

21 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,

SUPPLEMENTARY INFORMATION – 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. This letter and its attachments address the DPE questions regarding:

- Solar access to 52 Eden Street and 7 Forest Road
- Compliance with Design Criteria 2 under Part 4F of the Apartment Design Guide
- Compliance with Part 2F of the Apartment Design Guide (re: DPE email 19 April 2022)

This letter should be read with reference to the following:

- Solar Analysis Plans prepared by Group GSA (**Attachment A**); and
- Vertical Transport Analysis Reports prepared by KONE (**Attachments B1 – B4**).

1.0 Solar Access – 52 Eden Street and 7 Forest Road

Group GSA have prepared detailed solar access modelling to the existing buildings at 52 Eden Street and 7 Forest Road at 15-minute intervals on 21 June and 21 March (refer **Attachment A**). The results are summarised below.

1.1 52 Eden Street

The solar analysis demonstrates that:

- Existing solar access is maintained to the windows on northern façade from 9:15am on 21 June and from 10:15am on 21 March which complies with the minimum 3 hour requirement under Section 4.4.2 of the Rockdale DCP 2011.
- Existing solar access is maintained to the windows on the western façade between 9:00am and 3pm on 21 June and 21 March which complies with the DCP requirement.
- There are three windows on the eastern façade. The proposal will maintain solar access to the window closest to Eden Street from 12pm onwards on 21 June which complies with the DCP requirement. The proposal will maintain solar access to the windows towards the rear of building from 2:30pm onwards on 21 June. On 21 March all three windows receive direct solar access from 12:30pm onwards.

In summary, the proposal will maintain a minimum of 3 hours solar access to the windows to habitable rooms at 52 Eden Street on 21 June and 21 March apart from two windows on the eastern façade. The two affected windows on the eastern façade will still receive direct solar access on 21 June and 21 March and the private open space will receive direct solar access to over 50% of its area on 21 March from 12:30pm onwards.

1.2 7 Forest Road

In addition to detailed analysis for 21 June and 21 March, the DPE also requested analysis of solar access to 7 Forest Road on 21 December. We note that currently 7 Forest Road appears a derelict and uninhabited property with an overgrown and unmanaged garden which obscures daylight to the building's windows and private open space (refer **Figure 1** below). Notwithstanding, the solar analysis demonstrates that:

- Existing solar access is maintained to 7 Forest Road between 9am to 3pm on 22 December.
- Existing solar access is maintained to the northern façade from 10:45am and the eastern façade from 11:15am on 21 March.
- Existing solar access is maintained to the northern façade from 1pm, and the eastern façade from 12pm on 21 June. Solar access to the eastern façade complies with the minimum 3 hour requirement under Section 4.4.2 of the Rockdale DCP 2011.

In summary, the proposal will maintain a minimum of 3 hours solar access to 7 Forest Road on 22 December, 21 March and 21 June, apart from the northern façade of the building on 21 June. A good level of solar access will still be provided to this façade from 1pm to 3pm.



Figure 1 Current appearance of 7 Forest Road. This property is understood to be derelict and overgrown
Source: Google Maps

2.0 Vertical Transportation

It is our understanding that the underlying intention of Objective 4F-1 of the ADG and Design Criteria 2 is to ensure redundancy of lift service for buildings with a high number of apartments; i.e.: where there are two or more lifts, the number of apartments is not capped or restricted – i.e., two lifts are the minimum required for a 10-storey development (if there are 40 apartments or more), rather than one lift per 40 apartments. This interpretation was accepted on the recently approved SSD-10362 at 338 Pitt Street, Sydney.

KONE have prepared Vertical Transport Analysis Reports for each building (**Attachments B1, B2, B3, B4**) which conclude that each building provides an appropriate level of lift service and performance. The findings of each report are summarised in **Table 1** below:

Table 1 Summary of findings of lift performance

Building	Lift performance
Building A	★★★★
Building B	★★★★
Building C	★★★★
Building D	★★★★★

As noted within the reports, a rating of 3 stars or higher indicates an acceptable level of performance.

3.0 Setback to 52 Eden Street

The DPE email dated 19 April 2022 requested further justification for the proposed 850mm setback to the common boundary with 52 Eden Street with reference to Part 2F of the Apartment Design Guide. The DPE email noted that *“the DCP refers back to 2F for setback requirements and although not applying to SSD, as the consent authority the Department must consider the DCP in determining whether the proposal exhibits design excellence.”*

The following addresses the relevant considerations.

850mm setback clarification

As noted in the Response to RFI Letter prepared by Ethos Urban dated 14 April 2022, the proposal provides an 850mm setback from the proposed driveway entrance and podium communal open space to 52 Eden Street. This setback was chosen to ensure there are no constructability or structural concerns when 52 Eden Street is redeveloped in accordance with the desired future character for the Arncliffe Town Centre, while ensuring it can essentially function as a party wall to the common boundary.

State Design Review Panel Process

In accordance with Clause 6.10(4)(d) Design Excellence of the *Bayside Local Environmental Plan 2021* the consent authority must have regard to the requirements of any development control plan when determining whether the development exhibits design excellence.

As an architectural design competition waiver has been granted for the project, the proposal has undergone an extensive consultative process with the NSW Government Architect's State Design Review Panel (SDRP) to ensure that the proposal exhibits design excellence. Meetings with the SDRP were held on 9 September 2020; 21 October 2020; 3 March 2021; 29 September 2021; and 24 November 2021. Following this consultation, the SDRP has confirmed through email on 20 December 2021 that the proposal has satisfied design excellence provisions under clause 6.10(3) of the Bayside LEP:

*“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.”*

The setback to 52 Eden Street was not raised as an design excellence issue by the SDRP. Therefore, the built form of the proposal is considered to demonstrate design excellence.

Rockdale Development Control Plan 2011 – Part 7.7(2.2)(1) Arncliffe Town Centre “Built Form”

The DCP states:

“Provision of high quality residential amenity in terms of privacy and built form by complying with SEPP 65 - Design Quality of Residential Apartment Development, side and rear setbacks must follow built form separation standards as outlined in Part 2F Building Separation as outlined in the Apartment Design Guide.”

There are no numeric side setback development controls under Part 7.7 of the DCP. Under the DCP Part 5.3(6) Mixed Use the control states that:

“Generally, the lower levels of buildings are to be built to side and rear boundaries or be set back no less than 3m.”

While the proposal is setback 850mm (to facilitate the feasible construction of 52 Eden Street); Part 5.3(6) of the DCP clearly demonstrates that it is Council's intention that development in mixed use zones can build to common boundaries to facilitate the development of the zone in accordance with the desired future character. The Arncliffe Town Centre controls at Section 7.7 of the Rockdale DCP makes it clear that Council anticipates that Eden Street is to be redeveloped into a retail street, with commercial uses at podium level and residential uses above. The desired future character of 52 Eden Street as a high density mixed-use development is evidenced by the following DCP controls:

- *Eden Street and Burrows Street become retail streets, complementing Firth Street and extending the Town Centre uses and activity to the east of the rail line. Streetscape improvements delivered alongside development will further enhance the character and amenity of these streets.*
- *Ensure retail and business uses are provided at the ground level of existing and planned retail streets particularly on Eden Street and Burrows Street and sites adjoining Wooroona Reserve to the east.*
- *High-quality residential development is encouraged above retail and commercial uses within the town centre, and as a standalone use on sites outside of the centre.*

The proposal is consistent with these built form objectives.

Apartment Design Guide Part 2F and Part 3F

Part 2F sets out recommended building separation distances to be considered when plan-making. They are not intended to be used as statutory assessment criteria. The statutory assessment criteria to determine the reasonableness of residential flat building separation is set out under Part 3F. It has been demonstrated in previous correspondence that the proposal achieves the relevant objectives of Part 3F. Notwithstanding, we note that in the table under Part 2F titled “Considerations in setting building separation controls”, it is stated that:

No building separation is necessary where building types incorporate blank party walls. Typically this occurs along a main street or at podium levels within centres.

As outlined above, the proposal presents as a blank party wall at the common boundary of two sites located within the Arncliffe Town Centre. The residential levels above are compliant with separation requirements under Clause 2F:

- Up to 25m, Building C is setback an equitable 9m from the common boundary with 52 Eden Street.
- Above 25m, Building C is setback an equitable 12m from the common boundary with 52 Eden Street.

4.0 Conclusion

On behalf of the Proponent, we appreciate the opportunity to provide additional information to assist the DPE with their assessment of the proposal. Please contact the undersigned if further clarification is required.

Yours sincerely,



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