



22 June 2012
Our Ref: 7907A.4ER

The General Manager
Re: BBLEP 2012 Public Exhibition
141 Coward Street Mascot NSW 2020
By email: council@botanybay.nsw.gov.au

Dear Sir

Re: Public Exhibition of draft Botany Bay LEP 2011

Don Fox Planning Pty Ltd (DFP) has been engaged by Crown Prosha Joint Venture to review draft Botany Bay Local Environmental Plan 2011 (draft BBLEP 2011), particularly as it relates to the Eastlakes Town Centre site (the subject site), and if appropriate prepare a submission.

The subject site is a split site being located to the north and south of Evans Avenue, Eastlakes. The northern part of the site is bound by Gardeners Road to the north and Evans Avenue to the south. Residential development comprising 3 storey residential flat buildings is located to the east and west of the northern sector.

The southern sector is bound by Evans Avenue to the north, Barber Avenue to the east and south and Eastlakes Reserve to the west.

This submission considers the provisions of the draft LEP as it relates to this site and identifies areas of concern, particularly having regard to the current Part 3A Project Application for the redevelopment of the subject site.

Part 3A Project Application

As you are no doubt aware, Crown Prosha Joint Venture has recently lodged a proposal for review by NSW Department of Planning and Infrastructure (DP&I) for the redevelopment of the subject site. The redevelopment of the centre is proceeding as a transitional Part 3A project. DP&I has advised that, subject to some minor modifications, the Environmental Assessment (EA) as submitted for review is able to be exhibited.

Crown Prosha is currently finalising compilation of the documentation to submit with the EA for the redevelopment proposal and it is anticipated that this will be lodged with DP&I shortly with public exhibition of the development proposal to occur thereafter.

The proposal for the subject site provides for a mixed use development with ground floor retail uses and a series of residential apartment buildings above the retail level. The apartment buildings range in height from 2 – 6 storeys above the podium level with one landmark building of 6 storeys + mezzanine. The floor space ratio (FSR) of the proposed development is 2.32:1.



Zoning

The subject site is proposed to be zoned B2 Local Centre. The objectives of the B2 zone as noted in draft BBLEP 2011 are:

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- To encourage employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

It is considered that the proposal for the redevelopment of the Eastlakes town centre is consistent with these objectives.

Relevant to the redevelopment proposal, the following uses are permissible with consent in the B2 zone:

- Commercial premises (which includes retail, business and office premises);
- Residential flat buildings;
- Shop top housing; and
- Signage.

Therefore, the proposed development will be permissible in the B2 zoning. No objection to the proposed zoning of the subject site to B2 is raised.

Floor Space Ratio

Draft BBLEP 2011 proposes a maximum FSR provision of 1.5:1 for the subject site. The current FSR provision as it applies under BBLEP 1995 is 1:1, therefore, the draft LEP represents an increase. Notwithstanding, it is considered that the proposed FSR of 1.5:1 is too restrictive and does not consider the opportunities and constraints of the site, or its context.

The principles of good design are to ensure a development responds appropriately to its context in terms of scale, built form, density and amenity. If these principles are implemented as part of the design of a development, then appropriate development will result, in which case the FSR becomes irrelevant.

It is not clear what has informed the FSR provisions for the subject site as noted in the draft LEP. The supporting documentation included on Council's website includes a LEP Standards and Urban Design Controls Study for the City of Botany Bay LEP 2011.

Section 6 of the study relates to the Mascot/Rosebery and Eastlakes Areas and identifies that the subject site is within this area. However apart from this, there does not appear to be any analysis as to the development potential of the Eastlakes shopping centre site. The study identifies that the Botany Bay Planning Strategy indicates that the Eastlakes Centre is '*designated for complete redevelopment*' however, '*there is no proposal to renovate the shopping centre*'. The study recommends that the Eastlakes centre have the same height and floor space advantages as other '*opportunistic sites*'.

This recommendation is somewhat uninformed as the proponents for the centre have been in discussions with Botany Bay Council and DP&I with respect to redevelopment options for the centre for a number of years and most certainly during 2011 when this study was being prepared. To apply the same controls to the Eastlakes site as are proposed to be applied to other sites fails to appreciate that the subject site offers significant scope for a development which exceeds the numerical standards proposed to be applied under the draft LEP.

Furthermore, the Botany Bay Planning Strategy recognizes that increasing the FSR in centres can stimulate growth and redevelopment and recommends increases in FSR to 2:1 – 2.5:1 for other town and neighbourhood centres. It is considered that such should also be considered



for the Eastlakes centre given its potential to contribute towards meeting the employment and housing targets for the Botany Bay LGA as specified in the draft East Subregional Strategy.

Clause 4.4 of draft BBLEP 2011 includes the objectives relating to FSR. These are:

- a) *to establish standards for the maximum development density and intensity of land use;*
- b) *to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality;*
- c) *to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation;*
- d) *to ensure buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities;*
- e) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain;*
- f) *to provide an appropriate correlation between the size of a site and the extent of any development on that site; and*
- g) *to facilitate development that contributes to the economic growth of Botany Bay.*

The EA which has been prepared for the redevelopment proposal for the Eastlakes town centre demonstrates that the proposal is consistent with these objectives and that this consistency has been able to be achieved with a FSR of 2.32:1, thereby illustrating that appropriate development can be realized without strict adherence to numerical standards.

In view of the above, it is requested that the FSR provisions as they relate to the subject site be increased to 2.5:1 in recognition of the site's potential to make a significant contribution towards meeting the housing and employment targets for the Botany Bay LGA as set down in the draft East Subregional Strategy.

Height

The draft LEP sets a maximum height of 14m across the subject site. This is roughly equivalent to 4 storey mixed use development. A similar maximum height provision has been applied to the surrounding R4 zoned land.

As noted above, the redevelopment proposal which has been prepared for the Eastlakes site incorporates residential buildings of varying heights of between 2 – 6 storeys above the retail podium level. Therefore the proposed development would be contrary to the maximum height provisions as they are proposed to be imposed under the draft LEP.

Rather than a blanket single height across the site, the design incorporates buildings of varying heights to ensure the development responds appropriately to its context and any impacts are minimised.

The proposed development has been designed having regard to the context of the surrounding area and existing development. It is considered that it responds appropriately to this context in that:

- it will not result in unacceptable overshadowing impacts; and
- it is unlikely to impact on views to and across the site.

Those parts of the development which share an interface with nearby residential development have been designed to complement the heights of the existing residential flat buildings,



however along Evans Avenue, for example, where the development seeks to create a strong urban edge, additional height has been utilized.

It is considered that the height provisions that are proposed to apply to the subject site under the draft LEP are unnecessarily restrictive and do not take into consideration the potential for taller elements to be developed on the site, whilst still ensuring that the amenity of the area is maintained. We therefore submit that a more appropriate height provision for the subject site would be a maximum RL based on the Obstacle Height Limitations as imposed by Sydney Airport operations (i.e. – 48.7m above Australian Height Datum (AHD)).

Active Street Frontages

The draft LEP nominates that part of Evans Avenue between Racecourse Place and Barber Avenue as being active street frontages.

The redevelopment proposal for the subject site incorporates active street frontages along both sides of Evans Avenue and also proposes to return these along part of Barber Avenue.

Crown Prosha Joint Venture envisages that the design of the development will encourage high pedestrian activity along Evans Avenue and anticipate that this will develop a Main Street atmosphere.

The incorporation of such provisions into the draft LEP is applauded as it will ensure the centre becomes the activity hub for the Eastlakes community.

Summary

Overall it is considered that the draft LEP incorporates provisions which will result in stimulating development within the Botany Bay LGA however, it is considered that some of the numerical development standards as they are proposed to apply to the subject site are overly restrictive and do not necessarily recognize the development potential of the site or its context.

A development proposal has been designed for the subject site which provides for building heights and an FSR in excess of that proposed under the draft LEP however it is considered that the development responds appropriately to its context and will not result in adverse impacts on the surrounding area.

The proposed development will:

- Improve the interface of the development site with Eastlakes Reserve.
- Make a positive contribution towards public domain improvements in the vicinity of the site.
- Improve site circulation and connectivity within and through the site.
- Address the currently poor situation in relation to loading dock facilities both in terms of visual impacts and acoustic impacts.
- Provide improved shopping facilities for local residents.
- Contribute towards increasing housing choice and affordability in the local area.

In view of the above it is requested that the FSR and height provisions of the draft LEP as they apply to the Eastlakes town centre site be amended to provide for a maximum FSR of 2.5:1 and a maximum building height of 48.7 metres above Australian Height Datum (AHD).

Your consideration of this submission is appreciated. On behalf of Crown Prosha Joint Venture, it is requested that you keep us advised of Council's consideration of the draft LEP and this submission.



Should you have any enquiries regarding this submission, please do not hesitate to contact Ellen Robertshaw of Don Fox Planning on 9980 6933.

Yours faithfully

DON FOX PLANNING PTY LIMITED

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**ELLEN ROBERTSHAW
PARTNER**

erobertshaw@donfoxplanning.com.au

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

Reviewed: _____