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Attention: Ms Natasha Harras

Dear Sir

**ENVIRONMENTAL ASSESSMENT EXHIBITION – MIXED USE  
DEVELOPMENT AT EASTLAKES SHOPPING CENTRE,  
EASTLAKES (MP09\_0146)**

I refer to my letter dated 17 August 2012 in respect of the abovementioned Major Project Application which drew the Department's attention to the deficiencies in the Application and requested an extension of time until 28 September 2012 which was subsequently granted.

I now present Council's submission to the Department on the redevelopment of the Eastlakes Shopping Centre and on the Environmental Assessment which includes an assessment of whether the Director General's Requirements issued 5 April 2011 have been adequately addressed. This submission should also be read with my letter dated 17 August 2012.

For the reasons that are set out in detail below the Council submits that:

1. The application should not be approved on its merits, both due to matters of design and due to the project's non compliance with relevant standards which should be respected having regard to the circumstances of this project and its locality. The breach of relevant standards has in large measure contributed to the unacceptability of the design of the project.
2. There has been a failure to adequately address the environmental assessment requirements. I pointed this out in my letter dated 17 August 2012. As a consequence of these inadequacies in the Environmental Assessment the Council has engaged consultants to undertake assessments that should have been addressed in the Environmental Assessment. The consultants' reports are attached to this submission. Those reports further emphasis the inadequacy of the Environment Assessment and its failure to adequately address the environmental assessment requirements. So serious are those inadequacies that were the Minister to consider approving the project based upon the

Environmental Assessment, he would not be in a position to do so with an adequate appreciation of the consequences of approval.

In order to assist the Department this submission is set out in sections – with Section 1 providing an overview with the remaining sections addressing how the Environmental Assessment addresses the Key Issues in the Director General’s Requirements dated 5 April 2011.

## **SECTION 1 – OVERVIEW**

Twenty-five (25) years ago the Botany Bay local government area would properly be characterised as being largely unsightly and dominated by heavy industry, pollution, poor amenity and predominantly smaller and lower quality residential dwellings and flat buildings. Most flat buildings were the old" schedule 7 walk ups".

The same could not be said of Botany Bay today. While much of the unsightliness and poor amenity of the past is still evident it is very much declining. Botany Bay is a City marked by transformation. As Botany Bay is redeveloped, it is regenerated by high quality development. New industrial development is of the highest quality and amenity. There are warehouses and factories in the new industrial estates, well landscaped and shielding their operations from public view. Commercial and mixed development of architectural quality is encouraged. The area around Mascot Station is a particularly fine example. Residential flat buildings are now of high architectural quality with large unit sizes. New multi unit residential development within the Mascot Station Precinct and recent developments within the suburb of Botany in Daphne Street, William Street, Jasmine Street and Myrtle Street are testament to Council’s vision of high quality residential redevelopment providing a high standard of internal amenity.

These are changes which have been brought about by Council vision and policy and the application of high development standards over the past 25 years. The Council has been able to achieve this by working with developers and persuading them as to the benefits to them and the community of high quality development. Higher quality development perpetuates further high quality development and brings an expectation of the quality required to obtain development consent and what the community now demands. It also broadens the demographics of the area as it encourages home buyers from other areas in Sydney, particularly the eastern suburbs of Sydney. The controls that have assisted this transformation include but are not limited to *Councils DCP 35 - Multi Unit Dwelling & Residential Flat Buildings* and the *Building Design & Construction DCP* which provide for high quality internal amenity by imposing a number of controls, including minimum unit sizes. The *Mascot Station DCP* and *Pemberton and Wilson Street Precinct DCP 31* support these positions. All these controls have been consistently applied by Council. Council’s vision and policy has been supported by its Design Review Panel which was set up over 10 years ago and has played a significant role in reviewing residential, commercial and industrial development.

An example of the Council's approach is the redevelopment of the old schedule 7 units in the “Marana” development at 22 -24 Rhodes Street, Hillsdale. Development

Consent No. 09/102 was approved by Council with height and FSR variations as it involved the redevelopment of an old residential flat building with poor amenity. It was in keeping with Council's Planning Strategy to displace the older residential buildings with residential buildings that comply with the amenity controls, including minimum unit sizes contained in the current DCP's, in particular unit sizes, unit mix, apartment layout, car parking, solar access, and private open space and instil modern and compliant development within the locality.

Subsequent to the granting of consent of the above application, the subject site was on-sold on the 29 July 2009 to Marana Developments Pty Ltd with development approval as granted by Council.

Marana Developments Pty Ltd, subsequently lodged Development Applicant No 10/119 with Council on 5 November 2009 for the strata subdivision of the existing residential flat building comprising of 18x1 bedroom units and 14x2 bedroom units and the addition of 2x1 bedroom units and to subdivide the existing land into two lots. In addition to the strata subdivision, it was also proposed to convert the existing common laundry on the ground floor into a one-bedroom unit and the existing driveway under croft area into a one-bedroom unit.

On 31 December 2009, a Class I Appeal Application Proceedings No. 11009 of 2009 was filed in the NSW Land and Environment Court against Council's deemed refusal of the above development application. The Appeal was held on the 2 and 3 June 2010. Judgement was delivered on 3 September 2010, where the Land and Environment Court upheld only part of the Appeal approving the alterations to the residential flat building to provide an additional two units, refurbishment, parking, and landscaping, however the strata title subdivision and Torrens title subdivision were refused consent. Council opposed the subdivision application largely on the ground that it wanted a bigger development of quality to encourage other developers to follow.

Eastlakes is one of those areas which is in need of regeneration to meet the standards of development currently expected by the Botany Bay community, and in particular, the revitalisation of the Eastlakes Shopping Centre. The Council has strongly encouraged the redevelopment of the shopping centre for many years.

Council spent many years in dealing with the redevelopment of Southpoint Shopping Centre so that its redevelopment was of the highest quality with units which fully met Council's controls. Council likewise requires that the redevelopment of Eastlakes Shopping Centre meets those same standards to provide for future residential and community amenity.

In this submission many concerns are expressed about the development which has led the Council to oppose it. But our central complaint is the fact that the project does not meet the standards of quality design and amenity that the Council has been pursuing for a quarter of a century. It is repugnant to everything Council has been striving to achieve over those years. It is a " throw back " to the bad old days. If this project is approved in its present form it will send a message that the standards of development that the Council has insisted upon need no longer be adhered to. It will significantly set back the standards for the redevelopment of Eastlakes that the Council has been

encouraging and the community has been expecting. How can we achieve our vision for the City of Botany Bay through quality redevelopment if this project is approved?

Having said this, Council strongly supports the redevelopment of the shopping centre but in a measured and holistic approach with a properly considered master plan for the location which takes into account proper planning with respect to the critical areas of transport, access and traffic, noise, solar access, landscaping and high quality residential development. This is consistent with the approach taken by the Council in respect of a number of localities within its area.

When you consider the issues raised by the Council in Sections 2 to 15 of this submission you will see that the design of this project is contrary to the approach to planning that the Council has implemented over the last 25 years which is to achieve high quality development with a high standard of internal amenity for residents. As detailed in this Section of the submission, high quality residential development is reflected in the various strategic planning policies that have been adopted over time aimed at improving the amenity of residential neighbourhoods and the residents of those neighbourhoods, where there has been long standing issues associated with odour, noise, density and traffic. These strategic policies are not just Council prepared and enforced, but reflect the high quality urban design and high standard of internal residential amenity contained in the State Government's State Environmental Planning Policy No. 65 and its Residential Flat Design Code, the housing objectives of the Metropolitan Plan for Sydney 2036, and the key directions in the East Subregion Draft Subregional Strategy.

Council is now starting to see the outcomes of its hard work and has received feedback from its new community living in the rejuvenated residential areas. This feedback is overwhelmingly positive and supportive of the higher standard of internal residential amenity. Council also has a strong reputation of working with developers and applicants to maintain its vision and policy. The Eastlakes redevelopment as proposed will diminish the work that Council has undertaken over the past 25 years in improving the amenity for the residents and the quality of the new development being built within the Council area.

## ***SECTION 2 - RELEVANT EPI'S, POLICIES AND GUIDELINES TO BE ADDRESSED:***

The Environmental Assessment (EA) is required to address the following key issues:

*Planning provisions applying to the site, including permissibility and the provisions of all plans and policies contained in Appendix A to the Director General Requirements.*

The list in Appendix A to the Director General Requirements includes the following relevant EPI's, policies and guidelines:

- Objects of the EP&A Act
- NSW State Plan
- Metropolitan Plan for Sydney 2036

- Draft East Sub-regional Strategy
- SEPP(Infastructure) 2007
- SEPP (Building Sustainability Index: BASIX) 2004;
- SEPP 64 – Advertising and Signage
- SEPP 65 – Design Quality of Residential Flat Development;
- Botany Local Environmental Plan 1995
- Botany Bay Planning Strategy 2031
- Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996
- NSW Bike Plan, NSW Government 2010
- Planning Guidelines for Walking and Cycling, NSW Dept of Infrastructure, Planning and Natural Resources, RTA, 2004.
- Integrating Land Use and Transport Policy Package (Dept of Urban Affairs and Planning, Transport NSW
- Healthy Urban Development Checklist, NSW Health, 2010
- Development Near Rail Corridors and Busy Roads – Interim Guideline, NSW Dept of Planning, 2008

Council makes the following comments:

## **2.1 Draft East Subregional Strategy**

The draft East Subregional Strategy applies to the Botany Bay local government area (LGA). The employment and housing targets in the Draft Strategy for the Botany Bay LGA are as follow:

- Employment capacity target - 16,700
- Extra dwelling target - 6,500

The draft Botany Bay LEP 2012 has ensured sufficient land is zoned to meet the employment and housing targets within the Botany Bay LGA.

The Centres and Corridors section of the draft East Subregional Strategy identified Eastlakes as a Town Centre. The characteristics of Eastlakes are described as follows on page 52 of the Draft Strategy:

*Eastlakes Shopping Centre was built primarily to serve the heavily populated Eastlakes residential district which developed in the 1960s and is located in the north of the Botany Bay LGA, 8 km from Sydney. It is located close to Gardeners Road, the main east–west route linking the north–south arterials of Anzac Parade and Princes Highway, but has no major road frontage of its own and has limited exposure to passing trade.*

*Eastlakes has a catchment of over 7,000 people in the immediate surrounding suburb. It has two supermarkets and provides a range of local shops and services including a medical centre and leading take away food outlets, housed in a small single storey mall and a separate shopping strip located on either side of its car park. The centre has a number of specialist food shops which attract shoppers from surrounding suburbs.*

*There are limited public transport services and links, and the centre relies heavily on car and pedestrian activity. Employment growth is limited due to its prime retail and service functions.*

According to Economic Impact Assessment prepared by Hill PDA, the proposed residential dwellings will generate approximately 722 additional persons to the Eastlakes area. Council is concerned that the additional population will place further pressure on the existing “*limited public transport services and links*”. In addition, the application fails to demonstrate that the existing public transport services can cater for the additional population and employment. Further exploration by the applicant of public transport initiatives is required.

## **2.2 Botany Local Environmental Plan (BLEP) 1995**

The Director-General’s Requirements require consideration of the BLEP 1995 as part of the Environmental Assessment.

The subject site is zoned as 3(a) – General Business under the BLEP 1995. The primary objective of the General Business 3(a) zone is as follows:

*“to reinforce the historical development of business and shopping locations in the local government area of Botany Bay City by providing for a range of retail, business and professional service activities which will provide services and employment opportunities for the community”*

The secondary objectives are:

- a) *to control the physical and functional characteristics of commercial areas in order to minimise their impact on adjoining residential areas,*
- b) *to ensure adequate and accessible off-street car parking is provided for users of commercial areas,*
- c) *to promote the vitality of commercial areas and to assist urban consolidation by permitting residential developments within commercial areas,*
- d) *to improve the environmental amenity of commercial areas for pedestrians and shoppers, and*
- e) *to encourage energy efficiency and energy conservation in all forms of development permissible within the zone.*

Council notes that approximately 60.5% of the total gross floor area will be dedicated to residential development. Only 28.3% of the total gross floor area will be allocated to retail and business uses. Furthermore, there is only an increase of 922m<sup>2</sup> in gross lettable retail area (from existing floor space of 11,530m<sup>2</sup> to proposed floor space of 12,452m<sup>2</sup>) in the redevelopment of the shopping centre. This is inconsistent with the primary objective of the General Business 3(a) zone. The 3(a) zone is not intended to be a de-facto multi storey flat zone. The residential components of these zones should only ever as be considered as ancillary to the provision of retailing services. Hence the primary objective of the zone, which does not include residential development but *a range of retail, business and professional service activities*. The redevelopment

of the shopping centre as proposed under the Application would have a detrimental effect on the viability of the 3(a) zone as currently defined by undermining the primary zone objective.

Secondary Objective (a) regarding the minimisation of the developments impact on adjoining residential areas has not been satisfied. The area is largely 3-4 storey walk-up units maintaining a fairly low uniform roof line over the suburb, except for the unattractive public housing apartment blocks. Eastlakes is a suburban location, and a development of the size proposed will not minimize the impact on adjoining residential areas. Such a proposal would be a precedent for Eastlakes and the city in general, paving the way for inappropriate large scale urban renewal projects in suburban areas.

Secondary Objective (b) deals with the provision of adequate and accessible off-street car parking. The development does not comply with Council's carparking requirements. As many households have more than one car, if carparking provided does not comply with Council's requirements additional pressure will be placed on the surrounding streets, which are currently congested with parking.

General Business 3(a) prohibits all residential developments unless it is classified as a "mixed development". Mixed development is defined as:

*"a boarding house, multi unit housing, residential flat building, serviced apartment, or dwelling-house, which is located within the same building in which is located, on the ground floor level only, shops, commercial premises or any other non-residential use permissible in the zone for the site".*

No shops, commercial premises and non-residential uses are proposed on the ground floor of Building 2. Hence, the residential use in Building 2 is prohibited under the BLEP 1995 and inconsistent with the primary objective of the zone.

Clause 12(1)(b) of the BLEP 1995 states:

*(1) The Council may only consent to the erection of a building if the ratio of the gross floor area of the building to the site area of the land on which the building is to be erected does not exceed:*

*(b) 1:1 within Zone No 3 (a)*

The redevelopment of the Eastlakes Shopping Centre will result in a FSR of 2.32:1. The proposed FSR is approximately 2.3 times (i.e. 32,227 sqm) greater than the maximum permissible FSR for the subject site. This aspect of the development is further discussed in **Section 3 – Built Form and Density** of this submission.

### **2.3 Draft Botany Bay Local Environmental Plan (BBLEP) 2012**

Council at its Policies and Priorities Committee Meeting held on 25 January 2012 (when it considered the draft Botany Bay LEP 2012) limited the FSR and

building height of the subject site to 1.5:1 and 14 metres respectively. This was based on the current policy direction of the Council which is as follows:

*The surrounding area around the Eastlakes Centre is densely populated and is characterised by “walk up” flats of 3 to 4 storey in height.*

*Council’s currently Policy for Eastlakes is neither to make the residential amenity of Eastlakes any worse, nor to increase the population density. Any redevelopment of the Shopping Centre therefore needs a holistic approach, which integrates the adjoining sites and establishes a planning vision for Eastlakes with key principles such as:*

- *Improved traffic flow;*
- *Modern day shopping with civic amenity;*
- *Improved connections for pedestrian and cyclists;*
- *High quality public spaces and street amenity; and*
- *Integration of a variety of landuse function with improved residential amenity and reservation of the Evans Avenue coffee strip.*

### 2.3.1 Zoning

The subject site is zoned as B2 – Local Centre under the draft BBLEP 2012.

### 2.3.2 FSR

The draft BBLEP 2012 proposes a maximum FSR of 1.5:1. In comparison to the BLEP 1995, the proposed FSR represents an increase of 12,026sqm in floor space. Nevertheless, the redevelopment does not comply with the proposed FSR control and will result in a non-compliance of 20,201.5sqm.

The Environment Assessment Report indicates that the proposed FSR control is “*too restrictive and does not consider the opportunities and constraints of the site, or its context*”. However, the application fails to demonstrate that the non-compliance is consistent with the objectives of the FSR controls; the density and intensity of the adjoining development or the bulk and scale of the existing and desired future character of Eastlakes. Council has researched the existing FSR of the adjoining properties and the findings are tabled below (refer to **Table 1**):

	<b>Building Area</b>	<b>Storeys</b>	<b>Site Area</b>	<b>FSR</b>
193 Gardeners Road	393sqm	4	967.5sqm	1.62:1
16 Evans Avenue	369sqm	3	923sqm	1.2:1
18 Evans Avenue	1,221.9sqm	3	2981sqm	1.22:1
34	732.9sqm	3	1,840.1sqm	1.19:1



	<b>Building Area</b>	<b>Storeys</b>	<b>Site Area</b>	<b>FSR</b>
Barber Avenue				
32 Barber Avenue	369.2sqm	3	923.2sqm	1.2:1
30 Barber Avenue	400.1sqm	3	923.1sqm	1.3:1
28 Barber Avenue	413sqm	3	976.584sqm	1.27:1
26 Barber Avenue	406.4sqm	3	948.4sqm	1.29:1
24 Barber Avenue	341.3sqm	3	923.2sqm	1.11:1
22 Barber Avenue	629.4sqm	3	1378.5sqm	1.37:1
20 Barber Avenue	359.6sqm	3	923.2sqm	1.17:1

**Table 1 – FSRs of buildings adjoining the Eastlakes Shopping Centre**

As indicated by **Table 1**, the majority of the adjoining residential development complies with the proposed FSR contained in the draft BBLEP 2012. More importantly, the FSR for the redevelopment is well in excess of the neighbouring residential development and Eastlakes area.

Due to the intensity of the existing developments, adjoining local roads are experiencing significant traffic congestion and pedestrian/vehicular conflicts. If the redevelopment is approved at a FSR of 2.32:1, the existing traffic issues will be further exacerbated. This is concerning, especially given the deficiencies in the Proponent's traffic report as highlighted by Council's Traffic Consultant. This aspect of the development is further discussed in **Section 7 – Transport & Accessibility** of this submission.

### 2.3.3 Building Height

The draft BBLEP 2012 proposes a maximum building height of 14m for the subject site. The following table (**Table 2**) illustrates the building height of the proposed redevelopment:

	<b>Building Height</b>	<b>Compliance</b>
Building 1	13.6m	Yes

	<b>Building Height</b>	<b>Compliance</b>
Building 1A	24.7m	No
Building 1B	13.6m	Yes
Building 2	32m	No
Building 3	15.6m	No
Building 4	21.6m	No
Building 4A	21.5m	No
Building 5	16.4m	No
Building 6	14.2m	No
Building 7	23.8m	No

**Table 2: Proposed Building Height**

As illustrated by **Table 2**, 8 out of the 10 buildings do not comply with building height control contained in the draft BBLEP 2012. The Environmental Assessment Report fails to provide sufficient justification for the non-compliances or address the objectives of the building height controls in the draft BBLEP 2012. Of concern is the inappropriate height relationship between the proposed buildings on the northern side of Evans Avenue (being 6 storeys above a retail ground floor area) when compared to the height of existing buildings to the east - of 193 Gardeners Road (4 storeys) and 18 Evans Avenue (3 storey) and to the west – 16 Evans Avenue being 3 storeys.

Furthermore, the height does not comply with the height plane set by the existing RFB at No. 1 Florence and 38 Maloney Street (RL47.58). Height is at RL 48.7 metres;

Refer to **Section 3.2** of this submission for further discussion.

#### 2.3.4 Other EPI's, policies and guidelines

As detailed in this submission the proposal does not comply with State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development nor the rules of thumb and the design guidelines in the Residential Flat Design Code.

The proposal does not comply with Council's carparking rates of 2 spaces per 2 bedroom unit. There are 361 units (excluding service apartments) which require 566 carparking spaces as per Council policy – the application only provided 535 spaces (31 short).

**In conclusion** the EA has not addressed the Director General's requirement relating to Relevant EPI's, Policies and Guidelines to be assessed as:

- There is a non compliance with FSR (1:1) and permissibility (no retail component in Building 2 which fronts Evans Avenue) with the Botany LEP 1995 – proposal has a FSR of 2.32:1;

- There is a non-compliance with FSR (1.5:1) and height (14m) with the draft Botany Bay LEP 2012 – proposal has a FSR of 2.32:1 and a height of 31.5m (Building 2);
- There is a non-compliance with Council’s carparking (2 spaces per 2 bedroom units) and dwelling sizes (ie Studio apartments: 60m<sup>2</sup>, One bedroom apartments: 75m<sup>2</sup>, Two bedroom apartments: 100m<sup>2</sup>, Three bedroom apartments: 130m<sup>2</sup> & Four bedroom apartments: 160m<sup>2</sup>); and
- Non-compliance with communal open space, daylight access, minimum unit sizes, building depth and building separation design guidelines of SEPP 65’s *Residential Flat Design Code* (this is further discussed in **Section 13** of this submission).

### **SECTION 3 - BUILT FORM AND DENSITY:**

The Environmental Assessment (EA) is required to address the following key issues:

*The EA shall address the height, bulk, scale and density (FSR) of the proposed development within the context of the locality and existing LEP controls. In particular, detailed envelope/height and contextual studies (including a comparable height study incorporating 16 Maloney and 1 Florence Street) should be undertaken to ensure the proposal integrates with the local environment. In addition, the EA shall also discuss how the proposal will protect privacy and solar access to neighbouring properties.*

#### **3.1 Design Review Panel**

The application was referred to Council’s Design Review Panel to provide architectural and urban design advice. A full copy of the Panel’s comments are attached as **Appendix 1** to this submission.

In respect of height, bulk, scale and density (FSR) the Panel provides the following comments:

##### ***Building height:***

*Comparison with the existing 10 storey residential flat buildings on Florence Avenue and 9 storey buildings on Maloney Street as references for height limit on the subject property has little relevance, since those buildings have a negligible visual influence on the subject property compared to the existing residential flat buildings in the immediate setting. They are also not desirable precedents in the context of their lower density environment.*

*It is noted that the permissible height under the Draft LEP is 14 metres, which generally would ensure that a complying development would be in scale with its surrounding environment.*

*The redevelopment of the existing shopping centre site must respond more sensitively to the current character of the context.*

*Some of the perimeter building envelopes proposed need to be reduced in height and/or setback to better respect the existing context by reducing visual impact and overshadowing and improving amenity.*

*Further view catchment information including photomontages looking from ground level of the Reserve and other public domain locations in the locality will be essential at any further next stage of presentation of the proposal.*

*The issues of vehicular access (cars and trucks) and traffic are of critical importance. The locations for the docks and carpark access are reasonably logical in terms of the existing street layout. The carpark access off the end of Racecourse Place creates difficulties in terms of street presentation which needs careful resolution.*

*As the site has a frontage to Gardeners Road it is suggested that the option of a slip road be explored to provide at least parking ingress to the north site.*

### **Scale**

*The height of some of the proposed residential buildings is excessive and needs to be reduced to improve the outcome in terms of visual and amenity impact.*

*The site planning and massing needs to be adjusted to provide reductions in height and increased setbacks to better suit the scale and existing character as per the following suggestions:*

- *Provide a setback to Barber Avenue (the current scheme has a nil or minimal setback). It is suggested that at least a 6m setback should be provided along Barber Avenue south and 6m to the east (including the podium and Buildings 4a, 5, 6 and 7).*

*This would reduce visual and amenity impact on the existing residential flat buildings opposite and provide sufficient width at existing ground level for a landscaped buffer (to assist with screening of the loading dock access) and space to accommodate tree canopies.*

- *Provide an increased setback on the southern side of Evans Avenue (podium and Buildings 3 and 4) to replace the existing highly valued, open to the sky, north facing informal meeting area. This would also contribute to the presentation of the pedestrian entry to the Mall South.*
- *Reduce the height of Building 2 (currently the equivalent of 10 storeys above the Reserve, excluding the proposed mezzanine) and Building 7 (currently the equivalent of 8 storeys above the Reserve) to a maximum of 5 to 6 storeys above the existing ground level of the Reserve (5 storeys on the Reserve side stepping up to 6 on the east side). This would provide a better scale to suit the existing Reserve (and taller trees), reduce visual impact when viewed from the Reserve and further from west, and reduce morning overshadowing of the Reserve.*

- *Further explore the lowering of the proposed ground floor level (from 2m plus down to 1.5m above the level of the Reserve) at the edge of the Reserve to bring it closer to existing ground level and improve visual connection to the Reserve.*
- *Provide a setback of the podium to the north site to increase separation distance and reduce visual and amenity impact on the adjoining residential flat buildings to the east and west.*
- *Reduce the height of Buildings 1 and 1A (6 storeys above podium i.e. equivalent to 8 storeys) by at least one storey to be more in keeping with the adjoining 3 and 4 storey residential flat buildings.*

*The southern half of Building 1A should be lowered by at least 2 storeys to reduce visual impact and overshadowing of the south side of Evans Avenue.*

### **Density**

*It is understood that the proposed FSR is 2.32:1 which significantly exceeds the maximum FSR for the site of 1.5:1 under the draft LEP 2012.*

*It is difficult to support such a large non-compliance because of the consequential effect in terms of visual and amenity impact and overshadowing.*

*Despite the attributes of the proposal and the desirability of the existing shopping centre being redeveloped, the Panel is of the opinion that the FSR should not exceed the maximum allowed by the draft LEP 2012, unless all the suggestions and concerns raised in this report have been satisfied.*

From the above comments it is clear that the built form and density of the development is a major issue and clearly demonstrate that the proposal will not integrate with the local environment.

### **3.2 Building Height**

The Environmental Assessment (EA) report indicates the “*proposed buildings is below the building height plane set by the existing residential flat building at No. 1 Florence Street and 16 Maloney Street*”. No. 1 Florence Street and 16 Maloney Street are located approximately 350m and 150m from the subject site and have minimal relationship with the subject site and proposed development.

Council notes that the Director-General’s Requirements (issued on 5 April 2011) require the proponent to conduct a comparable height study incorporating No. 16 Maloney Street and 1 Florence Street. No contextual height study has been submitted as part of the application. The DGRs did not indicate that the proposed buildings can have a building height that is equated to or greater than the building height plane at No. 1 Florence Street and 16 Maloney Street. The Director General’s Requirements require the proposal to integrate with the local environment.

The majority of the proposed residential apartments are 4-6 storeys in height over a retail podium level and a direct comparison of the proposed development with the existing residential developments along Evans and Barber Avenue shows that the heights of the proposed development are inappropriate.

The proposed residential apartments are located above the ground floor retail development with underground car parking protruding between 0.3-0.5m approximately above natural ground level. As indicated on the submitted plans, the first floor of the apartment buildings is located at RL 24.7 (FFL) which is 6m above the existing street level of Barber and Evans Avenue. This is equivalent to 2 floors of a residential development (in accordance with the minimum residential floor to ceiling height of SEPP 65's Residential Flat Design Code). Consequently, the number of storeys indicated on the Environmental Assessment and the accompanied plans do not accurately reflect the overall height of the proposed buildings.

A comparison of the building height with neighbouring properties is identified in **Table 3** below:

<b>Address</b>	<b>Building Height (RL)</b>
14 Evans Avenue	26.12* (Roof Ridge)
16 Evans Avenue	31.78*(Roof Ridge) 31.94*(Roof Ridge)
Building 1	43.58
Building 1A	43.58
Building 1B	31.5
Building 2	48.7
Building 3	40.3

**Table 3: Building Height Comparison**

Note: \* As indicated on the site survey plan (Drawing No. DA 01)

Building 1B is the only building that is consistent in height with the neighbouring properties. Building 1, 1A, 2 and 3 will be substantially taller, on average 14.1m, when compared to the existing residential apartment buildings located at No. 14 and 16 Evans Avenue. The difference in building height is excessive and it fails to respond to the scale and character of the Eastlakes Precinct, Gardeners Road and Evans Avenue. By supporting the proposed development in its current form, an undesirable precedent will be set within the Eastlakes area.

Due to the lack of information, a similar height comparison cannot be undertaken for properties to the east of Evans Avenue and properties along Barber Avenue.

It is recommended that a building height study be undertaken along the Evans and Barber Avenue, and heights must be amended to reflect the established character of Eastlakes.

### 3.3 Building Depth

According to the Residential Design Flat Code (RDFC), apartment building depth should reflect the predominant existing character of the area. A building depth of 10-18m is deemed “*appropriate*” as it will ensure adequate sunlight are provided to internal spaces. The building depths of the neighbouring property are outlined in **Table 4** below:

Address	Building Depth
193 Gardeners Road	14.5m
195 Gardeners Road	12m (min) 24m (max)
14 Evans Avenue	11.5m
16 Evans Avenue	12m (min) 24m (max)
18 Evans Avenue	18.5m
34 Barber Avenue	10m (min) 19.5m (max)
32 Barber Avenue	17.5m
30 Barber Avenue	18.5m
28 Barber Avenue	18.5m
26 Barber Avenue	18.5m
24 Barber Avenue	15.5m
22 Barber Avenue	11m
20 Barber Avenue	16.5m
18 Barber Avenue	17m
16 Barber Avenue	15m
<b>Average</b>	17.3m

**Table 4: Building Depth Comparison**

A building depth of 25m has been adopted for all buildings within the proposed redevelopment. This is inconsistent with the established building depth of the Eastlakes Precinct and the RDFC recommended building depth. In conjunction with the non-compliances with the established building height, it will further exacerbate the bulk and scale of the proposed buildings and making it more incongruous with surrounding environment.

It is recommended that the building depth for the proposed building be reduced to reflect the established built form of the Eastlakes area as detailed in **Table 4**.

### 3.4 Density

The surrounding area around the Eastlakes Centre is densely populated and is characterised by “walk up” flats of 3 to 4 storeys in height. Eastlakes is considered as high density and in parity with many high densities in Sydney, including Potts Point and North Sydney.

Based on the 2011 ABS Census, the Eastlakes suburb (SSC) has an area of 0.65 square km (excluding Lakes Golf Club and land owned by Sydney Water Corporation) and contains 2,696 dwellings. This equates to a gross residential density of 41 dwellings per hectare.

The Eastlakes Town Centre Redevelopment has a site area of 2.405 Ha and consists of 443 dwellings (including both residential and serviced apartment). This equates to a gross residential density of 184 dwellings per hectares and approximately 4.5 times the existing residential density of Eastlakes.

Council has conducted a gross residential density study for the existing flat buildings along Evans and Barber Avenue. The findings are tabulated in the following Tables:

	<b>Eastlakes Town Centre Redevelopment</b>	<b>12 Evans Avenue, Eastlakes</b>	<b>14 Evans Avenue, Eastlakes</b>	<b>16 Evans Avenue, Eastlakes</b>	<b>18 Evans Avenue, Eastlakes</b>
Site Area	2.405 Ha	0.143 Ha	0.1899 Ha	0.2981 Ha	0.0923 Ha
Number of Dwellings	361 Residential Apartments  82 Serviced Apartments	18 Residential Apartments	24 Residential Apartments	36 Residential Apartments	12 Residential Apartments
Dwelling per Hectares (Gross)	184 dwellings per hectares	125 dwellings per hectares	126 dwellings per hectares	120 dwellings per hectares	130 dwellings per hectares

**Table 5: Gross Residential Density for Evans Avenue**

	<b>Eastlakes Town Centre Redevelopment</b>	<b>34 Barber Avenue, Eastlakes</b>	<b>30 Barber Avenue, Eastlakes</b>	<b>28 Barber Avenue, Eastlakes</b>	<b>22 Barber Avenue, Eastlakes</b>
Site Area	2.405 Ha	0.184 Ha	0.0923 Ha	0.0948 Ha	0.1379 Ha
Number of Dwellings	361 Residential Apartments  82 Serviced Apartments	24 Residential Apartments	12 Residential Apartments	15 Residential Apartments	18 Residential Apartments
Dwelling per Hectares (Gross)	184 dwellings per hectares	130 dwellings per hectares	130 dwellings per hectares	147 dwellings per hectares	130 dwellings per hectares

**Table 6: Gross Residential Density for Barber Avenue**



The following table illustrates gross residential density of similar developments within Botany Bay LGA and Sydney:

	<b>Eastlakes Town Centre Redevelopment</b>	<b>East Village, Zetland</b>	<b>635 Gardeners Road, Mascot</b>	<b>Parkgrove, Botany</b>	<b>Harold Park, Glebe</b>
Site Area	2.405 Ha	1.589 Ha	1.993 Ha	3.467 Ha	10.54 Ha
Number of Dwellings	361 Residential Apartments and 82 Serviced Apartments	206 Residential Apartments	314 Residential Apartments	344 Residential Apartments	1,250 Dwellings (Approx)
Dwelling per Hectares (Gross)	184 dwellings per hectares	130 dwellings per hectares	157 dwellings per hectares	99 dwellings per hectares	119 dwellings per hectares

**Table 7: Gross Residential Density for similar developments**

As illustrated by the above tables (Tables 5, 6 & 7), the proposed development will result in the over development of the site as the proposed gross residential density is well in excess of the existing density/intensity of Eastlakes and similar developments within the LGA/Sydney.

It is recommended that the density of the proposed development be reduced to reflect the residential developments along Evans and Barber Avenue and the Eastlakes area.

### **3.5 Building Separation**

The Environmental Assessment fails to indicate whether the proposed buildings comply with the building separation requirement contained in SEPP 65.

Based on Council's review, a number of the proposed buildings do not comply with the building separation requirement outlined in RDFC. Greater building separation is required to ensure sufficient amenity (i.e. privacy and solar access) are provided to each of the apartments. **Appendix 2** contains Council's assessment of building separation for the proposal.

**In conclusion** the EA has not addressed the Director General's requirement relating to Built Form and Density and a redesign is required to address the issues raised by both Council and its Design Review Panel, a redesign needs to integrate more successfully with the local environment.

## **SECTION 4 - URBAN DESIGN**

The Environmental Assessment (EA) is required to address the following key issues:

- *The EA shall address the design quality of the proposal with specific consideration of the façade, massing, setbacks (including Eastlakes Reserve), building articulation, use of appropriate colours, materials/finishes, landscaping, safety by design, public domain improvements and street activation.*
- *The EA shall also address potential site isolation and provide a detailed analysis of how the development will integrate with adjoining sites to prevent any adverse impacts.*
- *Additionally, the redevelopment of the shopping centre should consider a holistic approach that attempts to integrate the adjoining sites and establishes a planning vision for Eastlakes.*

### **4.1 Design issues identified by Council:**

- There is very little landscaping - urban public spaces, plazas etc proposed to the ground floor/grade level edges of both Evans and Barber Avenues. The public spaces in these street frontages are limited to the footpaths, which are reduced in width and amenity and have a reduced ability for landscape treatments due to the presence of drop-off parking bays and awnings. This will impact on pedestrian amenity at these site edges.
- Whilst the proposal attempts to integrate with Eastlakes Reserve to the west with the creation of the market place, boardwalk and tiered step edge; this interface attention has not been satisfactorily carried through to the street edges of Evans and Barber Avenues.
- The various drop-off bays in Evans Avenue will result in the loss of most of the existing street trees.
- The location of building entries also requires the removal of some of the existing trees. The Plane trees are 10-12 metres in height and provide excellent amenity and screening. The trees currently provide a significant level of amenity to the public domain and would provide instant amelioration and screening of buildings.
- The interface with the adjacent residential properties to the east and west is poor. At the Evans Avenue street edge, the boundary wall is 6 metres in height and there are zero building setbacks which prevent landscaping.
- There is no landscape or building setback to Barber Avenue. The 3 storey height limit is responsive to existing building patterns however the zero setbacks is not consistent with existing building siting in the street which enjoy substantial landscaped setbacks. Placing a 3 storey building on the property boundary with no setback may create an undesirable “canyon” effect and excessive overshadowing for residents opposite.
- The zero setback and presence of wide awnings prohibits the planting of street trees in Barber Avenue, which have been clearly shown in the plans and elevations in both the architectural and landscape drawings. Street trees are essential on all frontages of this development.

- The presentation to Barber Avenue south has limited improvement from the current situation. The loading dock has zero setbacks and therefore no landscape screening. There is an existing landscape setback in Barber Avenue which provides some screening of these ancillary areas. The proposal discusses screening of this area however it is unclear how this is to be achieved.
- The basement levels have no setback to Gardeners Road with the building above ground setback from 2.5m to 6m. Basement level needs to be setback to provide for the planting of larger, canopy trees for higher level visual screening, scaling with the built form and presentation to the street; - the trees indicated on the plans will not provide this.

#### 4.2 Design Review Panel

The application was referred to Design Review Panel to provide architectural and urban design advice on the redevelopment of the Eastlakes Shopping Centre. A full copy of the Panel's comments are attached as **Appendix 1** to this submission.

The Panel has provided the following comments in respect of urban design:

##### Building 2

*This building needs to be substantially reduced in height as suggested above. The Panel is not convinced about the cranked form; that it is necessarily the best shape nor is it convinced about elevating this building (by 8m) to provide an undercroft public space. It is considered that a marker building as it was described is not necessary or desirable but rather that the buildings should form an urbane 'backdrop' to the Reserve and streets. The market square would be better open to the sky.*

##### Angled ends to buildings

*The angled ends of some of the proposed buildings are questioned. It is suggested that the building ends should preferably be normal to the street alignment. For example: Buildings 4A and 5 would have its ends (and internal planning) normal to Barber Avenue which would provide a better presentation to the street and be more in keeping with existing buildings in the neighbourhood.*

##### Street address

*The presentation and activation to the street frontages and the Reserve close to existing ground level is paramount for the design success of the proposal.*

##### Access and circulation

*The current design at existing ground (footpath) level provides good visual amenity and pedestrian (barrier free) access to Evans Avenue, Barber Avenue east and the Reserve.*

*The proposed pedestrian and vehicular access points and pedestrian circulation is generally supported.*

*The awnings could be extended to provide more continuous protection for pedestrians at the residential entries.*

### *Façade Design*

*The design of the facades is generally acceptable in terms of modulation, articulation and composition of façade elements.*

*Treatment of the masonry end walls could be improved by reconfiguration of the internal planning where appropriate to increase visual activation of the facades and make better use of the external walls for natural light and ventilation.*

*It is expected that further resolution and refinement of the façade compositions will be forthcoming.*

### *Natural light to lobbies and both ends of common corridors*

*This is recommended and has been provided except for Building 2 and the northern end of Building 4A.*

*The architectural treatment of blank podium walls (north site) including modulation, relief and external material selection is necessary to provide a high quality presentation where exposed to view from the public domain and adjoining residential properties.*

### *Carpark entries*

*The carpark entries need further resolution and refinement to ensure that they don't appear as uninviting gaps in the streetscape. This is particularly relevant for the proposed entry off the end of Racecourse Place. A canopy roof oversailing the entries is one option which would also help acoustically.*

### ***Safety and security***

*Passive surveillance of and connection to the Reserve is important and a key objective of the proposal in terms of increasing safety and security. Night lighting of the Reserve (as part of the proposed development) should be incorporated in the scheme.*

*The proposal generally complies subject to ensuring passive surveillance along the ground level frontages. The proposed active frontages at street level would ensure adequate passive surveillance and good visibility to and from the proposal. Good night lighting will be essential.*

### ***Aesthetics***

#### *External materials*

*The Panel generally supports the proposed selection of the external materials, textures and finishes palette (as submitted) to suit the context.*

*It is recommended that the external materials be low maintenance.*

### Signage

*Any signage should be fully integrated with the façade designs, discreet and preferably be located at a low level.*

### Mural

*The incorporation of a mural (as suggested on the north end of Building 7) is welcomed. It could reflect the history of the locality.*

## **4.3 Massing /Setback**

According to the Residential Design Flat Code, a setback control is intended to “*create the proportions of the street and can contribute to the public domain by enhancing streetscape character and the continuity of street facades*”.

As detailed earlier, the redevelopment proposes zero setbacks along Barber Avenue. This is inconsistent with the established front setback pattern. Based on Council’s investigation, the existing residential units along Barber Avenue are set back from approximately 4m up to 8m from the front boundary.

The presentation to Barber Avenue south has limited improvement from the current situation. The application proposes zero setbacks for the loading dock which will prevent the planting of landscaping and screening of the loading dock. The proposal discusses screening of this area; however, Council is uncertain how this is to be achieved with zero setbacks.

Taking into consideration the street width (i.e. vary from 16m to 22m) and proposed building height along Barber Avenue, a zero setback is considered inappropriate as it will create a canyon effect and create a wall of closely spaced tall buildings along Barber Avenue.

Furthermore, the zero setback and presence of wide awning prohibit the planting of street trees on Barber Avenue. This prevents the screening of the buildings and further magnifies the bulk and scale of the proposed development.

To create a “*desired spatial proportions of the streets*”; to enable the planting of street landscaping and preserve the existing streetscape character, it is recommended that the proposed developments along Barber Avenue be set back from the site boundary. Council believes a setback of at least 6m along Barber Avenue is required to allow deep soil planting and tree screening.

Considering the scale and bulk of proposed buildings along Gardeners Road, the proposed landscape along the front boundary is inadequate. It is recommended

that the proposed basement level of the northern precinct be set back from Gardeners Road. This will enable deep soil zone to be provided within front setback and facilitate the planting of larger canopy trees along Gardeners Road.

#### **4.4 Site Isolation/Holistic Approach**

The EA does not adequately address the requirement to consider a holistic approach to the redevelopment of the shopping centre that attempts to integrate the adjoining sites and establishes a planning vision for Eastlakes. The Economic Report lodged with the Application indicates that this would result in a “no development scenario”. Whilst the economic side of the development is important so is the long term social and environmental amenity planning for Eastlakes.

The Department is directed to a letter dated 5 September 2011 from the Minister for Planning & Infrastructure, The Hon Brad Hazzard MP to the Mayor of the City of Botany Bay which states in part in respect of the proposed redevelopment of the Eastlakes Shopping Centre: *The Department has required the proponent to consider the potential isolation of adjoining sites and the need for a holistic approach as a key issue in the Director General's Environmental Assessment Requirements (DGRs) issued for the project. I have asked the Department to further explore with the Proponent and Council the option of acquiring the adjoining flat buildings so as to integrate them into the development proposal. Failing this, it will be necessary for the Proponent to show how redevelopment of the site can occur without isolating or compromising the ability to redevelop adjacent sites.*

The Environmental Assessment does not address the Director General's Requirements as a holistic approach has not been undertaken – there is no masterplan for the Eastlakes Precinct which incorporates the isolated sites at 14 & 16 Evans Avenue. Furthermore the Department has not explored with the proponent and Council the option of acquiring the adjoining flat buildings as requested by the Minister in his letter dated 5 September 2011.

For example the proposed northern precinct is located adjacent to No. 16 and 18 Evans Avenue and No. 193 Gardeners Road.

No. 16 Evans Avenue has a primary frontage to Gardeners Road with secondary frontages to both Racecourse Parade and Evans Avenue. The proposed northern precinct is located along the eastern rear boundary of No. 16 Evans Avenue. No. 16 Evans Avenue has a site area of 2,981sqm with a site width of 36m.

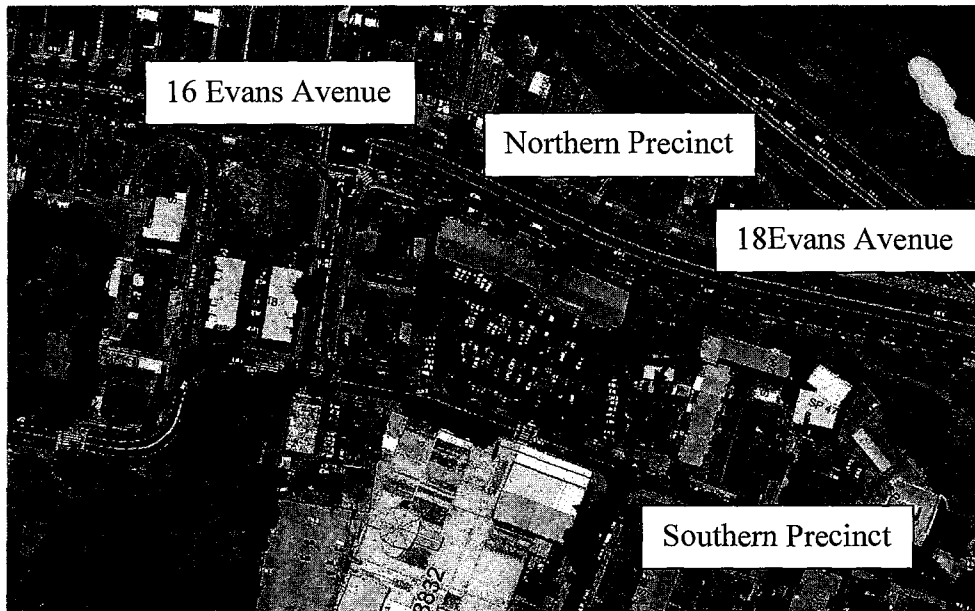


Figure 1 - Northern & Southern Precincts of Eastlakes Shopping Centre

Taken into consideration the location and site constraints of No. 16 Evans Avenue, Council is the opinion that the proposed northern precinct will “sterilised” and unreasonably constrain the future development opportunity of No. 16 Evans Avenue.

The application proposes a 6m high boundary wall along the common boundary of No.16 and 18 Evans Avenue and No.193 Gardeners Road. The proposed wall will prevent future integration of the sites and restrict future developments to a north-south axis.

The proposed 6m high walls will significantly reduce the amenity and outlook for residents at No.16 and 18 Evans Avenue. It is recommended at a minimum the wall be set back from the common boundary to enable planting of landscaping and screen planting.

The Director General Requirements require a detailed analysis of “*how the development will integrate with adjoining sites to prevent any adverse impacts*”. However, no detail analysis was not included as part of the Environmental Assessment.

Based on the planning principles developed by the Land and Environmental Court, it is recommended the following information be submitted:

- Detail negotiation between owners of properties including offers to the owner of the isolated property and the level negotiation;
- Evidence that a “reasonable offer” has been made to the adjoining property owners. A reasonable offer is to be based on a recent independent valuation;
- Demonstrate whether the isolated site can achieve a development that is consistent with Council’s planning controls. To assist in this assessment, building envelope for isolated site is to be prepared which indicates height, setback, sit coverage, FSR. This will enable the

Department and Council to understand the relationship between the subject application and the isolated site and the likely impacts the development will have on each other (e.g. solar access, privacy);

- A masterplan or town centre strategy is to be developed prior to the redevelopment of the Eastlakes shopping centre. This will ensure a holistic approach (i.e. vision for Eastlakes) is undertaken and enable better integration of the adjoining sites to the redevelopment of the Eastlakes Shopping Centre. Such masterplanning is to include the sites highlighted in red below which include the following properties:
  - Eastlakes Shopping Centre – Lot 3 & 5 DP.248832, Lots 41 & 42 DP.601517, and Lot 100 DP700822;
  - Residential unit complex at 14 Evans Avenue;
  - Residential unit complex at 16 Evans Avenue;
  - Residential unit complex at 18 Evans Avenue;
  - Residential unit complex at 193 Gardeners Road; and
  - 279 Gardeners Road, Lot 4 DP.221796 (former Shell service station site).



Figure 2 - Sites to be included into the Masterplanning Process

**In conclusion** the EA has not addressed the Director General’s requirement relating Urban Design for the reasons outlined in this section. Furthermore realistic perspectives should be provided which show a view across Eastlakes Reserve to the proposed buildings showing the existing trees at the correct scale, with the perspective being from eye level. The perspectives provided with the Application are not realistic.



## **SECTION 5 - ENVIRONMENTAL AND RESIDENTIAL AMENITY**

The Environmental Assessment (EA) is required to address the following key issues:

- *The EA must address solar access, acoustic privacy, visual privacy, view loss and wind impacts and achieve a high level of environmental and residential amenity.*
- *The EA shall also address aircraft noise, traffic noise, noise associated with loading dock activities and noise emissions from plant and equipment, together with those generated by both consumer deliveries and waste services.*

### **5.1 Design Review Panel**

The Design Review Panel provides the following comments in relation to amenity:

#### *Overshadowing:*

*The shadow diagrams submitted indicate a substantial impact on the Reserve and Evans Avenue. This impact would be reduced with the incorporation of the setbacks and reductions in height as suggested in this report.*

#### *Sun and rain protection:*

*Incorporate integrated sun and rain protection to all unprotected window openings.*

*The proposed awnings need to provide continuous protection for pedestrians and designed to accommodate tree trunks and canopies.*

*All areas of glazing on the western façades need effective screening from sunlight.*

*Natural light into upper level car park:*

*Natural light into upper level car park:*

*It would be desirable to provide some natural light and ventilation for the upper carpark level.*

#### *Acoustic impact:*

*Acoustic impact from Gardeners Road is an issue which needs to be addressed including implementation of the recommendations in the acoustic assessment. It is highly desirable to ensure that on this busy road acceptable acoustic conditions will be achieved within the habitable rooms of Buildings 1 and 1A, at the same time allowing for adequate natural ventilation.*

*The other major acoustic consideration is noise from loading dock activities which has the potential to affect residential units within the development and neighbouring residential buildings and must be addressed by enclosure (as proposed) and implementation of other acoustic treatment recommendations.*

### **5.2 Solar Access/Overshadowing**

As stated in the SEPP 65:

*“Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in aesthetic quality and amenity for both occupants and the adjoining public domain.”*

Based on the above definition, the redevelopment cannot be considered as “good design” as approximately 75-80% of the Eastlakes Reserve will be overshadowed by the proposed redevelopment at 9am on 21 June 2012. This will reduce the “overall aesthetic quality and amenity for the users” of the Eastlakes Reserve. Furthermore, Council is unable to ascertain the shadowing impact on the Eastlakes Reserve at 10am and 11am as no shadow diagrams have been submitted for these hours. It is recommended that hourly shadow diagram be submitted to determine the likely shadow impacts on Eastlakes Reserve and the neighbouring properties.

The southern side of Evan Avenue is currently used as an informal community gathering place. Based on Council’s survey, approximately 30 users utilise this area between 9am to 9:30 each day from 8am onwards. However, the proposed redevelopment will completely overshadow the area at 9am and partially overshadow it during midday. This will discourage the area being used as an informal gathering area which is inconsistent with Council’s policy.

As indicated by the shadow diagrams, Nos. 22 and 24 Barber Avenue will be shadowed by the proposed development from 9am to 3pm. However, Council is unable to determine the impacts on these buildings as no shadow elevation has been submitted as part of the application.

The intent of communal open space is to “provide residents with passive and active recreational opportunities”. However, a number of the communal open spaces, located at the podium level, will be overshadowed by the proposed residential buildings from 9am to 3pm. Council questions the desirability of these spaces and whether it can facilitate passive and active recreational opportunities.

Shadow diagrams (including elevation for impacts of shadows on buildings) are required to be provided at 10am, 11am, 1pm and 2pm to show the impact on Eastlakes Reserve, impact on Evans Avenue and the informal community gathering assembly place along the southern side of Evans Avenue, and impact on the residential flat buildings on the far side of Barber Avenue. Please note that the diagrams lodged with the Application are inadequate to show the impact on Eastlakes Reserve, the existing residential development on Barber Avenue and the impact on the communal area along Evans Avenue.

### **5.3 Acoustic Privacy**

Atkins Acoustic was engaged by Council to provide comments and advise for any outstanding noise issues associated with the redevelopment of the Eastlakes

Shopping Centre. A copy of Atkins Acoustics advice dated 18 August 2012 is attached **Appendix 3**.

From Atkins Acoustics review of the acoustic information reported in VIPAC, it is their opinion that:

- *road traffic noise (including trucks) has not been adequately addressed for Barber Avenue and Evans Avenue;*
- *aircraft noise has not been assessed for Third Runway takeoff;*
- *the aircraft noise assessment has not considered height correction for the multi storey buildings;*
- *loading dock noise has not been quantified;*
- *noise from trucks entering and leaving the load dock areas has not been assessed;*
- *Councils 'Minimum Requirements for New Development' have not been assessed;*
- *Project Specific Noise Criteria recommended in VIPAC is non-compliant with Councils Standard Noise Conditions;*
- *there is no criteria referred to or assessment of construction noise and vibration; and*
- *there is no assessment of construction traffic noise.*

Furthermore, the townhouses and residential units are located over loading docks that operate 15 hours per day (includes deliveries of semi trailers) and the transmission of noise to residents. Noise assessment lodged as part of the Application indicates that further assessments would have to be completed to evaluate noise and vibration transfer into the residential apartments from the loading docks. In assessing a Development Application the consent authority has to be satisfied regarding a number of issues and one of those issues for this development is in respect of noise. The consent authority cannot leave a critical matter of noise impact for later consideration (*Weal v Bathurst City Council 111 LGERA 181*). The question of noise and vibration transfer from the loading docks is a critical issue which has to be assessed at this point in time before any approval is considered. Any redevelopment of the Eastlakes Shopping Centre should resolve the existing noise issues surrounding the loading docks in Barber Avenue and not perpetuate the issues.

#### **5.4 Visual Privacy**

As discussed previously, numbers of the proposed buildings do not comply with the minimum building separation requirement as indicated in SEPP 65. Hence, privacy is an issue. At a minimum new residential development should be required to comply with SEPP No. 65 and the RFDC.

#### **5.5 View loss**

No view loss analysis has been provided.

#### **5.6 Loading Dock**

Building 1B and 6 will be constructed above the proposed loading docks with zero setbacks from Barber and Evans Avenue. This is considered inappropriate as the loading dock will operate between 7am to 10pm daily (includes deliveries of semi-trailer). This may result in the transmission of noise to occupants of the townhouses. Furthermore, the noise assessment (as submitted as part of the application) acknowledges that further assessment would be required to evaluate potential noise and vibration impacts.

This matter should be clarified prior to any approval being granted to the redevelopment of the shopping centre. Residents should not be subject to noise from loading dock activities. Any redevelopment of the Eastlakes Shopping Centre should resolve the existing noise issues surrounding the loading docks in Barber Avenue and not perpetuate the issues.

## **5.7 Waste**

The current shopping centre has had significant issues in relation to waste management. With the mix of commercial and residential area, it will be essential that there are clearly designated areas in regard to waste management and that they are properly located. Ideally all commercial waste areas will be removed from view and well secured such that public access cannot be gained. Odour control mechanisms are to be considered if ventilation is not appropriate for these locations. Further details required which include the option of odour control mechanisms.

## **SECTION 6- ECONOMIC IMPACT ASSESSMENT**

The Environmental Assessment (EA) is required to address the following key issues:

*The EA shall address the economic impact of the proposal and include an investigation into the impact upon surrounding retail/commercial centres having regard to the Metropolitan Plan 2036 and the hierarchy of centres in the relevant regional strategy,*

It is acknowledged that Eastlakes is a Town Centre under the draft Subregional Strategy. However the redevelopment of the centre only results in a minimal increase in nett retail floor area of 922m<sup>2</sup>. The major component of the redevelopment is the residential component.

Section 9.1 (page 59) of the Proponent's Economic Impact Assessment states:

*“Our analysis has indicated that need is particularly acute for very low and low income earning households, and demand is strongest for studio and 1 bed apartments. Such unit sizes cater for the household types which have the greatest propensity to be in housing in housing stress i.e. single person and single parent households. As identified by Housing NSW, the housing markets in the City of Botany are currently not catering for demand”.*

Section 9.2 (page 62) of the Proponent's Economic Impact Assessment states:

*“Whilst the development would provide a range of housing affordability’s in keeping with policy requirement, it is unlikely to address the needs of the full spectrum of household income i.e. the very low and low income households. This is because as it is not possible to develop and sell new housing at a cost that is affordable to these household.”*

The proposal will be unaffordable to very low and low income households, with only moderate income household able to afford to reside in the proposal. There is a risk that the proposal is not able to deliver the housing affordability that some of the built environment concessions sought under the application (i.e. smaller apartment sizes) is being set against. Reference is made to Section 9.3 (page 62) of the Proponent’s Economic Impact Assessment wherein it is stated: *Whilst it is recognised that some of the residential units fall below the minimum unit sizes recommended in SEPP 65, any requirement to increase the size of these units would adversely impact upon the ability to deliver affordable properties and it would lessen the number of units which could be provided, therefore lessening the contribution of the proposed development towards meeting housing needs in the area. Furthermore SEPP 65 recognises the provision of housing in an area should respond to the needs of the local community,..”*

More importantly, the report fails to identify the proportion of apartments will be dedicated to “*moderate income household*” (as defined by Housing NSW). It is recommended that the Proponent provide a table identifying the proportion of apartments will be delivered to the “*moderate income household*”.

Therefore it is unlikely that the proposed redevelopment will cater for the housing demand or significantly contribute to the housing affordability within the Botany Bay LGA. Council believes there is no reason as to why the dwelling sizes cannot be made to comply with Council’s minimum area standards, ie:

- Studio apartments: 60m<sup>2</sup>,
- One bedroom apartments: 75m<sup>2</sup>,
- Two bedroom apartments: 100m<sup>2</sup>,
- Three bedroom apartments: 130m<sup>2</sup> &
- Four bedroom apartments: 160m<sup>2</sup>.

## **SECTION 7 - TRANSPORT AND ACCESSIBILITY**

The Environmental Assessment (EA) is required to address the following key issues:

- *“The EA shall provide a Transport & Accessibility Impact Assessment (for the site and wider Eastlakes precinct) prepared with reference to the Metropolitan Transport Plan – Connecting the City of Cities, the NSW State Plan 2010, NSW Planning Guidelines for Walking and Cycling, the Integrating Land Use and Transport policy package and the RTA’s Guide to Traffic Generating Developments.*

- *The EA shall address the recommendations of the report titled: Review of Traffic & Parking Matters prepared by Fred Gennaoui Pty Ltd.*
- *The EA shall consider those issues outlined within both the RTA's letter dated 22 March 2010 and the letter from NSW Transport dated 9 March 2011.*
- *Appropriate on-site parking provision having regard to Council and RTA guidelines and the availability of public transport (Note: the Department supports reduced car parking in areas well-served by public transport)*

The EA and its Traffic Report have not addressed this requirement. Additional information is required to be lodged as advised by Council in its earlier letter dated 17 August 2012 to the Department of Planning & Infrastructure. The letter dated 16 August 2012 from McLaren Traffic Engineering which details the inadequacies, is attached as **Appendix 4**. The report highlighted a number of **serious deficiencies** with the application, including:

- The existing traffic and parking demand surveys are based on a lower gross lettable area than stated in the submitted traffic report as there are a number of vacancies within the existing shopping centre; and
- It is expected that any future growth in traffic within Eastlakes shopping precinct will result in queuing effects that will compromise the performance of the Racecourse Place / Evan Avenue roundabout. This was the issue raised in detail during the McDonalds case with the Commissioner accepting the concerns of the Council's Traffic Consultant (Mr Craig McLaren) with regard to the inadequate assessment of this queuing effect.

Council's Traffic Consultant also requested **additional information** be provided including:

- A breakdown of the existing uses GLA to properly assess the increase and/or decrease in specific land uses.
- The number of vacant premises in the existing centre along with the operational GLA of the centre at the time of the survey.
- All electronic SIDRA files for review and confirmation of calibration. In addition, a correctly calibrated micro-simulation model is needed to assess the impact of vehicle queuing within Racecourse Place.
- Details of swept path profiles for the proposed roundabouts particularly to accommodate the 19m Semi-trailer design vehicle. Additionally, swept path review of the proposed new access arrangements are to be provided, along with proposed truck route to the shopping centre. Drawings to be submitted in CAD DWG files or at best, Microsoft Word/ Adobe PDF plots of the swept paths for the truck route.
- Details of the 19m Semi-trailer haulage route via Maloney Street via Evans Avenue, Longworth and Barber Avenue, including how the route is designed to cater for the 19m Semi-trailer particularly given the Aldi service route is limited to Gardeners Road, Racecourse Place and Evans Avenue as part of DA07-070. The applicant is to confirm the 19m truck route is achievable. Electronic DWG or PDF plots of swept paths for the

19m truck route are to be supplied as well as consent for this route (if it is an existing route).

- The traffic report outlines that the Aldi loading dock has been designed to accommodate a 12.5m truck. It is also outlined that the Woolworths loading dock has been designed for a 19m Semi-trailer. No detailed swept path plots have been provided in the submitted report. It is not known whether these separate loading docks can be adequately accessed by the design vehicles. The applicant should submit CAD DWG files or at best, Microsoft Word/ Adobe PDF plots of the swept paths.
- The applicant should assess the existing pedestrian crossings in terms of the pedestrian & vehicle demand, vehicle queuing and safety of all crossings for both the existing and future conditions. The site plan should also outline the retention of these crossings and their location with respect to the changed intersection controls.
- Queuing analysis for all ingress and egress locations based on inbound/outbound flow and required service time is required to be lodged. Details of the input and output of this analysis are to be provided along with assumptions, if any.

As previously requested by Council an amended Transport and Accessibility Impact Assessment is required to be submitted to address the matters raised in the letter dated 16 August 2012 from McLaren Traffic Planning as well as the following additional issues identified by Council:

- Sizes and delivery routes for all delivery and waste vehicles associated with the retail component.
- Section 3.12 of the traffic report states that, "*The redevelopment of the centre includes integration with the existing pedestrian and cycle links in the area*". This statement should be justified. Pedestrian surveys should be undertaken in the vicinity of the site to establish pedestrian desire lines. Based on the existing pedestrian desire lines, forecast pedestrian movements should be estimated and appropriate pedestrian facility should be provided as per the forecast demand.
- Section 3.15 - The proposed combined drop – off and taxi zone on the southern side of Evans Avenue appears to be too short. These spaces should be designated and separated (refer to Ground Floor Plan by Rice Daubney Drawing No. DA 05, Issue F).
- Section 3.30 – The two proposed roundabouts at Evans Avenue and St Helena Parade with the site accesses – the site is likely to generate significant volume of pedestrian traffic from the nearby residential precincts. Also, during the peak hours, significant amount of pedestrians (e.g. commuter, elderly pedestrians and school children) use the footpaths to access the bus stops located in the vicinity of the site. Roundabouts are not ideal for pedestrians as they have to negotiate many traffic movements while crossing the road. Therefore, signalisation of these two intersections should be considered with pedestrian crossing facilities in all the four approaches. (refer to Gennaoui report – section 3.2.4)
- Section 3.39 – Council has serious concerns about the service vehicle access via Barber Avenue. 19m long semi trailers using Maloney Street – Evans Avenue – Longworth Avenue – Barber Avenue is not supported due to the

tight geometry of these local streets and residential amenities. Alternative access arrangements are to be investigated. The development should not perpetuate existing delivery access issues.

- Section 3.40 – Swept path diagrams of the loading vehicles are to be provided for Council’s review.
- Section 3.44 – Loading management plan is to be submitted to Council for review.
- Section 3.50 – A traffic assignment diagram is to be provided showing existing and additional traffic at each analysed intersection.
- Section 3.53 – Note that St Helena Parade and Evans Avenue are not Collector Roads, they are Local residential streets. Please amend in the amended traffic report.
- Section 3.56 – A SIDRA result table should be attached in the report comparing existing and future scenarios of Average Vehicular Delay, Level of Service, Degree of Saturation, Highest Movement Delay and Longest Queue. SIDRA modelling files of existing and future scenarios should be attached at the appendices of the report for review by the Council engineers.
- Section 3.67 – point 8 – *“The traffic analysis has found that there would be minimal impact on queuing in the northbound lane of Racecourse Place and hence no improvements are required as part of the proposed development”* – Council disagrees with this statement. This statement should be justified. (refer to Gennaoui report – section 3.2.3).
- As per Gennaoui report – section 3.2.1 – two percent of spaces should be designated and designed as spaces for the “disabled”.
- As per Gennaoui report – section 3.2.3 – extending Racecourse Place to St Helena Parade should be investigated.

## **SECTION 8 - ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)**

The Environmental Assessment (EA) is required to address the following key issues:

*The EA shall detail how the development will incorporate ESD principles in the design, construction and ongoing operation phases of the development.*

Design Review Panel provides the following advice in relation to ecological sustainable development:

- *The design must incorporate full environmental sustainability and eco design principles including the capture and re-use of roof stormwater.*
- *It is recommended that solar hot water and photovoltaic electricity be provided.*
- *The use of green roofs is encouraged.*
- *It is noted that some of the buildings have east and west facing glass which needs to be effectively protected from the sun by external façade treatments.*
- *Natural cross ventilation appears to comply with the recommended minimum numerical requirements of the SEPP65 Residential Flat Design Code. Reliance on air conditioning should be minimised.*



- *Roof lights could be used to provide natural light and ventilation to the top level units.*

## **SECTION 9 - CONTRIBUTION**

The Environmental Assessment (EA) is required to address the following key issues:

*The EA shall address Council's Section 94 Contribution Plan and/or details of any Voluntary Planning Agreement.*

The proponent intends to have discussions with Botany Bay City Council with respect to entering into a Voluntary Planning Agreement (VPA) to undertake works to improve Eastlakes Reserve and the public domain in the vicinity of the site. Such works may include footpath treatments, additional street tree planting, street furniture and improved lighting.

However, Council does not wish to enter into a VPA with the proponent at this stage and requests that the \$20,000.00/unit cap be applied to each residential and self serviced unit and Council's Section 94 Contributions Plan apply to the increase in retail nett floor area.

## **SECTION 10 - CONTAMINATION**

The Environmental Assessment (EA) is required to address the following key issues:

*The EA is to demonstrate compliance that the site is suitable for the proposed use in accordance with SEPP 55.*

Council's Environmental Scientist was consulted and indicates the following works must be undertaken as recommended in the Stage 1 Preliminary Environmental Site Assessment by EIS dated December 2011 (E25302Krpt) including:

1. Further investigations shall be completed in accordance with the recommendations in the Preliminary Environmental Site Assessment by EIS dated December 2011 (Report No. E25302Krpt).
2. The completion of a Stage 2 Detailed Investigation. Following completion of the Stage 2 Detailed Site Investigation, if required a Stage 3 Remedial Action Plan shall be prepared and remediation of the site shall be carried out.
3. Investigation of the probability that contaminated groundwater on the adjacent site may be drawn onto the site during dewatering and appropriate treatment and disposal mechanisms of groundwater during dewatering; and
4. The investigation of potential acid sulfate soil below 3m upon completion of the final design of the development.

Given the required works above, Council raises the question as to whether or not it can be said that compliance has been met with Clause 7 of SEPP No. 55. The consent authority must not consent to the carrying out of the development unless it has

considered whether the land is contaminated and if the land is contaminated it is satisfied that the land is suitable in its contaminated state or will be suitable after remediation for the purpose for which development is proposed to be carried out. Further if the land requires remediation then the consent authority must be satisfied that the land will be remediated before the land is used for that purpose. Given that a Stage 2 Detailed Investigation needs to be completed and there is an outstanding contaminated groundwater question as well as acid sulfate soil issues Council does not believe that determination of the Application could be made at this time.

Therefore the contamination work carried out to date by the proponent is inadequate

## **SECTION 11 - CONSULTATION**

The Environmental Assessment (EA) is required to address the following key issues:

*Undertake an appropriate and justified level of consultation in accordance with the Department's Major Project Community Consultation Guidelines October 2007 (including demonstrated consultation with Council through the design development stages of the proposal).*

As stated in the DGR, the proponent must “*demonstrated consultation with Council through the design development stage of the proposal*”. Council was only formally consulted once prior to the lodgement of the application – other consultation was restricted to email queries on specific issues.

This level of "consultation" cannot be seen to be appropriate and justified in accordance with the Department's guidelines. There was not consultation with Council through the design development stages of the proposal. The proposal has been put and Council has responded to the proposal. That is not consultation.

There has been a failure to comply with this requirement.

Council's only response that it could take to the proposal was once received refer it to its design review panel for comment. If an initial draft or summary of the proposal was put that could have led to consideration by the design review panel with suggested changes but this did not occur.

## **SECTION 12 - DRAINAGE AND GROUNDWATER**

The Environmental Assessment (EA) is required to address the following key issues:

- *The EA shall address drainage/flooding issues associated with the development/site, including: stormwater, drainage infrastructure (Infrastructure Management Plan) and incorporation of Water Sensitive Urban Design measures (Integrated Water Management Plan).*
- *The EA is to identify groundwater issues and potential degradation to the groundwater source and shall address any impacts upon groundwater*

*resources, and when impacts are identified, provide contingency measures to remediate, reduce or manage potential impacts.*

Council raises the following issues:

- It is noted that the proposed Eastlakes Shopping Centre development will require extinguishment of the existing Council's drainage easements and relocation of Council's drainage pipes in the southern site. In this regard, Council has not given any approval to extinguish the existing Council's drainage easements. Furthermore the relocation of the pipes may have adverse impact to the development and surrounding area. Therefore an overland flow path analysis based upon 1 in 100 year ARI design storm events (pre- and post-development) shall be prepared and submitted to Council for review.
- Emergency overflow path of the OSD systems shall be shown on amended plans to ensure any overflow from the OSD system will be conveyed to the public park/streets via surface overland flow, and not through private property. The extent of the overland flow path shall be shown on amended the stormwater management plans. Consideration shall also be given to ensure there is adequate freeboards for the habitable floor level and stormwater in the emergency overland flow path will not be diverted into the buildings. Details to be shown on the amended stormwater plans to be prepared and submitted to Council for review.
- According to the cross-section details of the rainwater re-use and OSD tank, stormwater may backflow into the rainwater component of the tank if the outlet pipe is blocked. In this regard, overflow weir of the OSD component of the tank shall set below the rainwater component. Amended details to be provided to Council.
- Calculation determining the Permissible Site Discharge (PSD) and OSD Storage requirements shall be submitted to Council for assessment. Submerged outlet conditions shall be considered.
- The size of the outlet pipe of the OSD tanks may require to be reviewed to ensure free discharge condition of the orifice is maintained. Amended details to be provided to Council.

### ***SECTION 13 - SEPP NO.65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT***

The Environmental Assessment (EA) is required to address the following key issues:

*The EA must address the design principles of SEPP 65 and the Residential Flat Design Code with particular reference to unit sizes.*

#### **13.1 Open Space**

The Residential Flat Design Code indicates that “*the area of communal open space required should generally be at least between 25 and 30 percent of the site area*”.<sup>1</sup>

Based on the RFDC rules of thumb, the proposed redevelopment should provide a minimum 6,013.3sqm of communal open space.

The application did not quantify the communal open space for the proposed residential development and whether it complies with this RFDC requirement. Hence, a breakdown of the communal open spaces should be provided. If the redevelopment is unable to achieve the recommend communal open space, the proponent “*must demonstrate that residential amenity is provided in the form of increased private open space and/or in a contribution to public open space*”.

Eastlakes Reserve should not be seen as supplementary communal open space for any non-compliance to this requirement. The required communal open space must be wholly accommodated within the subject property.

### 13.2 Apartment Size and Layout

The application fails to accurately indicate the number of apartments that comply with the internal and external area requirement of SEPP 65. According to Council’s investigation, out of the 443 apartments (including 82 serviced apartments):

- 105 apartments (i.e. 23.7%) comply with the internal area requirement;
- 200 apartments (i.e. 45.1%) comply with external area requirement; and
- 67 apartments (i.e. 15.1%) comply with both the internal and external requirements.

The Environmental Assessment states that an “*increase the size of these units would adversely impact upon the ability to deliver affordable properties and it would lessen the number of units which could be provided*”. However, the application fails to identify the mechanism that will ensure the “affordability” of these apartments or set aside a proportion of the apartments for “*moderate income households*”.

If the application is approved in the current form, this will result in sub-standard apartments with poor spatial arrangement and circulation.

**Note:** A number of the proposed apartments do not correspond to the apartment layout (i.e. single aspect two bedrooms apartment) contained within the SEPP 65 Residential Flat Design Code. Hence, the most relevant apartment type has been applied.

Clause 30(2) of State Environmental Planning Policy No. 65 states:

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<sup>1</sup> Part 02 Site Design page 49 of the Residential Flat Design Code

*(2) In determining a development application for consent to carry out residential flat development, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):*

- (a) the advice (if any) obtained in accordance with subclause (1), and*
- (b) the design quality of the residential flat development when evaluated in accordance with the design quality principles, and*
- (c) the publication Residential Flat Design Code*

The proposed development fails to achieve good design in accordance with Principle 7: Amenity of SEPP No. 65. In particular, the development does not provide good amenity through the physical, spatial and environmental quality of the development. Also the development fails to optimise the internal amenity of the development as the room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor spaces are inappropriate in the context of the RFDC.

Determining this Development Application the Minister has to consider the above matters including the RFDC. For this to occur it has to be a proper consideration of those controls. Were the Minister to approve the application notwithstanding the numerous breaches of the RFDC that would not be a proper consideration of the RFDC but would be the mere payment of lip service to the requirement. It would invalidate any decision to approve this application. Further, the various non compliances of the RFDC as a whole when considered in conjunction with the design quality principles of the SEPP means that the development is inconsistent with those design quality principles. The non-compliances with the RFDC provide further evidence of that inconsistency.

### **13.3 Daylight Access**

As rules of thumb, at least “70 percent of apartments in a development should receive a minimum of three hours direct sunlight between 9 am and 3 pm” in mid winter. The proposed development does not comply with this requirement as only 61% or 219 apartments will receive a minimum of three hours direct sunlights.

Other aspects of non-compliance with SEPP 65 and the RFDC have been highlighted previously in this submission and include building separation and building depth.

**In conclusion**, the development does not meet the design principles of SEPP 65 and fails to comply with the residential flat design code with respect to unit sizes and layout, open space, direct sunlight, building separation and building depth requirements. The non-compliances are such that the application should be refused on this basis alone.

## **SECTION 14 - PUBLIC DOMAIN**

The Environmental Assessment (EA) must address the following key issues:

*The EA shall provide details on the interface between the proposed uses and public domain, and the relationship to and impact upon the existing public domain and address the provision of linkages with and between other public domain spaces.*

#### **14.1 Design Review Panel**

Council's Design Review Panel indicates further resolution and refinement is necessary to the following issues:

##### *Evans Avenue*

*The overall landscape design should include Evans Avenue between the two parts of the site. It is an important opportunity to include Evans Avenue as a pedestrian friendly share way to help connect the two parts of the development.*

##### *Eastlakes Reserve*

*The overall development and landscape design should also include the upgrading of the Reserve (in accordance with the Council's requirements) to improve its safety and amenity and connection to the redeveloped shopping centre.*

*The treatment of Evans Avenue and setbacks to frontages should be in keeping with the Council's Public Domain Plan.*

*There are existing trees on the site along Evans Avenue, Barber Avenue and near the eastern and western boundaries of the north site. These existing trees provide some softening and screening for the existing residential development adjoining and opposite. They should be retained and accommodated in appropriate setbacks and supplemented in the landscape design by the addition of large canopy trees on the site and adjacent nature strips.*

##### *Street nature strip and set back tree planting*

*The Panel recommends the planting of large species trees within the nature strips and setbacks to boundaries.*

*Existing, new street tree planting on Barber Avenue east should be protected during the redevelopment.*

*Supplementary large species canopy trees should also be planted along the edge fronting the Reserve.*

##### *Vehicular entries*

*It is important that the vehicular entries are treated as part of the hard landscape design rather than a bare concrete engineering solution. This is particularly relevant for the north western entry which is adjacent to important pedestrian connections to Evans Avenue and the Reserve.*

Outdoor lighting:

*It is noted that integrated lighting for the redevelopment and the Reserve interface is proposed and required for security and amenity.*

**14.2 Public domain interface and relationship:**

The following is required to be addressed in amended plans to Council:

- There is very little landscaping - urban public spaces, plazas etc proposed to the ground floor/grade level edges of both Evans and Barber Avenues. The public spaces in these street frontages are limited to the footpaths, which are reduced in width and amenity and have a reduced ability for landscape treatments due to the presence of drop-off parking bays and awnings. This will impact on pedestrian amenity at these site edges. The streetscape is an important interface between the private and public domains. Landscaped public spaces and plazas linking the public and private domains on these frontages is important in this regard.
- The public domain aspect of the proposal requires an improved, attractive and functional design resolution of the pedestrian spaces on the site edges. The proposal is integrated with Eastlakes Reserve to the west with the creation of the market place, boardwalk and tiered step edge; however this interface attention has not been satisfactorily carried through to the street edges of Evans and Barber Avenues. These footpath areas are to be enhanced by ensuring the widths adequately allow for footpath dining, active street fronts, enhanced pedestrian amenity, street tree planting/retention and landscaping. At present the spaces are punctuated by awnings and drop off bays that reduce footpath widths, reduce pedestrian comfort and safety and severely limit street tree planting and landscaping, the latter of which is required to enhance these public spaces.
- The various drop-off bays in Evans Avenue will result in the loss of most of the existing street trees. Even though the trees are shown as being retained, the location of the bays will more than likely necessitate their removal due to loss of existing footpath space and root zone. Apart from this, the proposed awnings will impact the trees. The location of building entries also requires the removal of some of the existing trees. The Plane trees are 10-12 metres in height and provide excellent amenity and screening. The proposal seeks to retain these trees however the ability to actually preserve them with little impact to roots and canopy requires more thorough design detailing in the areas mentioned above. The trees currently provide a significant level of amenity to the public domain and would provide instant amelioration and screening of buildings.
- Finally, Evans Avenue, as a pedestrian space, would benefit from being treated as a shared-zone using hard landscape elements to delineate it as such, such as different paving treatments and integration with a public

domain design for the footpaths as well as road treatments that are more pedestrian focused and oriented. The drop-off bays in this regard should be deleted and the footpaths designed to be pedestrian spaces and less vehicle oriented in width and landscape treatment. The public domain design for both Evans and Barber Avenues should also consider both footpath and in-road raingarden/blister island type plantings, as well as at corners and intersections, to emphasise these areas as pedestrian thoroughfares and spaces. Due to the zero setbacks to Barber Avenue, landscape treatment of the footpath, and potentially roads, is paramount to enhancing the pedestrian space and screening buildings.

- A detailed public domain plan is required and is to consider the above as well as site furniture such as seating, litter bins, bicycle racks, flagpoles, amenity lighting and so on. Public art provision has not been discussed in the proposal and should be investigated further. The racing history of the area could be explored and well as the multicultural nature of the locality and integrated with the public domain plan and/or market place area.
- The treatment of the carpark entry opposite Racecourse Place is to be designed to be more pedestrian friendly, particularly as it is at the boundary of Eastlakes Reserve and the podium undercroft public space (market square) which links the public domain, park and site. Further consideration to the retention of Council street trees 31 and 32 near Racecourse Place needs to be given and may involve design modifications.

*Setbacks – northern site* The following is required to be addressed in amended plans to Council:

- The interface with the adjacent residential properties to the east and west is poor. At the Evans Avenue street edge, the boundary wall is 6 metres in height. There are zero building or landscaped setbacks on these boundaries to provide a buffer zone, screen planting and general amelioration of the development and residential amenity. Further, a building setback may enable the preservation of existing stands of Eucalyptus trees, if generous enough and in consideration of primary root zones, providing immediate screening. The trees on the western boundary (6) are 10-12 metres in height, of mostly a good health and SULE rating (5-15 years and 2 trees at 15-40 years). The trees on the eastern boundary (3) are 20 metres in height and of good health and SULE rating (5-15 years). Irrespective of tree retention, landscape setbacks on these two boundaries are considered essential.

*Setbacks – southern site* The following is required to be addressed in amended plans to Council:

- There is no landscape or building setback to Barber Avenue. The 3 storey height limit is responsive to existing building patterns however the zero setbacks is not consistent with existing building siting in the



street which enjoy substantial landscaped setbacks. Placing a 3 storey building on the property boundary with no setback may create an undesirable “canyon” effect and excessive overshadowing for residents opposite.

- The zero setback and presence of wide awnings prohibits the planting of street trees in Barber Avenue, which have been clearly shown in the plans and elevations in both the architectural and landscape drawings. Street trees are essential on all frontages of this development.
- The presentation to Barber Avenue south has limited improvement from the current situation. The loading dock has zero setbacks and therefore no landscape screening. There is an existing landscape setback in Barber Avenue which provides some screening of these ancillary areas. The proposal discusses screening of this area however it is unclear how this is to be achieved.

*Setback – Gardeners Road* The following is required to be addressed in amended plans to Council:

- Tree species 16 and 19 in the Arborist report are incorrectly labelled in either the table or photograph (Plate 1); this needs to be clarified as it impacts tree retention.
- The setback must be at least 5 metres wide across the frontage (Council DCP for a designated road). Larger, canopy trees are required in the setback for higher level visual screening, scaling with the built form and presentation to the street; the trees indicated will not provide this.

*Communal landscape areas:* The following is required to be addressed in amended plans to Council:

- The allocation of communal open space shall be no less than required under SEPP 65 and Council DCP.
- Justification for 2 swimming pools. Due to the communal spaces being generally smaller on the north site soft landscaping should be maximized. Critical landscape area has been reduced with the inclusion of a pool.
- The inclusion of large, canopy trees within the communal spaces is warranted for internal view and privacy screening and scaling with the building massing.

*Landscape Plan* The following is required to be addressed in amended plans to Council:

- Detailed, construction level landscape drawings are required to indicate landscaping details, edging, surface finishes, podium planter box treatments, paving, furniture, lighting and so on and a greater level of

detailing to the both the communal open spaces and the public domain (refer detailed comments above). The landscaping shown for the communal areas is indicative on the plans provided and a fully detailed public domain proposal is required (see above). Detail regarding Plane tree retention - construction impacts, modification of design for tree retention (drop off bays, awnings) is required.

- Further landscape details are required for the Barber Avenue “green wall” – construction method, detailed elevation/section, maintenance etc.
- Greater detail is required for the western elevation of the south site showing the detailed hardworks treatment and construction details on this edge and its integration with the park.
- Consider retention of the row of Bhutan Cypress in Barber Avenue east frontage, which provide good screening to the site. Modification of the architectural design will be needed as well as consideration of development impacts on the trees.
- The plan is to include recommendations of the Wind Effect Statement for extra landscaping (Fig 8a). The visual impact of the windscreens suggested (Fig 8b) is also to be demonstrated.

*Landscape Design Statement* The following is required to be addressed in amended plans to Council:

- *....”retention of mature trees to Evans Avenue”* is not evidenced in the design with only one (1) tree shown as being retained on the southern side and there being potential impact on most of the trees on the northern side trees due to drop off bays, entries and awnings.
- *“further tree planting to the surrounding streets”*. Not indicated. The planting of street trees in Barber Avenue (east side) is compromised by building awnings.
- *... ”community facilities such as workout stations, ... ..childrens play areas etc “*. These are not indicated on the landscape plans. Further detail required.
- *“extensive open space”*. Communal landscape areas must comply with SEPP 65 and Council DCP.
- *“Minimal bird attracting species.....as a requirement of the development”*. This requirement is in the submission by Sydney Airport and refers to the OLS and proximity of the site to the airport. A large proportion of the Council area is in proximity to the airport however it is disagreed that the use of tall, canopy and potentially bird attracting species should be eliminated from the landscape design when these tree types are essential for ameliorating the development, screening and

softening of building facades and building envelopes and providing privacy.

- There is ongoing liaison between Council and Sydney Airport with respect to the OLS and tree pruning. The current OLS tree pruning requirements do not extend east of Botany Road, Mascot and OLS vertical plots have been provided in this respect. Sydney Airport needs to demonstrate why this site should exclude large canopy trees when the tree affected OLS areas are essentially west of Botany Road. Council believes that the site should not be considered for bird hazard reduction.

## ***SECTION 15 - OTHER ISSUES***

### **15.1 Road Dedication**

The application proposes the widening to the Evans and Barber Avenue intersection. The intersection will be partially located on Lot 3 DP 248832. If the application is approved in the current form, the proponent must dedicate part of Lot 3 DP 248832 for road purposes.

### **15.2 Wind Effect Statement**

The recommendations as provided by VIPAC Engineers and Scientists are noted. One of the recommendations includes additional landscape plantings at the west side of the south site for residential entrance areas and windscreens at some open areas to protect the public areas from strong winds flowing into podium areas. However the Concept Landscape Masterplan Drawing LA00 REV A) does not indicate the additional planting. This is required to be clarified.

### **15.3 Basement car parking**

The basement car parking is to be ventilated as per Australian Standard AS 1668.2-1991. Any speed bumps that are used in the car parking precinct must be appropriately secured/attenuated to prevent noise issues when cars move over these surfaces.

### **15.4 Social impact assessment**

The surrounding area is densely populated and is characterised by “walk up” flats of 3 to 4 storeys in height. Given the development proposes an additional 361 residential units together with 82 serviced apartments a social assessment should be undertaken to investigate the impact of additional substandard housing within the suburb of Eastlakes.

### **15.5 Hours of operation & delivery**

Hours of operation of the supermarkets and all specialty shops is to be provided. Hours of delivery for all supermarkets and all specialty shops is to be provided.

**In conclusion** the application should not be approved, due to matters of design and due to the project's non compliance with relevant standards which should be respected having regard to the circumstances of this project and its locality. The Environmental Assessment has not addressed the Key Issues in the Director General's Requirements dated 5 April 2011 as identified by Council and its consultants.

Council looks forward to a meeting with the Department if required on any or all of the issues and inadequacies identified in this submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lara Kirchner', written in a cursive style.

Lara Kirchner  
**GENERAL MANAGER**

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DESIGN REVIEW PANEL **REPORT**  
**Panel Meeting 13 August 2012**

**MAJOR PROJECT APPLICATION MP09\_146**  
**EASTLAKES SHOPPING CENTRE REDEVELOPMENT**  
**MIXED COMMERCIAL AND RESIDENTIAL PROPOSAL**

Prepared for

**BOTANY BAY CITY COUNCIL**

By

STC DESIGN REVIEW PANEL  
Soo-Tee Cheong  
Prof. Peter Webber  
Roger Hedstrom

17 August 2012

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## **1. PREAMBLE**

This review is of a major project proposal for a mixed commercial and 434 unit residential redevelopment of Eastlakes Shopping Centre. The existing shopping centre is proposed to be demolished and replaced with a new enlarged shopping centre. Twelve separate residential buildings are proposed of varying heights over a commercial podium and 2 basement levels of car parking.

The proposal incorporates public spaces at the ground floor level and common open spaces at the podium roof level (Level 1) for the residential units. The site has frontages to Gardeners Road, Evans Avenue, Barber Avenue and Eastlakes Reserve (the Reserve). It is divided into two parts, north and south of Evans Avenue.

The Panel is supportive of the redevelopment of the existing shopping centre site including a substantial residential component. The contextual and site planning objectives including an activated interface with the adjoining Eastlakes Reserve are also supported.

Architectural drawings and statement by Rice Daubney, a Landscape Plan by Taylor Brammer and other supporting documentation were submitted.

The Panel has concerns regarding contextual issues, site planning and massing, built form, density, landscape and visual and amenity impact of the proposed design which needs to be substantially modified.

## **2. DESIGN REVIEW**

### **2.1 Context**

The redevelopment site sits within an established built form context of older style 3 and 4 storey walk-up residential flat buildings.

The subject site also has a very important long frontage to the Reserve to the west.

Building height:

Comparison with the existing 10 storey residential flat buildings on Florence Avenue and 9 storey buildings on Maloney Street as references for height limit on the subject property has little relevance, since those buildings have a negligible visual influence on the subject property compared to the existing residential flat buildings in the immediate setting. They are also not desirable precedents in the context of their lower density environment.

It is noted that the permissible height under the Draft LEP is 14 metres, which generally would ensure that a complying development would be in scale with its surrounding environment.

The redevelopment of the existing shopping centre site must respond more sensitively to the current character of the context.

Some of the perimeter building envelopes proposed need to be reduced in height and or setback to better respect the existing context by reducing visual impact and overshadowing and improving amenity.

Further view catchment information including photomontages looking from ground level of the Reserve and other public domain locations in the locality will be essential at any further next stage of presentation of the proposal.

The issues of vehicular access (cars and trucks) and traffic are of critical importance. The locations for the docks and carpark access are reasonably logical in terms of the existing street layout. The carpark access off the end of Racecourse Place creates difficulties in terms of street presentation which needs careful resolution.

As the site has a frontage to Gardeners Road it is suggested that the option of a slip road be explored to provide at least parking ingress to the north site.

## **2.2 Scale**

The height of some of the proposed residential buildings is excessive and needs to be reduced to improve the outcome in terms of visual and amenity impact.

The site planning and massing needs to be adjusted to provide reductions in height and increased setbacks to better suit the scale and existing character as per the following suggestions:

- o Provide a setback to Barber Avenue (the current scheme has a nil or minimal setback). It is suggested that at least a 4m setback should be provided along Barber Avenue south and 3m to the east (including the podium and Buildings 4a, 5, 6 and 7).  
This would reduce visual and amenity impact on the existing residential flat buildings opposite and provide sufficient width at existing ground level for a landscaped buffer (to assist with screening of the loading dock access) and space to accommodate tree canopies.
- o Provide an increased setback on the southern side of Evans Avenue (podium and Buildings 3 and 4) to replace the existing highly valued, open to the sky, north facing informal meeting area. This would also contribute to the presentation of the pedestrian entry to the Mall South.
- o Reduce the height of Building 2 (currently the equivalent of 10 storeys above the Reserve, excluding the proposed mezzanine) and Building 7 (currently the equivalent of 8 storeys above the Reserve) to a maximum of 5 to 6 storeys above the existing ground level of the Reserve (5 storeys on the Reserve side stepping up to 6 on the east side). This would provide a better scale to suit the existing Reserve (and taller trees), reduce visual impact when viewed from the Reserve and further from west, and reduce morning overshadowing of the Reserve.
- o Further explore the lowering of the proposed ground floor level (from 2m plus down to 1.5m above the level of the Reserve) at the edge of the Reserve to bring it closer to existing ground level and improve visual connection to the Reserve.



- o Provide a setback of the podium to the north site to increase separation distance and reduce visual and amenity impact on the adjoining residential flat buildings to the east and west.
- o Reduce the height of Buildings 1 and 1A (6 storeys above podium ie equivalent to 8 storeys) by at least one storey to be more in keeping with the adjoining 3 and 4 storey residential flat buildings.

The southern half of Building 1A should be lowered by at least 2 storeys to reduce visual impact and overshadowing of the south side of Evans Avenue.

## 2.3 Built Form

### Building 2:

This building needs to be substantially reduced in height as suggested above. The Panel is not convinced about the cranked form; that it is necessarily the best shape nor is it convinced about elevating this building (by 8m) to provide an undercroft public space. It is considered that a marker building as it was described is not necessary or desirable but rather that the buildings should form an urbane 'backdrop' to the Reserve and streets. The market square would be better open to the sky.

### Angled ends to buildings:

The angled ends of some of the proposed buildings is questioned. It is suggested that the building ends should preferably be normal to the street alignment. For example: Buildings 4A and 5 would have its ends (and internal planning) normal to Barber Avenue which would provide a better presentation to the street and be more in keeping with existing buildings in the neighbourhood.

### Street address:

The presentation and activation to the street frontages and the Reserve close to existing ground level is paramount for the design success of the proposal.

### Access and circulation:

The current design at existing ground (footpath) level provides good visual amenity and pedestrian (barrier free) access to Evans Avenue, Barber Avenue east and the Reserve.

The proposed pedestrian and vehicular access points and pedestrian circulation is generally supported.

The awnings could be extended to provide more continuous protection for pedestrians at the residential entries.

### Facade Design:

The design of the facades is generally acceptable in terms of modulation, articulation and composition of facade elements.

Treatment of the masonry end walls could be improved by reconfiguration of the internal planning where appropriate to increase visual activation of the facades and make better use of the external walls for natural light and ventilation.

It is expected that further resolution and refinement of the facade compositions will be forthcoming.

Natural light to lobbies and both ends of common corridors:  
This is recommended and has been provided except for Building 2 and the northern end of Building 4A.

The architectural treatment of blank podium walls (north site) including modulation, relief and external material selection is necessary to provide a high quality presentation where exposed to view from the public domain and adjoining residential properties.

Carpark entries:

The carpark entries need further resolution and refinement to ensure that they don't appear as uninviting gaps in the streetscape. This is particularly relevant for the proposed entry off the end of Racecourse Place. A canopy roof oversailing the entries is one option which would also help acoustically.

## **2.4 Density**

It is understood that the proposed FSR is 2.32:1 which significantly exceeds the maximum FSR for the site of 1.5:1 under the draft LEP 2012.

It is difficult to support such a large non-compliance because of the consequential effect in terms of visual and amenity impact and overshadowing.

Despite the attributes of the proposal and the desirability of the existing shopping centre being redeveloped, the Panel is of the opinion that the FSR should not exceed the maximum allowed by the draft LEP 2012, unless all the suggestions and concerns raised in this report have been satisfied.

## **2.5 Resource Energy and Water Efficiency**

The design must incorporate full environmental sustainability and eco design principles including the capture and re-use of roof stormwater.

It is recommended that solar hot water and photovoltaic electricity be provided.

The use of green roofs is encouraged.

It is noted that some of the buildings have east and west facing glass which needs to be effectively protected from the sun by external facade treatments.

Natural cross ventilation appears to comply with the recommended minimum numerical requirements of the SEPP65 Residential Flat Design Code. Reliance on air conditioning should be minimised.

Roof lights could be used to provide natural light and ventilation to the top level units.

## 2.6 Landscape

The landscape design submission is acknowledged. Further resolution and refinement is necessary to address the following issues:

### Evans Avenue:

The overall landscape design should include Evans Avenue between the two parts of the site. It is an important opportunity to include Evans Avenue as a pedestrian friendly share way to help connect the two parts of the development.

### Eastlakes Reserve:

The walkway and terraced seating / steps facing the Reserve are welcomed. The overall development and landscape design should also include the upgrading of the Reserve (in accordance with the Council's requirements) to improve its safety and amenity and connection to the redeveloped shopping centre.

The treatment of Evans Avenue and setbacks to frontages should be in keeping with the Council's Public Domain Plan.

There are existing trees on the site along Evans Avenue, Barber Avenue and near the eastern and western boundaries of the north site. These existing trees provide some softening and screening for the existing residential development adjoining and opposite. They should be retained and accommodated in appropriate setbacks and supplemented in the landscape design by the addition of large canopy trees on the site and adjacent nature strips.

### Street nature strip and set back tree planting:

The Panel recommends the planting of large species trees within the nature strips and setbacks to boundaries.

Existing, new street tree planting on Barber Avenue east should be protected during the redevelopment.

Supplementary large species canopy trees should also be planted along the edge fronting the Reserve.

### Vehicular entries:

It is important that the vehicular entries are treated as part of the hard landscape design rather than a bare concrete engineering solution. This is particularly relevant for the north western entry which is adjacent to important pedestrian connections to Evans Avenue and the Reserve.

### Outdoor lighting:

It is noted that integrated lighting for the redevelopment and the Reserve interface is proposed and required for security and amenity.

## 2.7 Amenity

### Overshadowing:

The shadow diagrams submitted indicate a substantial impact on the Reserve and Evans Avenue. This impact would be reduced with the incorporation of the setbacks and reductions in height as suggested in this report.

Sun and rain protection:

Incorporate integrated sun and rain protection to all unprotected window openings.

The proposed awnings need to provide continuous protection for pedestrians and designed to accommodate tree trunks and canopies.

All areas of glazing on the western façades need effective screening from sunlight.

Natural light into upper level car park:

It would be desirable to provide some natural light and ventilation for the upper carpark level.

Acoustic impact:

Acoustic impact from Gardeners Road is an issue which needs to be addressed including implementation of the recommendations in the acoustic assessment. It is highly desirable to ensure that on this busy road acceptable acoustic conditions will be achieved within the habitable rooms of Buildings 1 and 1A, at the same time allowing for adequate natural ventilation.

The other major acoustic consideration is noise from loading dock activities which has the potential to affect residential units within the development and neighbouring residential buildings and must be addressed by enclosure (as proposed) and implementation of other acoustic treatment recommendations.

Unit sizes:

The unit sizes should accord with the minimum areas recommended in the SEPP65 Residential Flat Design Code.

## **2.8 Safety and security**

Passive surveillance of and connection to the Reserve is important and a key objective of the proposal in terms of increasing safety and security. Night lighting of the Reserve (as part of the proposed development) should be incorporated in the scheme.

The proposal generally complies subject to ensuring passive surveillance along the ground level frontages. The proposed active frontages at street level would ensure adequate passive surveillance and good visibility to and from the proposal. Good night lighting will be essential.

## **2.9 Social dimensions**

The provision of public spaces and community facilities is welcomed.

Provide a welcoming environment at the entrance lobbies to each building, desirably with some seating near mail collection points.

It is recommended that the internal planning of each of the residential buildings allows for a small meeting room (preferably at Level 1) located appropriately to

be usable for socialisation between residents. It is also desirable to provide a small sitting area at each floor level, preferably near the elevators and, as discussed, this could readily be achieved in most of the blocks as planned by slightly enlarging the glazed areas between groups of units.

## **2.10 Aesthetics**

External materials:

The Panel generally supports the proposed selection of the external materials, textures and finishes palette (as submitted) to suit the context.

It is recommended that the external materials be low maintenance.

Signage:

Any signage should be fully integrated with the facade designs, discreet and preferably be located at a low level.

Mural:

The incorporation of a mural (as suggested on the north end of Building 7) is welcomed. It could reflect the history of the locality.

## **3. CONCLUSION / RECOMMENDATION**

Although the Panel is supportive of the redevelopment of the existing shopping centre generally in the 'courtyard' plan form proposed, and the inclusion of a substantial residential component, it cannot support the present design.

The proposal needs to be significantly modified. Whilst precise compliance with FSR and Height controls in the Draft Botany LEP 2012 may not be essential, the suggestions and concerns raised in this report would need to be satisfactorily addressed before any departure from these standards could be supported.

## **SEPP 65 - Building Separation**

### **Building R1 (6 storeys) and R1A (6 storeys)**

<b>Level</b>	<b>Type</b>	<b>SEPP 65 requirement</b>	<b>Proposed Building Separations</b>	<b>Compliance</b>
Level 1-4	Between non habitable room	6m	18.5 (min)	Y
Level 1-4	Between habitable to non-habitable	9m	21 (min)	Y
Level 1-4	Between habitable room/balconies	12m	N/A	N/A
Level 5-6	Between non habitable room (i.e. wall to wall)	9m	18.5 (min)	Y
Level 5-6	Habitable to non-habitable	13m	21 (min)	Y
Level 5-6	Between habitable room/balconies	18m	18.5m (penthouse)	Y

### **Building R1 (6 storeys) and R1B (2 storeys)**

<b>Level</b>	<b>Type</b>	<b>SEPP 65 requirement</b>	<b>Proposed Building Separations</b>	<b>Compliance</b>
Level 1-4	Between non habitable room	6m	N/A	N/A
Level 1-4	Between habitable to non-habitable	9m	N/A	N/A
Level 1-4	Between habitable room/balconies	12m	18.5m	Y
Level 5-6	Between non habitable room (i.e. wall to wall)	9m	N/A	N/A
Level 5-6	Habitable to non-habitable	13m	N/A	N/A
Level 5-6	Between habitable room/balconies	18m	N/A	N/A

**Building R1A (6 storeys) and R1B (2 storeys)**

Level	Type	SEPP 65 requirement	Proposed Building Separations	Compliance
Level 1-4	Between non habitable room	6m	N/A	N/A
Level 1-4	Between habitable to non-habitable (i.e. habitable room to wall)	9m	30.5	Y
Level 1-4	Between habitable room/balconies	12m	N/A	N/A
Level 5-6	Between non habitable room (i.e. wall to wall)	9m	N/A	N/A
Level 5-6	Habitable to non-habitable	13m	N/A	N/A
Level 5-6	Between habitable room/balconies	18m	N/A	N/A

**Building R3 (5 storeys) and R4 (5 storeys)**

Level	Type	SEPP 65 requirement	Proposed Building Separations	Compliance
Level 1-4	Between non habitable room (i.e. wall to wall)	6m	7.5m	Y
Level 1-4	Between habitable to non-habitable (i.e. habitable room to wall)	9m	7.5m	N
Level 1-4	Between habitable room/balconies	12m	N/A	N/A
Level 5	Between non habitable room (i.e. wall to wall)	9m	N/A	N/A
Level 5	Habitable to non-habitable	13m	N/A	N/A
Level 5	Between habitable room/balconies	18m	7.5m	N

**Building R4 (5 storeys) and R4A (5 storeys)**

Level	Type	SEPP 65 requirement	Proposed Building Separations	Compliance
Level 1-4	Between non habitable room (i.e. wall to wall)	6m	3.2m (min) 8.8m (max)	N Y
Level 1-4	Between habitable to non-habitable (i.e. habitable room to wall)	9m	6.3m (Level 2, 3 and 4)	N
Level 1-4	Between habitable room/balconies	12m	N/A	N/A
Level 5	Between non habitable room (i.e. wall to wall)	9m	N/A	N/A
Level 5	Habitable to non-habitable	13m	3.2m (min) 8.8m (max)	N N
Level 5	Between habitable room/balconies	18m	11m (min) 16.8m (max)	N N

**Building R4A (5 storeys) and R5 (3 storeys)**

Level	Type	SEPP 65 requirement	Proposed Building Separations	Compliance
Level 1-4	Between non habitable room (i.e. wall to wall)	6m	6m	Y
Level 1-4	Between habitable to non-habitable (i.e. habitable room to wall)	9m	6m	N
Level 1-4	Between habitable room/balconies	12m	6m	N
Level 5	Between non habitable room (i.e. wall to wall)	9m	N/A	N/A
Level 5	Habitable to non-habitable	13m	N/A	N/A
Level 5	Between habitable room/balconies	18m	N/A	N/A



**Building R5 (3 storeys) and R6 (2 storeys)**

Level	Type	SEPP 65 requirement	Proposed Building Separations	Compliance
Level 1-4	Between non habitable room (i.e. wall to wall)	6m	16m	Y
Level 1-4	Between habitable to non-habitable (i.e. habitable room to wall)	9m	7m	N
Level 1-4	Between habitable room/balconies	12m	11.5m	N
Level 5	Between non habitable room (i.e. wall to wall)	9m	N/A	N/A
Level 5	Habitable to non-habitable	13m	N/A	N/A
Level 5	Between habitable room/balconies	18m	N/A	N/A

**Building R6 (2 storeys) and R6B (2 storeys)**

Level	Type	SEPP 65 requirement	Proposed Building Separations	Compliance
Level 1-4	Between non habitable room (i.e. wall to wall)	6m	N/A	N/A
Level 1-4	Between habitable to non-habitable (i.e. habitable room to wall)	9m	N/A	N/A
Level 1-4	Between habitable room/balconies	12m	44m	Y
Level 5	Between non habitable room (i.e. wall to wall)	9m	N/A	N/A
Level 5	Habitable to non-habitable	13m	N/A	N/A
Level 5	Between habitable room/balconies	18m	N/A	N/A

**Building R5 (3 storeys) and R6B (2 storeys)**

Level	Type	SEPP 65 requirement	Proposed Building Separations	Compliance
Level 1-4	Between non habitable room (i.e. wall to wall)	6m	N/A	N/A
Level 1-4	Between habitable to non-habitable (i.e. habitable room to wall)	9m	4m	N
Level 1-4	Between habitable room/balconies	12m	4m	N
Level 5	Between non habitable room (i.e. wall to wall)	9m	N/A	N/A
Level 5	Habitable to non-habitable	13m	N/A	N/A
Level 5	Between habitable room/balconies	18m	N/A	N/A

**Building R4 and R6B (2 storeys)**

Level	Type	SEPP 65 requirement	Proposed Building Separations	Compliance
Level 1-4	Between non habitable room (i.e. wall to wall)	6m	N/A	N/A
Level 1-4	Between habitable to non-habitable (i.e. habitable room to wall)	9m	N/A	N/A
Level 1-4	Between habitable room/balconies	12m	31m	Y
Level 5	Between non habitable room (i.e. wall to wall)	9m	N/A	N/A
Level 5	Habitable to non-habitable	13m	N/A	N/A
Level 5	Between habitable room/balconies	18m	N/A	N/A

**Building R6A (2 storeys) and R6B (2 storeys)**

Level	Type	SEPP 65 requirement	Proposed Building Separations	Compliance
Level 1-4	Between non habitable room (i.e. wall to wall)	6m	20.5m	Y
Level 1-4	Between habitable to non-habitable (i.e. habitable room to wall)	9m	N/A	N/A
Level 1-4	Between habitable room/balconies	12m	N/A	N/A
Level 5	Between non habitable room (i.e. wall to wall)	9m	N/A	N/A
Level 5	Habitable to non-habitable	13m	N/A	N/A
Level 5	Between habitable room/balconies	18m	N/A	N/A

**Building R3 (5 storeys) and R6A (2 storeys)**

Level	Type	SEPP 65 requirement	Proposed Building Separations	Compliance
Level 1-4	Between non habitable room (i.e. wall to wall)	6m	N/A	N/A
Level 1-4	Between habitable to non-habitable (i.e. habitable room to wall)	9m	N/A	N/A
Level 1-4	Between habitable room/balconies	12m	36m	Y
Level 5	Between non habitable room (i.e. wall to wall)	9m	N/A	N/A
Level 5	Habitable to non-habitable	13m	N/A	N/A
Level 5	Between habitable room/balconies	18m	N/A	N/A

**Building R6A (2 storeys) and R7 (5 storeys)**

Level	Type	SEPP 65 requirement	Proposed Building Separations	Compliance
Level 1-4	Between non habitable room (i.e. wall to wall)	6m	N/A	N/A
Level 1-4	Between habitable to non-habitable (i.e. habitable room to wall)	9m	11m	Y
Level 1-4	Between habitable room/balconies	12m	N/A	N/A
Level 5	Between non habitable room (i.e. wall to wall)	9m	N/A	N/A
Level 5	Habitable to non-habitable	13m	N/A	N/A
Level 5	Between habitable room/balconies	18m	N/A	N/A

**Building R2 (6 storeys) and R3 (5 storeys)**

Level	Type	SEPP 65 requirement	Proposed Building Separations	Compliance
Level 1-4	Between non habitable room (i.e. wall to wall)	6m	N/A	N/A
Level 1-4	Between habitable to non-habitable (i.e. habitable room to wall)	9m	8.5m (min)	N
Level 1-4	Between habitable room/balconies	12m	8.5m (min) 10m (max)	N Y
Level 5	Between non habitable room (i.e. wall to wall)	9m	N/A	N/A
Level 5	Habitable to non-habitable	13m	N/A	N/A
Level 5	Between habitable room/balconies	18m	6.5m (min) 10.5m (max)	N N

**Building R2 (6 storeys) and R7 (5 storeys)**

<b>Level</b>	<b>Type</b>	<b>SEPP 65 requirement</b>	<b>Proposed Building Separations</b>	<b>Compliance</b>
Level 1-4	Between non habitable room (i.e. bathroom to wall)	6m	10.5m	Y
Level 1-4	Between habitable to non-habitable (i.e. habitable room to wall)	9m	N/A	N/A
Level 1-4	Between habitable room/balconies	12m	13m	Y
Level 5	Between non habitable room	9m	N/A	N/A
Level 5	Habitable to non-habitable (i.e. balcony to wall)	13m	10m	N
Level 5	Between habitable room/balconies	18m	13m	N