

14 April 2022

218757

Anthony Witherdin
Director – Key Sites Assessments
Department of Planning and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

ATTN: David Glasgow, Principal Planning Officer, Key Sites Assessments

Dear David,

**RESPONSE TO REQUEST FOR ADDITIONAL INFORMATION
SSD-11429726 – EDEN STREET COMMUNITIES PLUS**

This letter has been prepared by Ethos Urban on behalf of Arncliffe Eden Property Pty Ltd in response to the Request for Additional Information (RFI) issued by the Department of Planning and Environment (DPE) for SSD-11429726 dated 4 April 2022, as well as additional requests for clarification received by email. This letter should be read with reference to the following appended documentation:

- DPE Water Response prepared by ADE Consulting (**Attachment A**);
- EES Group Response prepared by Group GSA (**Attachment B**);
- Amended Intersection and Route Diagrams prepared by Stanbury Traffic Consulting (**Attachment C**);
- Updated Architectural Plans prepared by Group GSA (**Attachment D**);
- Updated Landscape Plans prepared by Group GSA (**Attachment E**);
- Acoustic Statement prepared by JHA (**Attachment F**); and
- 52 Eden Street Context Study (**Attachment G**).

A detailed response to each item raised by DPE is provided below. We trust that it is sufficient to enable determination of SSD-11429726.

Yours sincerely,



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Response to RFI

Item	Proponent's response
Response to RFI – 4 April 2022	
<p>The response should be updated to include a response to outstanding agency comments in particular:</p> <ul style="list-style-type: none"> DPE Water Groups comments of 28 February 	<p>A detailed response to DPE Water's comments of 28 February has been provided by ADE Consulting at Attachment A.</p> <p>In summary, the response confirms the following:</p> <ul style="list-style-type: none"> Groundwater flows into the excavation is expected to be relatively low at 2.2m³/day. The project is expected to be eligible for an 3ML exemption under the <i>Water Management (General) Regulation 2018</i> given the low volumes, to be confirmed through a detailed Dewatering Management Plan to be completed prior to commencement of works which can be satisfied via an appropriate and reasonable condition of consent. The impact of the development with regards to the requirements of the NSW Aquifer Interference Policy is expected to be low.
<ul style="list-style-type: none"> EES group comments of 24 February 	<p>A detailed response to comments raised by the EES Group have been provided by Group GSA at Attachment B. The response confirms that Tree 109 is to be retained and protected as consistent with the advice of the Birds Tree Consulting Arborist Report which was submitted as Appendix H of the RTS dated 8 February 2022.</p>
<p>Please also correct the errors within Attachment D to confirm the combined vehicle trips.</p>	<p>Amended Intersection and Route Diagrams have been prepared by Stanbury Traffic Planning at Attachment C rectifying errors in the submitted documentation.</p>

Item	Proponent's response
Response to e-mail correspondence – 6 April 2022	
<p>The Department requires further clarification/justification around the proposed zero setback on the southern boundary, specifically with respect to amenity impacts and the relationship to neighbouring properties 52 Eden Street and 7 Forest Road and the potential interface with future redevelopment of these sites. Please provide:</p> <ul style="list-style-type: none"> section(s) clearly showing the relationship and finished wall heights and ground levels between the proposal and the existing property no 52 Eden Street and any other perspective images to help understand the impact to this property in term of outlook and enclosure, including from within the rear garden area. 	<p>Two architectural sections illustrating the relationship between the proposed development and the existing building at 52 Eden Street is provided at Drawing DA-4584 of the Updated Architectural Plans at Attachment D. A context study has also been provided at Attachment G.</p> <p>To clarify, the section shows that a minimum setback of 850mm is provided from Building C to the common boundary with 52 Eden Street and 7 Forest Road. The zero setback previously shown on Drawings DA-2005 – 2007, 3004, 3031 and 3033 was a drafting error and has been amended at Attachment D. The drafting error also occurred on Drawings DA-9208 – 9309 of the Landscape Plans which are updated at Attachment E.</p> <p>Reasonable amenity and privacy are maintained to the existing properties at 52 Eden Street and 7 Forest Road by the following:</p> <ul style="list-style-type: none"> A 'green verge' is provided along the communal open space facing 52 Eden Street to ensure that visual privacy to this property is protected. Users of the communal open space will not be able to see into private space within 52 Eden Street. An acoustic louvre is provided at the perimeter, thereby limiting potential for acoustic impacts. The Acoustic Statement at Attachment F confirms that noise impacts onto 52 Eden Street are acceptable – see below. The 850mm setback to the common boundary increases to 9m at the approximate height of the existing roof parapet of the single storey dwelling at 52 Eden Street. For reference the Rockdale DCP under Section 5.1 permits a minimum side setback of 900mm for the ground floor of a single or two storey dwelling. While not a single or double storey dwelling, the immediate boundary relationship between the proposal and the existing dwellings at 52 Eden Street and 7 Forest Road is comparable to the separation permissible between 1-2 storey building forms under Section 5.1 of the Rockdale DCP.
<ul style="list-style-type: none"> more detailed solar analysis and assessment of sunlight received to habitable rooms and private open space at 52 Eden Street in mid-winter and equinox, noting the current shadow diagrams do not allow a detailed understanding of the impact from the podium 	<p>The Proponent will provide further solar analysis in the week commencing 19 April.</p>
<ul style="list-style-type: none"> more detail solar analysis of 7 Forest Road (including private open space) including overshadowing in 15 minute intervals during mid-winter and assessment of hours of sunlight received to habitable rooms and private open space during winter, summer and equinox to help understand overall amenity impacts to this property 	<p>As directly above.</p>

Item	Proponent's response
<ul style="list-style-type: none"> updated noise impact assessment correctly assessing 52 Eden Street as a residential receiver and address the location of communal open space on the elevated property boundary and how neighbouring amenity is protected in terms of potential privacy/overlooking and noise impacts 	<p>An Acoustic Statement has been prepared by JHA at Attachment F. The statement confirms that 52 Eden Street has been treated as a residential receiver, and that:</p> <p><i>"With the implementation of acoustic treatment, the applicable noise emissions limits will be achieved to [52 Eden Street]. During detailed design, acoustic treatment will be provided as required to achieve the noise emission limits to all surrounding residential receivers."</i></p> <p>The referenced 'acoustic treatment' includes the provision of a solid and sealed acoustic balustrade along the perimeter of the communal open space adjacent to the common boundary (as shown in the Updated Architectural Plans at Attachment D) to mitigate noise impacts from the communal space.</p>
<ul style="list-style-type: none"> clarify the previous justification provided for the zero setback in relation to future development of 52 Eden Street which is shown in the indicative future development scenario as being setback from this boundary and not continuing the street wall 	<p>As noted above, an 850mm minimum setback is provided to 52 Eden Street up to an approximate height of 2 storeys. The indicative future development scenario does not preclude the ground floor / non-residential podium of the building identified as E1, in that scenario, extending to the shared boundary with the proposal to continue the street wall along Eden Street.</p> <p>As noted within the submitted RTS Report, the design of the proposal does not prevent 52 Eden Street achieving the development potential facilitated by the current planning controls.</p>
<ul style="list-style-type: none"> address the noncompliance with ADG Clause 2F setback requirements 	<p>We note that the purpose of Part 2 of the ADG <i>"explains the application of building envelopes and primary controls including building height, floor space ratio, building depth, separation and setbacks. It provides tools to support the strategic planning process when preparing planning controls."</i></p> <p>It is our view that Part 2 of the ADG is not intended to be applied as a statutory assessment mechanism – it applies only to the establishment of planning controls.</p> <p>We note that the proposal complies with the design criteria under Part 3F Visual Privacy of the ADG for the habitable floors as follows:</p> <ul style="list-style-type: none"> Up to 25m Building C is setback 9m from the common boundary with 52 Eden Street and 7 Forest Road. Above 25m Building C is setback 12m from the common boundary with 52 Eden Street and 7 Forest Road. <p>The reasonableness of the proposed 850mm setback to the common boundary for the basement entry wall is addressed further above.</p>

Item	Proponent's response
Response to e-mail correspondence – 11 April 2022	
Can you please send through the GFA for each building inclusive of the Wintergardens.	<p>GFA calculations for each building, inclusive of wintergardens, are as follows:</p> <ul style="list-style-type: none"> • Building A: 17,813m² (including 402m² of wintergarden) • Building B: 18,351m² (including 848m² of wintergarden) • Building C: 11,999m² • Building D: 14,665m² (including 418m² of wintergarden)
Response to e-mail correspondence – 12 April 2022	
The latest amended plans submitted with the RFI show an increase in car parking spaces from 813 spaces to 926 spaces.	This was an error in the submitted plans. The total number of car parking spaces remains at 813. No changes were made to car parking arrangements under the RFI excepting relocation of the car share spaces from basement level 1 to lower ground, as shown in the submitted documentation.
<p>The EIS and RTS state that the proposal complies with clause 4F of the ADG in relation to the maximum apartment /lift ratio, despite it exceeding significantly.</p> <p>Additionally the relocated childcare centre relies on the two lifts provide for Building C, which service more than double the ADG recommended number of apartments.</p> <p>I can't see any other information or advice from the Architects or Engineers addressing this point or qualifying the claims made in the EIS/RtS.</p> <p>Please can you provide an explanation and justification for the noncompliance and evidence to support claims regarding wait times being within acceptable maximum ranges etc, including the impact of the Childcare centre sharing the Building C residential lifts.</p>	The Proponent will submit advice from a qualified vertical transportation engineer confirming that the proposed lift arrangements are acceptable, under separate cover during the coming week.