ul style="list-style-type: none"> <li>• Details the number and location of end of trip facilities for staff and casual bicycle parking for retail and visitors, and what other resources will be available for cyclists (bike stand, pumps, tools and spare tubes for example).</li> <li>• Provides a communication strategy and an updated TAG which includes o a map of the site with access points, active transport paths, bike parking and EOT facilities recommended walking/cycling routes to key destinations nearby e.g. the airport, local shops.</li> <li>• Clarifies what will be provided as part of the "Establish a bicycle pool initiative" and what is meant by "School community inductions"; and whether the proponent is considering partnering with local schools to achieve this.</li> </ul> <p>Considers including real time information as part of the common area displays.</p> |          |

## 6.10 Sydney Water Submission

**Table 17 Response to Sydney Water submission**

| Issue   |   | Response   |
|---|---|--|
| Water Servicing   | Preliminary modelling has been conducted based on the demand provided in Appendix AA – Infrastructure Management Plan. The proposed development is predicted to have a system performance implication to the wider drinking water system.   | Noted.   |
|   | The developer will need to undertake a servicing options assessment in consultation with Sydney Water to understand the implications of their development and identify any solutions/required augmentations.  | Noted. This will occur at the construction certificate stage as consistent with industry best practice and can be enforced through a condition of consent. |
| Wastewater Servicing  | The sewer network lies within the Arncliffe SCAMP, part of the Malabar STS. Preliminary modelling was run for dry weather to assess system performance and its impact on downstream sewers. Preliminary modelling results show that there is sufficient capacity in both DN225 pipes to service the proposed development. | Noted.   |
|   | The developer must provide a design for sewer diversion and adjustment works or any changes to the existing main and its long section to Sydney Water for its review and approval. All works must comply with the Water Services Association of Australia (WSAA) code – Sydney Water edition.                             | Noted. This will occur at the construction certificate stage as consistent with industry best practice and can be enforced through a condition of consent. |
| This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our web page in the Land Development Manual. |   | Noted.   |

## 7.0 Response to Public Submissions

**Table 18** provides a detailed response to the key issues raised in all eleven (11) submissions from the general public. The Submissions Register (**Appendix V**) records which issues were raised by which submission(s). Issues raised included the following themes:

- Built form, bulk, and scale;
- Visual impacts;
- Landscape design;
- Traffic and parking;
- Infrastructure impacts;
- Construction impacts; and
- Social impacts.

**Table 18 Response to public submissions**

| Issue no.                         | Summary of issue                                      | Proponent's response  |
|-----------------------------------|---|---|
| <b>Built form, bulk and scale</b> |   |   |
| B1                                | Height of proposed development is excessive           | The amended proposal complies with the site's 70 metre height limit under the BLEP 2021, apart from a localised and minor 1.5 metre to accommodate the Building B lift overrun. Refer to <b>Section 4.1</b> .   |
| B2                                | Development is out of character with surrounding area | <p>The Bayside Council's 'Desired future neighbourhood character' for the Arncliffe Town Centre is outlined under Part 7.7 (2.2)(1) of the Rockdale Development Control Plan 2011 (RDCP 2011). The proposed land uses, bulk and scale of the amended proposal is generally aligned to the expectations established by the DCP, the BLEP 2021 and the SEPP ARH:</p> <ul style="list-style-type: none"> <li>• The proposal is a mixed use development that accommodates residential and retail uses that will result in an active public domain during the day and night.</li> <li>• Development along the Eden Street frontage is proposed to be retail which will extend the Town Centre activity east of the rail line. The Eden Street public domain adjacent to the site will be improved in general accordance with the requirements of the Council's Public Domain Technical Manual.</li> <li>• The proposed publicly accessible park and through site links will improve pedestrian access to the railway station from properties to the east.</li> <li>• The 4,000m<sup>2</sup> Eden Street Park will be delivered as part of the proposal.</li> <li>• The tall buildings comply with the height limit and are located near the station to visually reinforce the centre's identity and to highlight the location of the through site links and open space.</li> </ul> |
| B3                                | Bulk and scale of proposed development is excessive   | The proposed built form has been designed with reference to the "Built Form and Open Space Diagram – Indicative Built Form Study" at Figure 7.7.18 of the RDCP 2011; and results in a development that has a comparable bulk and scale to the built form anticipated by the RDCP 2011.  |

| Issue no.             | Summary of issue   | Proponent's response   |
|-----------------------|--|--|
|                       |  | A minor 1.5m variation in proposed the maximum building height of Building B and a minor 2.69% variation is proposed to the maximum FSR. Amended Clause 4.6 Variation Reports have been submitted at <b>Appendix I</b> and <b>J</b> explaining the reasons and justification for the proposed variations.  |
| B4                    | Excessive/inappropriate overshadowing impacts (general)                          | <p>The shadow impacts of the proposed development are reasonable. The Overshadowing Plans included within the Amended Architectural Plans (<b>Appendix A</b>) demonstrate that:</p> <ul style="list-style-type: none"> <li>The proposal meets the overshadowing requirements under Part 5, Section 7.7 of the Rockdale DCP: <ul style="list-style-type: none"> <li>it will partially overshadow St Xaviers Primary School between 9:00 – 11:00 with only minimal impacts after 9:00, and no overshadowing between the lunchtime hours of 12:00 – 14:00 in mid-winter.</li> <li>The proposal will not generate any overshadowing onto Arncliffe Public School in mid-winter.</li> </ul> </li> <li>There are no existing public open spaces affected by overshadowing from the proposal. The entirety of the new Eden Street Park receives a minimum of 2 hours direct sunlight during midwinter as required by Part 3.2 of Section 7.7.3 of the DCP, with 87.5% of the park receiving more than 4 or more hours in mid-winter (Drawing DA4204).</li> <li>No existing surrounding residential sites currently receive less than 2 hours direct sunlight during midwinter. The proposal will not reduce overshadowing onto any surrounding property below 2 hours solar access, apart from the detached dwellings at 7 Forest Road and 181 Princes Highway, the latter of which is a vacant and derelict property. The Adjacent Development analysis at page 15 of the Design Amendment Report (<b>Appendix B</b>) demonstrates these properties can be redeveloped in a manner that complies with the ADG. The proposal results in an improved outcome to 7 Forest Road when compared to the DCP Indicative Built Form Study, by enabling an additional hour of direct sunlight from 14:00 – 15:00.</li> </ul> |
| B5                    | Excessive overshadowing impacts on 158-164 Princes Highway, Arncliffe (SP56932). | <p>The Overshadowing Plans within <b>Appendix A</b> demonstrate that the proposal will not result in adverse overshadowing impacts onto 158-164 Princes Highway. Overshadowing onto SP56932 remains in compliance with the Rockdale DCP, with more than 3 hours of direct sunlight maintained during midwinter. Specifically:</p> <ul style="list-style-type: none"> <li>Solar access to the building will be maintained between 9:00 – 11:00.</li> <li>Between 12:00 and 14:00, there is minor overshadowing onto northern areas of the building, with the majority of the building remaining unaffected. These shadows are fast moving, with different parts of the façade affected at different times.</li> <li>Shadows generated by the proposal depart SP56932 after 15:00.</li> </ul> <p>Importantly, the Overshadowing Plans demonstrate that the proposed built form represents an improvement over Council's DCP Indicative Built Form Study (Figure 7.7.18 of the DCP) with regards to overshadowing onto SP56932.</p>   |
| B6                    | Number of apartments proposed is excessive                                       | There are no planning controls that limit the exact number of apartments that can be accommodated on site. The proposal will contribute to the delivery of the 5,000 new dwellings in Arncliffe and Banksia over the next 20 years as identified and required by the Bayside West Precinct Plan. The 180 new social dwellings in particular will improve the quantity and quality of social housing in NSW.  |
| <b>Visual impacts</b> |  |  |
| V1                    | Impact on surrounding views (general)  | <p>A Visual Impact Assessment (VIA) was submitted with the EIS package at Appendix H demonstrating that visual impacts generated by the proposal are reasonable and acceptable, for the following reasons:</p> <ul style="list-style-type: none"> <li>The proposal generally complies with the relevant environmental planning instruments, which establishes the intended bulk and scale of the site;</li> <li>The proposal results in a built form outcome consistent with the planning intent for the Arncliffe Planned Precinct – that of an emerging node of substantial growth;</li> </ul>   |

| Issue no.                     | Summary of issue  | Proponent's response   |
|-------------------------------|---|--|
|                               |   | <ul style="list-style-type: none"> <li>The proposal does not block, occlude, or otherwise adversely impact significant views from the public domain to elements of high scenic value such as Botany Bay, the Cooks River, or the Sydney CBD skyline;</li> <li>The large scale Endeavour Apartments (118 Princes Highway) opposite the Princes Highway sets the tone for the emerging visual character of the area, which the proposal is consistent with;</li> <li>The proposal includes a number of mitigation measures aimed at reducing the perceived bulk and scale; and</li> <li>The proposal is the product of a comprehensive and considered design process.</li> </ul> <p>The Visual Impact Cover Letter at <b>Appendix G</b> confirms that the findings within the VIA remain valid, with the reduction in height to Buildings A and B further improving the visual impact.</p>   |
| V2                            | Impact on views from 158-164 Princes Highway, Arncliffe (SP56932) | <p>The proposed location and massing of the built form and its relationship to 158-164 Princes Highway is comparable to the built form relationship anticipated by Council in the RDCP 2011. Therefore, any impacts on views from 158-164 Princes Highway are consistent with the view impacts anticipated by Council when the DCP was adopted.</p> <p>The VIA submitted with the EIS considered the relevant provisions of the Rockdale LEP; the (then draft) BLEP 2021, the RDCP 2011, and the planning principle established by Tenacity Consulting v Warringah [2004] NSWLEC 140. In summary, the VIA concluded that:</p> <p><i>"while acknowledging that the proposal gives rise to significant visual impact, these impacts are considered reasonable given they are consistent with the desired future planning intent for the precinct and give rise to visual impacts compatible with this intent, is consistent with key development standards and has taken appropriate steps that can be considered to represent skilful design."</i></p> <p>The Visual Impact Cover Letter at <b>Appendix G</b> confirms that the findings within the VIA remain valid.</p> |
| <b>Landscape design</b>       |   |  |
| L1                            | Insufficient deep soil zone proposed                              | Design criteria 1 under Objective 3E-1 of the Apartment Design Guide (ADG) requires that sites over 1,500m <sup>2</sup> deliver 7% of site area as deep soil with a minimum dimension of 6m. 8% of the site is provided as deep soil area which complies with the ADG, and an additional 5% as natural ground (deep soil with a min dimension <6m), for a total of 13%. 33% of all site area is of soil depth adequate to support tree planting. Refer to <b>Section 4.5.1</b> .   |
| <b>Traffic and parking</b>    |   |  |
| T1                            | Increase in traffic on surrounding road network                   | Impact of the proposed development on the surrounding road network has been assessed in detail. Refer to discussion provided within Chapter 8 of the Traffic Impact Assessment at <b>Appendix K</b> .  |
| T2                            | Location of loading dock/carpark entry will cause congestion      | The design of the loading dock/carpark entry has been amended to optimise site access arrangements ( <b>Section 4.6.1</b> ). The design of the entry has been assessed in detail and found to be compliant with AS2890.1:2004 design standards and satisfactory from an efficiency and safety perspective. Refer to discussion in Chapter 3 of the Traffic Impact Assessment at <b>Appendix K</b> .  |
| T3                            | Insufficient parking has been proposed                            | Parking rates for the development have been provided to be consistent with the relevant guidelines and requires, including the TfNSW <i>Guide to Traffic Generating Developments</i> , the requirements of SEPP ARH (for Building C), and that of the Rockdale DCP. Refer to assessment provided in Chapter 4 of the Traffic Impact Assessment at <b>Appendix K</b> .  |
| T4                            | Removal of street parking in Eden Street inappropriate            | The proposal does not seek to remove any street parking from Eden Street. Parking is being removed from Eden Street under the Arncliffe & Banksia Public Domain Plan & Technical Manual being implemented by Council, separate to SSD-11429726.  |
| <b>Infrastructure impacts</b> |   |  |

| Issue no.                   | Summary of issue  | Proponent's response   |
|-----------------------------|---|--|
| I1                          | Impacts on existing utilities infrastructure                      | Impacts on existing utilities infrastructure was considered in the Infrastructure Management Plan (IMP) submitted with the EIS package at Appendix AA, as consistent with the issued SEARs. The IMP concluded that is adequate utilities capacity to support the proposal.   |
| I2                          | Proposal will result in overcrowding at Arncliffe railway station | <p>The proposal locates new housing in close proximity to existing transport infrastructure in accordance with the principles of transit-oriented development, the '30-minute city' concept under the Greater Sydney Region Plan, and the desired outcomes of the <i>Bayside West Precincts 2036 Strategy</i> by focusing growth close to existing centres and transport connections.</p> <p>The proposed 744 apartments are consistent with the identified need for 5,000 new dwellings in Banksia and Arncliffe under the 2036 Strategy and therefore will not result in impacts on Arncliffe railway station not already considered and found to be acceptable.</p> |
| I3                          | Cumulative impacts of all developments in area                    | The proposed development is consistent with the site's planning controls. The proposed 744 apartments are consistent with the identified need for 5,000 new dwellings in Banksia and Arncliffe under the 2036 Strategy. The amended proposal includes an assessment of the proposal's impact on the surrounding environment and concludes that subject to reasonable mitigation and management measures, the impacts are reasonable in the circumstances.  |
| <b>Construction impacts</b> |   |  |
| C1                          | Uncertainty around construction timing                            | The proposal has been accepted into the NSW Government's Priority Assessment Program (PAP) for projects with a high likelihood of delivery. The project team is fully committed to the timely delivery of the project. Construction timeframes will be confirmed through a detailed Construction Management Plan (CMP) should the project be approved.   |
| C2                          | Dust/debris/environmental impacts during construction             | Should the project be approved, a detailed CMP will be prepared and submitted to the Principal Certifying Authority prior to the commencement of construction works. The CMP will include measures to manage and minimise the generation of dust, debris, and other environmental impacts to the satisfaction of the Certifying Authority.   |
| C3                          | Traffic management during construction                            | A detailed Construction Traffic Management Plan will form part of the CMP. The detailed CTMP will expand on the Preliminary CTMP submitted with the EIS package within Appendix N. The Preliminary CTMP confirms that expected construction traffic can comfortably be accommodated on the surrounding road network.   |
| <b>Social impacts</b>       |   |  |
| S1                          | Potential for increase in crime                                   | A detailed Crime Prevention Through Environmental Design (CPTED) Assessment was submitted with the EIS package at Appendix F. The Assessment concludes that the project has a crime risk rating of 'low' following implementation of recommendations given in the report. Moreover, the CPTED Cover Letter at <b>Appendix E</b> confirms the proposed RTS amendments further improve CPTED outcomes through relocating the childcare centre.   |
| S2                          | Social housing should be spread out across all buildings          | It is LAHC's preference to consolidate social housing dwellings. This is consistent with other 'Communities Plus' sites (i.e., Macquarie Park and Lidcombe), where social housing is located within one building that forms part of wider integrated residential and mixed use development. Locating the social housing within one building meets the ownership, management, and operational requirements of the Community Housing Provider (Evolve Housing).  |
| S3                          | Public consultation has been inadequate                           | The project has followed all legislative public consultation requirements. The pre-lodgement consultation undertaken is detailed in the Communication and Engagement Report submitted at Appendix BB of the EIS package. This includes the two drop-in events hosted by the project team (on Monday 17 and Tuesday 18 May 2021) for members of the local community. The statutory public exhibition of the project from 30 July to 26 August 2021 has provided further opportunity for the public to respond to and provide submissions on the proposal.   |



## 8.0 Assessment of Environmental Impacts

The below section provides an updated environmental assessment of SSD-11429726, as amended under this RTS and described in **Section 4** above. This section should be read in conjunction with the exhibited Environmental Impact Statement (EIS) prepared by Ethos Urban dated 19 July 2021. Assessment is only provided below where environmental impacts differ from the exhibited scheme, or where additional clarification has been provided.

### 8.1 Strategic Plans and Guidelines

The exhibited EIS assessed the development against the following strategic plans and guidelines:

- *Greater Sydney Region Plan – A Metropolis of Three Cities* (Greater Sydney Region Plan);
- *Our Greater Sydney 2056 – Eastern City District Plan* (Eastern City District Plan);
- *Future Bayside: Local Strategic Planning Statement* (Bayside LSPS); and
- *Bayside West Precincts 2036 Plan* (Bayside West 2036).

The amendments described in **Section 4** do not alter the project's consistency with the above documentation. The DPIE Key Issues Letter also requested that assessment be provided against *Housing 2041: NSW Housing Strategy* (Housing 2041) and *Future Directions for Social Housing in NSW* (Future Directions). This is further discussed below.

#### 8.1.1 Housing 2041: NSW Housing Strategy

The proposal is consistent with the overarching objectives of Housing 2041, delivering significant new high quality and diverse housing adjacent to Arncliffe Station, meeting the changing needs of the Arncliffe community. It is consistent with the four pillars of Housing 2041:

- **Supply:** The proposal will contribute 744 market and social housing dwellings in Arncliffe, helping meet the identified demand for 5,000 new dwellings in Arncliffe/Banksia by 2036 under the Bayside LSPS.
- **Diversity:** The proposal will provide a variety of different dwelling sizes (including studio, 1 bed, 2 bed and 3 bed dwellings in apartment and walk-up townhouse typologies) to meet the varied needs of different households.
- **Affordability:** The proposal is a key LAHC social housing site. The development will contribute 180 new social housing apartments to create a truly mixed-tenure community. The market housing will increase supply in the area and improve affordability.

**Resilience:** The proposal has been designed to meet the needs of the Arncliffe community and embodies transit-oriented development principles as well as ESD initiatives as detailed in the exhibited ESD Report prepared by Mott MacDonald (Appendix Q of exhibited EIS).

#### 8.1.2 Future Directions for Social Housing in NSW

As part of the LAHC's 'Communities Plus' initiative, the proposed development is consistent with Future Directions by specifically responding to the following actions:

- Action 1.1 to 'Increase redevelopment of Land and Housing Corporation properties to renew and grow supply', through the renewal of a key LAHC site in close proximity to transport connections;
- Action 1.2 to 'Increase the capacity of community housing providers and other non-government organisations to manage properties' by partnering with Evolve Housing, the state's largest CHP, which will own and operate Building C; and
- Action 3.4 for 'A "place-making" approach to building communities' through the creation of a truly mixed-tenure, mixed-use community where social housing is not easily distinguishable from market housing, and there is no excessive concentration of social housing.

The project forms a vital component of an ongoing effort to renew and increase the availability of social housing in NSW.

## 8.2 State Environmental Planning Instruments

The exhibited EIS assessed the development against the following state-level environmental planning instruments:

- Objects of the *Environmental Planning & Assessment Act 1979* (EP&A Act);
- *State Environmental Planning Policy (State and Regional Development) 2011* (SEPP SRD);
- *State Environmental Planning Policy (Affordable Rental Housing) 2011* (SEPP ARH);
- *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55);
- *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65);
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* (SEPP BASIX) – updated BASIX Certificate provided at **Appendix O**;
- *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017* (SEPP Education);
- *State Environmental Planning Policy (Infrastructure) 2007* (SEPP Infrastructure); and
- *Biodiversity Conservation Act 2016*.

The design refinements described in **Section 4** do not generally alter the project's consistency with the above instruments, except where provided below. DPIE Correspondence (**Section 5.2**) has requested that the project be further assessed against clause 14 of SEPP ARH, that further clarification be provided with regards to the project's consistency with *State Environmental Planning Policy (Housing) 2021* (Housing SEPP), and the SEPP 65 Design Quality Principles and the objectives and design criteria of the ADG. These are provided below.

### 8.2.1 State Environmental Planning Policy (Affordable Rental Housing) 2009

Detailed assessment of the proposed development against clause 14 of SEPP ARH is provided in **Table 19** below. Subclause (3) makes clear that these represent standards which cannot be used to refuse consent only and consistency is not required for approval.

**Table 19 Assessment against SEPP ARH clause 14 – standards which cannot be used to refuse consent**

| Standard  | Commentary   | Consistent     |
|---|--|----------------|
| (1) <b>Site and solar access requirements</b> A consent authority must not refuse consent to development to which this Division applies on any of the following grounds—  |  |                |
| (b) <b>site area</b> if the site area on which it is proposed to carry out the development is at least 450 square metres,   | The site is 13,440.3m <sup>2</sup> in size. See Section 2.2 of exhibited EIS.  | Yes            |
| (c) <b>landscaped area</b> if—<br>(i) in the case of a development application made by a social housing provider—at least 35 square metres of landscaped area per dwelling is provided  | The proposal includes substantial landscaped and public domain areas, including a 4,000m <sup>2</sup> public park (Eden Street Park), 870m <sup>2</sup> public plaza, and 2,893m <sup>2</sup> of communal open space to meet the needs of future residents.  | See commentary |
| (d) <b>deep soil zones</b> if in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed—<br>• (i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the deep soil zone), and<br>• (ii) each area forming part of the deep soil zone has a minimum dimension of 3 metres, and<br>• (iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area, | Deep soil is defined under this clause as 'soil of a sufficient depth to support the growth of trees and shrubs'. 33% of the site is proposed to be soil of depth 600mm or deeper, which is sufficient to accommodate tree and shrubs and therefore is considered as deep soil for the purposes of SEPP ARH. This significantly exceeds the 15% minimum requirement. | Yes            |
| (e) <b>solar access</b> if living rooms and private open spaces for a minimum of 70 per cent of the dwellings   | The development is compliant with Part 4A – Solar and Daylight access of the ADG that requires 2 hours solar access for 70% of dwellings. Refer to Drawings DA4450 –   | See commentary |

| Standard   | Commentary   | Consistent |
|--|--|------------|
| of the development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.   | DA4453, and DA4500 – DA4501 of <b>Appendix A</b> for compliance diagrams.<br><br>It is reiterated that clause 14 of SEPP ARH lists standards that cannot be used to refuse consent only, and consistency is not required for approval. |            |
| (2) <b>General</b> A consent authority must not refuse consent to development to which this Division applies on any of the following grounds—  |  |            |
| (a) <b>parking</b> if—<br>(i) in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms, | The amended proposal complies with the parking space requirements. Refer to Traffic Impact Assessment at <b>Appendix K</b> .   | Yes        |
| (b) <b>dwelling size</b><br>if each dwelling has a gross floor area of at least—<br>(i) 35 square metres in the case of a bedsitter or studio, or<br>(ii) 50 square metres in the case of a dwelling having 1 bedroom, or<br>(iii) 70 square metres in the case of a dwelling having 2 bedrooms, or<br>(iv) 95 square metres in the case of a dwelling having 3 or more bedrooms.                                  | The proposal complies with this control and the equivalent Section 4D – Apartment Size and Layout of the ADG.<br><br>Refer to Drawings DA-4000 – DA-4007 of <b>Appendix A</b> for unit mix and area diagrams.                          | Yes        |
| (3) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).  |  |            |

## 8.2.2 State Environmental Planning Policy (Housing) 2021

Schedule 7, Clause 2 under *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) contains general savings provisions under which state that the SEPP ARH continues to apply to the development applications made before the commencement of the Housing SEPP. The relevant provisions of Schedule 7, Clause 2 are reproduced below:

### *General savings provision*

*The former provisions of a repealed instrument continue to apply to the following—*

*(a) a development application made, but not yet determined, on or before the commencement date,  
[...]*

*(e) an environmental impact statement prepared in compliance with an environmental assessment requirement that is—*

*(i) issued by the Planning Secretary on or before the commencement date, and (ii) in force when the statement is prepared.*

## 8.2.3 State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development

The proposal's consistency with *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65) and its accompanying Apartment Design Guide (ADG) remains largely unchanged as a result of the RTS design refinements.

An assessment against the SEPP 65 Design Quality Principles is provided within the Design Amendment Report at **Appendix B**.

For completeness, an assessment of the development as amended against the objectives and design criteria of the ADG, is provided in **Table 20** below.

**Table 20 Assessment against SEPP 65 and the Apartment Design Guide**

| Objectives and Design Criteria  |                    |                                 | Commentary  | Complies?  |
|---|--------------------|---------------------------------|---|--|
| <b>Part 3 – Siting the Development</b>  |                    |                                 |   |  |
| <b>3D Communal and Public Open Space</b>  |                    |                                 |   |  |
| <i>Objective</i><br>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.  |                    |                                 |   | ✓<br>Yes   |
| <i>Design Criteria</i><br>Communal open space has a minimum area equal to 25% of the site.  |                    |                                 | <p>The development as amended exceeds the requirements for communal open space (COS):</p> <ul style="list-style-type: none"> <li>• Site area = 13,440.3m<sup>2</sup></li> <li>• Minimum COS required = 3,360m<sup>2</sup></li> <li>• COS provided = 2,893m<sup>2</sup> (21%)</li> </ul> <p>To accommodate the reduced building heights, proposed communal open space has been reduced by 813m<sup>2</sup> (see <b>Section 4.1</b>). This results in a 467m<sup>2</sup> variation to the ADG requirement for communal open space.</p> <p>The proposal includes the construction and management of a publicly accessible 4,000m<sup>2</sup> park and an 870m<sup>2</sup> plaza that are immediately adjacent to the buildings. The provision of the publicly accessible open space results in a total of 7,763m<sup>2</sup> of high quality communal open space within the development which equates to 57.8% of the site area. For this reason, the proposed variation is considered appropriate in the circumstances.</p> | <p>✓<br/>Yes</p> <p>Variation proposed.</p> <p>Appropriate under the circumstances</p> |
| Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter).                     |                    |                                 | <p>The development exceeds the minimum requirement of 50% direct sunlight to communal open space.</p> <ul style="list-style-type: none"> <li>• COS provided = 2,893m<sup>2</sup></li> <li>• 50% of COS = 1,446.5m<sup>2</sup></li> <li>• Area achieving 2hrs solar access = 1,655m<sup>2</sup> (57%)</li> </ul> <p>Refer to drawing DA4201 of <b>Appendix A</b> for details.</p>  | ✓<br>Yes   |
| <b>3E Deep Soil Zones</b>   |                    |                                 |   |  |
| <i>Objective</i><br>Deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality. |                    |                                 |   | ✓<br>Yes   |
| <i>Design Criteria</i><br>Deep soil zones are to meet the following minimum requirements:   |                    |                                 | <p>Under the development as amended, 8% of the site area has been provided as deep soil. This meets ADG requirements. An additional 5% has been provided as 'natural ground' area (adequate to be considered deep soil for sites &lt;1,500m<sup>2</sup>). See <b>Section 4.5.1</b>.</p> <p>The entirety of deep soil area is located within Eden Street Park. Refer to drawing DA4300 of <b>Appendix A</b> for details.</p>   | ✓<br>Yes   |
| Site Area   | Minimum Dimensions | Deep Soil Zone (% of site area) |   |  |
| Less than 650m <sup>2</sup>   | -                  | 7%                              |   |  |
| 650m <sup>2</sup> – 1,500m <sup>2</sup>   | 3m                 |                                 |   |  |

| Objectives and Design Criteria   |                               |                     | Commentary   | Complies? |
|--|-------------------------------|---------------------|--|-----------|
| Greater than 1,500m <sup>2</sup>   | 6m                            |                     |  |           |
| Greater than 1,500m <sup>2</sup> with significant existing tree cover  | 6m                            |                     |  |           |
| <b>3F Visual Privacy</b>   |                               |                     |  |           |
| <i>Objective</i><br>Adequate building separation distances are shared equitably between neighbouring sites, to achieve reasonable levels of external and internal visual privacy.  |                               |                     |  | ✓<br>Yes  |
| <i>Design Criteria</i><br>Separation between windows and balconies is provided to ensure visual privacy is achieved. Minimum required separation distances from buildings to the side and rear boundaries are as follows:  |                               |                     | The design complies with the requirements for building separation for habitable to habitable, habitable to non-habitable and non-habitable to habitable façade conditions.   | ✓<br>Yes  |
| Building Height  | Habitable rooms and balconies | Non-habitable rooms | The design has taken care to place windows and balconies in locations that minimise privacy concerns for residents.  |           |
| Up to 12m (4 storeys)  | 6m                            | 3m                  |  |           |
| Up to 25m (5-8 storeys)  | 9m                            | 4.5m                |  |           |
| Over 25m (9+ storeys)  | 12m                           | 6m                  | Refer to DA4120 – DA4123 of <b>Appendix A</b> for building separation diagrams.  |           |
| <b>3K Bicycle and Car Parking</b>  |                               |                     |  |           |
| <i>Objective</i><br>Car Parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.   |                               |                     |  | ✓<br>Yes  |
| <i>Design Criteria</i><br>For development on sites that are within 800 metres of a railway station or light rail stop in the Sydney Metropolitan Area; or on land zoned, and sites within 400 metres of land zoned, B3 Commercial Core, B4 Mixed Use or equivalent in a nominated regional centre, the minimum car parking requirement for residents and visitors is set out in the Guide to Traffic Generating Developments, or the car parking requirement prescribed by the relevant council, whichever is less. The car parking needs for a development must be provided off street. |                               |                     | The site is located within 800m of Arncliffe station and is zoned B4 Mixed Use.<br><br>The proposed parking rates strike an appropriate balance between TfNSW's <i>Guide to Traffic Generating Developments</i> rates and Rockdale DCP rates. Additional discussion has been provided at <b>Section 8.10</b> and the Traffic Report at <b>Appendix K</b> . | ✓<br>Yes  |
| <b>Part 4 – Designing the Buildings</b>  |                               |                     |  |           |
| <b>4A Solar and Daylight access</b>  |                               |                     |  |           |
| <i>Objective</i><br>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space.  |                               |                     |  | ✓<br>Yes  |
| <i>Design Criteria</i><br>Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in   |                               |                     | 523 (70%) of the apartments in the building receive a minimum of 2 hours direct sunlight during the required hours. Under the amended RTS scheme, compliance is achieved both site-wide and for each individual building.  | ✓<br>Yes  |



| Objectives and Design Criteria  |  | Commentary   | Complies? |
|---|--|--|-----------|
| the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas.  |  | Refer to drawings DA4450 - DA4453, and DA4460 – DA4593 of <b>Appendix A</b> for compliance diagrams, and DA4500 – DA4501 for sun eye diagrams.   |           |
| A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter.  |  | 108 (14.5%) units do not receive direct sunlight due to their orientation.   | ✓<br>Yes  |
| 4B Natural Ventilation  |  |  |           |
| Objective<br>The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents.   |  |  | ✓<br>Yes  |
| Design Criteria<br>At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed. |  | The proposed buildings have been replanned to maximise cross-ventilation. Under the amended scheme, over 60% of all apartments in the first 9 storeys of each building is now naturally cross ventilated, in addition to sitewide compliance. This exceeds the ADG minimum – see <b>Section 8.5</b> .<br><br>Refer to DA4400 and DA4440 of <b>Appendix A</b> for compliance details.   | ✓<br>Yes  |
| Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.  |  | The maximum depth of through apartments is 13m (Apt 109 through A509 and B104 through B504).   | ✓<br>Yes  |
| 4C Ceiling Height   |  |  |           |
| Objective<br>Ceiling height achieves sufficient natural ventilation and daylight access.  |  |  | ✓<br>Yes  |
| Design Criteria<br>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:   |  | Residential level floor to floor heights have been set to ensure that the required ceiling heights are achievable. Under the amended scheme, floor to floor heights of 3.1m are provided for all floors, excepting where residential apartments are located on upper ground level for Buildings A and D, where a floor to floor level of 4m has been provided. See <b>Section 4.1</b> .<br><br>Refer to DA3050 – DA3051 of <b>Appendix A</b> for floor to floor heights. | ✓<br>Yes  |
| Minimum ceiling height  |  |  |           |
| Habitable rooms   | 2.7m   |  |           |
| Non-habitable   | 2.4m   |  |           |
| For 2 storey apartments   | 2.7m for main living area floor<br>2.4m for second floor, where its area does not exceed 50% of the apartment area |  |           |
| Attic spaces  | 1.8m at edge of room with a 30 degree minimum ceiling slope  |  |           |
| If located in mixed use areas   | 3.3m for ground and first floor to promote future flexibility of use   |  |           |
| These minimums do not preclude higher ceilings if desired.  |  |  |           |
| 4D Apartment Size and Layout  |  |  |           |

| Objectives and Design Criteria  |                       | Commentary  | Complies?               |
|---|-----------------------|---|-------------------------|
| <b>Objective</b><br>The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity.  |                       |   | ✓<br>Yes                |
| <b>Design Criteria</b><br>Apartments are required to have the following minimum internal areas:   |                       | All apartments are equal to or greater than the minimum internal areas required.<br><br>Refer to DA4000 – DA4007 of <b>Appendix A</b> for unit mix and area diagrams.   | ✓<br>Yes                |
| Apartment Type  | Minimum internal area |   |                         |
| Studio  | 35m <sup>2</sup>      |   |                         |
| 1 bedroom   | 50m <sup>2</sup>      |   |                         |
| 2 bedroom   | 70m <sup>2</sup>      |   |                         |
| 3 bedroom   | 90m <sup>2</sup>      |   |                         |
| The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m <sup>2</sup> each.<br><br>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m <sup>2</sup> each. |                       |   |                         |
| Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms.  |                       | External glazing to all habitable rooms is greater than the minimum 10% required.   | ✓<br>Yes                |
| <b>Objective</b><br>Environmental performance of the apartment is maximised.  |                       |   | ✓<br>Yes                |
| <b>Design Criteria</b><br>Habitable room depths are limited to a maximum of 2.5 x the ceiling height.   |                       | All habitable room depths of the proposed development comply with this control.   | ✓<br>Yes                |
| In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8m from a window.  |                       | All apartments comply with the maximum depths of apartments with open plan living.  | ✓<br>Yes                |
| <b>Objective</b><br>Apartment layouts are designed to accommodate a variety of household activities and needs.  |                       |   | ✓<br>Yes                |
| <b>Design Criteria</b><br>Master bedrooms have a minimum area of 10m <sup>2</sup> and other bedrooms 9m <sup>2</sup> (excluding wardrobe space).  |                       | Bedrooms and master bedrooms have been designed to be equal to or greater than the minimum sizes required.  | ✓<br>Yes                |
| Bedrooms have a minimum dimension of 3m (excluding wardrobe space).   |                       | The Architectural Plans ( <b>Appendix A</b> ) have been updated with critical dimensions for all bedrooms and living rooms. Where a bedroom does not achieve a minimum dimension of 3m, this is due to it being located in a section of building with angled façade where walls are not perpendicular. In these instances, careful consideration has been paid to ensure that the bedhead is in excess of 3m and the bedroom amenity is not compromised, and a minimum dimension of 2.9m is provided. Therefore, any variations are negligible. | ✓<br>Generally complies |

| Objectives and Design Criteria  |                  |               | Commentary   | Complies?                     |
|---|------------------|---------------|--|-------------------------------|
| Living rooms or combined living/dining rooms have a minimum width of: <ul style="list-style-type: none"><li>• 3.6m for studio and 1 bedroom apartments</li><li>• 4m for 2 and 3 bedroom apartments.</li></ul> |                  |               | All living rooms or combined/living dining rooms comply with the minimum width requirements.   | ✓<br>Yes                      |
| The width of cross-over or cross-through apartments are at least 4m internally to avoid deep narrow apartment layouts.  |                  |               | All cross-over and cross-through apartments comply with the minimum width requirements.  | ✓<br>Yes                      |
| 4E Private Open Space and Balconies   |                  |               |  |                               |
| Objectives<br>Apartments provide appropriately sized private open space and balconies to enhance residential amenity.   |                  |               |  | ✓<br>Yes                      |
| Design Criteria<br>All apartments are required to have primary balconies as follows:  |                  |               | All apartments meet the minimum requirements for areas and depths as required. See drawings DA4100 – DA4103 of <b>Appendix A</b> for details.  | ✓<br>Yes                      |
| Dwelling Type   | Minimum Area     | Minimum depth |  |                               |
| Studio apartment  | 4m <sup>2</sup>  | -             |  |                               |
| 1 bedroom apartment   | 8m <sup>2</sup>  | 2m            |  |                               |
| 2 bedroom apartment   | 10m <sup>2</sup> | 2m            |  |                               |
| 3+ bedroom apartment  | 12m <sup>2</sup> | 2.4m          |  |                               |
| The minimum balcony depth to be counted as contributing to the balcony area is 1m.  |                  |               |  |                               |
| For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m <sup>2</sup> and a minimum depth of 3m.         |                  |               | All ground and podium level apartments have been designed to comply with the minimum depth of 3m and area of 15m <sup>2</sup> . Ground level townhouses and apartments to Building D typically exceed these requirements.<br><br>Public open spaces on podiums have been extended to parapets where possible to maximise areas. Public open spaces on podium levels adjacent to community open spaces have had areas increased to comply and provide for extensive privacy planting. | ✓<br>Yes                      |
| 4F Common Circulation and Spaces  |                  |               |  |                               |
| Objective<br>Common circulation spaces achieve good amenity and properly service the number of apartments.  |                  |               |  | ✓<br>Yes                      |
| The maximum number of apartments off a circulation core on a single level is eight.   |                  |               | Design guidance for this criteria states that, in instances where it is exceeded, “no more than 12 apartments should be provided off a circulation core on a single level”.<br><br>Building C has been amended to reduce the number of apartments per floor from a maximum of 12 under the exhibited scheme to a maximum of 10. Building cores on all levels have a maximum of 10 apartments apart from Building B podium levels 2-5 (11 units). This is consistent with the design  | Complies with design guidance |

| Objectives and Design Criteria  | Commentary   | Complies?   |  |  |  |                 |                     |                 |                      |                  |   |          |
|---|--|---|--|--|--|-----------------|---------------------|-----------------|----------------------|------------------|---|----------|
|   | <p>guidance under Objective 4F-D1 which states that no more than 12 apartments should be provided off a single circulation core off a single level.</p> <p>The proposed number of apartments per floor is summarised below:</p> <table><tr><td><b>Building A</b><ul style="list-style-type: none"><li>• 6 apartments upper ground</li><li>• 9 apartments levels 1 to 20</li></ul></td><td><b>Building C</b><ul style="list-style-type: none"><li>• 10 apartments levels 1 to 18</li></ul></td></tr><tr><td><b>Building B</b><ul style="list-style-type: none"><li>• 3 apartments upper ground</li><li>• 9 apartments level 1</li><li>• 11 apartments levels 2 to 5</li><li>• 10 apartments level 6</li><li>• 9 apartments levels 7 to 21</li></ul></td><td><b>Building D</b><ul style="list-style-type: none"><li>• 3 apartments upper ground</li><li>• 8 apartments level 1</li><li>• 9 apartments levels 6 to 18</li><li>• 5 apartments level 19</li></ul></td></tr></table> <p>All cores have access to natural daylight from the lift lobby, and daylight and ventilation have been provided to all common area corridors.</p> | <b>Building A</b> <ul style="list-style-type: none"><li>• 6 apartments upper ground</li><li>• 9 apartments levels 1 to 20</li></ul> | <b>Building C</b> <ul style="list-style-type: none"><li>• 10 apartments levels 1 to 18</li></ul> | <b>Building B</b> <ul style="list-style-type: none"><li>• 3 apartments upper ground</li><li>• 9 apartments level 1</li><li>• 11 apartments levels 2 to 5</li><li>• 10 apartments level 6</li><li>• 9 apartments levels 7 to 21</li></ul> | <b>Building D</b> <ul style="list-style-type: none"><li>• 3 apartments upper ground</li><li>• 8 apartments level 1</li><li>• 9 apartments levels 6 to 18</li><li>• 5 apartments level 19</li></ul> |                 |                     |                 |                      |                  |   |          |
| <b>Building A</b> <ul style="list-style-type: none"><li>• 6 apartments upper ground</li><li>• 9 apartments levels 1 to 20</li></ul>   | <b>Building C</b> <ul style="list-style-type: none"><li>• 10 apartments levels 1 to 18</li></ul>   |   |  |  |  |                 |                     |                 |                      |                  |   |          |
| <b>Building B</b> <ul style="list-style-type: none"><li>• 3 apartments upper ground</li><li>• 9 apartments level 1</li><li>• 11 apartments levels 2 to 5</li><li>• 10 apartments level 6</li><li>• 9 apartments levels 7 to 21</li></ul>  | <b>Building D</b> <ul style="list-style-type: none"><li>• 3 apartments upper ground</li><li>• 8 apartments level 1</li><li>• 9 apartments levels 6 to 18</li><li>• 5 apartments level 19</li></ul>   |   |  |  |  |                 |                     |                 |                      |                  |   |          |
| For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40.   | <p>2 lifts are provided in Building C. 3 are provided in Buildings A, B and D. It was deemed by the design team that the provision of additional lifts may not provide any significantly greater amenity to occupants, and that the current provision still allowed for wait times within acceptable maximum ranges.</p> <p>This allows the cores to remain at an appropriate size, enabling them to be located either centrally to the floorplate or on the southern elevations to maximise the number of apartments per level with access to sunlight.</p>   | ✓<br>Yes  |  |  |  |                 |                     |                 |                      |                  |   |          |
| 4G Storage  |  |   |  |  |  |                 |                     |                 |                      |                  |   |          |
| <p><i>Objective</i></p> <p>Adequate, well designed storage is provided in each apartment.</p>   |  | ✓<br>Yes  |  |  |  |                 |                     |                 |                      |                  |   |          |
| <p><i>Design Criteria</i></p> <p>In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table><tr><th>Dwelling Type</th><th>Minimum Area</th></tr><tr><td>Studio apartment</td><td>4m<sup>3</sup></td></tr><tr><td>1 bedroom apartment</td><td>6m<sup>3</sup></td></tr><tr><td>2 bedroom apartment</td><td>8m<sup>3</sup></td></tr><tr><td>3+ bedroom apartment</td><td>10m<sup>3</sup></td></tr></table> <p>At least 50% of the required storage is to be located within the apartment.</p> | Dwelling Type  | Minimum Area  | Studio apartment   | 4m <sup>3</sup>  | 1 bedroom apartment  | 6m <sup>3</sup> | 2 bedroom apartment | 8m <sup>3</sup> | 3+ bedroom apartment | 10m <sup>3</sup> | <p>All apartments exceed the ADG minimum requirements for 50% of storage located within the apartment and 50% located in the basements.</p> <p>Refer to drawings DA4050 – DA-4054 of <b>Appendix A</b> for details.</p> | ✓<br>Yes |
| Dwelling Type   | Minimum Area   |   |  |  |  |                 |                     |                 |                      |                  |   |          |
| Studio apartment  | 4m <sup>3</sup>  |   |  |  |  |                 |                     |                 |                      |                  |   |          |
| 1 bedroom apartment   | 6m <sup>3</sup>  |   |  |  |  |                 |                     |                 |                      |                  |   |          |
| 2 bedroom apartment   | 8m <sup>3</sup>  |   |  |  |  |                 |                     |                 |                      |                  |   |          |
| 3+ bedroom apartment  | 10m <sup>3</sup>   |   |  |  |  |                 |                     |                 |                      |                  |   |          |

### 8.3 Bayside Local Environmental Plan 2021

Following lodgement, the BLEP 2021 replaced the RLEP 2011 as the principal planning instrument applying to the site. The relevant provisions of the RLEP 2011 have been translated into the BLEP 2021. An assessment of the amended proposal discussed is provided in **Table 20**:

**Table 21 Assessment against BLEP 2021**

| Clause                        | Control  | Commentary  |
|-------------------------------|--|---|
| 2.1 – Land use zones          | B4 Mixed Use   | Residential accommodation and retail premises are permissible with consent in the B4 zone. The proposed mixed use residential development adjacent to Arncliffe Station is entirely consistent with the zone objectives to integrate retail and residential uses in accessible locations to maximise public transport patronage and encourage walking and cycling.  |
| 4.3 – Height of building      | 70m  | The amended proposal complies with the maximum building height apart from a minimal 1.5m variation to accommodate the Building B lift overrun. A Clause 4.6 request to vary the development standard is provided at <b>Appendix I</b> .   |
| 4.4 – Floor space ratio       | 4:1 (4.8:1 including SEPP ARH bonus)   | The proposed FSR is 4.93:1. The proposed 2.7% variation is sought to provide 1,737m <sup>2</sup> of wintergardens in lieu of open balconies for specific apartments facing the Princes Highway. The wintergardens are required to mitigate the noise impacts of the Princes Highway traffic which is a common solution across metropolitan Sydney.<br><br>The proposal complies with the maximum FSR of 4.8:1 excluding the wintergardens. A Clause 4.6 request to vary the development standard is provided at <b>Appendix J</b> . |
| 5.10 – Heritage conservation  | N/A  | The proposed design refinements have no implications on heritage. The findings of the Heritage Impact Statement (HIS) submitted with the EIS remain valid.  |
| 6.9 – Active street frontages | Retail premises are proposed on the ground floor of Building B and Building D facing the Princes Highway. The amended proposal complies with the active street frontages clause.   |   |
| 6.10 – Design excellence      | The NSW GA SDRP confirmed via email dated 20 December 2021 that:<br><br><i>“The panel is pleased to advise the project (with the latest amendments as proposed and illustrated in views sent 17/12/21) is considered to have satisfied Bayside LEP Clause 6.10 (3) which states:</i><br><br><i>(3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.”</i> |   |

### 8.4 Rockdale Development Control Plan 2011

Clause 11 of the *State Environmental Planning Policy (State and Regional Development) 2011* (SRD SEPP) states that:

#### 11 Exclusion of application of development control plans

*Development control plans (whether made before or after the commencement of this Policy) do not apply to—*

- (a) State significant development, or*
- (b) development for which a relevant council is the consent authority under section 4.37 of the Act.*

It is also noted that the NSW GA SDRP confirmed via email dated 20 December 2021 that:


*“The panel is pleased to advise the project (with the latest amendments as proposed and illustrated in views sent 17/12/21) is considered to have satisfied Bayside LEP Clause 6.10 (3) which states:*

*(3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.”*

Notwithstanding, **Table 21** assesses proposed variations to the DCP.



**Table 22 Rockdale DCP - Proposed Variations**

| DCP Ref   | Control  | Discussion   |
|---|--|--|
| 7.7.2 Vision and principles – 2.2 Special Character Areas – Arncliffe Town Centre | <p>Development adjoining Princes Highway and parts of Eden Street should provide showroom and other commercial uses at lower levels.</p> <p>Building height controls should allow for generous 7 metre floor to ceiling heights for ground level showroom uses along the Princes Highway. This additional height would allow for small mezzanine levels to be incorporated.</p>  | <p>Retail tenancies are proposed along the Princes Highway frontage in accordance with the requirements of clause 6.9 of the BLEP 2021.</p> <p>The objective of clause 6.9 is to “<i>promote uses that attract pedestrian traffic along ground floor street frontages</i>”. The provision of retail tenancies will provide an extension of the lower ground floor retail precinct and will encourage and generate higher levels of pedestrian traffic than showrooms or commercial uses.</p>   |
| 4.3 – Active frontages  | <p>New mixed use development north of Forest Road and fronting the Princes Highway is to provide a floor to ceiling height of 7 metres to accommodate a wide range of retail showroom or commercial uses;</p>  | <p>Therefore, the proposal offers an urban and pedestrian amenity outcome that better integrates with the broader site’s retail and residential uses.</p> <p>The proposed retail tenancies along the Princes Highway frontage are comparable to the existing tenancies within the recently completed development to the north east on the opposite side of the Princes Highway.</p>  |
| 7.7.3 Public Domain – 3.3 Landscape Setbacks                                      | <p>Provide a landscape corridor along the Princes Highway Corridor from Arncliffe to Banksia. A continuous 6 metre deep soil landscape setback is proposed and are required to:</p> <ul style="list-style-type: none"> <li>i. Retain existing trees, where possible. These trees provide a gateway to the precinct and improve the amenity of the street environment for pedestrians, motorists and residents.</li> <li>ii. Where new trees are required landscape plans are to be developed in consultation with Council. New tree planting will be a minimum 600L pot size planted 8 metre apart, in accordance with Council guidelines;</li> <li>iii. Where awnings are located they must provide adequate weather protection as well as ensuring tree planting has space to grow;</li> </ul> | <p>The amended proposal includes a 6-metre landscaped setback to the Princes Highway (where possible). Refer to <b>Section 4.5.1</b>.</p> <p>In additional to substantial new streetscape planting, two additional existing trees (trees 44-45) have been retained along this frontage. Refer to <b>Section 4.5.2</b>.</p> <p>Awnings are provided for the upper ground floor retail tenancies facing the streetscape. Shelter is provided for the lower ground retail precinct by floors above for weather protection.</p>  |
| 7.7.4 Built form – 4.2 Street Wall Heights  | <p>New development within the Arncliffe and Banksia Precincts is to provide street wall heights in accordance with “Figure 7.7.42 Built Form and Character” on page 7 109; (<i>excerpt below</i>).</p> <p>The building envelope shall be set back a minimum of 3m above the Street Wall Heights.</p>    | <p>The proposal has been through a comprehensive and robust design review process with the SDRP. Four meetings and two desktop reviews have been held to date.</p> <p>The SDRP confirmed on 20 December 2021 that the amended proposal satisfies Clause 6.10(3) of the BLEP 2021 which translates as the SDRP confirming they believe the amended proposal exhibits design excellence.</p> <p>The proposed street wall heights have not been identified as a matter of concern by the SDRP. Notwithstanding, the following discussion considers the proposed massing.</p> <p>The street wall to Eden Street is setback from the public domain a greater distance than the DCP envelope - which reduces the perceived verticality and visual impact of the built form on the public domain.</p> <p>The proposed architectural massing incorporates towers above a podium base which are visually distinct and separate elements. The materiality of the base for each building is comprised of a grounding palette that is detailed and fine grained, with expressed modules and elements. The base of the buildings reflects the scale of the DCP street wall height control. The materiality of the towers is light and recessive which reduces the visual impact of the tower forms and creates a clear visual and</p> |

| DCP Ref | Control | Discussion   |
|---------|---------|--|
|         |         | <p>architectural distinction between the base and tower of each building.</p> <p>The proposal achieves the objectives of Part 7.7 Section 4.2 of the DCP as follows:</p> <p><i>To coordinate building massing along streets and across blocks;</i></p> <p>The proposed massing is compatible and consistent with the recently constructed and approved development on the eastern side of the Princes Highway which adopt a comparable street wall height strategy. As outlined in the Design Report, the proposal represents a coherent and coordinated design response to the block's planning controls and its context and characteristics.</p> <p><i>To ameliorate the effects of existing unevenly scaled and massed buildings;</i></p> <p>The proposal is evenly scaled and massed. As outlined above, each building comprises a base and tower. The base of each tower is scaled to respond to the DCP's 6 storey street wall height and the base facades are solid and fine grained which provide an appropriate response to the scale of the public domain. Each tower is designed to have a fluid and horizontal façade that is light and recessive above the base. Extensive use of façade articulation and appropriate breaks in the built form will provide visual relief so that the built form is not vertically imposing when viewed from the public domain.</p> |

## 8.5 Built Form and Amenity

The built form and facades of the proposal have been refined and now achieves higher solidity to facilitate a more residential appearance for the towers, with a more sophisticated and articulated character that reduces the extent of windowed glazing (**Section 4.2**). Over 60% of all apartments in the first 9 storeys of every building are now naturally cross ventilated, exceeding the ADG minimum. Furthermore, plenum-assisted cross ventilation provides further additional amenity for a number of apartments in Buildings A, B and D, over and above compliance. Refer to **Table 22**.

**Table 23 Cross ventilation performance – as amended**

| Building     | Cross ventilated %   | Cross ventilated % (+plenums) |
|--------------|----------------------|-------------------------------|
| Building A   | 47/79 (60%)          | 50/79 (63%)                   |
| Building B   | 55/85 (65%)          | 63/85 (74%)                   |
| Building C   | 58/80 (73%)          | 58/80 (73%)                   |
| Building D   | 48/80 (60%)          | 64/80 (80%)                   |
| <b>Total</b> | <b>208/324 (64%)</b> | <b>235/324 (73%)</b>          |

Apartments on the 10<sup>th</sup> floor and above are generally considered automatically cross ventilated under the ADG. Therefore, a total of 622 out of 744 apartments (83%) are cross ventilated across all levels (not including plenums) of the project.

The reconfiguration of Building C has also resulted in a reduction in the maximum number of apartments per floor, from 12 as exhibited to 10 as proposed to be amended. This necessitates an additional storey for that building (**Section 4.1**). As amended, no storey in any building has more than 10 apartments per floor (excepting Building B podium levels 2-5, with a maximum of 11). This improves internal circulation and is consistent with the design guidance under Objective 4F-D1 of the Apartment Design Guide.

The relocation of the childcare centre (**Section 4.4**) results in improved amenity. The childcare centre is now located along a quieter road and interfaces with the new park. The relocation of the retail tenancy to the Princes Highway also ensures continuous activated retail frontages are provided along that frontage in line with DCP objectives. To accommodate the change, the Building D lobby has been redesigned so that it faces the Princes Highway, with adjustments also to the location of the walk-up apartments.

## 8.6 Crime Prevention Through Environmental Design

A CPTED Cover Letter has been prepared by Ethos Urban at **Appendix E**. The cover letter confirms that the relocation of the childcare centre under the RTS (**Section 4.4**) improves the project's CPTED outcomes through providing a greater level of natural surveillance to the childcare centre and reducing environmental risks. The letter also confirms that the other amendments to the overall precinct design do not give rise to any new CPTED impacts not already addressed by the original CPTED report appended to the exhibited EIS.

## 8.7 Accessibility

An Accessibility Statement of the development as amended has been prepared by Morris Goding Access Consulting at **Appendix F**. The statement confirms that the proposal continues to be capable of compliance with regards to the Disability Discrimination Act (DDA), Building Code of Australia (BCA), relevant Australian Standards, and enhanced benchmark requirements set by the project; with further work to be undertaken at construction certificate stage as consistent with industry best practice.

## 8.8 Visual Impact

Ethos Urban have assessed the amended proposal and conclude that:

- the proposed amendments to building height do not give rise to any substantial new visual impacts not already addressed by the original VIA submitted with the EIS;
- on this basis, and subject to its recommendations, its findings and conclusions remain valid; and
- other proposed amendments related to tower architecture, deep soil and tree retention and the open space will result in positive overall visual impacts.

Therefore, the visual impact of the proposal remains appropriate with reference to the desired future character of Arncliffe and the relevant planning controls. Refer to the Visual Impact Cover Letter provided as **Appendix G**.

## 8.9 Tree Removal

An Arborist Report for the revised development has been prepared by Birds Tree Consultancy at **Appendix H**. The Report should be read with reference to the exhibited Arborist Report prepared by Naturally Trees (Appendix J of the exhibited EIS). The Report provides confirms that the additional trees to be retained under the amended design (trees 3, 44-45, 109 and 111 – **Section 4.5.2**) are viable and suitable for retention under the amended design, subject to the implementation of the recommended pre-construction tree protection measures provided within the Report.

## 8.10 Traffic and Parking

An Updated Transport Impact Assessment has been prepared by Stanbury Traffic Planning at **Appendix K**. The document provides updated analysis of the development as amended with regards to potential traffic and parking consequences. The updated assessment confirms that the proposed site access, parking arrangements, and expected traffic generation and subsequent impact on surrounding intersections continues to be appropriate. Specifically:

- There is no amendment to the vehicular car parking rates as exhibited, which continues to be appropriate;
- The amended site access arrangements from Eden Street and the Princes Highway (**Section 4.6**) are consistent with the AS2890 standards and represents an improvement over the exhibited scheme. Revised swept paths assessments for these arrangements have been provided; and
- There is no change in expected vehicular generation rates for the development, which remains appropriate.

### 8.11 Aboriginal Cultural Heritage Impact

A revised Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared by Artefact Heritage at **Appendix L**. The ACHAR has been prepared in line with relevant guidelines and the issued SEARs.

Following detailed analysis including physical inspection, the study area was found to be disturbed and to have a nil-low potential for Aboriginal objects. It was recommended that further assessment is not required. Principles to avoid/minimise harm, and mitigation measures are provided in Sections 9-10 of the ACHAR.

To inform the ACHAR, the Proponent is currently consulting with the following Registered Aboriginal Parties (RAPs):

- Didge Ngunawal Clan;
- Waawaar Awaa Aboriginal Corporation;
- Kamilaroi Yankuntjatjara Working Group;
- Goobah Developments;
- A1 Indigenous Services; and
- Butucarbin Aboriginal Corporation,

The ACHAR is currently in draft as consultation with the RAPs is currently ongoing. This is consistent with industry best practice for a project of this complexity and scale.

### 8.12 Flooding and Stormwater

An updated Flood Impact Assessment Report has been prepared by TTW at **Appendix M**. The report confirms that the proposal as amended continues to not generate, or be adversely affected by, significant flooding impacts, including with regards to the following:

- Habitable floor levels remain at 300mm above existing ground level;
- The site is generally flood free during both 1-in-100 year (1%AEP) and the Probable Max Flood (PMF) events;
- Flood characteristics at the site following construction are expected to be largely consistent with existing site characteristics;
- Overland flows from the Princes Highway through the site are expected to increase due to climate change but will remain shallow and of low hazard; and
- Compliance with the Bayside Council flood engineering requirements will be achieved.

Additionally, Amended Stormwater Plans have been provided by TTW at **Appendix N** in response to matters raised in submission. These have been addressed in **Section 6.1** above.

### 8.13 Airspace Impact

An Amended Airspace Assessment has been prepared by Thompson GCS at **Appendix P**. The assessment concludes that the development as amended will not present a risk to aviation safety or affect surveillance systems and navigation aids located on/within Sydney Airport, and that the development is supportable. In summary:

- The maximum heights of each building and construction cranes will penetrate the Sydney Airport OLS surface;
- The maximum heights of the buildings and cranes remain below the PANS-OPS surface; and
- The maximum heights of the buildings and cranes remain well below the RTCC surface.

Due to the penetration of the OLS surface, an application will be made to the Sydney Airport Corporation Ltd, who will seek the input of the Civil Aviation Safety Authority (CASA) and the building authority to confirm there is no impact on safety or operational efficiency of aircraft activities.

### 8.14 Social Impact

An updated Social Impact Assessment (SIA) has been prepared by Ethos Urban (**Appendix Q**). Specifically, the project mitigation measures identified in the SIA have been revised where necessary to form actionable

commitments. This provides further confirmation that the project team is fully committed to implementing the outcomes identified within the SIA.

### 8.15 BASIX Certificate

BASIX, Stamped Plans and NatHERS Certificates of the development as amended has been prepared by Integreco, and is attached at **Appendix O**.

### 8.16 Building Code of Australia

An updated Building Code of Australia (BCA) Compliance Statement has been prepared by Blackett Maguire + Goldsmith at **Appendix R**. The statement confirms that the proposed development, including amendments made under this RTS, have been reviewed by an appropriately qualified Registered Building Surveyor and the project remains compliant, or capable of compliance with, the relevant provisions of the BCA.

The report identifies a number of matters which require further verification but notes that these matters can be clarified and resolved at the Construction Certificate stage, as is standard industry practice, without giving rise to inconsistencies with the development consent.

### 8.17 Fire Engineering

A Fire Engineering Statement for the amended proposal has been prepared by Caley Consulting at **Appendix S**, confirming that it continues to generally satisfy the Performance Requirements of the BCA as they relate to fire safety; with aspects to be further designed through performance-based Fire Engineering to achieve compliance at the Construction Certificate stage.

### 8.18 Site Suitability and Public Interest

The amended proposal is suitable for the site and in the public interest. The project:

- is consistent with the objectives of the B4 Mixed Use land use zone under the BLEP 2021;
- enhances and catalyses the ongoing development of the Arncliffe Planned Precinct in line with relevant strategic planning documentation including the *Greater Sydney Region Plan*, *Eastern City District Plan* and *Bayside West Precincts 2036*;
- delivers 180 new social dwellings on a key LAHC site, providing significant public benefits by housing people who are unable to access accommodation on the private market; and
- enhances the amenity, vibrancy, and availability public open space offering within Arncliffe, including through the delivery of a new retail precinct, childcare centre and 4,000m<sup>2</sup> Eden Street Park.



## 9.0 Amended Mitigation Measures

The final list of measures required to mitigate the impacts associated the proposed development are detailed in **Table 23** below. These mitigation measures are based upon those previously identified in the Section 7 of the exhibited EIS, with revisions included in response to amendments, clarifications and additional information provided in the RTS above.

Words proposed to be deleted are shown in ~~bold strike through~~ and words to be inserted are shown in ***bold italics***.

These measures represent the final and full series of mitigation measures proposed for the project pursuant to clause 7(d)(iv) of Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*.

**Table 24 Mitigation measures**

| Mitigation Measures   |
|---|
| <p><b>Detailed Design</b></p> <ul style="list-style-type: none"> <li>All proposed buildings and structures will be designed and constructed in accordance with the relevant requirements of the Building Code of Australia, with reference to the BCA Assessment prepared by Blackett Maguire + Goldsmith (June 2021, <b><i>amended January 2022</i></b>), Accessibility Statement prepared by Morris Goding Access Consulting (June 2021, <b><i>amended January 2022</i></b>), and Fire Engineering Statement prepared by Stantec (June 2021, <b><i>amended January 2022</i></b>).</li> </ul>  |
| <p><b>Construction Management</b></p> <ul style="list-style-type: none"> <li>A detailed Construction Environmental Management Plan is to be submitted to the Principal Certifying Authority prior to the commencement of construction works.</li> <li>Prior to commencement of demolition works an intrusive hazardous materials survey of all structures subject to demolition is to be prepared. All identified hazardous materials are to be recorded and maintained on an up-to-date register and subsequently removed by a SafeWork Licenced Asbestos Assessor and / or appropriately licensed removalist prior to any demolition activities.</li> <li>Following demolition, further in situ sampling of the site in accordance with the sampling design guidelines as stated in NSW EPA 1995 and referenced in the NSW ENM order of 2014 with the inclusion of pH, EC and NSW RTA T276 Foreign materials analysis in accordance with the recommendations of ADE Consulting Group (July 2021).</li> <li>Noise and vibration during construction is to be managed in accordance with the Construction Environmental Management Plan, and the Noise and Vibration Assessment prepared by Stantec (June 2021).</li> <li>A Construction Air Quality Management Plan should be prepared separately or form part of the Construction Environment Management Plan, with reference to the Air Quality Assessment prepared by Todoroski Air Services (June 2021).</li> <li>A detailed Construction Traffic Management Plan is to be submitted to the Principal Certifying Authority prior to the commencement of works, with reference to the preliminary CTMP provided within the Traffic and Parking Impact Assessment prepared by Stanbury Traffic Planning (July 2021, <b><i>amended January 2022</i></b>).</li> <li>Waste management during construction is to be managed in accordance with the Construction Environmental Management Plan, and the Construction Waste Management Plan prepared by Elephants Foot (June 2021).</li> </ul> |
| <p><b>Aviation</b></p> <ul style="list-style-type: none"> <li>An application is to be made to the Sydney Airport authority and CASA before the encroachment of construction cranes into the Obstacle Limitation Surface (OLS) in accordance with the Airspace Assessment prepared by Thompson GCS (June 2021, <b><i>amended January 2022</i></b>).</li> <li>The application will also be referred during the assessment process due to the encroachment of two of the four proposed buildings into the OLS.</li> </ul>  |
| <p><b>Transport, Access, and Parking</b></p> <ul style="list-style-type: none"> <li>The detailed design of transport, access and parking arrangements should generally be consistent with the Traffic and Parking Assessment prepared by Stanbury Traffic Planning (July 2021, <b><i>amended January 2022</i></b>), with reference to Australian Standards AS2890 (Parking Facilities) and associated requirements</li> <li>Any intersection upgrade and public domain works will be designed and completed in consultation with the relevant road authority.</li> </ul>  |
| <p><b>Aboriginal Cultural Heritage</b></p> <ul style="list-style-type: none"> <li>Ensure opportunities for Aboriginal cultural themes have been integrated into the design of the proposed development in accordance with the <del>Aboriginal Cultural Heritage Assessment prepared by WSP (2021)</del> <b><i>Aboriginal Cultural Heritage Assessment Report prepared by Artefact Heritage (January 2022)</i></b>, and the Urban Design Report prepared by Group GSA.</li> <li>Implement an unexpected finds protocol should be implemented during construction in the case of any unexpected finds, <b><i>in accordance with the Aboriginal Cultural Heritage Assessment Report prepared by Artefact Heritage (January 2022)</i></b>.</li> </ul>   |

## Mitigation Measures

### Noise and Vibration

- Implement the recommendations given in the Noise and Vibration Assessment (June 2021), including incorporation of acoustic treatments into residential buildings where required.
- Building plant is to be selected during detailed design must not exceed the relevant acoustic criteria.
- Noise and vibration during construction is to be managed in accordance with the Construction Environmental Management Plan, and the Noise and Vibration Assessment prepared by Stantec (June 2021).

### Crime and Safety

- Implement the recommendations of the Crime Prevention Through Environmental Design (CPTED) Assessment prepared by Ethos Urban (June 2021, **amended January 2022**).

### Flooding and Stormwater Impact

- Provide OSD tanks and stormwater infrastructure in accordance with the recommendations of the Stormwater Management Plan (June 2021, **amended January 2022**).

### Archaeology

- In the event that unexpected historical archaeological objects or deposits are uncovered, works should cease and a qualified Archaeologist contacted to assess the significance of the material and recommend whether further investigation is required.
- If the finds are found to be Aboriginal objects, the Office of Environment and Heritage must be notified under section 89A of the *National Parks and Wildlife Act 1974*.
- Appropriate management and avoidance or approval under a Section 90 Aboriginal Heritage Impact Permit should then be sought if Aboriginal objects are to be moved or harmed.

### Waste Generation and Management

- Waste management during construction is to be carried out in accordance with the Construction Waste Management Plan prepared by Elephants Foot (June 2021).
- Waste management during operation is to be carried out in accordance with the Operational Waste Management Plan prepared by Elephants Foot (June 2021).

### Utilities and Services Infrastructure

- Where necessary, utilities and services infrastructure shall be extended and augmented in accordance with Authority requirements and specifications and with reference to the Infrastructure Management Plan prepared by JHA Services (June 2021) and appropriate negotiations with other affected property owners.

### Air Quality

- Ensure that an appropriate level of air quality is maintained at the site during construction and operation, in accordance with the Air Quality Assessment prepared by Todoroski Air Services (June 2021).

### Wind Impact

- Ensure a suitable level of wind pedestrian comfort is provided to all communal and public open spaces, building entry points, and balconies on the site.
- Implement the findings and recommendations of the Wind Impact Assessment (June 2021, **amended January 2022**).

### Design Excellence

- To ensure the achievement of Design Excellence, the project team will be expected to:
  - retain lead roles over the relevant design decisions in the preparation of the design drawings for a construction certificate for the preferred design;
  - retain lead roles over design decisions in the preparation of the design drawings for the contract documentation; and
  - ensure that design continuity is maintained during all demolition and construction phases through to the completion of the project.

### Operation of Retail Tenancies

- The detailed fit-out, operation, and signage for the food and drink tenancy and any retail stores are to be the subject of separate applications and future approvals.
- Any commercial kitchen be fitted must with appropriate commercial exhaust ventilation systems that filter and treat discharges in accordance with the relevant Australian Standards, including to prevent adverse odour impacts.

## 10.0 Conclusion

Following the public exhibition of SSD-11429726 from 30 July 2021 to 26 August 2021, the Proponent comprehensively reviewed each submission made by Government bodies and agencies, Council, and the community. Further consultation has also been undertaken. The proposal has been amended to respond to the matters raised in the submissions and additional clarifications and information has been provided where relevant. In summary:

- The NSW Government Architect's State Design Review Panel have confirmed that the amended proposal:  
*'is considered to have satisfied Bayside LEP Clause 6.10 (3) which states:*  
*(3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.'*
- The proposal has been amended to comply with the maximum height limit, notwithstanding a minor and localised 1.5 metre variation is proposed to accommodate Building B lift overrun. The proposed variation will not generate any unreasonable environmental impacts and is appropriate in the circumstances.
- Vehicular access is proposed via Princes Highway (in addition to Eden Street) to satisfy the requirements of Transport for NSW. The proposed vehicular access arrangement will reduce the traffic congestion on the local roads in the immediate area and improve access to the site.
- Amendments have been made to building floorplates to ensure that a higher degree of amenity is provided for future residents, particularly to enhance cross ventilation. A minimum of 60% of apartments in all buildings are naturally cross ventilated.
- The building materiality and façade expression has been developed in response to comments from the State Design Review Panel to ensure the architectural resolution and quality is suitable for the land uses and surrounding context.
- The childcare centre has been relocated to provide enhanced CPTED outcomes for users of the centre and enables an enhanced interface between the childcare centre and Eden Street Park and the provision of retail floor area in Building D increases the Princes Highway activation.
- The basement footprint has been reduced to increase the amount of natural soil on-site suitable for tree planting. Additional existing trees have also been retained. This results in a more sustainable outcome that also reduces the extent of excavation required for the basement minimising associated environmental impacts during construction.

This Submissions Report has reviewed SSD-11429726 as amended, informed by specialist consultant inputs, and found that:

- The proposal is permissible with consent and generally meets the statutory requirements of the relevant environmental planning instruments. Where variations are proposed they are suitably justified and are appropriate in the circumstances.
- The proposal is generally consistent with and improves upon Council's vision for the Eden Street LAHC site under the Rockdale Development Control Plan 2011.
- The proposal enhances and catalyses the ongoing development of the Arncliffe Planned Precinct in line with the relevant strategic planning documentation.
- The proposal will deliver 180 new social dwellings on a key LAHC site, providing significant public benefits by housing people who are unable to access accommodation on the private market.
- The development will enhance the amenity, vibrancy, and availability of public open space within Arncliffe, including through the delivery of a new retail precinct, childcare centre and 4,000m<sup>2</sup> Eden Street Park.
- The proposal will not result in unacceptable environmental impacts and will provide a large number of jobs during construction and operation.
- The proposal is suitable for the site and in the public interest.

On this basis and given the merits of the proposal, it is recommended that it be approved.