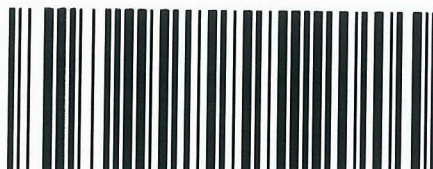
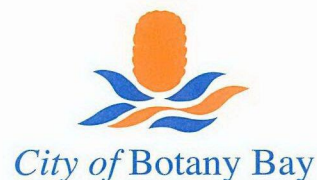


Your ref: MP09_0146
Our Ref: TP/3(8).04



PCU044472



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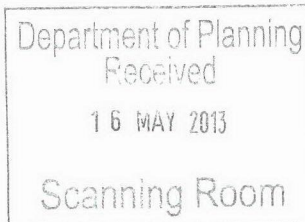
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9 May 2013

Ms Karen Jones
Director, Metropolitan & Regional Projects South
NSW Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2000

Attention: Ms Natasha Harras

Dear Ms Jones



**PREFERRED PROJECT REPORT (RESPONSE TO
SUBMISSIONS) – MIXED USE DEVELOPMENT AT
EASTLAKES SHOPPING CENTRE, EASTLAKES (MP09_0146)**

I refer to the Department's letter dated 18 March 2013 in respect of the abovementioned Major Project Application. Council has reviewed the submitted Preferred Project Report (PPR) in response to the Department's letter of 24 October 2012 which took into account submissions lodged including Council's submission dated 28 September 2012.

Council's position remains the same with respect to the PPR. Rather than reiterating the matters earlier raised, Council will retain the paragraphing from the original submission and essentially where there is no further comment Council's position remains the same on that particular issue. Where additional comments are made, these are necessitated by the changes made as a result of the PPR or are responding to the responses provided to the key issues and additional information required by the Department in its letter of 24 October 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, based on matters of design and 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 a large measure contributed to the unacceptability of the design of the project.

2. There is still a failure to adequately address the Environmental Assessment requirements and the issues raised in the Department's correspondence of 24 October 2012.

SECTION 1 – OVERVIEW

Council restates the history set forth in its earlier overview. Notwithstanding the changes made to the PPR, if this Eastlakes development as now proposed is approved it will diminish the work that Council has undertaken over the past 25 years in improving the amenity for the residents and quality of the new development being built within Council's area.

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 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 with quality development.

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 as is the Eastlakes Shopping Centre. The Council has strongly encouraged the development 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 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. How can we achieve a 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 consistent with the approach taken by the Council with respect to 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 Botany Bay City Council has implemented over the last 25 years which is to achieve high quality development with high standard of internal amenity for residential. 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 high quality urban design and high standard of internal residential amenity are also reflected 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, feedback that is positive and supportive of the higher standard of internal residential amenity. Council also has a positive reputation of working with developers and applicants to maintain its vision and policy. The Eastlakes redevelopment as proposed will undo all

of 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(Infrastructure) 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 on the Preferred Project Report and its compliance with the EA:

2.1 Draft East Subregional Strategy

The Department should be aware that the draft Botany Bay LEP 2013 has ensured that sufficient land is zoned to meet the employment and housing targets within the Botany Bay LGA.

2.2 Botany Local Environmental Plan (BLEP) 1995

The subject site is zoned 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.*

The total gross floor area has been reduced for the revised scheme, from 56,281sqm to 51,832sqm with 36,795sqm of residential floor area (gross) and 15,037sqm of retail and mall floor area (gross). Based on Council's calculations, approximately 71% of the total gross floor area will be dedicated to residential development with a residential to commercial land use ratio of 2.45:1 which is inconsistent with the intent of the 3(a) zone.

The primary aim of the 3(a) zone is to reinforce the development of business and shopping locations within the Botany Bay LGA by providing for a range of retail, business and professional service activities. This is reflected in the landuse table for the 3(a) zone where the permissible land uses are confined to commercial, business and retail uses. Mixed Use development is permitted; however only in conjunction with ground floor non-residential uses.

The intent of the 3(a) zone is not to be a de-facto residential flat building zone. Residential uses should only be ancillary uses and complement the adjoining business and retail developments. As clearly demonstrated by Council's calculations, the proposed scheme will be dominated by the residential uses supported by ground floor retailing. This is contrary to the aims of the 3(a) zone and inconsistent with the Primary Objective and Secondary Objective (c).

The revised scheme also fails to comply with Secondary Objective (a) regarding the minimisation of the impacts from development on adjoining residential areas. Council acknowledges that the revised scheme is a slight improvement to the original proposal. However, the revised scheme fails to acknowledge the established character and built form of the Eastlake's area (i.e. height, scale, density). This is further discussed in **Section 3 – Built Form and Density** of this submission.

In accordance with Clause 12(1)(b) of the BLEP 1995, the maximum FSR for Zone No 3(a) is 1:1. The revised scheme will result in a new FSR of 2.15:1. The proposed FSR is 2.15 times (i.e. 27,779sqm) greater than maximum permissible FSR for subject site. This is considered inappropriate by Council as it is inconsistent with the established character and built form of the area.

Appropriate weighting and consideration must be given to the BLEP 1995; the objectives of the 3(a) zone and its development standards (i.e. FSR). Failure to achieve this; it will undermine the status of the Environmental Planning Instrument (i.e. BLEP 1995) and the integrity of the overall planning process.

2.3 Draft Botany Bay Local Environmental Plan (BBLEP) 2013

The subject site is zoned as B2 – Local Centre under the draft BBLEP 2013. Based on the advice provided by the Department, the proposed B2 – Local Centre zone is equivalent to 3(a) – General Business zone contained in the Botany Local Environmental Plan 1995.

The objectives of the zone are as follow:

- *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.*

As highlighted in the objectives, the intent of the zone is to provide a range of services (i.e. retail, business, community) to support the local areas and

community. Council does not consider the intensification of housing as the primary function/role of a B2 – Local Centre.

Council does not oppose residential development on the subject site; however, a balanced approach (i.e. residential to commercial) must be adopted to accurately reflect the intent and purpose of the B2 Local Centre Zone.

As stated in the previous submission, Council (when it considered the draft Botany Bay Local Environmental Plan 2012 in November 2012) restricted the FSR and building height of the subject site to 1.5:1 and 14 metres respectively. This is to prevent further deterioration to the residential amenity in Eastlakes, and not to increase the population density. Issues/principles (such as traffic flow; integration of a variety of land use functions with improved residential amenity and retention of the Evans Avenue coffee strip; and improved connection for pedestrian and cyclists) must be addressed in the application.

2.4 Draft Metropolitan Strategy For Sydney to 2031

Eastlakes is identified as a “town centre”. According to the draft Metropolitan Strategy, a town centre is described as:

“A large group of commercial premises (being retail premises, business premises and office premises) with a mix of uses and good links with the surrounding neighbourhood. It provides the focus for a large residential population”.

Eastlakes largely comprises 3-4 storey walk-up residential flat buildings and many of these buildings have been established since the 1970s. It is unlikely that these buildings will be subject to future redevelopment since they are strata title subdivided.

The subject property is the last remaining retail and commercial development within the Eastlakes area. Hence, it is critical that the redevelopment of Eastlakes Shopping Centre offers a range of commercial premises (being retail premises, business premises and office premises) to support the local area. However, approximately 70% of the total land uses (in the Preferred Project) are dedicated to residential development. It is reasonable to expect that a more balanced land use ratio (i.e. residential to commercial) be adopted for the redevelopment of the shopping centre to ensure a “town centre” is developed in accordance with the Metropolitan Strategy.

It is also stated in the draft Metropolitan Strategy that:

“Town Centres planning is led by local government with the NSW Government”

Based on above statement, it is appropriate that substantive weighting should be given to Council’s planning policies and controls, such as the current and draft LEPs and DCP, during the assessment of such a major application.

2.5 Other EPI’s, policies and guidelines

As detailed in this and the previous submission dated 28 September 2012, the proposal does not comply with State Environmental Planning Policies No.65 – Design Quality of Residential Flat Development nor the rules of thumb and the design guidelines in the Residential Flat Design Codes.

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 2.15:1;
- There is a non-compliance with FSR (1.5:1) and height (14m) with the draft Botany Bay LEP 2013 – proposal has a FSR of 2.15:1 and a height of 30m (Building 2);
- There is a non-compliance with Council’s carparking (2 spaces per 2 bedroom units) and dwelling sizes (ie Studio apartments: 60m², One bedroom apartments: 75m², Two bedroom apartments: 100m², Three bedroom apartments: 130m² & Four bedroom apartments: 160m²); and
- Non-compliance with communal open space, 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 proponent advised Council that they did not wish to present the revised scheme to the Council's Design Review Panel. Hence, no additional comments can be provided.

Council reiterates its previous comments and requests the revised scheme to be resubmitted to Design Review Panel (at the applicant expense) for further comments.

However in respect of height, bulk, scale and density (FSR) the Panel previous comments are still valid and are as follows:

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.

A full copy of the Panel's comments on the original scheme is attached as **Appendix 1** to this submission.

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

3.2 Building Height

The revised scheme does not comply with the building height control (i.e. 14m) contained in the draft BBLEP 2013 (Clause 4.3).

A submission objecting to the building height provisions was attached to the Environmental Assessment (Appendix 30). Similar to the FSR development standard, the objection fails to address the five part test developed by Land and Environment Court, as well as the principles of SEPP No.1 and Clause 4.6 of the draft BBLEP 2013. In addition, the objection fails to exemplify that strict compliance with the development standard is unreasonable and unnecessary.

There are insufficient environmental planning grounds to justify contravening the development standard.

The Preferred Project Report states that “*primary driver of the design has been achieving an appropriate scale to define the centre of Eastlakes and contextually respond to existing neighbouring developments*”. However, no evidence (i.e. contextual study or analysis) has been submitted to support this statement.

As part of the Director-General's Requirements (issued by the Department on 5 April 2011), the proponent is required 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 Environmental Assessment Report or the Preferred Project Report. The proponent has failed to comply with the condition of Director General's Requirements.

The building height (i.e. storey) referred to in the Preferred Project Report is misleading and does not accurately reflect the overall height of the proposed buildings or the established building height of the neighbouring properties. The proposed residential apartments are located above ground floor retail development (with a floor to ceiling height of approximately 6 metres) and underground car parking (protruding between 0.3m-0.5m above the natural ground level). As indicated on the submitted plans, the first floor of the apartment buildings are located at RL 24.7 (FFL) which is approximately 6m above the existing street level of Barber Street and Evans Avenue. However, the “*existing 3-4 storey development*” referred in the Preferred Project Report is measured from the existing street level of Barber and Evans Avenue.

Building height of neighbouring properties is identified in **Table 1** below:

Address	Number of Storey	Building Height (RL)
14 Evans Avenue	3 Storey	26.12 (Roof Ridge)
16 Evans Avenue	3 Storey	26.04 (Underside of Eaves) 28.82 (Underside of Eaves)
18 Evans Avenue	3 Storey	27.51 (Underside of Eaves)
20 Evans Avenue	2 Storey	24.93 (Underside of Eaves)
22 Evans Avenue	3 Storey	27.77 (Underside of Eaves)

Building height of revised scheme is identified in **Table 2** below:

	Number of Storey (excluding ground floor retail)	Building Height (RL)
Building 1	6 Storey	43.5 (Underside of Eaves)
Building 1A	6 Storey	43.5 (Underside of Eaves)
Building 1B	2 Storey	31.9 (Roof Ridge)
Building 2	7 Storey	48.4 (Underside of Eaves)
Building 3	5 Storey	40.5 (Underside of Eaves)
Building 4	5 Storey 3 Storey	40.5 (Underside of Eaves) 33.5 (Underside of Eaves)
Building 5	3 Storey	33.5 (Underside of Eaves)
Building 6	2 Storey	27.77 (Underside of Eaves)
Building 7	4 Storey 5 Storey	36.5 (Underside of Eaves) 40.1 (Underside of Eaves)

The proponent fails to provide the building height of the existing residential buildings along Barber Avenue. However, as noted from Council's inspection, the established building height along Barber Avenue is largely consistent (i.e. 3-4 storey) with Evans Avenue.

As illustrated by the above table, only Building 1B and 6 are consistent with the established building height of Evans Avenue. The revised scheme has an average building height of approximately 38.26m, which is 11.55m higher than the established building height of Evans Avenue.

The proposed building heights are incompatible with the established building height of Evans and Barber Avenue. For example, the underside of eaves (RL 28.82) of No.16 Evans Avenue is located approximately 1.12m above the finish floor level to level 2 of Building 1. It should be noted that Building 1 comprises of 6 storeys with a building height of 24.8m, approximately 14.68m higher than No. 16 Evans Avenue. Council acknowledges the revised building heights to

Building 4 and 7. However, the difference in building height is still considered excessive and the revised scheme fails to respond to establish character, scale and height of Eastlakes.

As quoted from p8 of the Preferred Project Report:

“the redevelopment of the Eastlakes Town Centre is seeking to deliver contemporary urban development that is representative of the likely future character of the area. It is considered that the future character of the area will include some taller buildings as sites are regenerated and renewed”

No evidence and analysis have been provided to support the above statement. More importantly, the statement represents the proponent’s vision of Eastlakes Town Centre but not of Council’s or the local community vision. To establish an agreeable vision for Eastlakes, a masterplanning process (with proper community and government agencies consultation) must be undertaken.

The Preferred Project Report indicates that *“building heights were derived from an analysis of surrounding building which range in height from 3-4 storeys to eight storey (28 Evans Avenue)”*. The 8 storey residential developments located in the vicinity of the subject property are listed below:

- 1 Florence Avenue, Eastlakes
- 16 Maloney Street, Eastlakes
- 28 Evans Avenue, Eastlakes

No.1 Florence Avenue and 16 Maloney Street were approved and developed in the 1960s by the New South Wales Land and Housing Corporation and are currently used as public housing.

According to the Council’s records, an interim development application was issued by the Department of Planning & Infrastructure (former known as State Planning Authority of New South Wales) on 19 December 1969 for the erection of an 8 storey residential flat building at 28 Evans Avenue.

Apart from the above developments, Eastlakes mainly comprises of 3-4 storey walk-up residential flat buildings. Many of these buildings have been established since the 1970s prior to the implementation of the current planning control. Based on Council records and investigations, no residential flat buildings, within the Eastlakes area, exceeds 5 storeys in height. By approving the development in its current form, it will undo all the hard work undertaken by Council (in preserving the building height of Eastlakes) and disturb the overall/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 provide to internal space.

A number of the buildings in the revised scheme (i.e. Building 1, 1A, 2, 3, 4 and 7) do not comply with the recommended building depth outlined in the RDFC or are consistent with the established building depth of the Eastlakes Precinct. In conjunction with other non-compliance (i.e. FSR and building height), it will further exacerbate the bulk and scale of the proposed buildings and making it more incongruous with the surrounding environment.

3.4 Density

As quoted from the Residential Flat Design Code (developed by the Department of Planning and Infrastructure):

“Good design has a density appropriate for a site and its context, in terms of floor space yields (or number of units or residents). Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition, are consistent with the stated desired future density. Sustainable densities respond to the regional context, availability of infrastructure, public transport, community facilities and environmental quality”.

The revised scheme proposes 428 apartments, a reduction of 15 apartments (i.e. 3%) compared to the exhibited development. It is also stated in the Preferred Project Report that the *“final number units may vary depending on detailed design and future market demands and will likely be in the range of 415-440 apartments”*. Council is uncertain of the final number of apartments that will be constructed on the subject site and whether the additional apartments will result in further amendments to the building envelop and design of the revised scheme.

Council has revised the gross density study for the existing flat buildings along Evans and Barber Avenue. The revised findings are tabulated in the following tables:

Table 3: Gross Residential Density for Evans Avenue

	Eastlakes Town Centre Development	12 Evans Avenue, Eastlakes	14 Evans Avenue, Eastlakes	16 Evans Avenue, Eastlakes	18 Evans Avenue, Eastlakes
Site Area	2.405 Ha	0.143 Ha	0.1899 Ha	0.2981 Ha	0.0923 Ha
Number of Dwellings	428 residential apartments	18 residential apartments	24 residential apartments	36 residential apartments	12 residential apartments
Dwelling per Hectares (gross)	177 dwellings per hectares	125 dwellings per hectares	126 dwelling per hectares	120 dwelling per hectares	130 dwelling per hectares

Table 4: Gross Residential Density for Barber Avenue

	Eastlakes Town Centre Development	34 Barber Avenue, Eastlakes	30 Barber Avenue, Eastlakes	28 Barber Avenue, Eastlakes	22 Barber Avenue, Eastlakes
Site Area	2.405 Ha	0.184 Ha	0.0923 Ha	0.0948 Ha	0.1379Ha
Number of Dwellings	428 residential apartments	24 residential apartments	12 residential apartments	15 residential apartments	18 residential apartments
Dwelling per Hectares (gross)	177 dwellings per hectares	130 dwellings per hectares	130 dwelling per hectares	147 dwelling per hectares	130 dwelling per hectares

Table 5: Gross Residential Density for similar developments

	Eastlakes Town Centre Development	East Village, Zetland	635 Gardeners Road, Mascot	Parkgrove, Botany	Harold Park, Glebe
Site Area	2.405 Ha	1.589 Ha	1.993 Ha	3.467 Ha	10.54 Ha
Number of Dwellings	428 residential apartments	206 residential apartments	314 residential apartments	344 residential apartments	1,250 Dwelling (approx)
Dwelling per Hectares (gross)	177 dwellings per hectares	130 dwellings per hectares	157 dwelling per hectares	99 dwelling per hectares	119 dwelling per hectares

The revised scheme cannot be considered as “good design” as it fails to recognise the limitations of the site; respond to the characteristics of the locality; establish a density/intensity of the Eastlakes area and is well in excess of the density/intensity of the similar development (i.e. recent approvals) within the LGA/Sydney.

It should be noted that the proposed density is the result of the non-compliances with Council’s FSR and building height controls. Therefore, Council cannot support the revised scheme.

3.5 Building Separation

A number of the buildings in the revised scheme do not comply with the building separation requirement outlined in RDFC. Greater building separation is required to ensure sufficient amenity (i.e. privacy) is provided to each of the apartments.

3.6 FSR

The revised scheme does not comply with the FSR control contained in BLEP 1995 (Clause 12b) and the draft BBLEP 2013 (Clause 4.4). In order to facilitate development of the existing shopping centre, Council has increased the maximum FSR from 1:1 (i.e. BLEP 1995) to 1.5:1 (i.e. BBLEP 2013). This represents an increase of 12,026sqm. Nevertheless, the revised scheme does not comply with the proposed FSR control and will result in a non-compliance of 27,779sqm (i.e. 2.15:1).

The Land and Environment Court set out a five part test for consent authorities to consider when assessing an application to vary standard to determine whether the objection to the development standard is well founded:

1. *the objectives of the standard are achieved notwithstanding non-compliance with the standard;*
2. *the underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;*
3. *the underlying object of purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;*
4. *the development standard has been virtually abandoned or destroyed by the council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;*
5. *the compliance with development standard is unreasonable or inappropriate due to existing use of land and current environmental character of the particular parcel of land. That is, the particular parcel of land should not have been included in the zone.*

A submission objecting to the FSR provisions was attached to the Environmental Assessment (Appendix 30). However, the objection fails to address the five part test developed by Land and Environment Court, nor the principles of SEPP No.1 and Clause 4.6 of the draft BBLEP 2013. More importantly, the objection fails to exemplify that strict compliance with the development standard is unreasonable and unnecessary. There is an insufficient environmental planning ground to justify contravening the development standard.

As quoted in the Preferred Project Report:

“Notwithstanding the non-compliance of the modified development with the FSR control, the proposed development is considered to be appropriate in term of density having regard to its context, availability of infrastructure, public transport and community facilities and environmental quality”

No detailed study (i.e. housing density study or FSR analysis) has been submitted by the proponent to support the above statement.

According to Council's FSR study, the surrounding properties have an average FSR of 1.26:1 which complies with the Clause 4.4 of the draft BBLEP 2013. More importantly, the proposed FSR is well in excess of the neighbouring residential developments.

Hence, Council questions the validity of the above statement as the revised development has no regard to the context of Eastlakes or nearby residential developments.

***Note:** Majority of the adjoining properties were constructed in the 1970s. Hence, these properties do not comply with the FSR requirement set out in Botany Local Environmental Plan 1995.*

Due to the intensity of the existing developments, adjoining local roads are experiencing significant traffic congestion and pedestrian/vehicular conflicts. By approving the major application in its current form (i.e. FSR – 2.15:1), it places additional pressure on the existing road network and exacerbating existing traffic issues. This will prevent future redevelopment of the adjoining properties and the revitalisation of the Eastlakes Town Centre.

In conclusion, the EA has not addressed the Director General’s requirement relating to Built Form and Density and further redesign is required to address the issues raised by Council, a redesign that needs to be integrated 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:

- Public spaces with this development are limited to the marketplace area adjacent to the Eastlake Reserve and to the footpaths in Evans and Barber Avenues. There is minor improvement to ground level landscaping which includes setbacks and the public domain.

- The footpath in Barber Avenue is approximately 6m wide. A single row of street trees has been provided within the road verge. There is little landscaping other than this. There is no landscaping within the setback of the eastern elevation of Barber Avenue.
- The eastern elevation of Barber Avenue now includes a 3 metre building setback, however, this area is not landscaped. The awning restricts the possibility of a second layer of street trees on this frontage or other ground level landscaping.
- The use of the footpaths at Evans Avenue for footpath dining and active street has not been fully explored.
- Evans Avenue should be promoted as a pedestrian zone with greater emphasis on the pedestrian spaces and linkage of the north and south sites.
- The drop off parking bays on the southern side of Evan Avenue impacts on pedestrian amenity at this site edge by reducing footpath width. In addition, the existing mature street trees shown as being retained may not be achievable as the drawing indicates potential 50% of the structural root zone of each tree impacted. This issue has been raised previously however no further arboricultural assessment has been provided.
- Public art provisions have not been fully addressed in the proposal.
- The treatment of the car parking entry opposite Racecourse Place must be pedestrian friendly and integrated with the public domain treatment in Evans Avenue and the market square and key pedestrian connection.
- There is no public domain proposal for streets adjoining the site. Provisions of public domain elements - paving, furniture, landscaping and street trees is essential for area adjoining and radiating outward of the site.
- There is no public domain proposal for the Gardeners Road frontage.

4.2 Design Review Panel

The proponent advised Council that they did not wish to present the revised scheme to the Design Review Panel. Hence, no additional comments can be provided.

Council reiterates its previous comments and requests the revised scheme to be resubmitted to Design Review Panel (at the applicant expense) for further comments.

The Panel previously 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

The Preferred Project Report proposes the lowering of the podium walls along the common boundaries of No. 16 and 18 Evans Avenue. The podium will have a wall height of up to 5 metres adjoining the eastern boundary and up to 7.5 metres at the western boundary. An indented landscaped podium has now been provided for a portion of both of these elevations, but is only visible from 4.5 metres above ground on the western boundary and 2-4 metres on the eastern boundary. The trees planted in these areas could be much denser and include large species with the soil depth provided. The current density and species would afford little amelioration of the building. No ground level landscaping has been provided due to the presence of the basement and buildings on the boundary alignment. There will be no ground level amelioration for the adjoining properties (i.e. 16 and 18 Evans Avenue). Level 1 and 2 of the adjoining properties will have an outlook to the podium wall which is considered unsatisfactory.

The proposed setbacks (i.e. 0m) will prevent the retention of the existing Eucalyptus trees along the boundaries. The six (6) trees on the western site boundary are 10-12 metres in height and largely of good health and longevity (2 trees have a 15-40 year life expectancy). The three (3) trees on the eastern boundary are 20 metres in height and similarly of good health and longevity. If adequate setbacks were provided, these trees would assist in the screening of the development.

The landscaped setback to Gardeners Road is only 2 metres wide at the eastern end. This is inconsistent with Council's DCP requirement of 5m (i.e. classified road). The setback also does not contain large canopy trees for screening, suitable scaling with the built form and for street presentation. The trees and landscaping specified in the Preferred Project Report does not provide for large canopy trees.

The above matters remain unchanged from previous comments.

The Gardeners Road setback is not a deep soil zone but is planted over a carpark podium. Basement carparks are not desirable within landscaped boundary setbacks. The landscape plan indicates that this landscape area will have a 300-600mm soil depth whereas the Architectural section indicates soil depths varying from 2 to 5 metres. This anomaly requires clarification. A 2-5 metre soil

depth is more than adequate for planting of tall, broad canopy evergreen screening trees such as Eucalyptus or Angophora rather than the small trees specified.

4.4 Site Isolation/Holistic Approach

The Preferred Project Report 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 Department is again 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.*

Council questions the accuracy and feasibility of the schematic plans (Appendix 12) prepared by Rice Daubey. The schematic plans only provide indicative building envelope/development opportunities for No. 16 Evans Avenue. No FSR, building height, site coverage and setback details have been provided. The proponent fails to indicate whether the proposed scheme can achieve a development that is consistent with relevant state government and council planning controls such as SEPP No. 65, BLEP 1995, and draft BBLEP 2013.

Rice Daubney proposes mixed use development at 16 Evans Avenue comprising:

- 1,150sqm of retail floor space at ground floor level;
- 4-5 levels of residential development providing:
- 32 x 2 bed units;
- 7 x 4 bed units; and
- Basement car parking (off Racecourse Place) for 62 vehicles.

To evaluate the compliance of the proposed scheme, Council adopts the following assumptions:

- Floor to Ceiling Height (Retail) – 5.6m (based on the Eastlake Shopping Centre Redevelopment)
- Floor to Ceiling Height (Residential) – 2.7m (based on the Eastlake Shopping Centre Redevelopment)
- Two Bedrooms Apartment Size – 80 sqm (based on the 2 bedrooms corner apartment type of the residential flat design code)
- Four Bedrooms Apartment Size – 124 sqm (based on the 3 bedrooms apartment type of the residential flat design code)

Based on the above assumptions, the proposed scheme will result in a building height of 17.5m (i.e. 4-5 storey) and a floor space ratio of 1.77:1 which does not comply with the building height and FSR requirements set out in the draft BBLEP 2013.

The proponent indicates that No 16 Evans Avenue *“is capable of being redeveloped and that the Eastlakes Town Centre redevelopment will not preclude the orderly and economic use”*. However, no feasibility study has been submitted to illustrate the economic and financial viability of its redevelopment. The Preferred Project Report proposes the lowering of the podium walls along the common boundaries of No. 16 and 18 Evans Avenue. The revised scheme proposes the following:

- Western boundary walls vary in height from 4.9m to 7.5m with an average wall length of 2.5m; and
- Eastern boundary walls vary in height from 3m to 5m with an average wall length of 2.5m.

The western boundary walls are located approximately 6m from the residential flat buildings at No. 16 Evans Avenue and the eastern boundary walls are located approximately 3.5m from the residential flat building at No. 18 Evans Avenue. Considering the height and length of the wall and separation distance from the neighbouring buildings, the proposed wall height is considered excessive and inappropriate. The proposed wall height and length will significantly reduce the amenity and outlook of the adjoining properties; prevent future integration of the sites and restrict future developments at No. 16 and 18 Evans Avenue to a north-south axis.

The proponent states that offers were made to the apartment owners of No. 16 Evans Avenue and only securing the ownership of 2 of the 37 apartments. However, the proponent fails to demonstrate that a “reasonable offer” has been made (a reasonable offer is to be based on a recent independent valuation); and the level of negotiation which took place with adjoining property owners. This

is not consistent with the planning principle established by the Land and Environment Court.

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 subject property is the last remaining large allotment (i.e. greater 2Ha) under single ownership within the area. Furthermore, Eastlakes is identified as a “town centre” in the draft East Subregional Strategy and is anticipated to “*be a focal point for the local community and a local destination*” (p.11 of the Preferred Project Report). Hence, it is fundamental and critical a strategic/holistic approach be undertaken to the redevelopment. A masterplan (i.e. vision) or town centre strategy should be developed prior to the development approval being granted for the redevelopment. This will facilitate the revitalisation of the Eastlake Town Centre and enable better integration with adjoining properties and surrounding environment.

In conclusion the Preferred Project Report has not addressed the Director General’s requirement relating Urban Design for the reasons outlined in this section.

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 proponent advised Council that they did not wish to present the revised scheme to the Design Review Panel. Hence, no additional comments can be provided from Council’s Design Review Panel on the Preferred Project Report.

Council reiterates its previous comments and requests the revised scheme to be resubmitted to Design Review Panel (at the applicant expense) for further comments.

The Design Review Panel previously advised on the amenity of the original scheme as follows:

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

The Preferred Project Report indicates that “two smaller areas of communal open space (between Buildings 3 and 4) will have solar access to most of the area after 11am and before 2pm on 21 June”. However, this is inconsistent with the submitted shadow diagrams (Drawing Number DA33 and 34) which shows these area will be overshadowed by the Building 2, 3 and 4 throughout the day.

Council questions the desirability of these spaces and whether it can facilitate passive and active recreational opportunities.

Again and 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.”

5.3 Acoustic Privacy

Atkins Acoustic was engaged by Council to provide comments and advise on any outstanding noise issues associated with the Preferred Project Report. A copy of Atkins Acoustics advice dated 18 August 2012 is attached **Appendix 2**.

Council’s Noise Consultant has advised that an amended noise report is required to address the following:

- Existing road traffic noise levels are not reported in accordance with NSW Road Noise Policy;
- Road traffic noise impacts have not been assessed in accordance with the procedures of the NSW Road Noise Policy;
- Road traffic noise impacts have not been addressed for existing residential development;
- Errors and inconsistencies with road/street identification references in VIPAC (tables 18 & 19);
- Errors in reporting existing and generated traffic volumes VIPAC (Table 19);
- Referenced to the above errors and inconsistencies the predicted increase traffic noise levels in VIPAC (table 19) should be reviewed;
- Loading dock noise impacts not assessed for the residential component of the proposal & loading dock activities will exceed the project noise criteria when the loading dock roller doors are open;
- Direct aircraft flyover noise has not been addressed;
- Issues with level of acoustic privacy within the development: commercial/plant rooms sharing common walls with bedrooms; bedrooms sharing common walls with adjacent living areas; living spaces located over loading docks (plant areas); and bedroom windows and balconies overlook the main access/aggress driveways.
- VIPAC provides no quantitative assessment of construction noise and vibration and recommends that a management plan be prepared when more details are provided. A more detailed vibration assessment should

have been provided together with recommendations for controlling impacts.

A meeting was held between the proponent, Council and the Department on Wednesday 24 April 2013. Further information is required, but it is pointed out that the ambient noise levels of the locality are higher and the development in its completed state will exacerbate the situation.

In addition, Council provides the following additional comments:

1. Due to the scale of the development and proximity to residential properties, a high number of residents will be affected by noise and vibration during the construction of the Eastlakes Shopping Centre.
2. The report did not adequately provide guidelines or details into effective management for the reduction of vibration to neighbouring premises. It provides guidance in terms of achievable levels but no strategies to reduce vibration.
3. All mechanical plant shall be located out of site of residential properties and effectively insulated within acoustic lined shells to ensure noise does not escape. This is relevant for plant units over time when components begin to age and noise levels can increase. This is important as residential properties will be located above these areas with noise offing travelling upwards and causing issues for residents above.
4. Noise complaints have been received for loading dock areas at the current shopping centre. It is important that all loading dock areas for any supermarkets/shops are effectively screened and contain adequate acoustic insulation and be shielded from neighbouring premises to ensure compliance. Loading times must be effectively managed to ensure no sleep disturbance for residents as stated in the report, no deliveries shall occur between 10pm and 7am. This presently does not occur at the current shopping centre.

5.4 Visual Privacy

As discussed previously, a number of the proposed buildings do not comply with the minimum building separation requirements 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 as part of the Preferred Project Report.

5.6 Loading Dock

Council's submission remains the same as provided as 28 September 2012.

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.

The loading docks are to be restricted to the following hours:

- Monday to Friday: 7am-10pm
- Saturday: 7am – 6pm
- The loading docks are not to be operated on Sunday and Public Holidays

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

Council's submission remains the same as provided as 28 September 2012.

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.

The waste removal/collection is to be restricted to the following hours:

- Monday to Saturday: 8am to 5pm

5.8 Outdoor Dining

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. The revised design will discontinue the outdoor dining at Barber Avenue and Council strongly objects to this as it is inconsistent with Council's policy.

SECTION 6 – ECONOMIC IMPACT STATEMENT

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,

The revised proposal has a reduction in retail area from 12,453m² to 12,405m² which is of concern given that the site has a current zoning of General Business 3(a) and a future zoning of B2 Local centre, and is a Town Centre having regard to the *Metropolitan Plan 2036 and the hierarchy of centres in the relevant regional strategy...*

The Economic Impact Assessment states:

“there is a strong relationship between apartment sizes the price, confirming that any increase in unit size would be met with corresponding increase in sales price.”

The development comprises 428 residential apartments. 352 apartments (i.e. 82%) do not comply with the internal area requirement setout in Part 3 of SEPP 65.

The proponent has improved the affordability of the proposed development by reducing apartment sizes which result in the non-compliance with SEPP No.65 requirements (i.e. internal area). More importantly, the development does not meet the “minimum apartment sizes” recommended by Affordable Housing Service (i.e. 1 bedroom apartment - 50m²; 2 bedroom apartment - 70m²; and 3 bedroom apartment - 95m²). Please refer to Part 3 of the Residential Flat Design Code. The Affordable Housing Service also stated that “apartment size is only one factor influencing affordability”.

Council does not endorse such an approach as it will result in sub-standard apartments with poor spatial arrangement and circulation. This may further exacerbate the existing issues (i.e. deterioration to the residential amenity) within Eastlakes area.

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)*

7.1 Traffic

Council's Traffic Consultant – McLaren Planning - has reviewed the revised traffic report and access arrangement and has requested an amended report covering the following matters:

- Firstly the existing truck entry route via Racecourse Place be retained and the exit route travel via Barber Avenue, Longworth Avenue, Evans Avenue and Racecourse Place. This entry and exit route has lower impact on residential amenity and pedestrian activity relating to the shopping centre (compared to the existing exit route via Barber Avenue, Evans Avenue and Racecourse Place).
- Secondly, the exit driveway is located in close proximity to the localised bend on Barber Avenue, to the east of the driveway. Reference is made to AS2890.2:2002 Figure 3.3 which stipulates for 50km/h speed zone a requirement of 69-111 metres. Council's Traffic Consultant has experienced design issues relating to heavy vehicle sight distance for loading docks particularly given Figure 3.3 of AS2890.2:2002 sight

distance for a 5 second gap is the same as Figure 3.2 of AS2890.1:2004, 5 second gap sight distance despite the significantly longer length of heavy vehicles compared to cars and acceleration speed. He has advised that the applicable sight distance for the loading dock driveway is equal to 111m, based on an 8 second gap. It is evident that this sight distance cannot be achieved in the proposed driveway location. The applicant should investigate loading dock access design changes with due regard to the required gap acceptance / sight distance requirements of 19m long semi-trailers to safely turn right into Barber Avenue. Alternatively the approach speed of traffic from the north around the Barber Avenue localised bend will need further investigation as well as an independent road safety assessment of the loading dock location. Electronic DWG plots of swept paths for the large rigid and 19m truck routes to be provided for detailed review.

- The SIDRA files provided and summary tables presented in the PPR submission, attachment D, have been reviewed. Confirmation of calibration with observed vehicle queuing and signal phase times are expected to be provided.
- It is noted that application of queue distances at boom gates in accordance with AS2890.1-2004 is intended to be met, however a simple calculation and diagram for each boom gate location is expected that confirms that appropriate queue distances are provided.
- Pedestrian access along public footpaths and any proposed changes to same will need further detailed analysis. Examples include the proposed car park access points at the junctions of Evans Avenue / Racecourse Place and Barber Avenue / St Helena Parade. In both of these examples the current public footpaths within the existing road reservations of Evans Avenue (southern side) and Barber Avenue (north side) have been removed. It appears from the plans submitted that public pedestrian access in these two areas have been severed. Is it the intention that a public footpath dedication will be provided within the site to reinstate public pedestrian access around site?
- The proposed gradients for the car park ramps connecting with the Evans Ave / Racecourse Place need further justification. In addition the sight line for drivers exiting the car park will be restricted by the elevated podium on both sides of the vehicular ramp. This is a critical issue that needs detailed review and corrective action, coupled with the pedestrian issues raised above

The Council has serious concerns in relation to traffic issues of the revised scheme and they are:

1. The road design will impact on the Eastlakes low/medium density residential areas;
2. The disconnection of the shopping centre through development on either side of Evans Avenue is at question and prone to traffic problems on Evans Avenue. A viable “Air Spaces” link is required, otherwise the development is disjointed; and
3. The Department should pursue direct traffic access from Gardeners Road.

In addition, Council’s Engineer provides the following additional comments:

1. Paragraph 25 of revised traffic report indicates that the existing crossing on Barber Avenue will be retained. However, this is inconsistent with the revised architectural plans.
2. The pedestrian survey carried out is only based upon counts on pedestrian crossings, not along public footpath. However, it is anticipated that the pedestrian movements along the public footpath, especially on Evans Ave and Barber Avenue, will have significant impacts to the operation of the intersection across the car park access points (Evans Ave/Racecourse Place, St Helena Parade/ Barber Avenue and Evan Ave/ north car park). SIDRA traffic modelling will require to be revised to consider pedestrian movements across these car park access points. In addition, safety of pedestrians at these locations is also a concern.
3. Paragraph 19 of the revised traffic report had only addressed the queuing area of the southern car park entry/exit point, but not the northern car park. In addition, it is considered more appropriate to determine the required queuing area based on queuing theory, especially given the car park is used for both residential and retail.
4. There is safety concern about pedestrians near the lobby entrance of the northern residential building, since this area is adjacent to the north car park access point and entrance to the north loading dock area.
5. There is no details to demonstrate the sight distance of each car park access points and loading dock area complies with AS2890.1 and AS2890.2, especially the north car park access point and both north and south loading dock areas

6. Swept path diagrams shall include turning movements of the largest vehicle along the delivery route, especially at the roundabouts on Evans Ave/Racecourse Place and St Helena Parade/ Barber Avenue.

A copy of Mr McLaren's Report dated 9 April 2013 is attached as **Appendix 3.**

A meeting was held between the proponent, Council and the Department on Wednesday 24 April 2013. Council is awaiting additional information to be submitted by the proponent. Hence, no additional comments can be provided.

7.2 Accessible to Public Transport

The Preferred Project Report states that the site is accessible to public transport (i.e. Route 301, 303 and 343). However, it fails to demonstrate if the existing public transport can cater to the additional population and employment generated by redevelopment of the shopping centre. Comparing to the original scheme, the revised scheme will generate an additional 176 persons residing on the subject site (total of 898 persons).

As stated in the Sydney Buses submission, *"these services (i.e. Route 301, 303 and 343) are already operating at capacity during the AM peak period. Any additional patronage growth would require additional trips to be funded by Transport for NSW. The consideration and cost implications of adding additional trips to cater for patronage growth should be discussed with the Transport for NSW Bus Planning Group."*

Council noted the response (dated 29 November 2012) provided by Transport for NSW. However, the proponent and the Department must ensure that there is sufficient capacity or additional services are provided to cater for the additional population to the Eastlake area.

SECTION 8 – ECOLOGICAL 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.

Council's submission remains the same as provided as 28 September 2012. Council's Design Review Panel previously provided 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.

Council again reiterates that it 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 unit and Council's Section 94 Contributions Plan apply to the increase in retail net floor area.

The Section 94 Contributions stand aside from the public benefit.

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 submission remains the same as provided as 28 September 2012. Additional works are still required, 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).

Council's submission remains the same as provided as 28 September 2012.

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's Engineer has reviewed the revised documentation and raises the following issues are still outstanding:

1. 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

2. 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.
3. 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

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) .

SECTION 13 - STATE ENVIRONMENTAL PLANNING POLICY NO. 65 (SEPP NO. 65) – DESIGN QUALITY OF RESIDENTIAL FLAT BUILDING

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

SEPP 65 requires 25%-30% of a development be allocated as open space, this equates to a minimum of 6013.3 sqm for the site. The Applicant states this criteria has been met, providing 6826sqm open space or 28% of the site.

A communal open space calculation undertaken based on the areas stipulated on the amended landscape plan comes to 4545 sqm (approx), including pools and marketplace (**NOTE:** area is approximate as the market place size has to be scaled off the plans as no sqm dimension was stated on plans). This equates to 18.9% of the site. This is considered to be the “functional” or useable communal open space area.

Landscaped setbacks and ancillary areas (narrow landscape strips adjoining buildings and paths) equates to 1901 sqm. These areas are not considered to be communal open space and not usually considered in the communal open space calculations. While they provide visual amenity and screening they are not considered to be functional communal open spaces, able to be utilized by residents for passive or active recreation.

If it was determined these areas could be incorporated into the total open space calculation, the total arrived at is approx. 6446sqm.

The Applicant has not met the SEPP criteria for a minimum of 25% of the allocated open space area to be deep soil zones. There are no deep soil landscaped areas on the site; all landscaped areas are over podium. In addition, the Applicant has also not demonstrated satisfactory off-set landscaping and open space in public domain areas surrounding the site.

Due to the communal open space provision being less on the north site, soft landscaping should be maximized. It is suggested the pool be deleted in favour of green open space that can be utilised by all residents and benefit internal visual amenity.

The inclusion of large, canopy trees within the communal spaces is necessary for internal amenity, screening and scaling with buildings. The trees specified, in a podium environment, are all small size trees. Some of these areas contain soil depths up to 1 metre therefore additional, larger trees can be supported. Tree density can also be increased in many areas.

The above matters remain unchanged from previous comments.

13.2 Apartment Size and Layout

The application did not indicate the number of apartments that comply with the internal and external area requirements set out in the Part 3 of SEPP 65. Based on Council's investigation, only 76 apartments (i.e. 17% of the total number of apartments) comply with the internal area requirements. More importantly, the proponent did not provide an external area (i.e. balcony) measurement for each of the apartments. Therefore, Council is unable to determine the level of non-compliances for the external areas.

Based on the information provided, the redevelopment will result in sub-standard apartments with poor spatial arrangement and circulation. This may further exacerbate the existing issues (i.e. deterioration to the residential amenity) within Eastlakes area.

***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. Hence the most relevant apartment type has been applied.*

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 Preferred Project Report indicates that "82% of the apartments will satisfy this criteria". Eastlakes is densely populated and it is critical to ensure sufficient solar access is provided to each of the apartment. To ensure compliance with the requirement, Council requests an independent review be conducted in relation to daylight access.

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

The proponent advised Council that they did not wish to present the revised scheme to the Design Review Panel. Hence, no additional comments can be provided.

Council reiterates its previous comments and requests the revised scheme to be resubmitted to Design Review Panel (at the applicant expense) for further comments.

14.2 Public domain, streetscape, site edges and the pedestrian environment

Public spaces with this development are limited to the marketplace area adjacent Eastlakes Reserve and to the footpaths in Evans and Barber Avenues. There is minor improvement to ground level landscaping, which includes setbacks and the public domain. A small urban space has been provided in the north-eastern corner of the southern site however this space needs further detailing/enhanced landscape resolution to create a unified space. Additional trees are possible as well as attention to the blending of the 2 street trees at the two road frontages.

The footpath in Barber Avenue is now approx. 6 metres wide. A single row of street trees has been provided within the road verge. There is little landscaping other than this, confined to a 1.5 metre wide planter bed and green (façade) wall on the southern elevation of Barber Avenue. There is no landscaping within the setback of the eastern elevation of Barber Avenue.

The eastern elevation of Barber Avenue now includes a 3 metre building setback however this area is not landscaped. The awning restricts the possibility of a second layer of street trees on this frontage or other ground level landscaping. However, awnings and the incorporation of landscaping within the setback of this frontage is possible but unfortunately has not been explored. The manipulation of awning locations, design and dimensions could allow for the strategic location of ground level planter beds and landscaping to assist amelioration of the building massing and bulk, integrate it with the streetscape

and provide a more comfortably scaled pedestrian environment; noting that opposite, the existing residential properties include reasonably wide landscaped setbacks. Additionally, a second layer of trees, inward of the street trees could also be provided if thought is given to awning design. This second layer could be planted at strategic locations or grouped rather than as a row to enable the inclusion of both awnings and landscaping into the design.

The street trees specified for the road verge in Barber Avenue are Native Frangipanni. Whilst suitable given their narrow canopy form and shaded location, the landscape elevation indicates this species will attain 12 metres in height, which in this urban setting is unlikely. This tree is more likely to reach 6 metres in height, possibly 8 metres. These spacing of the trees could also be increased.

The use of the footpaths in both Evans and Barber Avenue for footpath dining and active streets has not been fully explored. This could incorporate in-road landscaping to promote the pedestrian environment over vehicular and provide additional landscaping. At present the pedestrian spaces are punctuated by awnings and drop off bays that reduce footpath width, reduce pedestrian comfort and safety and limit street tree planting and landscaping, required to enhance the amenity of these public spaces.

Evans Avenue should be promoted as a pedestrian zone with greater emphasis on the pedestrian spaces and linkage of the north and south sites. Hard landscape elements such as different paving treatments, integrated and contiguous footpath and in-road landscaped areas, bollards, bicycle racks and the like could integrate vehicular areas with the pedestrian domain to create a pedestrian focus. The inclusion of a raised threshold/pedestrian crossing is a minimal response to this issue. These points were also raised by the Design Review Panel.

The drop off parking bays on the southern side of Evans Avenue impacts on pedestrian amenity at this site edge by reducing footpath width. Secondly, the existing mature street trees shown as being retained may be unachievable as the drawings indicate potentially 50% of the structural root zone of each tree impacted. This issue has been raised previously however there has been no further arboricultural assessment of this important issue. The proposed awnings are also likely to impact the existing trees. The ability to preserve these trees with minimal impact to roots and canopy requires more thorough design detailing, provided before any determination of the development.

Public art provision has not been fully addressed in the proposal. The racing history of the area could be explored and well as the multicultural nature of the locality.

The treatment of the carpark entry opposite Racecourse Place must be pedestrian friendly and integrated with the public domain treatment in Evans Avenue and the market place, particularly given its location at the interface of Eastlakes Reserve and the market square and where there are important pedestrian connections. This issue is also raised by the DRP. Detailed consideration of the ability to retain existing trees near this driveway is required.

There is no public domain proposal for streets adjoining the site. Provision of public domain elements – paving, furniture, landscaping and street trees is essential for areas adjoining and radiating outward of the site as the usage of these areas would increase substantially with development, particularly public transport access routes and thoroughfares. Specifically, this would involve enhancement and improvement of the streetscapes in Evans Avenue east and west of the site's boundaries, the opposite side of Barber Avenue (fronting existing residential properties), Racecourse Place and importantly, the Gardeners Road frontage including up to Racecourse Place. There is no public domain proposal for the Gardeners Road frontage.

Most of the above matters are unchanged from previous comment.

A public domain landscape plan has been submitted however the resolution in Evans and Barber Avenues (and surrounding streets) could be significantly expanded and improved to ensure a pedestrian oriented, functional, comfortable and socially desirable space inclusive of highly developed landscape amenity rather than areas at risk of being functionally sterilized and visually bland. This would include consideration of all of the issues raised above. It is strongly recommended an urban design specialist be engaged to develop the public domain and streetscape treatments associated with this development and integration with other public spaces radiating outward of the site. As stated in the Applicant's PPR and Response to Submissions *"The manner in which the development will respond to the public domain is critical to ensuring the development will integrate with the surrounding community"*.

14.3 Landscape Documentation

1. Sufficient landscape details have still not been provided, that is, surface and planter wall finishes, podium planter construction, pavements, amenity lighting and so on. The small podium section provided is not scaled, is indicative and is not legible enough to determine finishes. The sections are large scale and provide insufficient detailing as does the public domain plan. Detailed investigation into retention of the existing street trees in Evans Avenue is mandatory. Detailed construction and maintenance of the façade green wall in Barber Avenue is required to ensure its success. The

public domain plan does not indicate the detailed hardworks treatments and construction details on the western boundary southern site and its integration with the park nor detailed public domain treatments for footpaths, awnings, street tree pits and so on, which are located on Council property. Lastly, the Applicant has not adequately demonstrated that the existing park trees will not be adversely affected by the development, largely their root structure. These details have been requested previously by Council and the DoPI but have not been provided.

2. As previously stated, a large proportion of the Council area is in proximity to Sydney Airport however it is disagreed that the use of tall, canopy and potentially bird attracting species should be eliminated from the landscape design. These tree types are essential for ameliorating the development, screening and softening building facades and providing amenity. Current OLS street tree pruning requirements in the Council area do not extend east of Botany Road, Mascot. Therefore, Sydney Airport needs to demonstrate why this site should exclude large canopy trees and why the site should not be included in the bird hazard reduction area when the tree affected OLS locations are essentially west of Botany Road.
3. All of the tree sizes in the plant schedule are to be increased to provide super-advanced specimens for enhanced amenity. The majority are to be 200 litre and street trees 400 litre. The public domain specifies new Plane trees as being 5 metres high at installation which would equate to a larger pot size than 100 litre.
4. There is a general lack of large canopy trees in communal areas, the Gardeners Road and side boundary setbacks to the northern site and streets, as discussed. This comment is supported by the DRP. Most tree species are considered small sized species or will not attain the mature heights stipulated, for some of the species, given the planting conditions.
5. The elevated podium landscape areas located at the south-eastern corner of the southern site and centre (southern elevation) of the northern site have not been represented in the landscape elevations. These areas may be visible from surrounding areas and as such should be shown in the elevations and landscaped accordingly.

14.4 Eastlakes Reserve

The proposed development takes full advantage of Eastlakes Reserve for unit orientation and outlook. However, the development offers no public benefit in return and to the contrary there are:

- Identifiable noise and traffic impact; and
- A marked increase in density which has not been addressed.

SECTION 15 – OTHER ISSUES

15.1 Road Dedication

If the widening to the Evans and Barber Avenue intersection is required, land is to be dedicated to Council for road purposes.

15.2 Wind Effect Statement

Council's submission remains the same as provided as 28 September 2012.

15.3 Basement car parking

Council's submission remains the same as provided as 28 September 2012.

15.4 Social impact assessment

Council's submission remains the same as provided as 28 September 2012.

15.5 Hours of operation & delivery

Council's submission remains the same as provided as 28 September 2012.

15.6 Compliance Issue

If this development is approved and built, Council will no doubt receive a good deal of complaints. The Department should recognise this issue and develop a long-term strategy to deal with and respond to those complaints.

15.7 Conditions

Due to unresolved issues (i.e. acoustic and traffic), Council is unable to provide conditions to the redevelopment. An addendum to this submission will be submitted once the additional information is provided.

Conclusion

The City of Botany Bay Council has embraced the Metropolitan Strategy 2036 and draft Subregional Strategy by incorporating visions, objectives and actions from these documents into the Council's strategic planning process, ensuring sufficient land is zoned to meet the employment and housing targets set by the Department. As proven by Council's assessment process, Council has ensured that new developments meet the relevant State and local planning controls and policy such as SEPP No.65, BLEP 1995, draft BBLEP 2013 and DCPs. In addition, Council has consistently required major developments to articulate a discernable public benefit.

As clearly illustrated by this submission, the revised scheme represents a significant overdevelopment of the site where it fails to comply with relevant State and local planning controls specifically apartment sizes, floor space and building height. The development is excessive in density and incompatible with the established character of the Eastlakes area. More importantly, the redevelopment of the Eastlakes Shopping Centre offers no discernable public benefit to the local community and Botany Bay LGA.

Council does not oppose the redevelopment of Eastlakes Shopping Centre. However a more sensible approach must be adopted to complement the established character of the area and accurately reflect the role and function of Eastlakes Town Centre. Future development should not exacerbate the existing amenity issues including traffic, noise and the depressed residential amenity.

By approving the revised scheme, it undermines the approach adopted by Council over a lengthy period of time, to consistently apply it apartment sizes and car parking rates which Council has always argued results in a benefit to the community in mitigating noise impact whilst achieving liveability and amenity for future residents.

Major development such as Eastlakes Town Centre Redevelopment should foster significant public benefits which enhance the local community.

It is our strong view that the PPR should not be approved due to matters of design and due to the PPRs non-compliance with relevant standards which should be respected having regard to the circumstances of this project and its locality. The changes made to the original project by the PPR have not adequately addressed issues raised by the Council in its original submission dated 28 September 2012 nor has it appropriately addressed the key issues identified by the Department in its letter of 24 October 2012.

Rather than again requesting further information and seeking further amendments to address what Council considers being a fundamentally flawed proposal, Council believes the Department should be recommending refusal of the PPR now put forward by the Proponent.

Council understands that the major development application will be referred to the Planning Assessment Commission (PAC) for determination and requests an opportunity to address the PAC prior to determination of the application.

Please contact my office on (02) 9366 3523 if you require any additional information.

Yours sincerely

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

Lara Kirchner
GENERAL MANAGER