

Corporate Counsel Services Pty Limited

29 March 2022

Arncliffe Eden Property Pty Ltd
C/- Billbergia
Suite 101, 25 Angas Street
Meadowbank NSW 2114

Attention: Saul Moran and Dean Stojanovski

By email: saul.moran@billbergia.com.au and dean.stojanovski@billbergia.com.au

Dear Saul and Dean

26-42 Eden Street and 161-179 Princes Hwy, Arncliffe

In relation to the proposed development of 26-42 Eden Street and 161-179 Princes Hwy, Arncliffe (**Development Site**) As part of DPIE's requests for information you have received a request to consider granting an easement for access over the Development Site in favour of 181 Princes Highway (lot 1 in DP 412310) and 7 Forrest Road (lot 1 in DP952266) (**Neighbouring Properties**).

The easement for access that you have been asked to consider is to enable vehicles from the Neighbouring Properties and future development of the Neighbouring Properties to have rights of access to and egress from the Neighbouring Properties across the Development Site from and to Eden Street (**Requested Easement**).

The Requested Easement would be a significant impost burdening the Development Site from a number of perspectives, including:

1. The Development Site will be developed with approximately 744 dwellings, a retail component and associated car parking, which will result in a large number of traffic movements into and out of the Development Site each day. Adding to that vehicles from the Neighbouring Properties would negatively impact on the driveway and vehicle control systems within the Development Site.
2. The Requested Easement will require traffic from the Neighbouring Properties to pass through the basement car park on the Development Site, which will be a security issue for the buildings within the Development Site. Addressing those security issues will result in loss of use of part of the basement car park through changed traffic corridors and may result in the number of car parking spaces in the Development Site having to be reduced. This would also require the inclusion of an additional security and access control system, or allowances for installation those systems at a future time, at significant cost to you or future disturbance of residents, or both.

3. Any intention to grant the Requested Easement would have to be disclosed to all purchasers of apartments in the buildings on within the Development Site. The prospect of vehicles from a neighbouring development having access through the Development Site would be expected to negatively impact sales of apartments within the Development Site, resulting in downward pressure on sales prices and associated loss of revenue that may negatively impact the viability of the development.

Additionally, there are a number of practical and financial considerations that would need to be satisfactorily resolved, such as:

- Are the current owners of the Neighbouring Properties willing to pay the cost of redesigning your development to include the accessway and of installing the necessary security and access control systems?
- Are the current owners of the Neighbouring Properties willing to pay the cost of the interim and ongoing maintenance of the accessway and the security and access control systems?
- Are the current owners of the Neighbouring Properties willing to pay for the grant of the Requested Easement?

In summary, you are being asked to consider benefiting a neighbouring site at significant cost and significant development risk that could make your development of the Development Site unviable. As the questions raised in this letter (and other relevant issues) probably can't be answered or satisfied now, it is difficult to see how those risks could be satisfactorily removed or mitigated in a way that does not adversely affect your development of the Development Site.

Yours sincerely



Paul Boonzaaier
Director – Principal Solicitor
Corporate Counsel Services Pty Limited