



8 May 2013
Our Ref: 7907A.9ER

The Director General
NSW Department of Planning and Infrastructure
33 Bridge Street
Sydney NSW 2000

Attention: Natasha Harras, Town Planner Metropolitan & Regional Projects South

Dear Natasha

Re: MP09_0146 for the Redevelopment of Eastlakes Town Centre

This letter addresses the issues raised by the NSW Department of Planning and Infrastructure (DoPI/The Department) in an email dated 11 April 2013 and the matters raised by McLaren Traffic Engineering and Atkins Acoustics, specialist consultants engaged by Botany Bay Council, in their responses to Council dated 9 April 2013 and 3 April 2013 respectively. This letter also considers the matters discussed at a meeting at Botany Bay Council on 24 April 2013.

This letter has been structured using the headings included in the Department's email dated 11 April 2013. Extracts from the Department's email have been included as italicised text at the beginning of each section.

1. Unit Sizes

Further justification for non-compliance with SEPP 65 with regard to unit sizes. I have only looked at the single storey units so far, but it appears that around 50% of units do not meet the SEPP 65 guidelines generally for unit size. Around 15% do not meet the minimum requirements for affordable housing. The issues letter requested information to show how those apartments that do not meet minimum unit size requirements do achieve satisfactory daylight access and natural ventilation.

Further details at least for the units which do not meet the minimum guidelines for unit sizes for affordable housing under SEPP 65 should be provided. A table demonstrating other amenity criteria for each of these units is to be provided. The table should show the size of open space areas for each of the units; hours of solar access received mid-winter, and whether cross-ventilation is provided. If the table demonstrates that the units do not achieve a good level of amenity through these other measures, consideration should be given to modifications to improve compliance with unit size requirements of SEPP 65.

Details of the open space areas for all units should also be included in the tables to SK218 – SK219.

Response

As noted by the Department in the email dated 11 April 2013, there are a number of units throughout the development with areas less than the recommended minimum area as noted in the Residential Flat Design Code (RFDC). In this regard, we note that the RFDC suggested minimum unit sizes relate to specific unit configurations and designs – configurations and designs which have not been adopted for the proposed development due to both the configurations of the proposed buildings and the likely market demand for different apartment types. In this regard, generally the residential units within the proposed development do not



include hallways or corridors which many of the unit designs in the RFDC utilise. As a result there is very little wasted space within the units proposed as part of this development. Furthermore, it appears that the dimensions for the units in the RFDC have been measured to the outer walls of the units, whereas, the areas for units within the proposed developed have been calculated from the inside of the walls as the walls between units are not part of the unit entitlement. The areas of units within the proposed development would likely increase by 5-10% if the outer walls were included in the calculations.

The table at **Attachment A** to this letter is an assessment of the proposal against the minimum apartment sizes as noted in the Affordable Housing SEPP. This table identifies whether units that do not meet the minimum standards for affordable housing satisfy other amenity criteria such as solar access, cross ventilation, etc as requested by the Department.

The table at **Attachment A** to this letter demonstrates that only 61 out of the 428 apartments proposed (14%) do not currently satisfy the minimum area requirements for affordable housing apartments as noted in the Affordable Housing SEPP. Of the 61 units that do not satisfy the minimum size for affordable housing:

- 36 units have an area only 1m² below the minimum area. 20 of these units have a northerly aspect, good cross ventilation and views across Gardeners Road towards the Australian Golf Course and the city skyline. The other 16 units have an easterly aspect and good cross ventilation. Four of these units have balconies of 29m². It is considered that these apartments have been well designed and are appropriate in size and scale.
- 8 apartments are 2m² below the minimum area for affordable housing. Again, each of these apartments has a northerly aspect, good cross ventilation and access to district views. These units are also considered appropriate in scale and design.
- 4 units in Building 3 (Apartment type R3-6S) are currently proposed as 2 bedroom units and have areas 5m² below the minimum area for a 2 bedroom affordable housing apartment. This unit style has been amended to be a 70m² unit. This has been achieved by reducing the area of Apartment type R3-2S which is a 1 bedroom unit from 62m² to 57m². These changes are illustrated in the amended plans attached at **Attachment B**. With this minor alteration, the apartments described as R3-6S will satisfy the minimum area for a 2 bedroom apartment.
- 8 of the 2 bedroom apartments within Building 3 are 67m² in area which is 3m² below the area for a 2 bedroom affordable housing unit. These units are Apartment type R3-7S and all are well designed corner units with good solar access, cross ventilation and no wasted corridor spaces. The 4 northern units have views onto across Evans Avenue and a northerly aspect. The southern apartments have views across the landscaped podium with the level 1 apartment (Apartment 007) having a balcony space of 17m².
- In Building 4, 5 of the 1 bedroom apartments are 4m² below the minimum area for an affordable 1 bedroom apartment. Notwithstanding that the apartment on Level 1 (Apartment 014) will be provided with a balcony of 36m², It is proposed to modify the layout of these apartments to provide them as studio units in which case they will satisfy the minimum area requirements for studios. A plan showing the revised layout of these apartments is at **Attachment B**.

With the modifications proposed to the layout of some apartments, only 52 apartments will be below the minimum area for apartments as specified in the Affordable Housing SEPP and of these 52 apartments, 36 will be less than 1m² under size. In all cases, the apartments which are below the Affordable Housing SEPP areas exhibit excellent design features such as access to views and outlooks, good solar access (often more than the minimum requirement of 2 hours between 9am and 3pm on the day of the winter solstice), good cross ventilation and good



aspect. In a number of circumstances, for those apartments on Level 1 which abut the communal open space areas, the minimum balcony area is much larger than the balcony area as noted in the RFDC.

In this regard, Drawing No. DA06 (Level 1 plan) has been amended to show increased balcony/courtyard areas for all apartments with frontage to the podium level communal open space areas.

A schedule of balcony areas for all apartments has been provided and is included on SK218 and SK219 at **Attachment A**.

2. Landscaping on the Podium

Detailed cross sections with RLs are required showing how a soil depth of 1 metre to support proposed trees can be achieved on the eastern and western edges of the northern podium without increasing podium wall height.

Response

Attachment C to this letter is a sketch plan (in section) of the western and eastern sides of the podium on the northern site. The sketches indicate that soil depths of up to 1m can be accommodated on the western side of the podium without any modification to the podium wall height. On the eastern side, a soil depth of 1m can be provided with the provision of a block wall of 500mm in height inside the balustrade to be provided along the top of the podium wall. Therefore, heights of the podium walls will not need to be increased in order to provide soil depths of 1m for the landscaping along the top of the podium.

3. Solar access to western balconies of 18 Evans Avenue

Despite some self-shading from the balustrading of the balconies, it is currently possible for a person sitting on a chair or standing on the balconies to be in sunlight from 11.30am to 3.00pm mid-winter. Further information is requested, in particular:

- *The length of time in mid-winter that persons on each balcony would have access to some sunlight under the proposal;*
- *The number of days each year that each balcony would receive 2 hours of solar access under the proposal; and*
- *The extent of reduction in building massing that would be necessary to provide 2 hours of solar access mid-winter.*

Response

The Department has requested additional information with respect to the solar access of the two balconies located on the western elevation of the unit block located at 18 Evans Avenue.

An electronic movie file (.mov) will be provided with this letter. In order to review the shadow impact on these balconies it will be necessary to manually move the arrow along the seek bar at the bottom of the graphic.

This file indicates that the lower of the two balconies along the western elevation of 18 Evans Avenue will begin to receive sunlight after 10.30am on June 21 and will continue to receive some sunlight until 12.45pm. Therefore this balcony will receive at least 2 hours of solar access on the day of the winter solstice. The upper level balcony will also begin to receive sunlight after 10.30am but this will continue until 1.00pm on June 21. In both instances these balconies will receive access to sunlight for at least 2 hours on the day of the winter solstice and the rules of thumb for Building Amenity as noted in the RFDC with respect to solar access.



Therefore no alteration to the proposed development is required.

Hard copies of plans showing the sunlight access to these balconies over the critical early and late periods on June 21 are provided at **Attachment D**.

4. Isolation of 16 Evans Avenue

The Department's issues letter required that details of the negotiations with the neighbours be provided. Please could you forward the particulars of the negotiations with the neighbours.

Response

It is considered that the concept schemes for the redevelopment of 16 Evans Avenue submitted with the PPR demonstrate that this site will be capable of being developed independently and will not become an isolated site.

Notwithstanding as requested by the Department, details of the Proponent's negotiations with the owners of 16 Evans Avenue will be provided. This work was undertaken in response to an earlier proposal for the redevelopment of the Eastlakes town centre during which the Joint Venture (Crown Prosha) approached owners of units within SP4736 (being the strata plan applying to the residential development at 16 Evans Avenue) with a view to purchasing units to incorporate that property into the development site.

Attachment E is a summary of the negotiations with those property owners. A folder detailing the negotiations will be submitted with this letter. In summary the negotiations began in late November 2007 and continued until May 2009. In order to inform owners of apartments in SP4736, two meetings were held to brief them of the proposed redevelopment of the centre and how 16 Evans Avenue could be incorporated into the new development.

The owners were provided with two options:

1. Purchase of their property outright; or
2. Execute an option agreement for the simultaneous settlement. This would effectively mean that an owner could 'swap' their existing apartment for a new apartment within the new development.

During the period from November 2007 until May 2009 the Joint Venture's representative communicated with all 36 owners explaining the concept and the process. This communication involved public meetings, private meetings, consultations by phone, email and text, meetings with family members, friends and legal representatives of the owners and meetings with estate agents.

35 of the 36 owners were personally contacted. One owner advised via the strata manager they did want to be contacted in any form. The strata laws are such that all owners must agree to a redevelopment proposal. This owner's non involvement in the negotiations made the whole process somewhat meaningless, nevertheless, the joint venture continued to negotiate with all other owners in case that owner's circumstances changed.

Although 6 owners signed an option agreement, ultimately most owners chose not to accept the Joint Venture's offers. The Joint Venture only managed to purchase two units within the development at 16 Evans Avenue. Based on the outcome of this protracted and expensive process it was decided to proceed with the redevelopment of the centre without including the property known as 16 Evans Avenue as part of the development site. Council were fully informed of these negotiations with the owners and the difficulties experienced with the Proponent's attempts to secure ownership of apartments within SP4736.



It is considered that the development proposal will not impact adversely on the amenity of existing residents of 16 Evans Avenue and the development has been designed to ensure that 16 Evans Avenue is not sterilized as a future development site.

5. Overland Flow Path and Stormwater Management

The Departments issues letter requested an overland flow path analysis. The Council have provided the following preliminary comments with regard to stormwater. Please could you respond and provide additional information.

Stormwater: *The information requested by Council in its letter dated 28 September 2012 are still outstanding and are required to be submitted:*

- o Overland flow path analysis based upon 1 in 100 year ARI design storm events (pre- and post- development) associated with the relocation of Council's and electronic copies of DRAINS modelling to check hydraulic grade lines of the proposed relocation of Council's drainage line pipes has not been submitted in the latest submission. (Note: Extinguishment of the existing Council's drainage easement within the site cannot be supported subject to the above issues be addressed satisfactorily)*
- o There is no calculation showing the proposed overflow weirs in the OSD systems will have adequate capacity to convey emergency overflow from the development for 1 in 100 year ARI 5-minutes duration storm event.*
- o Electronic copies of DRAINS modelling and calculations to determine the Permissible Site Discharge (PSD) and OSD storage requirements have not been submitted in the latest submission. Furthermore, it is noted that the outlet of proposed OSD Tanks 2 is a submerged outlet. As such, the submerged outlet condition shall be shown in the DRAINS modelling and calculations*
- o In addition to the above, it is also noted that the maintenance access route to the proposed access hatch of OSD tank 1 is located within adjacent neighbouring property (18 Evans Ave).*

Response

In response to Botany Bay Council's preliminary comments with respect to stormwater drainage, please find attached at **Attachment F** plans prepared by VDM Consulting.

These plans provide the additional information sought by Council in order to assess the drainage solution proposed as part of this redevelopment including:

- Providing emergency overflow calculations on plan DA014-E; and
- Showing reconfigured the access hatches to OSD Tank 1.

A copy of the DRAINS model used to design the system has also been included as requested.

6. Traffic and Acoustic Issues

Botany Bay Council referred the PPR to specialist consultants to assess the PPR in relation to traffic and acoustic issues. This letter responds to the issues raised by those consultants and also addresses the matters discussed at a meeting at Botany Bay Council (attended by the Proponent and specialist consultants assisting the proponent, Council officers and specialist consultants advising the Council, and Departmental officers).

6.1 Acoustic Issues

VIPAC has considered the matters raised by Atkins Acoustics, consultants advising Botany Bay Council, in the letter from Atkins Acoustics to Botany Bay Council dated 3 April 2013. A copy of



the VIPAC response is provided at **Attachment G** to this letter. A summary of the VIPAC response is provided below:

Assessment of Road Traffic Noise

VIPAC has now included additional data with respect to road traffic noise over 15 hours and 9 hours as well as the 1 hour period. The results indicate that the noise levels already exceed the maximum criteria by 6 decibels (dB) during the day time period and 5dB during the night and therefore the area cannot be considered a quiet area for the purposes of assessing acceptable increases in noise levels. In this regard the NSW Road Noise Policy determines that any additional traffic must not result in an increase in noise levels of more than 2dB.

It is not considered appropriate in the circumstances to assess road traffic noise impacts of the proposed redevelopment of the Eastlakes town centre against the RTA Environmental Manual. The RTA Environmental Manual is relevant to road projects such as new, upgraded and existing roads and transitways and road construction and maintenance works. Therefore the relevant policy against which the proposed development should be assessed is the NSW Road Noise Policy.

Predicted Road Traffic Noise Levels

The VIPAC assessment includes reformatted tables which are consistent with the existing traffic volumes as noted in the Colston Budd Hunt and Kafes Traffic Assessment Report. Table 2 in the VIPAC response dated 30 April 2013 identifies the potential increase in all traffic movements (retail, residential and service) for the peak times of Thursday morning, Thursday afternoon and midday Saturday.

Table 3 of the VIPAC assessment then considers the acoustic impact of the cumulative increase in traffic volumes for these times. VIPAC's assessment indicates that the highest noise level increase will be 0.6dB which will occur on Evans Avenue (west of Racecourse Place) in the Thursday morning peak and on Racecourse Place during the Thursday afternoon peak and midday Saturday peak.

In all cases the potential increase in road traffic noise as a result of the redevelopment of Eastlakes town centre will be less than 2dB and therefore within the level increase permitted by the Road Noise Policy.

Loading Dock Noise

VIPAC's assessment indicates that provided the loading dock areas include absorption materials/panels to the internal walls and/or soffit surfaces as recommended in their report dated 14 February 2013 (and included in the PPR submission), the loading dock areas will comply with the day time criteria of 50dB for existing and proposed residences. In order to control the potential for noise exceedances to occur during the evening period (i.e. – for the noise associated with loading dock activities to exceed 50dB in the northern dock and 45dB in the southern dock), VIPAC recommends that the roller doors of the south dock be closed for unloading and loading operations¹. Table 5 in the VIPAC assessment demonstrates that similar controls are not required for the loading dock in order for noise levels from that dock to comply with the criteria for day and evening operation.

It is acknowledged that this will need to be managed appropriately to ensure the criteria is met. A commitment has been included in relation to the preparation of a service vehicle

¹ VIPAC recommends that no servicing occur during the night time period (between 10pm and 7am)



management plan (PPR Statements of Commitment No. 19). If required, this can be expanded to include a protocol for service vehicles to call the dock manager(s) prior to their arrival during the evening period.

With respect to those residences proposed to be located above the loading dock areas, VIPAC recommends that a more detailed assessment be conducted at Construction Certificate (CC) stage when the detailed design of the building, machinery, equipment and activities are known. This will allow for assessment of noise and vibration transmission to those units above the loading docks.

Other similar mixed use developments at Balgowlah (Stockland's development in the Manly LGA) and Cammeray (Stockland's development in the Willoughby LGA) have adopted the following criteria as controls for the purposes of controlling noise and vibration transfer to apartments:

- As a general criteria it is recommended that the internal noise level ($L_{Aeq\ 15min}$) associated with the commercial activities should not exceed the background noise level ($L_{A90\ 15\ min}$) by more than 5dB at anytime within an affected apartment.
- AS2107:2000 "Acoustics – Recommended design sound levels and reverberation times for building interiors" provides more specific criteria with respect to internal noise level criteria for bedrooms and living rooms during the day time period. The Australian Standard recommends an internal noise level of ($L_{Aeq\ 15min}$) associated with the commercial activities should not exceed the recommended satisfactory design level within an affected apartment.
- The World Health Organisation (WHO) guidelines for community noise (1999) recommends $L_{Aeq\ (8hrs)}\ 30\ dBa$ and $L_{max\ fast} < 45dBA$. This is the accepted criteria for the night time period.
- In addition, with respect to vibrations generated by commercial activities, VIPAC recommends that these not exceed the vibration criteria detailed in AS2670.2:1990 "Evaluation of human exposure to whole-body vibration" when measured at any residential apartment.

Aircraft flyover noise

The VIPAC report dated 14 February 2013 (submitted with the PPR) considered the impact of aircraft noise for the east-west and the third runways.

For the purposes of assessing the noise impacts from the third runway VIPAC used the peak noise contours as shown on the ANEF curves and determined the centreline of the flight path using a curved path. Although planes may fly directly over the development site at times, the ANEF contours consider the dispersion of flight tracks about the centreline of the flight path and this was considered to be the most appropriate track for the purposes of assessing aircraft noise impacts on the proposed development. Details of the potential noise impacts on apartments within the proposed development as a result of aircraft flyover was provided in the VIPAC report dated 14 February 2013 and submitted with the PPR.

As part of this response, VIPAC has provided a plan showing the centreline of the curved flight path corridor for the third runway and the east-west runway – refer Figure 1 of VIPAC response at **Attachment G**.



Compliance with DCP 35

Notwithstanding that DCP 35 does not apply to this development site, the Building Code of Australia (BCA) requires consideration for the acoustic design of walls and partitions between habitable and non-habitable spaces in adjoining buildings. The BCA also specifies acoustic requirements for habitable spaces adjacent to corridors, lift shafts, plant rooms, etc. Compliance with the BCA will ensure that the acoustic integrity of the residential component of the development is achieved.

Construction Noise and Vibration

VIPAC has provided some general criteria and recommendations with respect to noise and vibration generated during demolition, excavation and construction activities within the Acoustic report dated 14 February 2013 submitted with the PPR. A more detailed assessment will require detailed information regarding detailed design of the building, equipment, methodology and program. It is recommended that a condition be included requiring these matters to be addressed prior to the commencement of any development activity on the site.

6.2 Traffic Issues

Colston Budd Hunt and Kafes (CBHK) has considered the traffic issues raised by McLaren Traffic Engineering (consultant to Botany Bay Council) in a letter to Council dated 9 April 2013. A copy of the CBHK response is provided at **Attachment H** to this letter. A summary of the CBHK response is provided below:

Sight Distances for southern loading dock

Firstly, the acknowledgement by McLaren Traffic Engineering of the most appropriate route for service vehicles utilising the southern loading dock has been noted and the assessment of the sight distances for vehicles exiting the southern loading dock has been undertaken based on the agreed route.

In their advice to Council, McLaren Traffic Engineering raised concerns in relation to restricted sight distances for vehicles exiting the southern loading dock onto Barber Avenue due to the proposed enclosure of the loading dock for acoustic attenuation.

In order to assess the implications for traffic safety as a result of the operation of the loading dock, CBHK undertook speed measurements of southbound vehicles at the bend in Barber Avenue on 30 April 2013 between 2.45pm and 4.30pm. A total of 245 measurements were completed. The results indicated that 85% of vehicles registered a speed of 28km/h. This reduced speed in the vicinity of the loading dock exit is a consequence of the maximum 40km/h speed limit in the vicinity of the subject site, provision of a traffic calming device (speed hump) located just north of the bend in Barber Avenue and the bend in the road itself.

CBHK considers that a 5 second gap as noted in Table 3.3 of AS2890.2-2002 is the appropriate criteria for the purposes of assessing sight distances in these circumstances. Based on Figure 3.3 of AS2890.2-2002 and applying the rationale of the required sight distance reducing incrementally as the speed of vehicles decreases, CBHK has concluded that the sight distance required in a 28km/h speed environment is 39 metres. The available sight distance of 40 metres is therefore appropriate.

Notwithstanding, CBHK suggest that the following measures could also be considered:



- Installation of a warning sign (including a warning light) on the eastern side of the loading dock facing southbound traffic on Barber Avenue. The light would be activated when a truck is departing the dock to advise motorists travelling south along Barber Avenue.
- Provision of a sign on the eastern side of Barber Avenue advising southbound motorists of the possibility of heavy vehicles entering onto the road.

SIDRA files

CBHK has confirmed that the SIDRA analysis has been calibrated against existing observed conditions with respect to vehicle queuing and signal phase times.

Boom gate queue distances

CBHK has undertaken an analysis of queuing of vehicles from the proposed location of the boom gates and has confirmed that the location is appropriate having regard to the queuing distances. Details of this analysis are provided in the letter from CBHK at **Attachment H**.

Pedestrian access and ramp gradients

In response to the concerns raised regarding safe pedestrian crossing of the northern and southern driveways of the southern site basement car parks, the following modifications have been made:

- For the northern driveway, pedestrians will be directed around the driveway through the plaza area beneath Building 2. This will be achieved by the placement of fencing at the Evans Avenue frontages of the driveway as demonstrated in the plan at **Attachment H**. The fencing will be constructed so that sight distances for vehicles exiting the driveway are not impeded. Access ramps will also need to be provided to address the level changes between the plaza and Evans Avenue.

As this arrangement will effectively direct pedestrians onto private property, an easement for public access will likely need to be provided across part of the site.

As a result of the design changes, it is also proposed to 'open up' the plaza area between its northern edge and the entry to the lobby to Building 2 by increasing the gradient of ingress ramp to 1:8 (from its currently proposed gradient of 1:10). This will allow the northern edge of the plaza to be 'pulled' north by 3.135m.

- For the southern driveway it is proposed to provide a safe pedestrian refuge between the ingress driveway and the egress driveway as demonstrated on the civil works concept plan DA013 F, a copy of which is at **Attachment F** to this letter. The plans at **Attachment H** also demonstrate how the refuge will be incorporated.

In both instances the reconfigured driveway accesses have been designed to ensure that:

- The stop line for the egress from the car park is set back from the movement of traffic through the roundabout.
- For the northern driveway, the elevated podium does not block sight lines to the east and west for exiting vehicles.
- The pedestrian fence along the edges of the northern driveway and any associated low level landscaping does not obstruct any sight lines.



- A grade of 1:20 is provided for the area in which a car would stop before exiting the car park.

Other Matters

At the meeting held at Botany Bay Council on 24 April 2013, the issue of all service vehicles entering from Gardeners Road was raised by Council on the basis that this would reduce traffic and acoustic impacts on existing residents.

The issue of site access has been considered and discussed on a number of occasions. An option for the provision of a road through the site was provided for Council's consideration as part of a submission to the 2030 Strategy. That option was not endorsed by Council.

The feasibility of the suggestion to service the site from Gardeners Road was discussed at length. From the Proponent's perspective the option of providing access from Gardeners Road is not practical as the difference in levels at the eastern end of the site restricts the location of any access to the western end of the site. RMS has advised that due to the proximity of this end of the site to the signalized intersection of Racecourse Place and Gardeners Road, egress from the site via Gardeners Road was not an option in which case vehicles would still be required to travel along the existing roads in order to exit the site.

Having regard to this constraint, it was determined that the most appropriate option for the redevelopment of the site was to improve the current situation particularly with respect to the acoustic environment and pedestrian movements.

We trust the information provided in this letter responds to the issues raised in the submissions to the PPR. Should you have any further enquiries, please contact Ellen Robertshaw of DFP on 9980 6933.

Yours faithfully

DON FOX PLANNING PTY LIMITED

A handwritten signature in black ink, appearing to read 'ER', is written over a faint, larger version of the signature.

**ELLEN ROBERTSHAW
PARTNER**

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Attachments

- A. Table of unit sizes – Assessment against Affordable Housing SEPP
- B. Amended apartment layout plans (Note: Includes new issues of all architectural plans which have been modified)
- C. Section drawings of landscaped podium – northern site
- D. Shadow diagrams – western elevation of 18 Evans Avenue, Eastlakes (including .mov file on CD)
- E. Summary of negotiations for the purchase of units in SP4736
- F. Stormwater plans and DRAINS model (on CD)
- G. Acoustic response from VIPAC dated 30 April 2013
- H. Traffic response from CBHK and plans