

Notice of decision

Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

Application type	State significant development
Application number and project name	SSD-11429726 Eden Street, Arncliffe Mixed Use Redevelopment
Applicant	Arncliffe Eden Property Pty Ltd on behalf of NSW Land and Housing Corporation
Consent Authority	Minister for Planning

Decision

The Minister for Planning has, under section 4.38 of the *Environmental Planning and Assessment Act 1979* (the Act) granted consent to the development application subject to conditions.

A copy of is available [here](#).

A copy of the Department of Planning and Environment's assessment report, the development consent and conditions is available [here](#).

Date of decision

1 August 2022

Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the department's assessment report;
- the prescribed matters under the Environmental Planning and Assessment Regulation 2021
- the objects of the Act;
- the considerations under s 7.14(2) and 7.16(3) of the *Biodiversity Conservation Act 2016* (NSW);
- all information submitted to the department during the assessment of the development application
- the findings and recommendations in the Department's assessment report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's assessment report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the Department's assessment report.

The key reasons for granting consent to the development application are as follows:

- the project would provide a range of benefits for the region and the State as a whole, including 180 new social housing apartments, new publicly accessible open space and pedestrian links, improved public domain and the creation of approximately 2,280 construction and 200 ongoing operational jobs
- the project is permissible with development consent, and is consistent with NSW Government policies including the Greater Sydney Region Plan and Eastern City District Plan's vision to increase housing and jobs close to public transport, services, and amenities
- the proposed height, bulk and scale of the development is acceptable as the height and FSR variations are minor, the architectural built form outcome has been reviewed and endorsed through the State Design Review Panel process and the proposal will be consistent with the future desired character of the Arncliffe Planned Precinct
- traffic, access, and parking impacts are appropriately managed and impacts to surrounding intersections are minimised through the provision of a deceleration lane providing access from Princes Highway, and a prohibition on right turn movements from Forest Road to Eden Street
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent.
- weighing all relevant considerations, the project is in the public interest.

Attachment 1 – Consideration of Community Views

The applicant engaged with the community during the preparation of the Environmental Impact Statement (EIS) as a requirement of the Secretary's Environmental Assessment Requirements. The EIS detailed the findings of the engagement and how it influenced the scope and design of the project.

Once the EIS was submitted to the Department it was placed on exhibition from 3 August 2021 until 30 August 2021 (28 days). 11 public submissions were received, including eight objections, two comments and one in support of the project. The Department also visited the site.

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker include overdevelopment/density, excessive height and bulk, visual and view loss impacts, overshadowing, traffic, car parking, deep soil area, increased crime, insufficient capacity of Arncliffe station, more community uses should be provided and concentration of social housing. Other issues are addressed in detail in the Department's Assessment Report.

Issue	Consideration
<ul style="list-style-type: none"> Excessive height and bulk Overdevelopment/density 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The proposal has been reduced in height to comply with the maximum building height controls for the site except for a 1.5m lift overrun above Building B. Buildings C and D are 2.5m and 9.2m below the maximum building height respectively. The proposal also generally aligns with the maximum floor space allowed for on the site, except for minor variations caused by enclosing balconies to improve acoustic amenity along Princes Highway. These balconies would not add to the perception of building bulk. The proposal has been subject to extensive review and evolution under the guidance of the State Design Review Panel (SDRP) and includes distinct and well separated and articulated tower forms which break up the bulk of the buildings. The proposal has acceptable amenity impacts and traffic generation would have limited impact on the surrounding road network. The Department concludes that the height, scale and density of the development is consistent with the future envisioned character for the site and precinct and the proposal would not unreasonably impact on the surrounding area. <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> Compliance with the maximum building heights recommended by the Department must be certified by a registered surveyor.
<ul style="list-style-type: none"> Visual impacts Loss of views to Gateway Apartments (158-164 Princes Highway) 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department acknowledges that the proposal will be highly visible from surrounding properties including 158-164 Princes Highway. However, all buildings comply with the Bayside Local Environmental Plan (BLEP) height control, except for the lift overrun to Building B, which would not be visible from the public realm. The Department considers the visual impacts are acceptable as they are consistent with the desired future character of the area established by the BLEP and no significant views to elements of scenic value are affected by the proposal.
<ul style="list-style-type: none"> Overshadowing of neighbouring properties 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The proposal has been designed to reduce overshadowing impacts to surrounding properties as the slender tower forms confine overshadowing impacts to short time periods. The proposal will not reduce solar access to less than the required 2 hours for any surrounding property and communal open space, except for the single residential dwellings at 7 Forest Road and 181 Princes Highway. The minor variations to the BLEP height limit of 70 m do not result in any additional overshadowing impacts to any surrounding properties compared to a compliant scheme, nor the Rockdale Development Control Plan indicative layout scheme The Department considers the overshadowing impacts to 7 Forest Road and 181 Princes Highway are acceptable as the sites have been rezoned for significantly increased height and density and are unlikely to remain in use as single dwellings for the foreseeable future.

Issue	Consideration
	<ul style="list-style-type: none"> The applicant's contextual analysis has also demonstrated that future redevelopment of the land can comply with the Apartment Design Guide (ADG) solar access requirements.
<ul style="list-style-type: none"> Increased traffic congestion 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant's Traffic Impact Assessment demonstrates that all key intersections will continue to operate at an acceptable level of service except for the Forest Road and Firth Street intersection which reduces from existing LoS E to LoS F. While the proposal would increase delays and queuing at this intersection, this is acceptable as: <ul style="list-style-type: none"> TfNSW have advised that it is considering changes to the signal phase timing which would improve the intersection operation back to its existing performance (LoS E) funding for improvements to this intersection is also allocated within the Bayside West Special Infrastructure Contribution the performance of the nearby intersection of Forest Road and Eden Street is expected to be significantly improve (from LoS F to LoS A). The Department is satisfied that the development is unlikely to result in unacceptable impacts to the surrounding road network <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> Preparation a Construction Traffic and Pedestrian Management Sub-Plan to manage traffic impacts during construction. Obtain regulatory approvals from the relevant authority to make modifications to the intersection of Forest Road and Eden Street. The proposal will be liable for a Special Infrastructure Contribution (SIC) to assist in wider traffic improvements in the Arncliffe area.
<ul style="list-style-type: none"> Insufficient car parking and loss of on-street parking 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Department considers the proposed car parking arrangements to be satisfactory as they are consistent with the relevant requirements of the TfNSW Guide to Traffic Generating Developments, the Affordable Housing SEPP (ARH SEPP) and the RDCP and would be designed and provided in accordance with the relevant Australian standards to ensure safe and efficient internal manoeuvring The Department also notes that the proposal does not seek to remove any street parking from Eden Street. <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> Compliance with the specified number of car parking spaces provided by the Department. Provision of evidence to the Certifier that sufficient off-street parking has been provided for construction vehicles to ensure construction traffic does not utilise on-street parking or public parking facilities.
<ul style="list-style-type: none"> Insufficient deep soil area 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> 33% of the site is proposed to be soil of depth 600mm or deeper, which is sufficient to accommodate tree and shrubs comprising: <ul style="list-style-type: none"> Deep Soil (9%) – 1228 m² Soil on Slab greater than 1200mm depth (13%) – 1793 m² Soil on Slab between 800-1200mm depth (5%) – 725 m² Natural Ground (6%) – 775 m² The Department considers that the site complies with the minimum deep soil requirement under the ADG and the site also provides extensive soil areas that can support shrubs and trees
<ul style="list-style-type: none"> Increased crime 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant's CPTED assessment report concluded that with the implementation of mitigation measures, the site's crime risk rating would be in a 'low' category and the development would provide high levels of natural surveillance over communal spaces and the public domain, as well as access control measures. The Department is satisfied that these measures would appropriately manage crime risks associated with the development. <p><i>Recommended conditions</i></p>

Issue	Consideration
	<ul style="list-style-type: none"> Implementation of the recommendations of the CPTED report and the installation of CCTV in accordance with Council's recommendations.
<ul style="list-style-type: none"> Insufficient capacity of Arncliffe railway station 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The proposed increase in housing in close proximity to existing transport infrastructure supports the development of the 30-minute city model as outlined in the Greater Sydney Region Plan. The proposal is also consistent with the strategic direction for the site and area as it would increase housing supply in a convenient location, close to transport, jobs and services and provide a greater mix of land uses, including residential, in an accessible location The TIA also confirmed that Arncliffe Station has sufficient capacity to accommodate the expected uplift in trips from the development.
<ul style="list-style-type: none"> More community uses should be provided 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The proposal provides for retail/commercial and residential uses which are all permitted uses within the B4 Mixed use Zone. There is no policy requirement to provide community uses on site. The Department has considered the proposal on its merits including the proposed land use mix and concludes that it is acceptable and will provide significant public benefit through the provision of 180 social housing units, 4000 m² of new public open space, new pedestrian through site links, shared path and pedestrian paths and a new raised pedestrian crossing linking the site to the Arcade and Arncliffe Station. <p><i>Recommended conditions</i></p> <ul style="list-style-type: none"> Payment of Section 7.11 contributions to Bayside Council which includes a contribution to community facilities.
<ul style="list-style-type: none"> Concentration of social housing 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> The Applicant has advised that it is LAHC's preference to consolidate the location of social housing within mixed use developments as it meets the ownership, management, and operational requirements of the future community housing provider (Evolve Housing). The tenure configuration is also considered to be consistent with other developments delivered under the Communities Plus program. The Department considers the proposed social housing is appropriately integrated into the proposal, would not differ externally in terms of architectural quality and amenity and would form a tenure blind development, achieving the overarching goal of the LAHC policy.