

URBIS

ENVIRONMENTAL
ASSESSMENT REPORT
SECTION 75W
MODIFICATION

EASTLAKES
SHOPPING CENTRE,
EASTLAKES

July 2017



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Report Number	SA6348_Section 75W Modification_Final

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EXECUTIVE SUMMARY

PURPOSE OF THIS REPORT

This Environmental Assessment Report (EAR) has been prepared by Urbis Pty Ltd (Urbis) on behalf of Crown Group. It accompanies a proposal to modify the Part 3A Project Approval (MP09_0146) for the Eastlakes Shopping Centre, Eastlakes under the transitional arrangements within Schedule 6A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 1A of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

The objectives of the proposed works are to:

- Create an identifiable “Gateway Building” to the first phase of the Local Centre urban renewal;
- Increase the dwelling provision and offering within Building 1B to address market demand;
- Create a clear sense of address and better access for visitors to the podium level of Eastlakes Centre North;
- Improve the retail offering and relationship of the retail mall with the public domain; and
- Ensure that there is sufficient variety in the appearance of buildings.

SITE DESCRIPTION

The site is known as the Eastlakes Shopping Centre and is legally described by Lot 100 in DP70082, Lots 41 and 42 in DP601517 and Lots 3 and 5 in DP248832, Nos. 19A Evans Avenue and 193A Gardeners Road, Eastlakes (the site). Cumulatively the site occupies a total area of 24,053m².

The site is separated into two landholdings located on either side of Evans Avenue and known as the ‘North Site’ and ‘South Site’. More specifically the site is bound by Gardeners Road to the north, Evans Avenue to the south of the North Site and north of the South Site and Barber Avenue to the east and south of the South Site. Eastlakes Reserve adjoins the western boundary of the South Site.

This proposed modification is confined to the North Site. The North Site currently consists of an at-grade car park servicing the shopping centre, combined with a row of single storey shops along the northern boundary fronting Gardeners Road.

PROJECT APPROVAL

On 19 September 2013, the Planning Assessment Commission, on behalf of the Minister for Planning, granted Major Project Approval MP09_0146 for:

Mixed use development incorporating basement car parking, ground floor retail area, and residential development above, communal open space, public domain landscaping and associated infrastructure works.

The approval facilitated the redevelopment of the existing Shopping Centre with a total provision of 59,856.4m² of floor space comprising 14,404m² of retail floor space, 34,636m² of residential floor space, a total of 425 apartments and basement car parking across two levels for 916 vehicles. Associated landscaping, infrastructure, stormwater, utility works and stratum subdivision also formed part of the approval.

The built form across the site is characterised by ground level retail and nine (9) residential buildings located above a landscaped podium. The residential buildings range between 2-6 storeys in height.

PROPOSED DEVELOPMENT

This modification under the Transitional Part 3A arrangements seeks approval for the following relating to the North Site:

- **Modification of Building 1B** – The proposal involves modifications to the building layout, height and façade, with the intent to create a “Gateway Building” for the North Site, including:
 - Increase the height and scale of the building from 3 storeys to 8 storeys;
 - Modify the shape of the building from a rectangular form to a curvilinear building form;
 - Improvement of amenity for residents by including additional uses and facilities at the Level 1 Podium comprising residential apartments, a function space and a gymnasium;
 - Construction of 6 storeys of residential apartments on Levels 2-8 comprising a range of studio, 1-, 2- and 3- bedroom typologies in response to market demand; and
 - Provision of a 160.6m² communally accessible roof top terrace.
- **Minor modification of Ground Floor Commercial layout** – The proposal involves expansion of the ground floor building footprint to the northern site boundary to Gardeners Road to take advantage of the site area and dual frontage. The building realignment will accommodate a minor expansion of the mini-major tenancy by 213m² and a reconfiguration of tenancies and circulation spaces throughout resulting in an overall addition of 467.4m² of retail gross floor area across the North Site increasing the retail offering to the public.

Other improvements include a communal lobby at ground floor level within Building 1B, and relocation of male and female amenities to the north-eastern corner of the site. The 6.297m wide landscaped buffer to the eastern site boundary has been retained but is proposed to be paved with a strip of landscape to accommodate outdoor dining opportunities to further contribute toward activation along the streetscape and create a specific laneway café culture.

- **Minor modification of Level 1 Residential Podium** – Minor changes to the landscaped configuration of the communal open space podium level to increase amenity including relocation of the swimming pool to the immediate north of Building 1B and provision of additional amenities such as a pergola, canopy, ponds and the like.
- **Minor modification of Basement Level 2 Residential Car Parking** – Due to design development, it is proposed to modify the layout of the Basement Level 2 Residential Car Park to improve efficiency and increase parking from 114 spaces to 124 spaces. It is also proposed to relocate the mechanical plant to the south-eastern corner, and relocate the position of residential storage so that is co-located with the respective car parking space(s) and in the south-western corner.
- **Minor modification of Basement Level 1 Retail Car Parking** – Due to design development, it is proposed to modify the layout of the Basement Level 1 Car Park to reduce the amount of retail vehicular parking from 102 spaces to 99 spaces. It is also proposed to relocate the mall entrance and travelator from the south-eastern corner to a revised location further north and construct two retail tenancies with a total GFA of 87.4sqm. The ramp is to be relocated to the southern portion of the basement footprint to improve circulation throughout the car park.

The proposed basement footprint is less than the approved development, resulting in opportunities for deep soil landscaping in the north-western corner of the site. The modifications across the two basement levels result in a net increase of 7 car parking spaces.

- **Tree Removal** – This application proposes the removal of five (5) existing trees along the northern side of Evans Avenue to allow the construction of the proposed development. It is not feasible to retain the trees as the canopy infringes on the awning line and the undergrounding of cables and infrastructure (as required by Condition B41) impacts the TPZ of these trees requiring removal of these trees. A replanting strategy is proposed to offset the removal of these trees.
- **Building Services** – The proposal seeks amendments to the location of building services, plant and operations across the site, undertaken with more detailed specialist advice and in consultation with the relevant services providers.

STATUTORY AND STRATEGIC FRAMEWORK

Section 6 and **Section 7** of this EAR provide an assessment against all relevant legislation as identified in the SEARs. The proposal falls within the Minister's power under the transitional arrangements within Schedule 6A of the EP&A Act and Part 1A of the EP&A Regulation and complies with all relevant legislative and policy requirements.

ENVIRONMENTAL ASSESSMENT

This EAR addresses the key issues identified in the original DGRs and other relevant considerations. The proposed development works represent a positive development outcome for the site and surrounding areas, as:

- The development proposal achieves a high level of consistency with the relevant strategic plans and policies. The proposal is consistent with *A Plan for Growing Sydney*, particularly in relation to increasing housing supply and diversity and supporting urban renewal of established areas.

The proposal contributes toward the housing targets for the Bayside LGA established under the *draft Central District Plan* and *Botany Bay Planning Strategy 2031* through the provision of an additional 21 new dwellings within Building 1B.

- The proposal increases the provision of retail floor space within an identified Local Centre and contributes toward the growth of the existing Eastlakes Shopping Centre.
- The proposed amendments to Building 1B have been designed in accordance with *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)* and the accompanying Apartment Design Guide (ADG). Overall, the proposal achieves a high-level of compliance with the applicable design criteria.
- The scale, built form and massing of proposed Building 1B is considered appropriate for the site having regard to its strategic importance. The proposal incorporates sufficient setbacks and design articulation to Building 1B to ensure its visual relationship with the surrounding development and associated environmental impacts are acceptable, such as:
 - The shadow cast from the additional height from Building 1B will not affect the adjoining surrounding developments. The shadow is predominately cast over Evans Avenue and onto buildings within the site itself.
 - The modification will not result in unacceptable visual impacts to adjoining premises and is considered to result in a better outcome for the site and neighbouring properties than assessed and approved.
 - There will be no loss of views having regard to the amendments proposed to Building 1B.
- A replanting strategy is proposed to offset the removal of five (5) trees along Evans Avenue by replanting five (5) new *Platanus x acerifolia* street trees with understorey planting along the northern side of Evans Avenue. The new trees will either be mature trees or trees transplanted from the at-grade car park and will be replanted in alignment with the neighbouring properties street trees setback from the boundary.

In summary, the proposed modifications are in the public interest as demonstrated in this EAR and the supporting documentation and warrant the approval of the Minister for Planning.

1. INTRODUCTION

This Environmental Assessment Report (EAR) is submitted to the Department of Planning and Environment (Department) to modify the existing Part 3A Project Approval (MP09_0146) for the redevelopment of the Eastlakes Shopping Centre, Eastlakes under the transitional arrangements within Schedule 6A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 1A of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

The site is bound by Gardeners Road, Evans Avenue and Barber Avenue and is legally described by Lot 100 in DP70082, Lots 41 and 42 in DP601517 and Lots 3 and 5 in DP248832. The site is separated into two land holdings located on either side of Evans Avenue and known as the 'North Site' and 'South Site' being to the north and south of Evans Avenue respectively. The proposed modification is confined to the 'North Site' and seeks to make amendments to the original approval having regard to the time lapsed and strategic plans and policies that have come into effect since the proposal was initially designed and subsequently approved in 2013.

This EAR has been prepared by Urbis Pty Ltd (Urbis) based on the architectural drawings prepared by Francis Jones Morehen Thorp Pty Ltd (FJMT) and other technical reports and information appended. This EAR describes the site, its environs, the proposed modifications and addresses the terms of the Major Project Approval MP09_0146. This EAR should be read in conjunction with the supporting documentation and plans.

This EAR has been prepared in accordance with the requirements of Part 3A of the EP&A Act and it addresses the relevant requirements of the project approval.

1.1. PROJECT OVERVIEW

The works proposed in this modification relate exclusively to the North Site and comprise general improvements relating to basement car park layout, reconfiguration of the ground level retail mall and a modification to the building envelope of Building 1B.

The proposal also involves design development of the landscape strategy for the North Site and tree removal and replacement along the Evans Avenue streetscape.

1.2. STRUCTURE OF THIS REPORT

This EAR provides the following sections:

- **Section 2 – Site and Surrounds:** Provides a description of the site, the regional and local context.
- **Section 3 – Background to the Proposal:** Provides an overview of the 2013 Project Approval and current project status.
- **Section 4 – The Proposed Modification:** Provides a description of the proposed works.
- **Section 5 – Community and Stakeholder Engagement:** Describes the consultation undertaken with the community and relevant agencies and service providers.
- **Section 6 – Statutory Context:** Provides a detailed review of the proposal against the State and local planning framework.
- **Section 7 – Strategic Context:** Provides a detailed review of the proposal against the State and local strategic policies.
- **Section 8 – Environmental Assessment:** Provides an assessment of the existing environment, the potential impact, and the mitigation measures proposed. This section also includes an assessment of the cumulative and limited environmental impacts.
- **Section 9 – Conclusion.**

1.3. SUPPORTING DOCUMENTATION

The following technical and design documents have been prepared to accompany this DA and are provided as Appendices to this SEE as identified in **Table 1**.

Table 1 – Supporting Documentation

Document	Consultant	Appendix
Survey Plan	Dunlop Thorpe & Co	Appendix A
Architectural Plans	Francis Jones Morehen Thorp Pty Ltd (FJMT)	Appendix B
Architectural Design Report	Francis Jones Morehen Thorp Pty Ltd (FJMT)	Appendix C
Landscape Plans	Turf Design Studio	Appendix D
Arboricultural Report	Ecological Australia	Appendix E
BASIX Report	WSP	Appendix F
Section J Compliance Report	WSP	Appendix G
BCA Report	Vic Lilli & Partners Consulting	Appendix H
Accessibility Report	Accessibility Solutions	Appendix I
Waste Management Plan	Elephants Foot	Appendix J
Traffic and Parking Report	Colston Budd Hunt and Kafes	Appendix K

1.4. SECRETARY ENVIRONMENTAL ASSESSMENT REQUIREMENTS

Pursuant to clause 3, Schedule 2 of the *Environmental Planning and Assessment Regulation 2000*, Director General's Requirements (DGR's) were issued by the by the former Department of Planning on the 5 April 2011 for Project Application MP09_0146.

In relation to the subject modification, a meeting was held with the Department of Planning and Environment on the 23 February 2017. At this meeting, the Department advised that a request for Secretary's Environment Assessment Requirements (SEARS) (formerly known as DGRS) was not required in relation to the proposed modification, and the proposal should rely on the original DGRS issued.

Therefore, the relevant DGR's relating to works included in the original application are addressed within this report (see **Table 2** below).

Table 2 – Director General Assessment Requirements

Requirement	Comment
GENERAL REQUIREMENTS	
An executive summary.	Addressed in Executive Summary .
A description of the existing and surrounding environment.	Addressed in Section 2 .

Requirement	Comment
A thorough description of the proposal.	Addressed in Section 4 .
An assessment of the key issues specified above and a table outlining how these key issues have been addressed	Addressed in Section 8 .
An assessment of the potential impacts of the project and a draft Statement of Commitments, outlining environmental management, mitigation and monitoring measures to be implemented to minimise any potential impacts of the project;	Amendments to the Statement of Commitments is addressed in Section 4.9.5 .
The plans and documents outlined below	Supporting documentation is appended to this report as listed in Table 1 .
A Quantity Surveyor's Certificate of Cost to verify the capital investment value of the project (in accordance with the definition contained in the Major Projects SEPP).	Submitted under separate cover.
A conclusion justifying the project, taking into consideration the environmental impacts of the proposal, the suitability of the site, and whether or not the project is in the public interest.	Addressed in Section 9 .
KEY ISSUES	
1. Relevant EPI's policies and guidelines to be addressed Address the provisions of State Environmental Planning Policies, strategies, plans and guidelines that would apply as if those provisions applied to the carrying out of the project, including the following:	
<ul style="list-style-type: none"> • Objects of the EP & A Act 	Addressed in Section 6.1.2 .
<ul style="list-style-type: none"> • NSW State Plan 	Addressed in Section 7.1 .
<ul style="list-style-type: none"> • Metropolitan Plan for Sydney 2036 	A Plan for Growing Sydney is addressed in Section 7.2 .
<ul style="list-style-type: none"> • Draft East Sub-regional Strategy 	The Draft Central District Plan is addressed in Section 7.3 .
<ul style="list-style-type: none"> • SEPP(infrastructure) 2007 	Addressed in Section 6.5..
<ul style="list-style-type: none"> • SEPP (Building Sustainability Index: BASIX) 2004; 	Addressed in Section 6.6 .
<ul style="list-style-type: none"> • SEPP 64 - Advertising and Signage 	Not applicable. Signage does not form part of this application.

Requirement	Comment
<ul style="list-style-type: none"> SEPP 65 - Design Quality of Residential Flat Development 	State Environmental Planning Policy No. 65- Design Quality of Residential Apartment Development is addressed in Section 6.4 .
<ul style="list-style-type: none"> Botany Local Environmental Plan 1995 	The Botany Bay Local Environmental Plan 2013 is addressed in Section 6.7 .
<ul style="list-style-type: none"> Botany Bay Planning Strategy 2031 	The Botany Bay Planning Strategy 2031 is addressed in Section 7.7 .
<ul style="list-style-type: none"> Airports Act 1996 and the Airports (Protection of Airspace) Regulations 1996 	Addressed in Section 6.2 .
<ul style="list-style-type: none"> NSW Bike Plan, NSW Government 2010 	Sydney's Cycling Future 2013 is addressed in Section 7.5 .
<ul style="list-style-type: none"> Planning Guidelines for Walking and Cycling, NSW Dept of Infrastructure, Planning and Natural Resources, RTA, 2004. 	Sydney's Walking Future 2013 is addressed in Section 7.6 .
<ul style="list-style-type: none"> Integrating Land Use and Transport Policy Package (Dept of Urban Affairs and Planning, Transport NSW) 	Not applicable.
<ul style="list-style-type: none"> Healthy Urban Development Checklist, NSW Health, 2010 	Not applicable.
<ul style="list-style-type: none"> Development Near Rail Corridors and Busy Roads - Interim Guideline, NSW Dept of Planning, 2008 	Not applicable.
2. Built Form/ Density	
<ul style="list-style-type: none"> Address the height, bulk, scale and density (FSR) of the proposed development within the context of the locality and existing LEP controls. 	Addressed in Section 8.1
<ul style="list-style-type: none"> Discuss how the proposal will protect privacy and solar access to neighbouring properties. 	Addressed in Section 8.4 .
4. Environmental and Residential Amenity	
<ul style="list-style-type: none"> Address solar access, acoustic privacy, visual privacy, view loss and wind impacts and achieve a high level of environmental and residential amenity. 	An assessment against the relevant residential amenity design criteria is addressed at Section 8.3 .
<ul style="list-style-type: none"> 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. 	Addressed in Section 8.4.5 .

Requirement	Comment
6. Transport and Accessibility	
<ul style="list-style-type: none"> 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. 	Addressed in Section 8.6.
<ul style="list-style-type: none"> The EA shall address the recommendations of the report titled: Review of Traffic & Parking Matters prepared by Fred Gennaoui Pty Ltd (Appendix B). 	Addressed in Section 8.6.
<ul style="list-style-type: none"> The EA shall consider those issues outlined within both the RT A's letter dated 22 March 2010 and the letter from NSW Transport dated 9 March 2011 (attached). 	Addressed in Section 8.6.
<ul style="list-style-type: none"> 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) 	Addressed in Section 8.6.
7. Ecologically Sustainable Development (ESD)	
<ul style="list-style-type: none"> The EA shall detail how the development will incorporate ESD principles in the design, construction and ongoing operation phases of the development. 	Addressed in Section 8.10.
8. Contributions	
<ul style="list-style-type: none"> The EA shall address Council's Section 94 Contribution Plan and/or details of any Voluntary Planning Agreement 	Addressed in Section 4.9.3.
9. Contamination	
<ul style="list-style-type: none"> The EA is to demonstrate compliance that the site is suitable for the proposed use in accordance with SEPP 55. 	Addressed in Section 6.3.
10. Consultation	
<ul style="list-style-type: none"> Undertake an appropriate and justified level of consultation in accordance with the Department's Major Project Community Consultation Guidelines October 2007 (including 	Addressed in Section 5.

Requirement	Comment
demonstrated consultation with Council through the design development stages of the proposal).	
15 SEPP 65 – Design Quality of Residential Flat Development	
<ul style="list-style-type: none"> The EA must address the design principles of SEPP 65 and the Residential Flat Design Code with particular reference to unit sizes. 	<i>State Environmental Planning Policy No. 65- Design Quality of Residential Apartment Development</i> and the Design Criteria contained in the Apartment Design Guide (ADG) is addressed in Section 6.4 .
16 Utilities	
<ul style="list-style-type: none"> In consultation with relevant agencies, the EA shall address the existing capacity and requirements of the development for the provision of utilities including staging of infrastructure works. 	Consultation with relevant agencies will be undertaken as part of the broader development. The modifications sought by this application are not considered to increase the capacity.
17 Obstacle Limitation Height	
<ul style="list-style-type: none"> The EA shall provide evidence of consultation with the Sydney Airport Corporation (SAC) regarding compliance with Obstacle Limitation Height requirements and that any additional approval and agreements required from the SAC. 	Addressed in Section 6.7 .
18. Public Domain	
<ul style="list-style-type: none"> 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. 	An amended Landscape Plan has been prepared by Turf Design Studio and is submitted at Appendix D and in Section 8.5 of this EAR.
19. Statement of Commitments	
<ul style="list-style-type: none"> The EA must include a draft Statement of Commitments detailing measures for environmental management, mitigation measures and monitoring for the project. 	Amendments to the Statement of Commitments forming part of the Project Approval are addressed in Section 4.9.5 .

2. SITE AND SURROUNDS

2.1. SITE LOCATION AND DESCRIPTION

The site is known as the Eastlakes Shopping Centre and is legally described by Lot 100 in DP70082, Lots 41 and 42 in DP601517 and Lots 3 and 5 in DP248832, Nos. 19A Evans Avenue and 193A Gardeners Road, Eastlakes (the site). Cumulatively the site occupies a total area of 24,053m².

The site is separated into two landholdings located on either side of Evans Avenue and known as the 'North Site' and 'South Site'. More specifically the site is bound by Gardeners Road to the north, Evans Avenue to the south of the North Site and north of the South Site and Barber Avenue to the east and south of the South Site. Eastlakes Reserve adjoins the western boundary of the South Site.

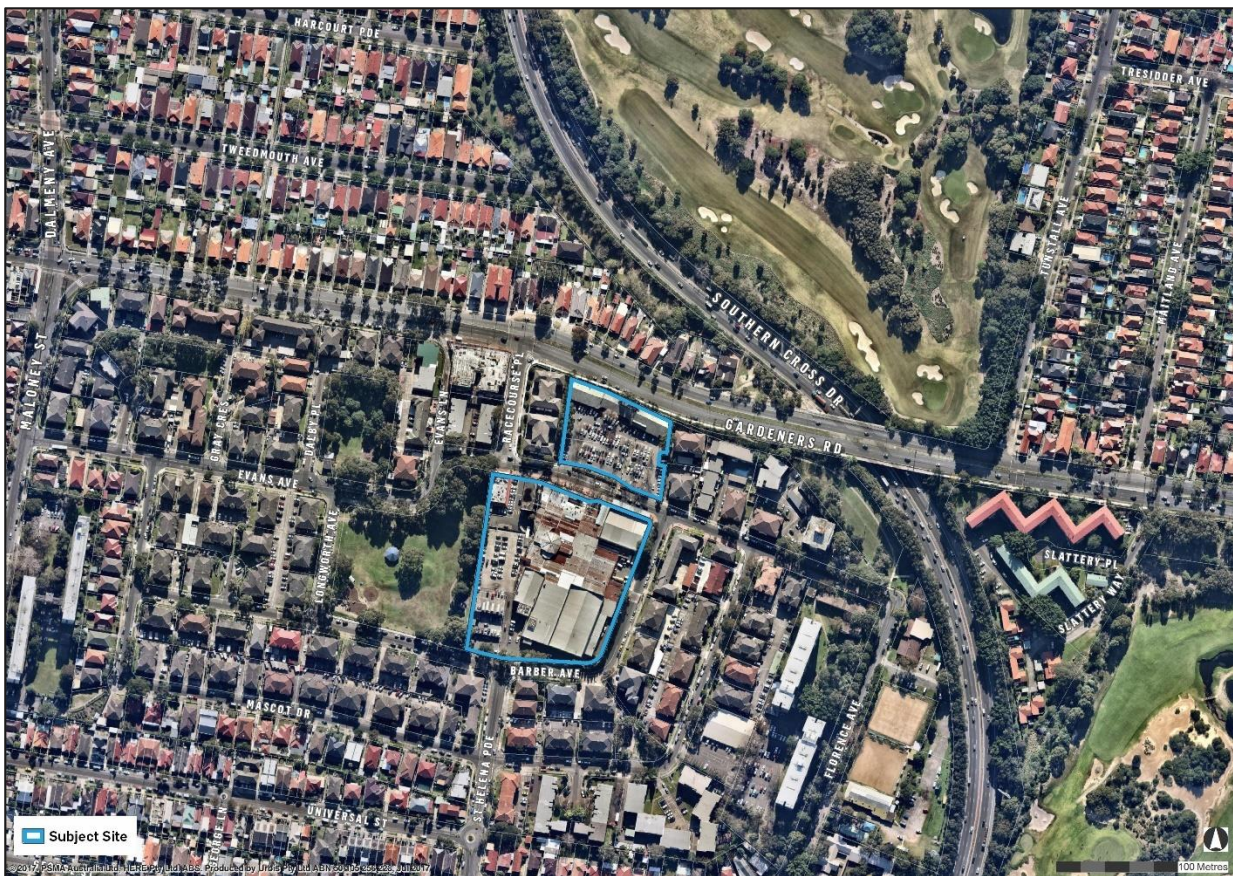
The North Site currently consists of an at-grade car park servicing the shopping centre, combined with a row of single storey shops along the northern boundary fronting Gardeners Road.

The South Site is currently occupied by the existing Eastlakes Shopping Centre, a multi-storey development consisting of basement car parking and buildings ranging between 1 to 3 storeys in height, with some rooftop parking. A small single storey freestanding retail building and associated at grade car parking are also located towards the northwest corner.

Vegetation is scattered throughout the site, but is primarily contained on the North Site due to the extent of existing improvements on the South Site. Existing trees are currently located within the at-grade car park and along the Evans Avenue frontage.

The extent of the landholding is illustrated in the following **Figure 1**.

Figure 1 – Site Location – The North and South Site



2.2. NORTH SITE

The proposed modification relates exclusively to the North Site.

The North Site contains frontages to Gardeners Road to the north, Evans Avenue to the south, and adjoins residential developments to the east and west. The North Site has a total site area of approximately 5967m².

2.3. SURROUNDING DEVELOPMENT

The site is situated in the south-eastern Sydney suburb of Eastlakes, 8km south of the Central Business District (CBD) and within Bayside Council Local Government Area (LGA) (refer to **Figure 2**).

More specifically, the subject site is located within the Eastlakes Town Centre, with the Shopping Centre forming the basis of the centre. Current land uses in the immediate vicinity of the site consist of residential developments built in the 1960s-1970s and community parklands.

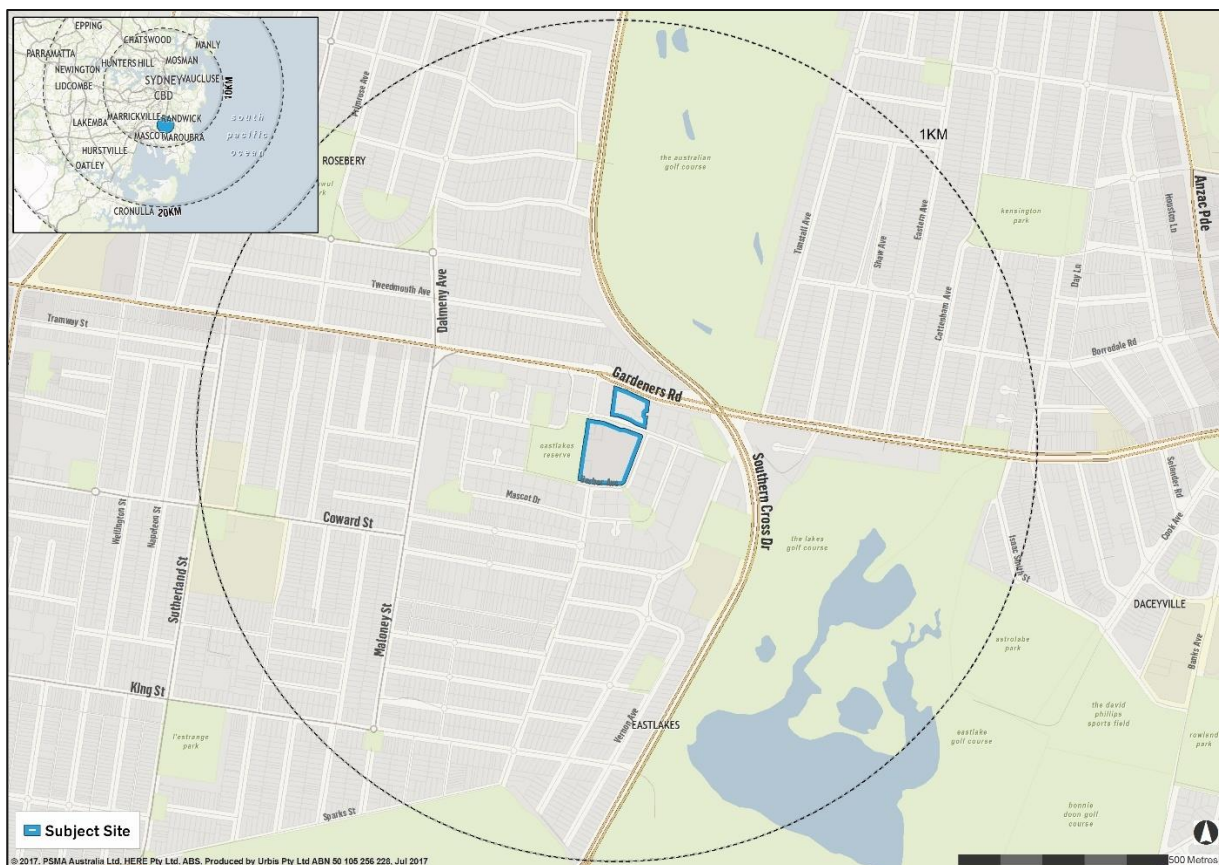
North of the site is Gardeners Road, a major east-west road connecting Mascot and Randwick. On the opposite side of Gardeners Road are single storey detached dwellings.

South of the site is characterised by 3-4 storey residential flat buildings.

East of the site are residential flat buildings located along Barber Avenue and the site boundary of the north site.

West of the site is Eastlakes Reserve which adjoins the boundary of the South Site. The reserve includes numerous mature trees, a children's playground and seating. A residential flat building immediately adjoins the boundary of the north-western portion of the site.

Figure 2 – Surrounding Context



2.4. PUBLIC TRANSPORT AND ACCESS

The subject site is located south of Gardeners Road and is bound by a road network comprising Gardeners Road; a major east- west arterial road, Evans Avenue and Barber Avenue; local roads.

Presently vehicular access to the site is provided from Evans Avenue and Barber Avenue. Access to the North Site is provided from Evans Avenue and access to the South Site is provided from Evans Avenue and Barber Avenue. Vehicles generally approach the site along Gardeners Road via a signalised intersection at Racecourse Place. A roundabout is located at the junction of Racecourse Place and Evans Avenue. Barber Avenue intersects with Evans Avenue to the east of the centre and loops around the southern side of the site. Access to the car parking areas and loading docks located on the southern part of the site is provided from Barber Avenue.

Public transport access from the site is predominately via bus. In the immediate vicinity of the site, there are 7 bus stops serviced by the following routes:

- 301 – City to Eastgardens route;
- 308 – City to Marrickville route;
- 343 – Kingsford to Chatswood route; and
- 418 – Burwood to Bondi Junction route.

The closest train station is Mascot Station, located approximately 8 minutes by car along Gardeners Road. Mascot Station is serviced by the T2 Airport, Inner West and South line.

The site is also located approximately 16 minutes by bus to the Kingsford Light Rail Station proposed under the planned CBD and South East Light Rail.

3. PROJECT BACKGROUND

3.1. MAJOR PROJECT APPROVAL

On 19 September 2013, the Planning Assessment Commission, on behalf of the Minister for Planning, granted Major Project Approval MP09_0146 for:

Mixed use development incorporating basement car parking, ground floor retail area, and residential development above, communal open space, public domain landscaping and associated infrastructure works.

Key components of the approved development as modified by Condition B2- Design Modifications are summarised in **Table 3**.

Table 3 – Components of MP09_0146

Component	Description
Site Preparation	Demolition, removal of existing vegetation and excavation of the site.
Staging	Stage 1 involves the development of the North Site; Stage 2 involves the development of the South Site.
Built Form	<p>Development on the North Site will consist of ground floor retail, and podium level with three residential towers (Buildings 1, 1A and 1B) ranging in height from 2 to 6 storeys.</p> <p>Development on the South Site will consist of ground floor retail, and a podium level with eight residential buildings ranging in height from 2 to 6 storeys.</p> <p>The roof of the ground floor retail component apart from the supporting residential towers will be communal landscaped area for the residential component of the development.</p>
Retail	Total ground floor retail floor space – 14,404m ² .
Residential	Total residential floor space – 34,636m ² .
Apartment numbers and mix	<p>Total apartments – 404</p> <ul style="list-style-type: none"> • Studio – 7 (1.7%) • 1 bedroom – 211 (52.23%) • 2 bedrooms – 177 (43.70%) • 3 bedrooms – 8 (1.98%) • 4 bedrooms – 1 (0.25%)
Open space	Open space onsite consists of a landscaped zone along the eastern and western boundary of the North Site, retention of trees along Evans Avenue, podium level communal open space with landscaping and a pool on both the North and South site.
Parking	<ul style="list-style-type: none"> • 916 vehicles

Component	Description
	<ul style="list-style-type: none"> • 44 motorbikes • 108 bikes

3.2. NORTH SITE

The approved development on the North Site is characterised as follows:

- Two levels of basement car parking for 216 vehicles, including:
 - Basement Level 1 – 102 retail spaces (plus 19 motorcycle spaces and 20 bicycle spaces).
 - Basement Level 2 – 114 residential spaces (plus 13 motorcycle spaces and 28 bicycle spaces).
- Ground floor retail component comprising 3,322m² of gross floor (GFA);
- Level 1 landscaped podium with three residential apartment buildings above, including:
 - Building 1 – 6 storeys;
 - Building 1A – 6 storeys fronting Gardeners Road/ 5 storeys fronting Evans Avenue; and
 - Building 1B – 2 storeys.
- A total residential gross floor area of 9,975m², comprising 112 apartments and the following mix:
 - 1 bedroom – 40
 - 2 bedrooms – 67
 - 3 bedrooms – 5

Building 1B is characterised by 6 two (2) storey apartments in a range of 2 and 3 bedroom typologies.

An extract of the Site Plan of the North Site is illustrated in the following **Figure 3** extract.

Figure 3 – North Site- Site Plan



Source: Rice Daubney

3.3. PROJECT STATUS

Although the proposal was granted approval in 2013, construction of the development has not commenced. During this time the shopping centre has continued to operate.

In 2015 the site was fully acquired by Crown Group. The site was previously owned under a joint venture arrangement with Crown Group and private partner company Prosha and known as the Crown Prosha Joint Venture.

Crown Group has taken the opportunity to review the approved development in terms of overall façade and design presentation as well as building forms, apartment typologies and dwelling mix. Crown Group appointed Francis Jones Morehen Thorp Pty Ltd (FJMT) as new architects for the project.

FJMT subsequently undertook a close and detailed analysis of the site, its streetscape, environmental effects and urban form. The analysis found a series of design modifications that could be implemented to improve the overall efficiency and layout of the basement car park and ground level retail mall on the North Site. More significantly, modifications to the building envelope of Building 1B were identified for the following reasons:

- Context – to create an identifiable “Gateway Building” to the first phase of the Local Centre urban renewal.
- Access – to create a clear sense of address and better access for visitors to the podium level of Eastlakes Centre North.
- Built Form and Aesthetics – to ensure that there is sufficient variety in the appearance of buildings to make the development feel like a vital part of the city.
- Streetscape – the massing along the street edge considers the impact of sun and views across the site from adjoining buildings and also from within the site itself.

Following determination of this application, the proponent will consider whether to advance or modify the approval applicable to the South Site.

4. PROPOSED MODIFICATION

4.1. DEVELOPMENT SUMMARY

The works proposed in this modification relate exclusively to the North Site and comprise general site improvements relating to basement car park layout, reconfiguration of the ground level retail mall and a modification to the building envelope of Building 1B. The proposal also involves design development of the landscape strategy for the North Site and tree removal and replacement along Evans Avenue.

The modification to MP09_0146 comprises the following:

- **Modification of Building 1B** – The proposal involves modifications to the building layout, height and façade, with the intent to create a “Gateway Building” for the North Site, including:
 - Increase the height and scale of the building from 3 storeys to 8 storeys;
 - Modify the shape of the building from a rectangular form to a curvilinear building form;
 - Improvement of amenity for residents by including additional uses and facilities at the Level 1 Podium comprising residential apartments, a function space and a gymnasium;
 - Construction of 6 storeys of residential apartments on Levels 2-8 comprising a range of studio, 1-, 2- and 3- bedroom typologies in response to market demand; and
 - Provision of a 160.6m² communally accessible roof top terrace.

- **Minor modification of Ground Floor Commercial layout** – The proposal involves expansion of the ground floor building footprint to the northern site boundary to Gardeners Road to take advantage of the site area and dual frontage. The building realignment will accommodate a minor expansion of the mini-major tenancy by 213m² and a reconfiguration of tenancies and circulation spaces throughout resulting in an overall addition of 467.4m² of retail gross floor area across the North Site increasing the retail offering to the public.

Other improvements include a communal lobby at ground floor level within Building 1B, and relocation of male and female amenities to the north-eastern corner of the site. The 6.297m wide landscaped buffer to the eastern site boundary has been retained but is proposed to be paved with a strip of landscape to accommodate outdoor dining opportunities to further contribute toward activation along the streetscape and create a specific laneway café culture.

- **Minor modification of Level 1 Residential Podium** – Minor changes to the landscaped configuration of the communal open space podium level to increase amenity including relocation of the swimming pool to the immediate north of Building 1B and provision of additional amenities such as a pergola, canopy, ponds and the like.
- **Minor modification of Basement Level 2 Residential Car Parking** – Due to design development, it is proposed to modify the layout of the Basement Level 2 Residential Car Park to improve efficiency and increase parking from 114 spaces to 124 spaces. It is also proposed to relocate the mechanical plant to the south-eastern corner, and relocate the position of residential storage so that is co-located with the respective car parking space(s) and in the south-western corner.
- **Minor modification of Basement Level 1 Retail Car Parking** – Due to design development, it is proposed to modify the layout of the Basement Level 1 Car Park to reduce the amount of retail vehicular parking from 102 spaces to 99 spaces. It is also proposed to relocate the mall entrance and travelator from the south-eastern corner to a revised location further north and construct two retail tenancies with a total GFA of 87.4sqm. The ramp is to be relocated to the southern portion of the basement footprint to improve circulation throughout the car park.

The proposed basement footprint is less than the approved development, resulting in opportunities for deep soil landscaping in the north-western corner of the site. The modifications across the two basement levels result in a net increase of 7 car parking spaces.

- **Tree Removal** – This application proposes the removal of five (5) existing trees along the northern side of Evans Avenue to allow the construction of the proposed development. It is not feasible to retain the

trees as the canopy infringes on the awning line and the undergrounding of cables and infrastructure (as required by Condition B41) impacts the TPZ of these trees requiring removal of these trees. A replanting strategy is proposed to offset the removal of these trees.

- **Building Services** – The proposal seeks amendments to the location of building services, plant and operations across the site, undertaken with more detailed specialist advice and in consultation with the relevant services providers.

Further detail is provided in the Architectural Plans prepared by FJMT and Landscape Plans prepared by Turf Design Studio, attached at **Appendix B** and **Appendix D** respectively.

4.2. NUMERICAL OVERVIEW

4.2.1. Summary

A numerical overview of the proposed amendments is provided in **Table 4**.

Table 4 – Dwelling Mix Comparison

Numeric	Approved	Proposed
Building 1B		
Studio	Nil.	1 (3.7%)
1-bed	Nil.	7 (25.9%)
2-bed	3 (50%)	13 (48.15%)
3-bed	3 (50%)	6 (22.22%)
Total Dwelling Provision	6	27
Residential Gross Floor Area	784m ²	11,133m ²
North Site		
Retail Gross Floor Area	3,322m ²	3,789.4m ²
Car Parking	114 residential spaces 102 retail spaces 32 motorcycle spaces Total - 216 vehicular spaces (including 9 accessible spaces)	124 residential spaces 99 retail spaces 10 motorcycle spaces Total - 223 vehicular spaces (including 12 accessible spaces)

4.2.2. Gross Floor Area

The approved total gross floor area (GFA) for the site is 49,040m². The works proposed under this modification will result in a net increase in GFA of 10,816.4m², comprising 467.4m² of retail floor space and 10,349m² of residential floor space within Building 1B, bringing the overall proposed GFA of the approved development to 59,856.4m². Proposed GFA diagrams and schedule have been prepared by FJMT and are submitted at **Appendix B**.

4.2.3. Building Height

The maximum height of Building 1B is proposed to be increased from RL30.5 to RL50.150 measured to the top of the lift overrun. This building shall be a maximum of 7-storeys above podium level (plus a rooftop terrace area).

No change is proposed to the building height of the other approved buildings within the precinct.

4.2.4. Car Parking

A detailed review of the approved basement levels was undertaken by FJMT in consultation with the project traffic consultant, Colston Budd Hunt & Kafes.

The review discovered efficiencies in the basement footprint that could be achieved to improve circulation while maximising car parking provision and reducing the extent of horizontal excavation. The proposed amendments to the layout to the basement levels includes changes to the orientation of vehicular spaces, relocation of entry lobbies, travelators, building services and vehicular ramps.

Having regard to the modifications to Building 1B, the proposal seeks to increase the overall parking provision by 7 spaces. This is made up of a net reduction of 3 spaces within the retail car park at Basement Level 1 and an increase of 10 spaces within the residential car park at Basement Level 2.

A summary of the proposed car parking provision within the two basement levels across the North Site is summarised in the following **Table 5**.

Table 5 – Proposed Car Parking Provision

Spaces	Proposed (North Site End State)
Resident	124 spaces (including 8 accessible spaces)
Retail	99 spaces (including 4 accessible spaces)
Motorcycle spaces	10 spaces

4.3. BUILDING 1B

Building 1B is proposed to be modified to become a feature “Gateway Building” for the North Site.

The proposal seeks to modify the approved 3 storey building by increasing it to a total of 8 storeys including a rooftop terrace. Specifically, the proposal seeks to increase dwelling provision in a mixed-use site within an accessible location.

The proposed shape of the building is to be amended from a rectangular building to a curvilinear form. This is proposed as a response to Building 1B’s “Gateway Building” status, the curve on Evans Avenue, to soften the bulk of the building and respond to the monotonous austerity of buildings on Racecourse Way, Evans Avenue and Barber Avenue.

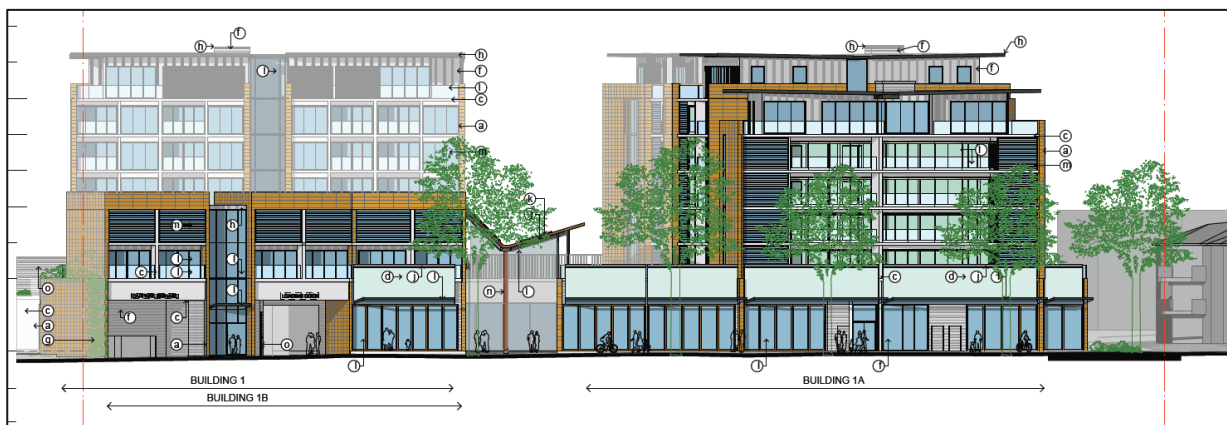
The building footprint of Building 1B is to be sited further into the site and setback further than the approved development at key site boundaries while maintaining appropriate separation to buildings within the site.

The approved building was to be built to the southern boundary fronting Evans Avenue, setback between 1.845m (ground level) to 1.820m (upper levels) to the western site boundary and separated approximately 19m to Building 1 and Building 1A within the site.

The proposed modification seeks to increase the setbacks and separation distances in order to increase the amenity of the subject apartments and neighbouring dwellings. Building 1B is setback a minimum of 6.475m to the western side boundary and setback from the southern site boundary at the south-western corner. The proposed curved edges also mean the proposed building curves away on the northern and southern edges doubling the setbacks and separation distances at certain points. Internally within the site, the proposal is separated approximately 18m to Building 1 and 1A respectively.

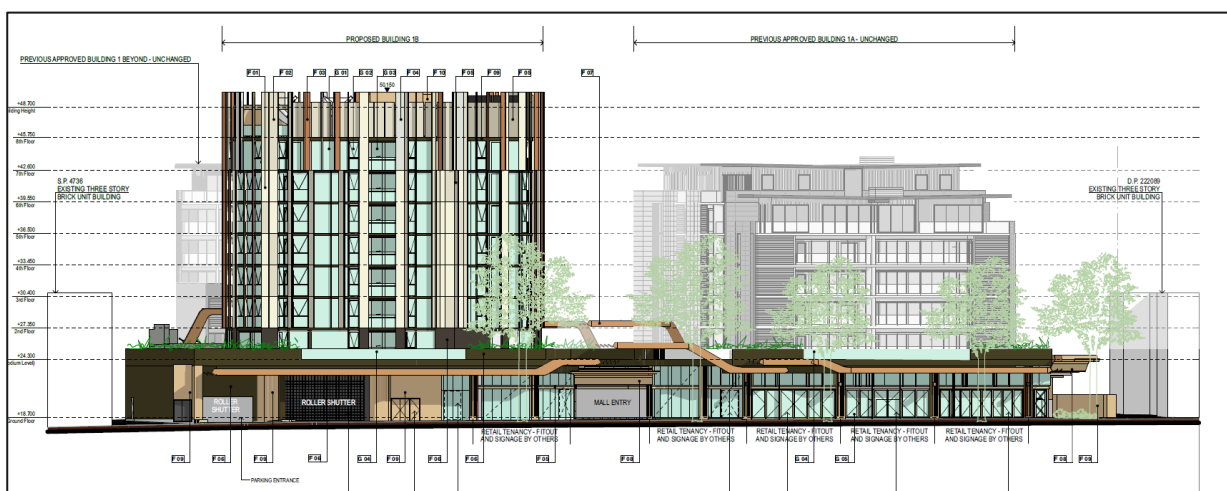
A comparison between the approved and proposed building envelopes of Building 1B is illustrated in the following **Figure 4** and **Figure 5** Southern Elevation extracts.

Figure 4 – Approved North Site South Elevation



Source: Rice Daubney

Figure 5 – Proposed North Site South Elevation



Source: FJMT

4.4. RETAIL MALL

The proposal includes several minor amendments to the ground floor retail mall to improve amenity and activation with the public domain and increase the retail offering.

The proposal comprises changes to the configuration of the ground floor building footprint. The changes include extension of the supermarket footprint toward the northern site boundary, integration of the curvilinear form in terms of tenancy layout and awning design and larger openings to further integrate and activate the mall with the public domain. The 'oculus' shape of the building will create diversity and interest along the streetscape and a unique retail environment.

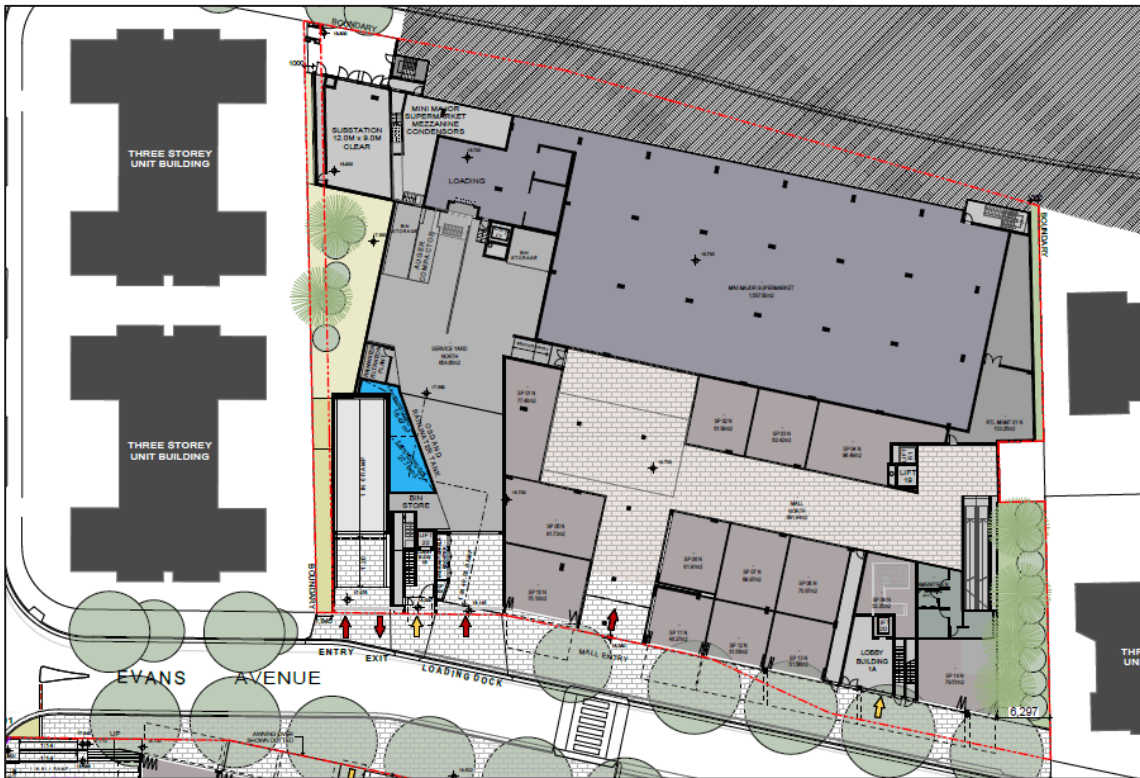
The proposal also seeks to consolidate the number of residential building entries to maximise retail activation. A common lobby is provided within the Ground Floor of Building 1B.

The approved 6.297m setback to the eastern site boundary is to be retained but to be used for outdoor dining purposes, integrating the site with Evans Avenue and the public domain and acting as a secondary entry into the retail mall. The intent of this is to create a specific laneway café culture that enjoys excellent amenity and solar access in the morning period.

The proposed ground floor improvements result in an additional 467.4m² of retail gross floor area (GFA).

A comparison between the approved and proposed ground floor layout is shown in the **Figure 6** and **Figure 7** extracts.

Figure 6 – Approved North Site Ground Level Plan



Source: Rice Daubney

Figure 7 - Proposed North Site Ground Level Plan



Source: FJMT

4.5. SERVICES, PLANT AND INFRASTRUCTURE

This modification includes amendments to the location of building services, plant room and essential building services throughout the North Site. The amendments are primarily confined to basement and ground floor level.

4.6. TREE REMOVAL

The proposal seeks to remove five (5) existing trees along the northern side of Evans Avenue (refer **Figure 8**).

An Arboricultural Impact Assessment has been prepared by Eco Logical Australia to provide an assessment of the health and condition of existing vegetation on site, and the impact the proposed development will have on existing trees. The report is submitted at **Appendix E** and it identifies that Trees 3-7 located along the northern side of Evans Avenue are identified as *Platanus Acerifolia*, or 'London Plane' trees and have a medium retention value.

The trees were located in the awning line of the approved development and also within the proposed design. These awnings are important for public amenity and shelter in creating an activated café strip along Evans Avenue, as well as highlighting the entry to the retail mall architecturally. The trees will also be impacted by the undergrounding of services as required by Condition B41 of the Project Approval. The extent of encroachment to the impacted trees is characterised as a 'major encroachment' and therefore the trees cannot remain viable and are required to be removed.

To offset the proposed removal of the subject trees, the proposal seeks to replant five (5) *Platanus Acerifolia*, or 'London Plane' trees along the northern side of Evans Avenue to reintroduce vegetation into the streetscape in alignment with the neighbouring properties street trees setback from the kerb. These trees will be supplemented with understorey planting chosen in accordance with the Street Tree Masterplan, published by Botany Bay Council in 2014.

Figure 8 – Tree Location Plan



Source: Eco Logical Australia

4.7. LANDSCAPING

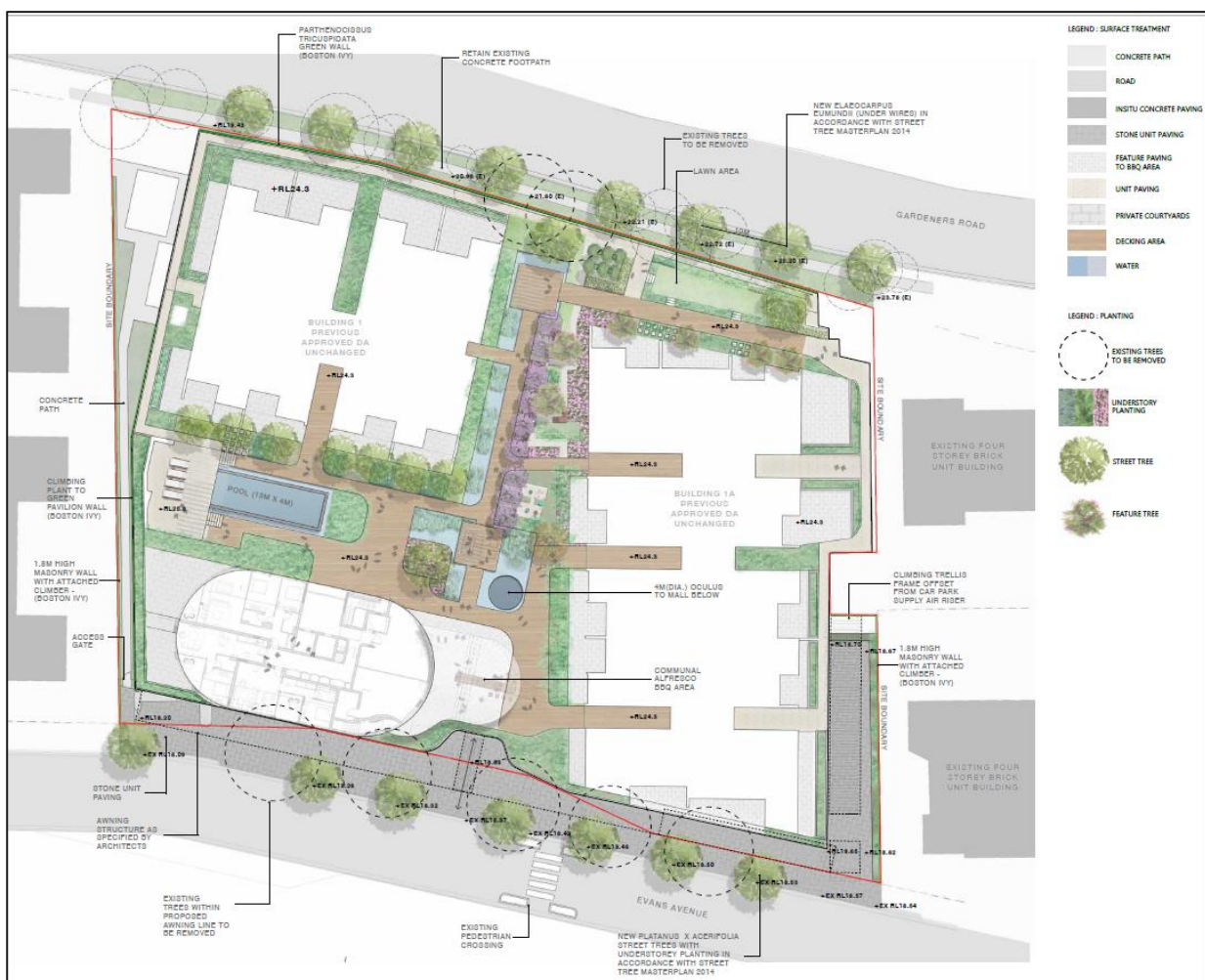
Minor improvements have been made to the ground floor and podium level landscape strategy. The revised plan has been prepared by Turf Design Studio and is submitted at **Appendix D** and illustrated in the following **Figure 9** extract.

The proposed podium level of the North Site consists of a timber decking area, with a 52sqm swimming pool, and a communal alfresco BBQ area supported by green walls, planting and feature trees. An open lawn area provides an open space for passive and recreational use by the residents in the surrounding apartments. The green wall surrounding the podium level along the northern and western elevations will provide screening and privacy for the residents.

These landscape elements generally formed part of the approved landscape strategy, but are proposed in new locations to enhance their amenity.

A communally accessible roof top terrace area is also proposed within Building 1B. The terrace is some 160.6m² and is afforded with expansive views to the north to the Australian Golf Course.

Figure 9 – Landscape Plan



Source: Turf Design Studio

4.8. JUSTIFICATION FOR THE PROPOSED MODIFICATION

Through design development, a detailed architectural review and further planning, it has become apparent that there are number of opportunities to revise the approved scheme for the North Site to achieve the most appropriate development outcome for the site. The proposed modifications arise from several strategic influences, which are discussed in further detail in the following sections.

4.8.1. Housing Diversity and Supply

Since Project Approval was granted in September 2013 updated strategic directions and population forecasts result in increased need to contribute to optimise development for housing in desirable areas well serviced by transport and retail employment.

A Plan for Growing Sydney was released in December 2014 and identifies the need to accommodate continued growth in population and employment over the next 20 years, with 1.6 million additional people to be accommodated, an additional 664,000 new dwellings required and workplaces provided for an additional 689,000 new jobs.

As discussed in **Section 7.3** of this EAR, the draft Central District Plan was released in November 2016 and identifies that the Bayside LGA is to accommodate 10,150 new dwellings between 2016-2021; the greatest growth of any LGA in the Central District with the exception of Sydney. The Plan also encourages Council's to increase housing capacity stating Bayside Council should "investigate local opportunities to address diversity and demand in the short to medium term at local centres and close to transport and other areas with high accessibility".

The NSW 2021 Plan and A Plan for Growing Sydney emphasise the need to concentrate new dwelling growth in existing and identified centres, to promote more efficient use of infrastructure, co-location of housing and jobs and improved amenity. The draft Central District Plan identifies Eastlakes as a Local Centre and specifically identifies Eastlakes as an area identified for investigation and coordination of urban renewal to respond to the projected housing growth.

The proposal contributes toward the housing targets for the Bayside LGA established under the draft Central District Plan and Botany Bay Planning Strategy 2031 through the provision of 425 new dwellings across the site. In addition, the proposal takes pressure off the need to increase density in lower scale areas within the LGA.

The proposed modification to increase the dwelling supply within Building 1B by 21 apartments is consistent with the objectives and intentions of the relevant strategic policies. The new apartments would benefit from the immediate proximity of the retail mall as well as a gymnasium and function space within a highly accessible location with generally good access to public transport.

The provision of single storey apartments is also more aligned with market demand. Due to a change in the residential market since Project Approval was granted in September 2016, it is apparent that duplex apartments are not a desirable apartment typology. The proposed 27 single storey apartments within Building 1B introduce a diverse range of apartment mixes and sizes and contribute toward affordability.

4.8.2. Improved Retail Environment and Public Domain Interface

The Project Approval established Eastlakes Shopping Centre as an important strategic local centre, contributing toward the urban renewal of the Eastlakes suburb through improved retail services, housing capacity and diversity.

This resulted in Eastlakes being identified as a Local Centre within the draft Central District Plan. The approved redevelopment of the Eastlakes Shopping Centre is at the core of the Local Centre being a highly mixed project with the capacity to transform the area.

The draft Central District Plan discusses the need to "prioritise the provision of retail floor space in centres" and consider "opportunities for existing centres to grow and new centres to be planned to meet forecast demand across a range of retail business types".

The additional retail floor area proposed by this modification is therefore supported by the directions contained in the relevant strategic policies and plans being located within the core of the Eastlakes Local Centre.

4.8.3. Design Development

Several other minor amendments are proposed within this modification and have arisen due to design development. The modifications are in relation to basement design, tree removal and landscaping and location of essential building infrastructure throughout the North Site.

The revised development has been undertaken in consultation with the relevant authorities with specialist technical advice.

4.9. CONDITIONS TO BE MODIFIED

To reflect the proposed development, this section 75W application proposes the following modifications to the Conditions of Approval. Text proposed to be deleted is indicated by 'strike through' and text proposed to be added is indicated in 'red' text.

4.9.1. Development Description

The development description in Schedule 1 is required to be updated to reflect the amended development proposed by this subject modification.

Development Description

A1 Development approval is granted to carry out the development described in detail below:

- demolition and removal of all existing buildings;
- construction of a mixed use development generally between 2 – ~~6~~ **7** storeys above podium in height except at the corner of Evans Avenue and Racecourse Place, where a maximum height of RL 48.7 AHD applies **and Building 1B along Evans Avenue, where a maximum height of RL 50.150 AHD applies**
- maximum ground floor retail and community floor space of ~~14,404m²~~ **14, 871.4m²**
- maximum ~~405~~ **425** residential apartments with a maximum GFA of ~~34,636m²~~ **44,985m²**
- ~~946~~ **923** basement car parking spaces over two levels;
- associated landscaping;
- associated infrastructure, stormwater and utility works;
- stratum subdivision

4.9.2. Plans and Documentation

Development in Accordance with Plans and Documentation

A2 The development shall be undertaken generally in accordance with:

- the Environmental Assessment dated 12 July 2012 prepared by Don Fox Planning except where the amended by the Preferred Project Report dated 14 March 2013 and as amended by information submitted on 8 May 2013, including all associated documents and reports;
- the Draft Statement of Commitments prepared by Don Fox Planning;
- **the Modification Application MP09_0146 MOD 1 and accompanying document titled 'Eastlakes Shopping Centre Section 75W Modification Environmental Assessment Report'.**
- the following drawings:

Architectural Plans by Rice Daubney			
Drawing No	Revision	Name of Plan	Date
DA02	F	Site Plan	07.05.13
DA03	G	Basement Level 2 Plan	15.02.13
DA04	H	Basement Level 1 Plan	07.05.13
DA05	J	Ground Floor Plan	11.09.13
DA06	H	Level 1 Plan	11.09.13

DA07	H	Level 2 Plan	11.09.13
DA08	H	Level 3 Plan	11.09.13
DA09	H	Level 4 Plan	11.09.13
DA10	H	Level 5 Plan	11.09.13
DA11	H	Level 6 Plan	11.09.13
DA12	H	Level 7 Plan	11.09.13
DA13	H	Level 8 Plan	11.09.13
DA14	G	Rood Plan	11.09.13
DA15	E	Building 1 & 1B Layouts	15.02.13
DA16	E	Building 1A Layouts	15.02.13
DA17	F	Building 2 & 3 Layouts	07.05.13
DA18	F	Building 4 & 4A Layouts	07.05.13
DA19	E	Building 5 Layouts	15.02.13
DA20	E	Building 6 & 6A & 1B Layouts	15.02.13
DA21	F	Building 7 Layouts	07.05.13
DA22	E	Elevations Sheet 1 South Site: North and West Elevations	15.02.13
DA23	E	Elevations Sheet 2 South Site: East and South Elevations	15.02.13
DA24	E	Elevations Sheet 3 North Site: East and South Elevations	15.02.13
DA25	E	Elevations Sheet 4 North Site: North and West Elevations	15.02.13
DA26	E	Sections	15.02.13
DA27	E	Sections	15.02.13
DA28	E	Sections	15.02.13
DA45	A	Staging Plan	15.02.13

Architectural Plans by FJMT

Except as amended by the following plans

S75W 130001	02	Section 75W Application Site Plan	28.06.17
S75W 130002	03	Section 75W Application Ground Floor	29.06.17
S75W 130003	04	Section 75W Application Podium Level Floor Plans	4.07.17
S75W 130004	04	Section 75W Application Building 1B Floor Plans	4.07.17

S75W 130005	04	Section 75W Application Basement 2	6.07.17
S75W 130006	03	Section 75W Application Basement 1	4.07.17
S75W 130007	02	Section 75W Application Elevations	28.06.17
S75W 130008	02	Section 75W Application Elevations	28.06.17
S75W 130009	03	Section 75W Application Sections	29.06.17
S75W 130010	03	Section 75W Application Adaptable Units	29.06.17
S75W 130011	03	Section 75W Application Area Schedule	7.07.17
S75W 130012	02	Section 75W Application Shadow Analysis	28.06.17
S75W 130013	02	Section 75W Application Photomontage 1	28.06.17
S75W 130014	03	Section 75W Application Photomontage 2	4.07.17
Landscape Plans by Taylor Brammer			
<i>Drawing No</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
LA01	C	Concept Landscape MasterPlan	28.02.2013
LA02	C	Tree Retention and Removal Plan	28.02.2013
LA03	C	Public Domain Landscape Plan	28.02.2013
LA04	C	Landscape Planning Plan	28.02.2013
LA05	C	Landscape Soil Depths Plan	28.02.2013
LA06	C	Landscape Details Plan	28.02.2013
LA07	C	Landscape Elevations – Barber Avenue	28.02.2013
LA08	C	Landscape Elevations – Evans Avenue	28.02.2013
LA09	C	Landscape Elevation and Section – Gardeners Road	28.02.2013
LA10	C	Landscape Elevations – North Site East and West Elevations	28.02.2013
Landscape Plans by Turf Design Studio			
Except as amended by the following plans			
L-DA-01	P1	Landscape Plan	23.06.2017

4.9.3. Council Contributions, Fees and Bonds

The works will result in increased floor space. It is therefore anticipated that the Botany Bay Section 94 Contributions Plan 2016 will apply to the proposed works in the same way that contributions were imposed through Condition B14 of the Project Approval.

The contributions detailed in Condition B14 were calculated based on the rates set out in the City of Botany Bay Section 94 Contributions Plan 2005 -2010. This Plan has since been repealed and was replaced on the 22 June 2016 by the Section 94 Development Contributions Plan 2016.

Having regard to the new floor space proposed as part of this modification **Table 6** sets out the additional contributions payable in accordance with the Section 94 Development Contributions Plan 2016.

Table 6 – Section 94 Contributions

	Quantity	Contribution	Total
Studio	1	\$7,517.16	\$7,517.16
1-bedroom	7	\$8,029.65	\$56,207.55
2-bedroom	13	\$13,211.47	\$184,960.58
3-bedroom	6	\$17,265.80	\$171,749.11
Subtotal			\$420,434.40

It is understood that the modifications presented in this modification do not affect the calculated Fees and Bonds presented in Condition B15. Notwithstanding, Bayside Council will be consulted throughout this process and will confirm whether Condition B15 necessitates any modifications.

4.9.4. Tree Protection

This modification seeks to remove five (5) trees located along the northern side of Evans Avenue.

These trees are located within the approved and proposed awning line along Evans Avenue and will be impacted by the undergrounding of services and therefore cannot be practically retained on the site. As discussed in **Section 4.5** of this EAR, a replanting strategy is proposed involving either the transplantation of five (5) 'London Plane' Trees approved for removal elsewhere on the site or the planting of new mature trees along the Evans Avenue streetscape in a more suitable alignment with the neighbouring street trees.

Therefore, it is sought that Condition B22 (a) is to be deleted from the Project Approval.

B22 *The following existing trees within the public domain are to be retained:*

~~(a) All trees on the northern side of Evans Avenue fronting/adjoining the site shown as being retained on Landscape Plan LA02 Rev C,~~

(b) *The Tristaniopsis laurina Sweeper street trees in Barber Avenue south, and*

(c) *All trees within Eastlakes Reserve adjacent to the site.*

These trees including their above and below ground structures, must be retained and protected during development. Permission is not granted for the removal or pruning (either canopy or roots) of any of these trees without further consultation between the engaged Consultant Arborist and the City of Botany Bay Council.

In order to ensure that the abovementioned trees are protected during demolition, excavation and construction, and their health and structural stability ensured, a Consultant Arborist AQF Level 5 is to be engaged to

(a) liaise with Council tree officers regarding their usual requirements for tree protection;

(b) provide a survey of all existing trees;

(c) recommend all necessary tree protection measures including

- i. tree protection zones,
- ii. pruning or remedial work to trees,
- iii. any necessary construction or excavation methods; and
- iv. any necessary amendments to basement design to ensure the longevity of adjoining trees to be retained.

A copy of the report is to be forwarded to Council and all recommended measures are to be incorporated into the Construction Certificate drawings and Construction Environmental Management Plan.

4.9.5. Statement of Commitments to be Modified

Schedule 3 – Proponent’s Statement of Commitments will also need to be updated to reflect the amended documentation that has been lodged with this Section 75W application. Text proposed to be deleted is indicated by ‘strike through’ text and text proposed to be added is indicated in ‘red’.

Table 6- Final Statement of Commitments																	
Commitment Number	Commitment	Timing	Approved by...														
Compliance with Plans																	
1. Development Plans	The proponent will undertake the development generally in accordance with the architectural plans by Rice Daubney Architects and attached at Appendix 2 to the PPR dated March 2013 and as amended by the architectural plans prepared by FJMT and forming part of Modification 1.	Prior to issue of Construction Certificates	Accredited certifier														
2. Gross Floor Area (GFA)	The proponent will limit the floor space of the development to a maximum GFA of 51,832m² 59,856.4m².	Prior to issue of the Final Occupation Certificate	Accredited certifier														
3. Minimum Apartment Sizes	<div>The Proponent will provide apartments with minimum internal floor areas as follows:<table><tr><td>Studio</td><td>39m²</td></tr><tr><td>1 bedroom</td><td>46m²</td></tr><tr><td>2 bedroom</td><td>65m²</td></tr><tr><td>3 bedroom</td><td>113m²</td></tr></table>Except for Building 1B, where the following minimum internal floor areas apply:<table><tr><td>Studio</td><td>43.3m²</td></tr><tr><td>1 bedroom</td><td>50.5m²</td></tr><tr><td>2 bedroom</td><td>77.2m²- 79.7m²</td></tr></table></div>	Studio	39m ²	1 bedroom	46m ²	2 bedroom	65m ²	3 bedroom	113m ²	Studio	43.3m²	1 bedroom	50.5m²	2 bedroom	77.2m²- 79.7m²	Prior to issue of Occupation Certificate for each stage	Accredited certifier
Studio	39m ²																
1 bedroom	46m ²																
2 bedroom	65m ²																
3 bedroom	113m ²																
Studio	43.3m²																
1 bedroom	50.5m²																
2 bedroom	77.2m²- 79.7m²																

Table 6- Final Statement of Commitments			
Commitment Number	Commitment	Timing	Approved by...
	3 bedroom 102.8m²		
Landscaping			
9 Landscape Design	The proponent will provide landscaping generally in accordance with the landscape plans provided by Taylor Brammer Landscape Architects and attached at Appendix 5 of the PPR dated March 2013 except as modified by the landscape plans prepared by Turf Design Studio and forming part of Modification 1.	Prior to issue of Occupation Certificates for each stage.	Accredited certifier.
Transport and Access			
15 Car parking	<p>The Proponent will provide the following minimum car parking:</p> <p>North Side Site:</p> <ul style="list-style-type: none"> Retail car parking spaces – 422 99 (including 4 accessible spaces) Residential spaces – 434 124 (including 4 8 accessible spaces) 19 residential motorcycle spaces. 8 residential motorcycle spaces and 2 retail motorcycle spaces. <p>South Side Site:</p> <ul style="list-style-type: none"> Retail car parking spaces – 350 (including 7 accessible spaces) 2 loading spaces 4 retail motorcycle spaces Residential spaces – 424 spaces (including 11 accessible spaces) 2 car wash bays 18 retail tenant spaces on B2 	Prior to issue of Occupation Certificates for each stage	Accredited certifier
Accessibility and Adaptability			
27 Access	The proponent will ensure that the recommendations of the access consultant (as detailed in the report by Accessibility Solutions (NSW) Pty Ltd dated 17 July 2012 and as amended by the recommendations of the access	Prior to issue of Occupation Certificates for each stage	Accredited certifier

Table 6- Final Statement of Commitments			
Commitment Number	Commitment	Timing	Approved by...
	consultant in the supplementary advice dated 7 July 2013 and attached at Appendix 13 of the PPR dated March 2013) are implemented and as amended by the Access Report dated 7 July 2017.		
Sustainability			
29 BASIX	The proponent will comply with the recommendations of the VIPAC BASIX Assessment report dated 15 February 2013 (Appendix 8 to PPR dated March 2013) in relation to water commitments, thermal comfort and energy usage and as amended by the WSP BASIX Report dated July 2017.	Prior to issue of Occupation Certificates for each stage	Accredited certifier
30 ESD	The proponent will adopt the recommendations of the ESD report by VIPAC (Reference 20C-11-0069-TRP-265538-1 dated 5 July 2012) attached at Appendix 18 of the EAR dated July 2012 and the Section J Assessment by VIPAC (Reference 20C-11-0069-TRP-265526-1 dated 5 July 2012) attached at Appendix 18 of the EAR dated July 2012 and as amended by the WSP Section J Parts J1-J2 Compliance Report dated July 2017.	Prior to issue of Occupation Certificates for each stage	Accredited certifier

5. COMMUNITY AND STAKEHOLDER CONSULTATION

This section describes the consultation that has been and/ or is proposed to be undertaken by the project team during the preparation and assessment of this modification. Consultation has been carried out with Government agencies, including the Department, Bayside Council as well as the relevant service providers.

5.1. COMMUNITY CONSULTATION

There are prescribed statutory requirements for the public exhibition of a section 75W modification application prior to a final determination being made. In addition, Crown Group is committed to ensuring that the neighbouring community and stakeholders are kept informed with respect to the project.

Crown Group is proposing to provide information to neighbours, local community groups, local residents, workers, business owners, staff and stakeholders about the proposal presented in the subject modification in July 2017. Crown Group will also take the opportunity to provide an update to the local community about the status of the project and anticipated construction timeframes moving forward and what that means for residents and customers.

The engagement activities planned include:

- Information to the local community and key stakeholders via email as well as updates on the Eastlakes Shopping Centre Facebook page and website.
- Manning of a contact phone number between 9am and 5pm Monday to Friday (AEST) to take queries about the proposal.
- A community information 'drop in' session scheduled for the 12th-15th July 2017. At this session representatives from Crown Group and the project team will attend and be available to answer questions from the community.
- Informal meeting between the Centre Manager, retail owners and tenants as required.

Post public exhibition of the subject modification, Crown Group will be required to consider relevant submissions received and provide a submissions report which will respond to submissions and identify and modifications to the proposal to address issues raised.

5.2. STAKEHOLDER CONSULTATION

Table 7 describes the stakeholder consultation undertaken for the subject modification.

Table 7 – Stakeholder Consultation

Stakeholders	Actions
Department of Planning and Environment (Department)	<p>Engagement with the Department has occurred, as outlined below:</p> <ul style="list-style-type: none">• Meeting with the Department on the 23 February 2017 to discuss the proposed modification.• Email correspondence from Urbis to the Department noting the key issues raised by the Department at the February meeting, which comprised:<ul style="list-style-type: none">– Building 1B setback to western boundary.– Need to provide a detailed landscape plan, particularly in relation to above setback.– Need to provide detailed shadow analysis, particularly in relation to building to the west.

Stakeholders	Actions
	<ul style="list-style-type: none"> – Apartment sizes were raised and Crown Group confirmed that apartments will comply with the ADG. • Email correspondence from Urbis to the Department on 7 June 2017, providing a status update and the applicant's intention to submit the modification in the immediate term.
Bayside Council	<p>Engagement with Bayside Council has occurred, as outlined below:</p> <ul style="list-style-type: none"> • Meeting with Bayside Council on the 6 March 2017 to discuss options for the South Site and an overview of the subject modification relating to the North Site. • Ongoing email correspondence with Bayside Council as required by Condition B22 Tree Removal.
Roads and Maritime Services (RMS)	<p>The application will be referred to RMS for comment during the public notification period.</p>
Ausgrid	<p>The revised location of the double substation has occurred in consultation with Ausgrid.</p> <p>On the 15 May 2017, a letter was received from Ausgrid providing certification of the design of 2 new kiosks and removal of the existing substation on site.</p>
Sydney Airport Corporation (SAC)	<p>Sydney Airport Corporation (SAC) was consulted as part of the original application.</p> <p>At the time, SAC advised that the height of the prescribed airspace at the site is 51 metres above AHD and they had no objections to the proposed height of the buildings.</p> <p>While the proposed modification to Building 1B remains below the 51 metre AHD, the applicant intends to consult with SAC during the assessment of the subject application.</p>

6. STATUTORY CONTEXT

The sections below demonstrate that there is significant strategic justification and capacity for this approved mixed use development to support additional residential dwellings and associated population increase. The following policies and plans have been reviewed as if they applied to the proposed modification:

- *Environmental Planning and Assessment Act 1979*;
- *Airports Act 1996 (CTH) and Regulations*;
- *State Environmental Planning Policy No 55 – Remediation of Land*;
- *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development*;
- *State Environmental Planning Policy (Infrastructure) 2007*;
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*;
- *Botany Bay Local Environmental Plan 2013*;

The proposal also considers the following Development Control Plan:

- *Botany Bay Development Control Plan 2013*.

6.1. ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

As part of the repeal of Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act), Schedule 6A of the EP&A Act was enacted to allow the application of the repealed Part 3A provisions to certain projects that had been approved or were in the process of environmental assessment under Part 3A. These projects are known as “Transitional Part 3A Projects” and enable approved projects to be modified under the modification framework set out in the repealed section 75W of the EP&A Act, as if it were still in effect.

Major Project No. 09_0146 was approved on 19 September 2013 by the then Minister for Planning and is a transitional Part 3A project. Modification of MP09_0146 is sought under Section 75W of the EP&A Act in accordance with the proposed modifications set out in this EAR.

The following sections assess the proposed modifications against the relevant legislation, instruments, strategies, plans and guidelines relevant to this proposal.

6.1.1. Section 75W Modification of Project Approval

Section 75W of the EP&A Act provides a mechanism by which the proponent of a Part 3A project may request the modification of, and the Minister may modify, that project.

Section 75W(2) of the EP&A Act sets out the right of a proponent to request a modification:

“The Proponent may request the Minister to modify the Minister’s approval for a project. The Minister’s approval for a modification is not required if the project as modified will be consistent with the existing approval under this Part.”

Section 75W(4) of the EP&A Act then provides the Minister with the power to “*modify the approval (with or without conditions) or disapprove of the modification.*”

It is submitted that the Minister has the power under section 75W(4) of the EP&A Act to make the proposed modifications, particularly as those modifications are of limited environmental impact. This is demonstrated by the following considerations:

- The approved use on site remains unchanged;
- The nature of the proposed modifications are minor and will result in minimal impacts external to the site and minimal alteration to the approved building envelopes across the site, they involve:
 - Modifications to the North Site only; the South Site remains unchanged in its entirety.

- Reconfiguration of Basement Car Park to improve efficiency while maximising parking provision resulting in a nett increase of 7 spaces.
- Expansion of the ground floor building footprint and increase the retail GFA by 467.4m².
- Minor changes to the landscaped configuration of the communal open space podium.
- Changes to the building envelope of Building 1B resulting in an additional 10,349m² of GFA and 21 apartments in a range of typologies and sizes.
- Removal and replant five (5) existing trees along the northern side of Evans Avenue.
- The proposed modifications will result in minimal changes to the existing building envelope and built form across the site. The changes predominantly relate to Building 1B to create an identifiable “Gateway Building”, increase housing supply within the Eastlakes Centre, the Bayside LGA and more broadly across Sydney generally and ensure there is a sufficient variety in the appearance of buildings and massing along the street edge;
- The modification seeks to improve internal efficiency of the basement car park and retail mall and amenity of the residential apartments in Building 1B; and
- The proposal does not introduce any new adverse amenity impact upon the surrounding area and public domain.

6.1.2. Objects of the EP&A Act

In considering the proposed development with regard to the ‘Objects of the Act’ included in Section 5 of the EP&A Act. It is noted that the proposal:

- Has been designed with regard to the environmental sensitivities of the site,
- Promotes the orderly and economic use of the land for mixed use residential and retail purposes within an accessible location, in close proximity to housing services, retail facilities and employment opportunities. Further, the proposal contributes toward the revitalisation of a deteriorated retail centre.
- The proposed modifications to the apartment mix in Building 1B is more diverse than approved and provides greater housing options for future residents of varying income levels and household size.

The proposal is therefore considered to be consistent with regards to the objectives of the EPA& Act.

6.2. AIRPORTS ACT 1996 (CTH)

Consultation was undertaken with Sydney Airport Corporation (SAC) during the preparation of MP09_0146.

At the time SAC advised they had no objections to the proposed buildings as the height of the prescribed airspace at the site is 51 metres above AHD. Building 1B is proposed to be increased to RL 50.150 metres (measured to the top of the lift overrun).

The proposed development is therefore within Sydney Airport’s Limitation or Operations Surface. However, under Section 183 of the *Airports Act 1996*, approval is required from the Secretary of the Federal Department of Infrastructure and Regional Development for any such ‘controlled activity’ (i.e. where any construction crane would result in a penetration of Sydney Airport’s Limitation or Operations Surface). It is intended that the Applicant will consult with Sydney Airport to determine the crane height prior to construction commencing. If the crane(s) exceed 51 metres AHD then the application would then be assessed by Airservices Australia and the Civil Aviation Safety Authority prior to construction commencing.

Information provided in this application satisfies the requirements of the *Airports (Protection of Airspace) Regulations 1996*, including identifying the location and height of the proposed development, and intended consultation programme to establish the height of the required crane(s) on the site during construction.

6.3. STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

State Environmental Planning Policy No. 55 – Remediation of Land is the primary environmental planning instrument guiding the remediation of contaminated land in NSW. SEPP 55 requires a consent authority to consider whether the land is contaminated, and if so, whether the land will be remediated before the land is used for the intended purpose.

A Preliminary Environmental Site Assessment Report was prepared by Environmental Investigation Services to accompany the original MP09_0146 application. Soil contamination was not encountered onsite and all results of soil investigations were below the site assessment criteria (SAC). The report concluded the site can be made suitable for the proposed development.

In accordance with Condition B12 of the Project Approval, a Stage 2 detailed site investigation will be conducted prior to the issuing of a construction certificate and possible remediation carried out if necessary thereafter.

6.4. STATE ENVIRONMENTAL PLANNING POLICY 65 - DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65) was gazetted on 19 June 2015. The SEPP aims to improve the design quality of residential flat buildings, shop top housing and the residential component of mixed use developments. It applies to any building that comprises 3 or more storeys and 4 or more dwellings.

The approved development was assessed and approved under *State Environmental Planning Policy No- 65 – Design Quality of Residential Flat Development* and the former Residential Flat Design Code. This instrument was repealed on the 19 June 2015 and replaced with *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development*.

Clause 31 of SEPP 65 (in force) sets out the transitional provisions for applications and modifications that were subject to the former instrument. Specifically, Clause 31(3) sets out that if an application for a modification of a development consent has been made after the repeal of *SEPP 65 (Residential Flat Development)* and the application has not been determined, it must be determined under the new Policy *SEPP 65 (Residential Apartment Development)*.

Therefore, the modifications proposed by this modification to Building 1B must be assessed against the new policy *SEPP 65 (Residential Apartment Development)* and accompanying Apartment Design Guide (ADG) as required by Clause 28 of SEPP 65.

A SEPP 65 Design Report has been prepared by FJMT (see **Appendix C**) and provides an assessment of the proposed modifications against the nine design quality principles of the SEPP and design criteria contained in the ADG

The modified proposal has been designed in accordance with the ADG. A summary of Building 1B's compliance with the ADG is provided in **Table 8**.

Table 8 – Compliance of Building 1B with the Apartment Design Guide – Key Statistics

Apartment Design Guide	Design Guidance	Proposal
Solar Access	<i>Minimum 70%</i>	70.4% (19/27 apartments)
Non-solar Access	<i>Maximum 15%</i>	29.6% (8/27 apartments) Refer to discussion at Section 8.3.1 of this EAR.
Natural Cross Ventilation	<i>Minimum 60%</i>	74% (20/ 27 apartments)
Universal Housing	<i>Minimum 20%</i>	22% (6/27 apartments)
Deep Soil	<i>Minimum 7%</i>	No change to prior approval (refer to discussion at Section 8.3.3 of this EAR).
Communal Open Space	<i>Minimum 25%</i>	No change to prior approval (refer to discussion at Section 8.3.3 of this EAR).
Private Open Space	<i>Studio – 4sqm</i> <i>1 Bed – 8sqm</i> <i>2 Bed – 10sqm</i> <i>3 Bed – 12sqm</i>	Studio – 0sqm 1 Bed – 8sqm 2 Bed – 10sqm 3 Bed – 12sqm Refer to discussion at Section 8.3.4 of this EAR.
Building Separation	<i>Habitable:</i> <ul style="list-style-type: none"> • 4 storeys – 6m • 5-8 storeys – 9m <i>Non-habitable:</i> <ul style="list-style-type: none"> • 4 storeys – 3m • 5-8 storeys – 4.5m 	Building 1B achieves the following separation distances: Building 1 (internal) – 18 metres Building 1A (internal) – 18 metres 16 Evans Avenue (to the west) – 6.475 metres (closest point) – 14.140 metres (furthest point) Refer to discussion at Section 8.4.2 of this EAR.
Ceiling Heights	<i>Habitable rooms – 2.7m</i> <i>Non-habitable rooms – 2.4m</i>	Habitable rooms – 2.7m Non-habitable rooms – 2.4m
Apartment Size	<i>Studio – 35sqm</i> <i>1 Bed – 50sqm</i> <i>2 Bed – 70sqm</i>	Studio – 43.3sqm 1 Bed – 50.5sqm 2 Bed – 77.2-79.7sqm

Apartment Design Guide	Design Guidance	Proposal
	3 Bed – 90sqm	3 Bed – 102.8sqm

6.5. STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP) aims to facilitate the effective delivery of infrastructure across the State. The ISEPP identifies matters for consideration in the assessment of development adjacent to particular types of infrastructure development, including all new development that generates large amounts of traffic in a local area.

The currently approved development on the site is “traffic generating development” pursuant to Schedule 3 of the ISEPP.

The traffic generation of the existing and proposed development has been assessed in the Traffic and Transport Impact Assessment prepared by CBRK included at **Appendix K** and in **Section 8.6** of this report

6.6. STATE ENVIRONMENTAL PLANNING POLICY (BUILDING SUSTAINABILITY INDEX – BASIX) 2004

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 was gazetted on 25 June 2004. The policy applies to proposed BASIX affected or BASIX optional development across the State. The aim of the policy is to provide consistent implementation of the BASIX Scheme across the State.

WSP has prepared a BASIX Certificate for the proposed modification which investigated the estimated thermal comfort, water and energy use of Building 1B and is provided at **Appendix F**. The Assessment confirms:

- The proposed development has achieved the BASIX Water target of 40%.
- The proposed development has achieved the energy target of 21% to the units.
- The proposal manages thermal loads within the apartments to meet the minimum benchmark for this location.

The Certificate is supplemented by an ESD Report which provides a schedule of commitments to be implemented to ensure sustainable operation and functioning of the residential development. The Certificate demonstrates the proposed development is capable of complying with the water, energy and thermal comfort benchmarks established by the BASIX Guidelines.

6.7. BOTANY BAY LOCAL ENVIRONMENTAL PLAN 2013

This section addresses key compliance considerations in the *Botany Bay Local Environmental Plan 2013* (BBLEP 2013) as the principal planning document guiding development on the site.

6.7.1. Land Use Zoning and Permissibility

Under the provisions of the Botany Bay LEP 2013, the site is zoned B2 Local Centre. *Residential flat buildings, shop top housing and commercial premises* are identified as permissible with consent on the site. The objectives of the Zone are as follows:

- *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.*

The proposal continues to uphold the objectives of the zone through increasing the amount of retail and commercial floor space on the site. The construction of apartments onsite will contribute to the creation of a viable town centre in Eastlakes. The modifications sought as part of this application enhance these objectives.

6.7.2. Building Height

Clause 4.3 of Botany Bay LEP 2013 applies a maximum building height standard of 14m to the site.

Section 75R (3) of the EP&A Act states that *Environmental planning instruments (other than State environmental planning policies) do not apply to or in respect of an approved project, this clause is not applicable to Part 3A Major Projects Modifications.*

The proposed height of Building 1B has been considered in detail in **Section 8** of this EAR in terms of overshadowing, visual impacts and visual privacy to ensure any adverse environmental impacts are minimised. In summary, the proposed modification to the height of Building 1B responds to the approved built form of the Eastlakes Shopping Centre and is considered compatible and complementary in this regard.

6.7.3. Floor Space Ratio

Clause 4.4 of Botany Bay LEP 2013 applies a maximum floor space ratio standard of 1.5:1 to the site.

Section 75R (3) of the EP&A Act states that *Environmental planning instruments (other than State environmental planning policies) do not apply to or in respect of an approved project, this clause is not applicable to Part 3A Major Projects Modifications.*

Notwithstanding, the approved development had a maximum FSR of 2.04:1. The proposed modification results in a maximum FSR of 2.49:1.

6.7.4. Tree Removal

Clause 5.9 of the Botany Bay LEP 2013 aims to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

The proposal includes the removal of five (5) urban trees of medium retention value. An Arboricultural Impact Assessment report has been prepared by Eco Logical Australia and is provided at **Appendix E**.

The trees have no special heritage or ecological significance, there are no feasible options that would permit the retention of these trees. However, replacement planning is proposed to compensate for loss of amenity in the streetscape.

6.7.5. Airspace Operations

Clause 6.8 of the Botany Bay LEP 2013 aims to provide for the effective and ongoing operation of the Sydney (Kingsford Smith) Airport by ensuring that such operation is not compromised by proposed development that penetrates the Limitation or Operations Surface for that airport.

Consultation was undertaken with Sydney Airport Corporation (SAC) during the preparation of MP09_0146.

At the time SAC advised they had no objections to the proposed buildings as the height of the prescribed airspace at the site is 51 metres above AHD. Building 1B is proposed to be increased to RL 50.150 metres (measured to the top of the lift overrun).

The proposed development is therefore within Sydney Airport's Limitation or Operations Surface.

6.8. BOTANY BAY DEVELOPMENT CONTROL PLAN 2013

The Botany Bay Development Control Plan 2013 (BBDCP 2013) guides development and planning within the Botany Bay LGA. Assessment against the relevant provisions of the BBDCP 2013 is contained in the following sections.

6.8.1. Eastlakes Locality Statement

The BBDCP 2013 incorporates locality statements and design objectives, and the site is located within the Eastlakes Precinct. The following is an extract from the locality statement:

The Eastlakes Precinct is dominated by the Eastlakes Shopping Centre and residential dwellings. The Eastlakes Shopping Centre contains local shops, which is surrounded by high-rise flats (up to 9 storeys) and 3 storey residential flat buildings dating from between 1960-1970. Residential development decreases in scale and density from the shopping centre to the southern part of the precinct.

The desired future character of the Eastlakes area is identified as a residential district surrounded by the Eastlakes Shopping Centre as the “*main retail hub for the precinct*”. The provision of residential apartments is to be supported by areas of sufficient open space, with pedestrian links and landscaping throughout the Eastlakes Shopping Centre.

The proposal is consistent with the Eastlakes Locality Statement as follows:

- The modifications will support the growth of the Eastlakes Shopping Centre as the main commercial district in Eastlakes. The redevelopment of the centre and expansion of the centre through the proposed modification will create a local centre in proximity to residences, open spaces and community facilities.
- The proposal involves significant landscaping along the boundaries of the North Site and on the podium level to soften the built form and encourage integration with the existing streetscape character.
- The additional height sought for Building 1B is consistent with co-locating greater building heights and density within the Eastlakes Shopping Centre.

6.8.2. Other Relevant DCP Controls

An assessment of the relevant controls contained in Botany Bay DCP 2013 is provided in **Table 9**.

Table 9 – Assessment of provisions against Botany Bay DCP 2013

Provision	Proposal
Part 4C Residential Flat Buildings	
Section 3A Parking & Access	
3A.2 Parking Provisions of Specific Uses	<p>Site specific car parking rates were adopted for the proposed development and are a balance between Council's DCP, the RMS Guide to Traffic Generating Development as well as traffic surveys undertaken at the site. The rates include:</p> <p>1 space per studio, 1 bed and 2 bed apartments;</p> <p>2 spaces per 3 and 4-bedroom apartment;</p> <p>1 space per 5 units for visitors; and</p> <p>3.5 spaces per 100sqm GLA</p> <p>However, in order to promote public transport use in line with sustainability objectives and to reduce excessive vehicle trips to the site, the total car parking provision was capped at 916 spaces.</p> <p>When applying the above rates against the proposed modification, 44 additional spaces are required. The proposal includes provision for an addition 7 spaces on the North Site. The proposed parking demand generated by the proposed modification will therefore be accommodated within the 7 spaces provided on the North Site with the balance provided on the South Site.</p>

Provision	Proposal
	Refer to Traffic and Parking Report submitted at Appendix K and discussion at Section 8.6.2 of this EAR.
Section 4C.2 Site Design	
<p>4C.2.1 Design Excellence</p> <ul style="list-style-type: none"> • High quality architecture which integrates environmental and social sustainability design • Respond positively to desired future neighbourhood character • Create dynamic and inclusive public domains that contribute to a sense of place 	<p>The proposed Building 1B exhibits design excellence and is of a distinctive architectural character. The building responds to the approved future character of the Eastlakes neighbourhood, and is a “Gateway Building” at the corner of the Eastlakes Shopping Centre. The modifications to the layout and awning design of the ground floor retail footprint encourage greater activation and integration with the public domain.</p> <p>The Architectural Design Statement prepared by FJMT provided at Appendix C further outlines the design principles of the proposed development.</p>
<p>4C.2.2 Streetscape Pedestrian</p> <ul style="list-style-type: none"> • New development should be compatible in building bulk and scale with adjoining residential developments and reflect patterns of buildings in the streetscape • Maximum length is 24m, and facades must be articulated to enhance and complement the streetscape • Buildings must be sited to address the street. Developments must address all frontages if on two streets. 	<p>The proposal is consistent in building bulk and scale with the approved development MP09_0146. The proposed modification will contribute to the urban renewal of the Eastlakes Local Centre.</p> <p>The proposed modification positively addresses the street frontage and integrates with the approved buildings on both the North and South site.</p>
<p>4C.2.3 Height</p> <ul style="list-style-type: none"> • New developments are to consider the topography and shape of the site and respond to the height of buildings within the neighbourhood • Building bulk must be distributed across the site to ensure there is no significant loss of amenity to adjacent sites and open space. • Development will comply with the Civil Aviation Safety Authority requirements 	<p>The proposed increase in building height for the proposed modification is justified as it responds to the built form of the surrounding approved buildings on the North Site. The increase in height has been carefully designed to ensure there are no unacceptable impacts to adjacent sites and open space (refer to discussion at Section 8.4 of this EAR).</p> <p>The proposed height Building 1B is RL 50.150m and is below the maximum height of RL 51m prescribed for the airspace at the site.</p> <p>The proposed development is therefore within Sydney Airport’s Limitation or Operations</p>

Provision	Proposal
	Surface. Refer to discussion at Section 6.2 of this EAR.
<p>4C.2.4 Landscaped Area and Deep Soil Planting</p> <ul style="list-style-type: none"> • RFB must have a minimum landscaped area of 35% and a maximum hard landscaped area of 20% • Street trees are to be maintained • Planter beds with a minimum of 1m in width and support appropriate soil depth and plant selection • No more than 1/3 of the front landscaped setback shall be paved • Impervious pavements are to be limited, and incorporated WSUD • Driveways and pathways shall be located 1.5m from common boundaries 	<p>No change is proposed to the approved landscaped areas (see discussion at Section 8.3.3 of this EAR).</p> <p>The proposal seeks to remove five (5) existing trees along the northern side of the Evans Avenue. As discussed throughout this EAR, these trees cannot be practically retained on the site in their current location as they are within the approved and proposed awning line and will be impacted by undergrounding of services as required by the Project Approval.</p> <p>Refer to discussion at Section 8.5 of this EAR.</p>
<p>4C.2.5 Open Space</p> <ul style="list-style-type: none"> • Open space shall provide a visual focus for the development, ideal siting for solar access and to preserve existing trees 	<p>The communal open space area on the podium level of the development provides a range of passive and active users for the residents in the surrounding apartments. The space achieves a portion of solar access at hourly intervals on 21 June, as demonstrated within the Shadow Diagrams in the Architectural Plans attached at Appendix B.</p> <p>A 160.6m terrace is also proposed on the rooftop of Building 1B affording residents with greater amenity and open space provision.</p>
<p>4C.2.6 Setbacks</p> <ul style="list-style-type: none"> • All front, side and rear setbacks are to provide deep soil zones • Development is to be designed to create spatial separation • Setbacks are to maximise the retention of existing trees • Awnings are to be setback a minimum of 1.5m from the kerb for a distance of up to 100m from any signalised intersection • Building setbacks from existing front boundary must match the setback of adjoining properties 	<p>Building 1B proposes greater setbacks than approved in order to improve the amenity of the residents and neighbouring developments. This is discussed further at Section 8.4.2 of this EAR.</p>

Provision	Proposal
Section 4C.3 Building Design	
<p>4C.3.1 Building Entries</p> <ul style="list-style-type: none"> Entrances should provide shelter and provide a safe space to enter the building. Front door must have direct access to the street A main pedestrian entry is to be provided within a development 	<p>Building 1B is sited towards the Evans Avenue frontage and offers main pedestrian access from Evans Avenue via a communal lobby. A street awning is proposed to extend over the pedestrian footpath, providing safe and secure shelter.</p>
<p>4C.3.3 Materials and Finishes</p> <ul style="list-style-type: none"> A Schedule of Finishes and Colour Scheme must be provided Developments must be constructed using building materials that maximise energy efficiency 	<p>The proposed materials and finishes are illustrated on the architectural plans prepared by FJMT and submitted at Appendix B. The materials selected integrate with the building design and character of the approved Eastlakes Shopping Centre, and are energy efficient.</p>
Section 4C.4 Building Configuration	
<p>4C.4.1 Dwelling Mix and Layout</p> <ul style="list-style-type: none"> Developments of 10 or more are to provide a range of apartment sizes Maximum 25% Studio and 1 Bedroom units Dwellings with three or more bedrooms are to have two separate living spaces 	<p>Building 1B provides an increased diversity of apartment sizes and mixes to meet the varying needs of the community, including:</p> <p>Studio – 3.7%</p> <p>1 Bed – 25.9%</p> <p>2 Bed – 48.15%</p> <p>3 Bed – 22.22%</p> <p>The proposed mix is generally consistent with the objectives and controls envisaged in the BBDCP 2013.</p>
<p>4C.4.2 Family Friendly Apartment Buildings</p> <ul style="list-style-type: none"> Apartments are designed to accommodate the living needs of families with children with implementation of design controls Controls apply to 2 and 3 bedroom apartments 	<p>The proposed apartments have been designed in accordance with the ADG design criteria and generally exceed the minimum requirements.</p>
<p>4C.4.3 Internal Circulation</p> <ul style="list-style-type: none"> Development must provide multiple cores in the building Alternative access to the elevator must be provided 	<p>Two lift cores are proposed within Building 1B to service the residential floors, providing access to the car park, commercial level, all internal floors and the rooftop terrace. Public access from the basement carpark and retail is provided from a travelator. Stairways provide alternative access.</p>
<p>4C.4.4 Views</p> <ul style="list-style-type: none"> Existing view corridors are to be protected 	<p>There are no existing views to be maintained. Refer to discussion at Section 8.4.4 of this EAR.</p>

Provision	Proposal
<p>4C.4.5 Acoustic Privacy</p> <ul style="list-style-type: none"> Acoustic Report is to be submitted Where height is higher than that of existing streetscape height, an acoustic assessment is required which considers noise from operations of Port Botany and Sydney Kingsford Smith Airport Noise abatement measures to achieve compliance with the current AS 2021 must be integrated into the design of the building 	<p>An Acoustic Impact Assessment prepared by Vipac Engineers & Scientists was submitted with the original application MP 09_0146. The report concluded the noise impact generated from aircraft and traffic noise was appropriate provided design mitigation measures are incorporated into the building. The proposed modification continues to implement these measures, and as such the acoustic impact is considered appropriate.</p> <p>Refer to discussion at Section 8.4.5 of this EAR.</p>
<p>4C.4.8 Safety and Security</p> <ul style="list-style-type: none"> Applications must comply with Part 3I – Crime Prevention, Safety and Security 	<p>The proposed modification has been designed with regard to Part 3I of the BBDCP 2013 and the CPTED principles.</p> <p>A further assessment of the proposal against the CPTED provisions is contained in Section 8.11 of this EAR.</p>
<p>4C.4.9 Car and Bicycle Parking and Vehicle Access</p> <ul style="list-style-type: none"> Basement parking must not protrude further than 1.2m out of the ground when measured from natural ground to the underside of the slab, and must not extend under dwelling balconies and setback areas Loading/ unloading is to be separate from the vehicle car parking area 	<p>The basement car park levels are contained fully below ground level. At no point does the basement protrude above ground level.</p> <p>No change is proposed to the loading arrangements. A separate loading dock with separate driveway access to the vehicular basement is approved in the north-western portion of the site at ground floor level.</p>
Section 4C.6 Large Development Sites	
<p>4C.6.2 Design and Siting</p> <ul style="list-style-type: none"> Development along street frontage must consists of multi-dwelling housing, and any proposed apartment building must be situated to the rear of the site behind the multi-dwelling housing 	<p>Development along the Evans Avenue frontage comprises ground floor commercial active uses with residential in the upper levels. These uses encourage passive surveillance of the public domain, and activate the Eastlakes Local Centre.</p>
Section 4C.7 Mixed Use	
<p>General Controls</p> <ul style="list-style-type: none"> Retail and commercial must be located on the ground floor Adequate storage is to be provided Noise insulation measures are to be incorporated Building should encourage active street frontages Layout is to ensure privacy for dwellings 	<p>The modification retains the retail use of the ground floor, and increases the amount of retail floor space proposed in order to provide greater retail offering to the public.</p> <p>The modification provides active frontages along the Evans Avenue frontage and along the eastern boundary, providing for outdoor seating and creation of a specific laneway café culture.</p>

Provision	Proposal
<ul style="list-style-type: none"> Visitor parking for the shop component is to be conveniently located identified as such, and accessible to the general public. 	Basement level 1 provides safe and efficient visitor retail car parking for 99 vehicles (including 4 accessible spaces).
Part 3C Access and Mobility	
In developments containing 10 or more dwellings, a minimum of 20% of the dwellings are to be adaptable dwellings designed in accordance with Adaptable Housing Australian Standard 4299 Class B.	<p>Provision is made for six (6) adaptable apartments within Building 1B. This equates to 22% of the total apartments within Building 1B.</p> <p>The apartments capable of being made adaptable have been designed in accordance with the relevant Australian Standards (AS) as discussed in the Accessibility Report submitted at Appendix I.</p>
There is to be one accessible parking space for every accessible room or unit as specified by Table D3.1 of BCA	<p>Provision is made for a total of eight (8) accessible car parking spaces within the residential car park at Basement Level 2 of which three (3) accessible spaces are for exclusive use by residents in Building 1B.</p> <p>An additional four (4) accessible car parking spaces are located within Basement Level 1 for retail customer use.</p>
Part 3H Sustainable Design	
	<p>A BASIX Report and Section J Compliance Report have been prepared by WSP and are submitted at Appendix F and Appendix G respectively.</p> <p>The reports demonstrate the proposal's compliance with the relevant BASIX and Section J requirements in accordance with the BBDCP 2013.</p>
Part 3L Landscaping and Tree Management	
	<p>The proposed Landscape Strategy including planting scheme has been prepared with regard to the BBDCP 2013 and the Street Tree Master Plan. Refer to Landscape Plan submitted at Appendix D.</p> <p>The proposal also seeks removal and replanting of five (5) existing trees along the northern side of Evans Avenue. Removal of these trees is supported by the Arboricultural Impact Assessment prepared by Eco Logical Australia and submitted at Appendix E. A summary of the</p>

Provision	Proposal
	recommendations contained in this report is provided at Section 8.5 of this EAR.
Part 3N Waste Minimisation & Management	
	<p>A Waste Management Plan has been prepared by Elephants Foot and is attached at Appendix J.</p> <p>The Report assesses operational waste for proposed Building 1B. The assessment has been conducted to satisfy the City of Botany Bay Development Control Plan 2013 (BBDP 2013).</p> <p>Refer to discussion at Section 8.9 of this EAR.</p>

7. STRATEGIC CONTEXT

A range of strategic planning policies and design guidelines are applicable to the subject modification and the following have been assessed:

- NSW State Priorities;
- A Plan for Growing Sydney;
- Draft Central District Plan;
- NSW Long Term Transport Master Plan;
- Sydney's Walking Future 2013; and
- Sydney's Cycling Future 2013.

7.1. NSW STATE PRIORITIES

NSW 'Making it Happen' is the State Government's plan, in conjunction with the NSW Budget, which guides policy and budget decisions for delivering community priorities. The plan contains nine key areas of focus including: transport, health, education, environment, police and justice, infrastructure, family and community services, economy and accountability.

The proposed development will contribute to achieving the objectives of the State Plan. The site is already well served by public transport, including buses and ferries. The proposal will contribute to overall functioning of Eastlakes, contributing to the growth of the NSW economy.

7.2. A PLAN FOR GROWING SYDNEY

A Plan for Growing Sydney (the Plan) provides guidance for land use planning over the next 20 years and a clear strategy for accommodating and supporting Sydney's future population, as well as framework to strengthen its global competitiveness and delivery of investment and job growth.

The Strategy identifies the need to accommodate continued growth in population and employment over the next 20 years, with 1.6 million additional people to be accommodated and workplaces provided for an additional 689,000 new jobs.

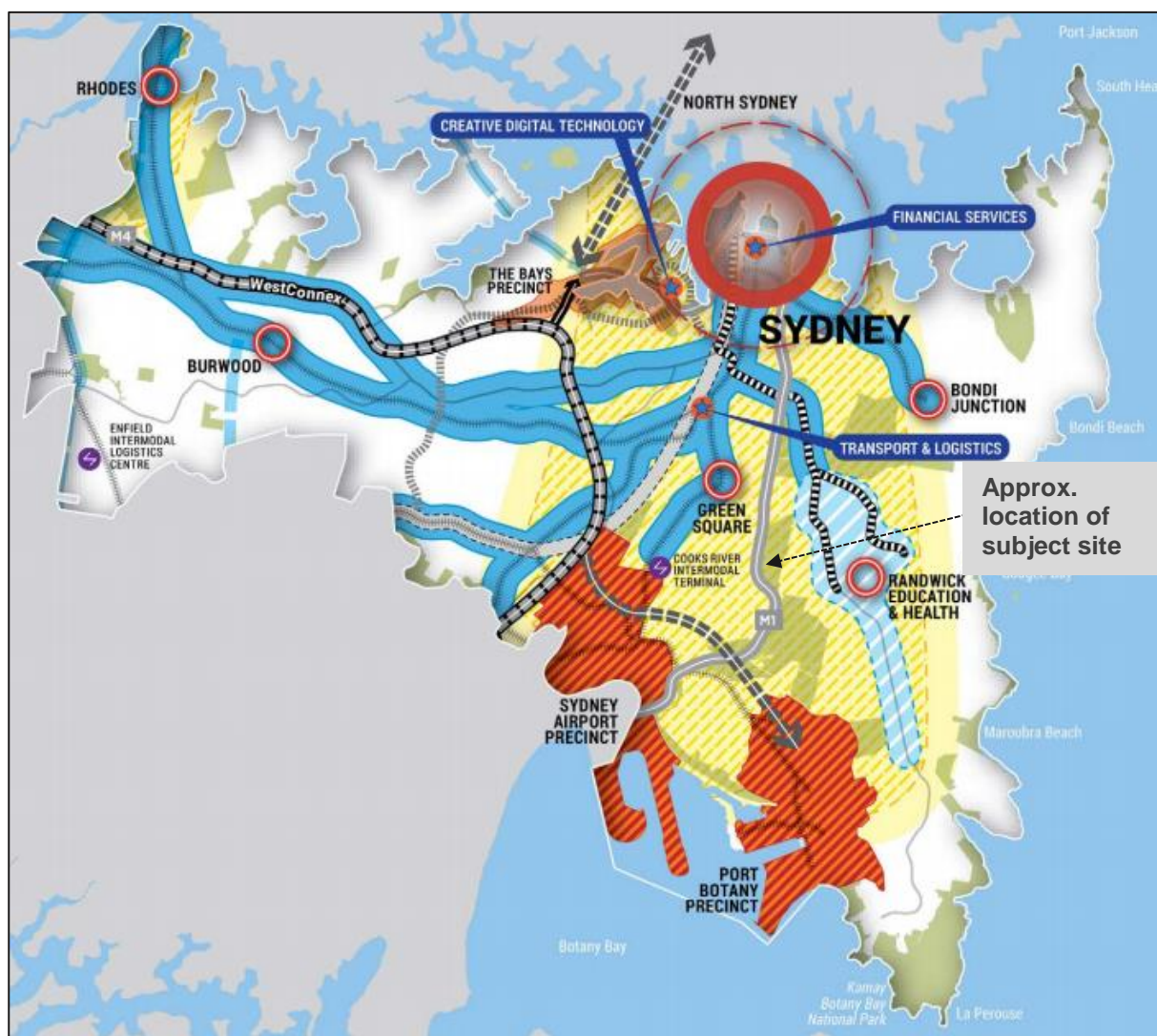
The subject site is located within the Central Subregion, as indicated in **Figure 10**.

The proposed development will support the realisation of the plan as it will achieve the following plan priorities:

- Deliver increased housing supply in the Eastlakes Local Centre surrounded by jobs and public transport services, contributing to achieving the residential growth target for the Greater Sydney area of 664,000 by 2031;
- Accelerate delivery and diversity of housing supply within a pre-established area, and in doing so the proposal will revitalise and support urban renewal of the dormant suburb of Eastlakes; and
- Continue to provide sustainable transport options through locating residential developments within proximity to commercial and community services in a highly accessible location and close to major areas of employment including the Sydney CBD, Green Square, Sydney Airport, Port Botany and Randwick Education and Health Centre.

The development proposal is consistent with A Plan for Growing Sydney, particularly in relation to increasing housing supply and diversity and supporting urban renewal of established areas. The proposal addresses the vision of Sydney as a city of *"housing choices with homes that meet our lifestyles and needs"*.

Figure 10 – Central Subregion



Source: Department of Planning and Environment

7.3. DRAFT CENTRAL DISTRICT PLAN

The Draft Central District Plan was released by the Greater Sydney Commission in November 2016. The Plan sets out the 20-year vision, priorities and actions for Greater Sydney's Central District which includes the local government areas of Bayside, Burwood, Canada Bay, Inner West, Randwick, Strathfield, the City of Sydney, Waverley and Woollahra.

The Bayside LGA is identified to experience significant population and dwelling growth. Between 2016 and 2036, the Bayside LGA is identified to experience a total population growth of 62,250 people. This amounts to 20% of the total growth of the Central District.

The five-year housing target for the Bayside LGA between 2016 and 2021 is 10,150 dwellings; the greatest growth of any LGA in the Central District in exception of Sydney.

Action L3 of the Plan specifically identifies the subject site as an area identified for investigation and coordination of urban renewal to respond to the projected housing growth. The proposal specifically responds to this priority through increasing the number of residential apartments and commercial floor space delivered in the area.

To this end, the Plan also identifies Eastlakes as a Local Centre (refer **Figure 11**). The role of Local Centres is to:

- Provide more jobs and serves closer to where people live.

- Manage growth and change and prioritise the provision of retail floor space in centres.
- Be a focal point for communities through vitality and viability to the local economies as well to the character of local areas.
- Investigate local opportunities to address demand in the short to medium term at local centres and infill areas with a particular focus on transport corridors and others areas of high accessibility.

Figure 11 – Central District’s strategic, district and local centres



Source: Department of Planning and Environment

The proposed development is consistent with the vision, priorities and actions for the Central District as follows:

- **A Productive City** – The proposal will improve the economic capacity of the Eastlakes local area and Bayside LGA. Modifying the original approval to increase the commercial floor space of the development will provide additional retail tenancies, increasing the economic output of the centre.

The centre will provide a range of local employment opportunities within proximity to homes and urban services, contributing to the development of the Eastlakes local centre. The proposal directly responds to the district economic profile to grow economic activity within local centres through increasing commercial floor space. The proposal demonstrates the ability to rapidly enhance the vitality of the existing Eastlakes Centre, transforming the currently dormant centre to a viable and thriving local community.

A Liveable City – The proposal presents an opportunity to significantly increase housing capacity in the area and provide a range of high-quality apartments for the local community. It directly aligns with Action L3, as it aims to “address diversity and demand in the short to medium term at local centres and close to transport and other areas with high accessibility”. The development will co-locate dwellings within proximity to a centre with a range of retail services and employment opportunities. Further, the plan identifies the importance of accommodating smaller households in a variety of considerations (studio, 1,

2 and 3-bedroom apartments), of which the proposed development will deliver. Approval of the proposed modification will contribute to the creation of a liveable Eastlakes in the Central District.

- **A Sustainable City** – The proposal will support the growth of Sydney as a sustainable city through an assessment of the sustainability of the development in the attached BASIX report. Attached at **Appendix F**, the Report concludes the proposed modification is capable of complying with the sustainability targets for water, thermal comfort and energy.

7.4. NSW LONG TERM TRANSPORT MASTER PLAN

The NSW Government's Long Term Transport Master Plan 2012 (LTTMP 2012) sets out the framework for the delivery of an integrated, modern transport system. The LTTMP 2012 is underpinned by a range of short to long terms actions to guide the transformation of the NSW transport system.

The proposal will not impact upon the functioning of any public transport infrastructure nor impact the safety, accessibility and efficiency of operation. The proponent encourages public transport utilisation for residents, employees and visitors.

Overall, the proposal does not include any works in any public roads and as such will not impact on the accessibility to and from the site or surrounding the site.

7.5. SYDNEY'S CYCLING FUTURE 2013

The Sydney's Cycling Future 2013 (SCF 2013) was released by NSW Government in December 2013 to facilitate improved bicycle networks as an integrated component when planning for new transport and infrastructure projects.

The development encourages cycling with the provision of bicycle parking for staff, visitors and residents in the basement car park. It is recognised that there are opportunities to improve cycle parking at Eastlakes. Eastlakes is a car dominant shopping centre and suburb with limited existing facilities to encourage sustainable transport to/from the site. It is considered that cycle parking conveniently located at basement level would improve accessibility and safety for cyclists.

7.6. SYDNEY'S WALKING FUTURE 2013

Sydney's Walking Future 2013 (SWF 2013) was released by NSW Government in December 2013 and seeks to create a culture of walking for transport by promoting walking as a viable and attractive transport choice. The Strategy aims to link walking to urban growth and to prioritise the needs of pedestrians in the planning, design and construction of new transport and urban development projects.

The proposal encourages a 'Walking Future' with the provision of an improved ground floor retail environment and public domain interface and streetscape that is conducive to walking throughout and to/from the site.

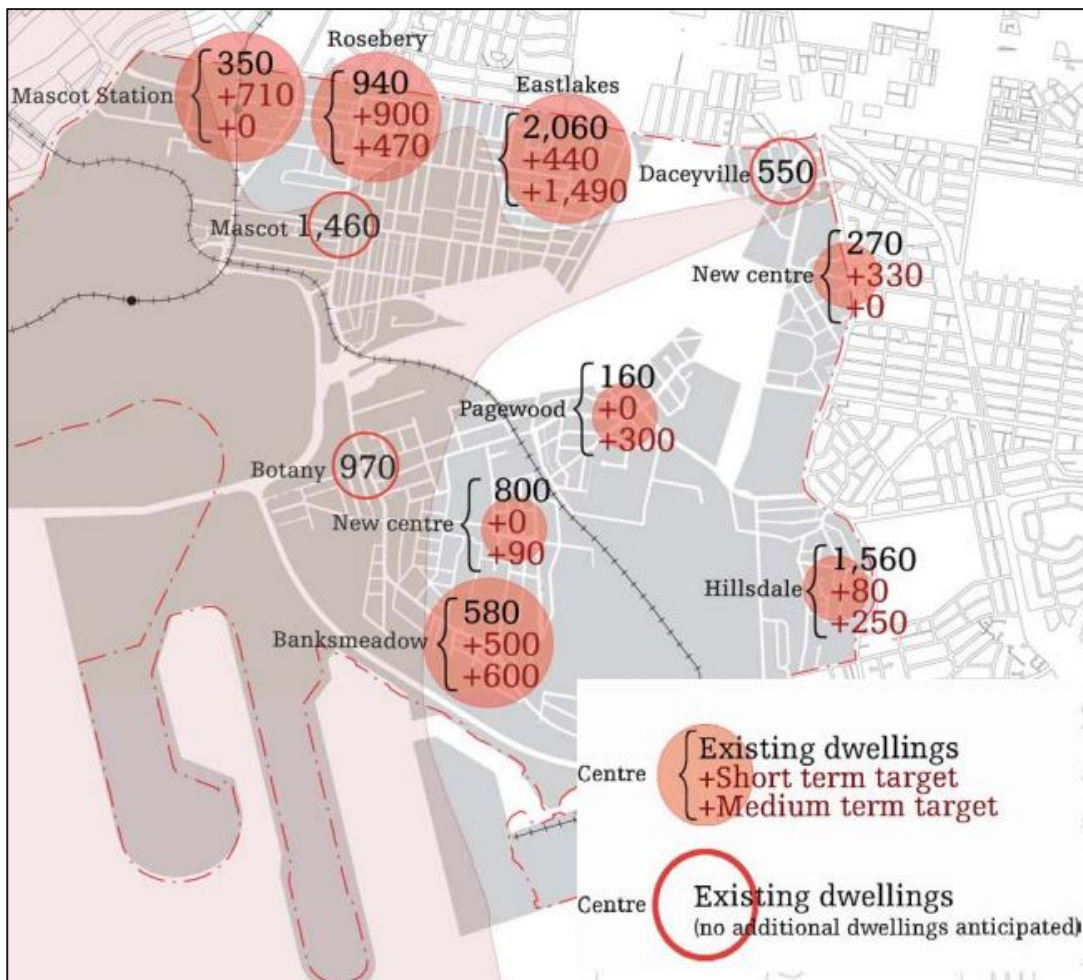
7.7. BOTANY BAY PLANNING STRATEGY 2031

In 2009, the Botany Bay Planning Strategy 2031 was released by Botany Bay Council to provide insight into the economic and residential growth of the LGA. The Strategy identifies the strengths, challenges and strategy principles for the area, and the strategy directions to be followed and considered when preparing Development Applications.

The Strategy reiterates the importance of the Eastlakes LGA to absorb residential demand within the LGA and provide a distinct town centre to support the surrounding residences. **Figure 12** identifies the capacity of the Eastlakes town centre to provide 440 residences in the short term, and 1,490 in the medium term.

Overall, Eastlakes will provide the highest percentage of residential capacity in the LGA. The proposal directly responds to the need to increase the provision of residential housing stock in both the medium and long term within Eastlakes. Specifically, the development will contribute 426 dwellings of the required 1,490 within a highly mixed-use site and accessible location with reasonable access to public transport.

Figure 12 – 2031 Dwelling Distribution



Source: Botany Bay Planning Strategy 2031

8. ENVIRONMENTAL ASSESSMENT

This section of the report assesses and responds to any environmental impacts which arise as a result of the proposed modifications. Mitigation measures have been recommended where necessary.

8.1. DENSITY

The proposed modification seeks to provide an additional 21 apartments within Building 1B (equating to 10,349m² of residential floor space) and an additional 467.4m² of retail floor space. This results in a maximum gross floor area of 59,856.4m² across the site and an FSR of 2.49:1.

The additional gross floor area proposed is primarily to provide additional residential dwellings in line with the relevant local and state strategic plans. Since Project Approval was granted, A Plan for Growing Sydney and the Draft Central District Plan was released which specifically aims to deliver an additional 10,500 dwellings within the Bayside LGA in the next 5 years and acknowledges Eastlakes as an area for investigation and coordination of urban renewal to respond to the projected housing growth. The Plan also encourages Council's to increase housing capacity stating Bayside Council should "investigate local opportunities to address diversity and demand in the short to medium term at local centres and close to transport and other areas with high accessibility".

Eastlakes is considered to be highly accessible and well located being a Local Centre within the Global Economic Corridor and in close proximity to major centres of employment including the CBD (6 km), Green Square (2km), and the transport gateways and strategic centres of Sydney Airport (2.5km), Port Botany (5km) and the Randwick Health and Education Centre (2.5km). The site is also well suited to provide for increased density given the proposed provision of an entire ground floor level of retail floor space including 1 supermarket and several tenancies on the North Site to service the anticipated resident population which is proposed to be further increased as part of this modification to provide greater diversity of retail provision for the public. Further, the site is considered to be reasonably well serviced by public transport, with bus services immediately adjacent to the site and the planned Kingsford Light Rail Station being approximately a 16 minute bus ride away. During the morning peak, buses to the city depart every 2 - 3 minutes from the site.

The Director General's Environmental Assessment Report discusses that in considering density on the site, the key assessment issues that are to be considered are:

- Built form and resulting impacts (refer to discussion at **Section 8.2** of this EAR);
- Traffic impacts on surrounding road network (refer to discussion at **Section 8.6** of this EAR); and
- Adequate access to public transport, open space and infrastructure. There is no change to this consideration from the approved development. The site has adequate access to public transport, open space (Eastlakes Reserve) and infrastructure to support the development.

It is considered that given residential is integrated within the Shopping Centre, it's appropriate that the scale is greater than the predominant surrounding apartments which have existed in Eastlakes for several decades.

8.2. BUILT FORM

8.2.1. Building Heights

Building 1B is proposed to be increased from 3-storeys to 8-storeys in height.

The building presents as 2 storeys to Evans Avenue and to the western site boundary which is consistent with the approved development, with the upper levels setback above podium level. This podium height responds to the height of the adjoining development to the west at 16 Evans Avenue and the 14m height control under the Botany Bay LEP 2013.

The 6 storeys of residential apartments above are setback from the western site boundary between 6.475m-14.140 meters. These setbacks are greater than the currently approved development and improve the amenity of the subject apartments and dwellings at 16 Evans Avenue. Setbacks and separation distances are discussed further at **Section 8.4.2** of this EAR.

Despite the southern frontage to Evans Avenue having limited interface with adjoining residential development, the proposal is setback on the south-western corner to break down the bulk and scale of the building when viewed from the public domain.

The proposed building height and its visual relationship with surrounding development and associated environmental impacts has been considered and is discussed in **Section 8.4** of this EAR.

8.2.2. Setbacks

Minor amendments are proposed to the ground floor building setbacks in order to increase the retail offering and better integrate the building with the public domain along Evans Avenue.

Specifically, the proposal includes an extension of the building footprint toward the northern site boundary to Gardeners Road. This minor modification is considered to result in negligible impact as it will be below street level when viewed from this elevation.

The proposal retains the approved 6.297 metre setback to the eastern site boundary, but seeks to convert part of this setback into a pedestrian trafficable zone. This area will provide an additional pedestrian entry into the retail mall and create an opportunity for a unique laneway café culture, away from the street frontage for surrounding residents and visitors to the site. This area is afforded excellent amenity including solar access during the morning period.

Appropriate mitigation measures are proposed to avoid unreasonable impacts to the neighbouring development at 18 Evans Avenue. This includes retention of a landscaped strip along the boundary line and erection of boundary wall finished in 'batten tile' to mitigate noise and provide for privacy and security to the adjoining residents.

8.2.3. Building Design

The proposed design of Building 1B, the ground floor awning and tenancy layout has been modified. The amendments have emerged from a close and detailed analysis of the site, the streetscape, environmental impacts and urban form.

The building form of Building 1B is to reflect a curvilinear shape. The Design Report prepared by FJMT (see **Appendix C**) discusses that this form addresses the somewhat monotonous scale of the predominantly clay brick 1960's housing of Eastlakes by deliberately contrasting the surrounding building in texture and vertical expression. In addition, the curvilinear form optimises the number of apartments with a northerly aspect to living spaces to maximise solar access and daylight penetration.

The rounding of the corners is also considered to soften the bulk of the building and makes it a unique "Gateway Building". The new curvilinear awning to Evans Avenue responds to the various entry points into the retail mall and is important for public amenity and shelter in creating an activated café strip along Evans Avenue.

8.3. RESIDENTIAL AMENITY

The proposed development was assessed and approved under SEPP 65 – Residential Flat Development (now repealed) and the former Residential Flat Design Code (RFDC).

In accordance with SEPP 65, the proposed modifications to Building 1B have been assessed against SEPP 65 – Residential Apartment Development and the accompanying Apartment Design Guide (ADG).

Overall, the proposed development achieves a high level of compliance with the relevant provisions of the Apartment Design Guide. Specifically:

- Ceiling heights are in accordance with the ADG requirements;
- Apartment layouts maximise usability and functionality, and provide generous areas of both private and communal open space;
- Storage is provided for each dwelling in accordance with the minimum volumes. Storage is located within each dwelling, and storage cages are provided in the basement carparking level;
- Acoustic and visual privacy has been maximised with greater setbacks and building separation provided compared to the approval, and windows / door openings oriented away from noise sources or adjacent habitable areas; and

- A wide variety of dwelling typologies are providing, including studio, one, two and three bedroom units, as well as adaptable dwellings. The provision of single-storey apartments responds to both the market demand and the demographic character of the Eastlakes area.

8.3.1. Solar Access

Part 4A of the ADG requires that living rooms and private open space of at least 70% of apartments are to receive a minimum of 2 hours direct sunlight between 9am and 3pm in mid-winter. The ADG also seeks to ensure that a maximum of 15% of apartments proposed in a building receive no direct sunlight between 9am and 3pm at mid-winter.

A total of 70.4% (19/27) of apartments will achieve at least 2 hours of solar access during mid-winter. In addition, 29.6% (8/27) of apartments do not receive solar access at mid-winter. This inconsistency with the recommended design criteria is justified as:

- While 29.6% of apartments receive no solar access, in the context of the entire project approval the proposed non-solar apartments is far less. This is consistent with how MP09_0146 was assessed and subsequently approved.
- A total of 19/27 apartments within Building 1B receive at least 2 hours of solar access and therefore complies with this requirement under the ADG. Furthermore, the majority of these apartments enjoy a northern orientation and receive well in excess of the required 2 hours with apartments in the upper levels receiving up to 6 hours of solar access during mid-winter.
- Across the North Site, a total of 107/134 (80%) of apartments receive at least 2 hours of solar access. In addition, 27/134 (20%) receive no solar access.
- The apartments that receive no solar access during mid-winter are generally limited to 1 bedroom apartment typologies with the exception of one (1) two-bedroom apartment at Level 2 (unit 202), therefore reducing the number of occupants within the building receiving no solar access. The larger apartment typologies (including 2 and 3 bedroom) that are typically made up of family units and additional occupants all receive solar access.
- Those apartments that do not achieve direct sunlight have been provided within an open aspect to the south or in the case of unit 202 to the north, are well planned and achieve greater than the minimum internal apartment sizes which enhances their amenity.

8.3.2. Cross Ventilation

Natural ventilation is also a key consideration for new apartments under the ADG. The purpose of the natural ventilation requirement is to ensure dwellings have access to fresh air to assist in promoting thermal comfort to occupants and to reduce energy consumption by minimising the reliance on air conditioning.

Part 4B of the ADG include the following outcomes which relate to the level of natural ventilation provided to individual apartments:

- A minimum of 60% of residential apartments are to be naturally cross-ventilated in the first nine storeys of the building, and
- Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line.

The proposed apartments in this modification achieve natural ventilation through building orientation and design. A minimum of 74% (20/27) of apartments in Building 1B are deemed to be naturally ventilated, and all apartments that do not achieve natural ventilation have a maximum depth of 5.5m. This provides for efficient natural ventilation to the apartment, and is considered acceptable under the ADG standards.

8.3.3. Communal Open Space and Deep Soil Landscaping

Part 3D of the ADG requires 25% of the site area to be provided as communal open space.

The approved development located all communal open space on the podium level on both the North and South Site for exclusive use by residents. Approved functional areas of communal open space (including central courtyards with landscaping, paving, pathways and pools) equate to 6,328m² (28% of the site). Additional landscaping provided to the podium edges equates to 588m² (another 2.5%). Total open space therefore exceeds that expected under the ADG.

The proposed modification seeks to revise the landscape strategy for the North Site proposing a number of improvements, but retains the approved area. The podium level communal open space design proposes a diverse series of landscaped areas across the podium including a communal swimming pool, contained BBQ area, open grasses areas, pergolas and gathering spaces sheltered by landscaping and green walls. Additional communal open space is proposed on the roof of Building 1B in the form of a 160.6m² terrace. This terrace is provided with expansive northerly views over the Australian Golf Course.

The communal open space has been consolidated into a well-designed, easily identified area which the residential apartments overlook. Direct, equitable access is provided from the ground floor common lobby through lift access, which also delineates the private communal area from the public space on the ground floor. The Landscape Strategy is submitted at **Appendix D**.

In addition, Part 3E of the ADG requires 7% of the site area with minimum dimensions of 7% as deep soil landscaping.

While the modification proposes amendments to the basement footprint which increase deep soil provision along the north-western corner of the site, the site, consistent with the Project Approval, is not able to achieve the deep soil requirements prescribed by the ADG.

Notwithstanding, the proposal adopts stormwater treatment measures as set out in the approved development.

8.3.4. Apartment Sizes and Private Open Space

In accordance with Part 4D Apartment size and layout and Part 4E Private Open Space and balconies of the ADG, the proposed apartments within Building 1B have been designed to generally comply and in most instances, exceed the minimum internal and external apartment size requirements.

A comparison of proposed Building 1B against the ADG internal and external apartment size requirements is provided in **Table 10**.

Table 10 – Proposed Internal and External Apartment Sizes

Apartment Type	ADG Internal Areas	Proposed Internal Areas	ADG External Areas	Proposed External Areas
Studio	35m ²	43.3m ²	4m ²	
1-bedroom	50m ²	50.5m ²	8m ²	8m ²
2-bedroom	70m ²	77.2m ² - 79.7m ²	10m ²	10m ²
3-bedroom	90m ²	102.8m ²	12m ²	12m ²

One studio apartment on Level 7 is provided with no balcony. This is considered acceptable because the amenity of the additional internal space is deemed preferable to what would have been a south-facing balcony and a smaller internal apartment.

8.4. AMENITY TO ADJOINING DEVELOPMENTS

8.4.1. Overshadowing

Shadow diagrams have been prepared to assess the impact on solar access to neighbouring properties between 9am and 3pm for the Winter Solstice (June 21).

Overall, the proposed development has been designed to minimise overshadowing of adjacent properties as far as possible, particularly to the western boundary where the site adjoins 16 Evans Avenue. This is achieved through the integration of larger setbacks than approved and the curvilinear shaped building.

Shadow diagrams have been prepared at hourly intervals between 9am and 3pm (see **Appendix B**) and illustrate:

- Between 9am and 12pm the proposed shadow from Building 1B is cast over Evans Avenue to the buildings within the South Site. Due to the setbacks and shape of the building, no shadow is cast by Building 1B onto the adjoining development to the west at 16 Evans Avenue.
- Between 1pm-2pm the shadow remains on the south-eastern portion of the South Site and over Evans Avenue.
- At 3pm the proposal continues to overshadow the south-eastern tip of the South Site and a small area of shadow falls on the southern edge of the Building 1A within the North Site.

In summary, the shadow diagrams demonstrate that at no point between 9am-3pm during mid-winter does the shadow cast from Building 1B effect the adjoining surrounding developments. The shadow is predominately cast over Evans Avenue and onto buildings within the site itself.

The proposed overshadowing impacts in this regard are considered satisfactory.

8.4.2. Visual Privacy

Part 3F of the ADG recommends varied minimum building separation distances, dependent on building height, to maximise visual and acoustic privacy between residential buildings.

The recommended separation distances between habitable rooms and balconies of residential buildings to the side and rear boundaries (applicable to the neighbouring building at 16 Evans Avenue and buildings within the site in this case) are:

- 6 metres between habitable rooms and balconies up to 4 storeys in height; and
- 9 metres between habitable rooms and balconies between 5-8 storeys in height.

In addition, separation distances between buildings on the same site should combine required building separations detailed above.

Building 1B is setback a minimum of 6.475 metres (at the closest point) and a maximum of 14.140 metres to the western site boundary. As discussed, the proposed curvilinear building form means the building quickly curves away at the northern and southern ends, thereby reducing the extent of building located closer to the boundary (see plan mark-up at **Figure 13**).

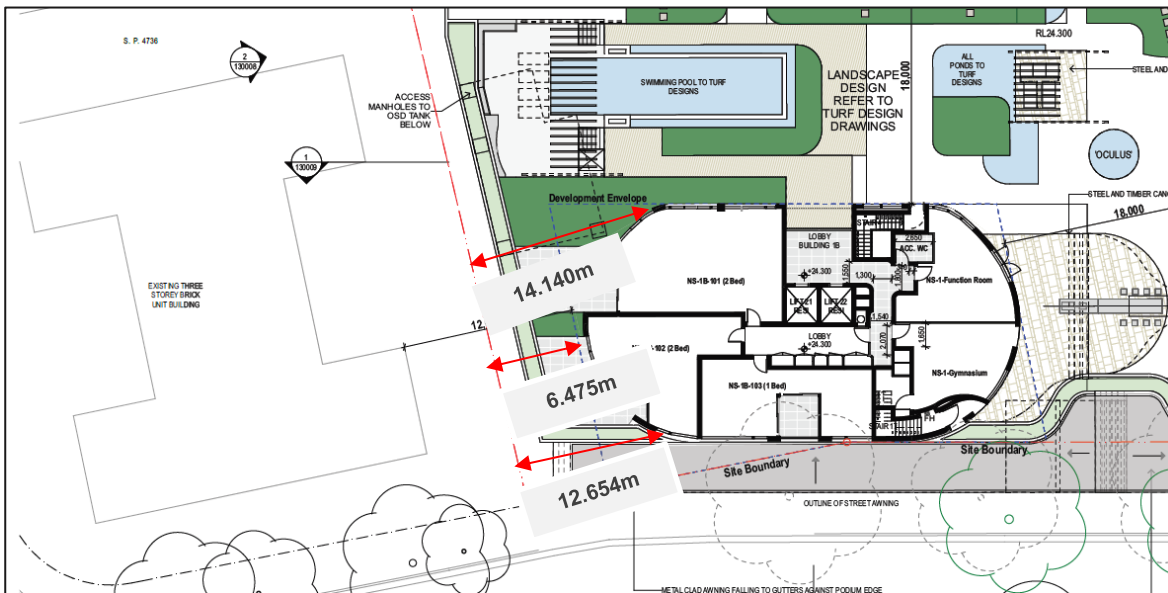
In regards to the ADG, while Building 1B is consistent with the ADG design criteria for the first 4 storeys the top most 2 storeys do not meet the recommended 9 metre setback when measured to the closest point (see **Figure 14** and **Figure 15**). This is however considered acceptable having regard to the following:

- Above 4 storeys the building is setback 6.475 metres from the boundary when measured to the closest point. However, as the building curves around it is setback up to 14.140 metres at its northern end and 12.654 metres at its southern end from the boundary. Therefore, on average the building is setback greater than 9 metres from the boundary.
- The curvilinear building design reduces opportunities for overlooking. Only one (1) apartment on each level above podium level are orientated toward the west and generally contains bedrooms. Living spaces and balconies are generally located on the northern end and therefore sufficiently setback from the boundary (see **Figure 15**).
- Building setbacks are greater than approved. While the approved building was only 2-storeys in height, it was approved some 1.82 metres from the western boundary. The proposed setbacks increase the

amenity of the subject apartments within Building 1B as well as those in the 3-storey building at 16 Evans Avenue.

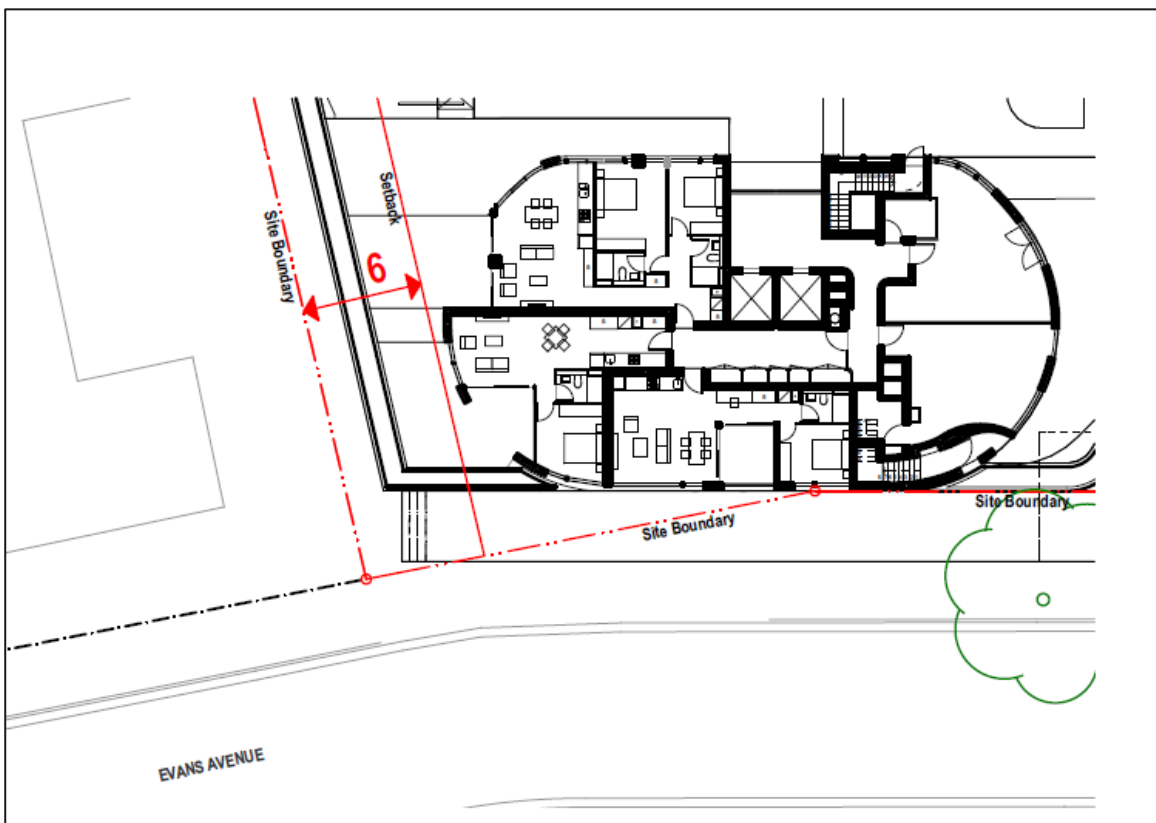
- The proposed setbacks are, on average, consistent with approved Building 1's (6-storeys) setbacks to the western site boundary which are approximately 7.84 metres.
- Fixed vertical sunshades and privacy screens are proposed along the building façade to reduce opportunities for direct lines of sight to neighbouring dwellings.

Figure 13 – Proposed Separation Distances



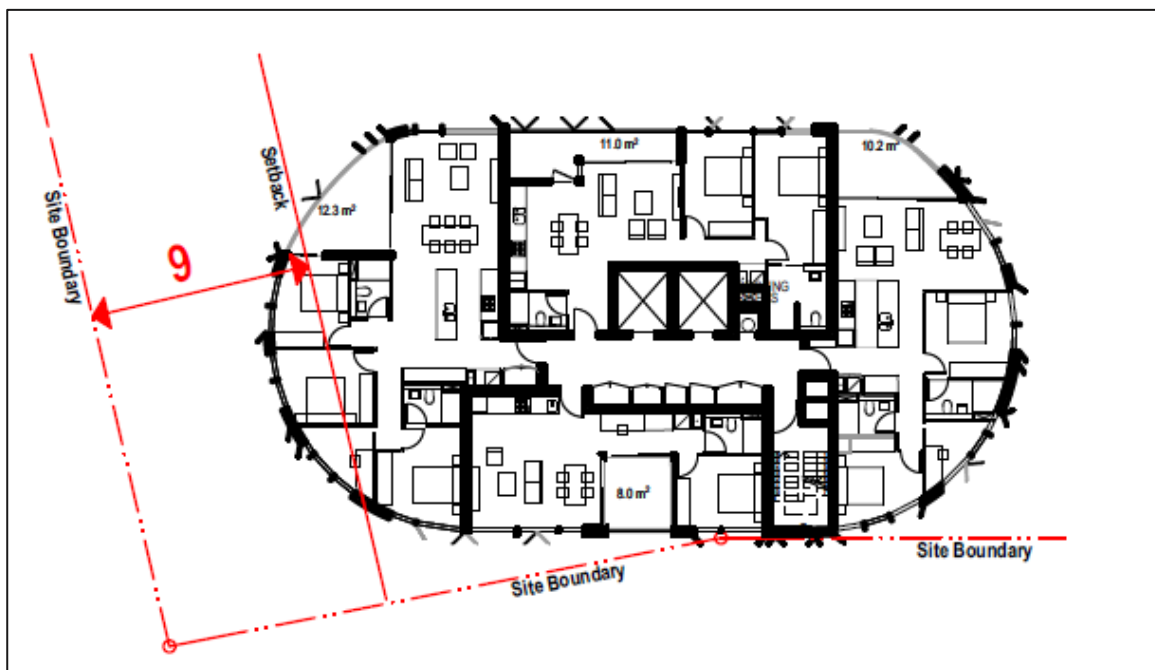
Source: FJMT

Figure 14 – 6-metre ADG setback



Source: FJMT

Figure 15 – 9-metre ADG setback



Source: FJMT

8.4.3. Visual Impacts

The proposed increase in height from 2 storeys to 7 storeys (above podium level) will result in Building 1B appearing more prominent when viewed from the public domain.

A series of photomontages have been prepared by FJMT to illustrate how the building presents from key viewpoints. As illustrated in **Figure 16**, Building 1B is not immediately apparent when viewed from Gardeners Road and is generally screened by Building 1 and 1A fronting Gardeners Road. Overall the building is considered appropriate from this viewpoint and does not dominant the streetscape.

Figure 16 – View of Proposal from Gardeners Road



Source: FJMT

The proposed building will be most visible when viewed from the south along Evans Avenue and from the adjoining development to the west at 16 Evans Avenue.

The proposed building is proposed as a “Gateway Building” for the North Site. While the building will appear more dominant in the Evans Avenue streetscape, this is considered acceptable for the following reasons:

- There are no neighbouring lower scale buildings on the opposite side of Evans Avenue which are in a direct line of site to the proposed building. The buildings south of Evans Avenue form part of the approved development and are generally a commensurate height and scale to Building 1B.
- The proposal includes landscaping along Evans Avenue with new trees proposed lining the streetscape as well as a landscaped podium above ground level which will assist to soften and break down the bulk and scale of the building.
- Above podium level the proposal is setback from the landscaped podium at the south-western corner fronting Evans Avenue and along the western boundary. The setbacks will assist to reduce the extent of building perceived from the ground plane.

Figure 17 illustrates proposed Building 1B from the Evans Avenue view point.

Figure 17 – View of Proposal from Evans Avenue



Source: FJMT

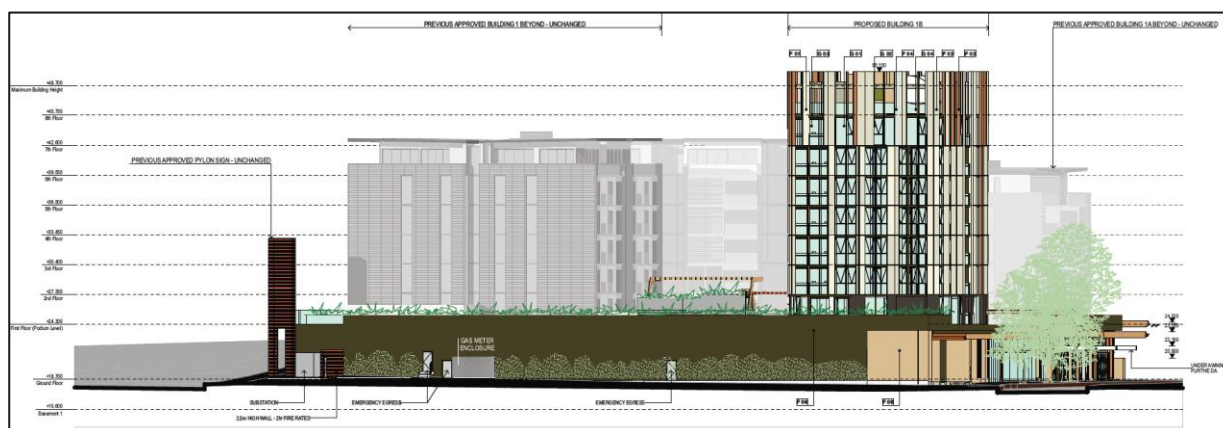
The proposed development retains the 1.845m setback up to podium level along the western site boundary. The height of the podium wall remains the same as approved and includes landscaping climbers to screen the wall behind and soften the appearance.

The podium wall was assessed as part of the approved development and considered to be acceptable. The Director General's Environmental Assessment Report acknowledges that the living and private open spaces on the adjoining site are generally at the first-floor level and above so that the wall would not be visually overbearing from these vantage points.

The 7-storey residential building is considered to be adequately setback from the western boundary (between 6.475m-14.140m). As discussed in **Section 8.4.2** of this EAR, the building is setback significantly greater than the approved 2-storey residential building which is a commensurate height to the 3-storey residential flat building at 16 Evans Avenue. Therefore, while the proposal includes additional storeys, it will result in improved levels of amenity for the residents and adjoining residents at 16 Evans Avenue and will present as a less intrusive modification than approved in terms of visual impact.

Overall the proposed development is not considered to result in unacceptable visual impacts to adjoining premises and is considered to result in a better outcome for the site and neighbouring properties.

Figure 18 – Western Elevation showing how the proposal would present to 16 Evans Avenue



Source: FJMT

8.4.4. View Impacts

There will be no loss of views having regard to the amendments proposed to Building 1B.

It is understood that some dwellings currently enjoy views of the gold course and views over the site with no specific outlook. It was acknowledged in the Director General's Environmental Assessment Report that all existing views over the site would be lost under the proposal and that the views enjoyed were from no more than 11 metres above ground level. Building 1B was approved greater than 11m above ground level.

Therefore, the additional height proposed for Building 1B will have no additional impact on view loss.

8.4.5. Acoustic Impact

An Acoustic Report was prepared by VIPAC titled Acoustic Impact Assessment dated 14 February 2013 and Acoustic Comments – Response to Atkins Acoustics letter dated 30 April 2013 and submitted as part of MP09_0146.

The recommendations contained in this report remain relevant to the works proposed by this modification. Therefore, in accordance with Condition B8 and B9 of the Project Approval, the recommendations made by VIPAC in the abovementioned documentation will be incorporated as part of development approval and construction certificate plans.

8.5. TREE REMOVAL AND REPLANTING

An Arboricultural Impact Assessment has been prepared by Eco Logical Australia and is provided **Appendix E**. The assessment finds that the proposed development will necessitate the removal of five (5) *Platanus x acerifolia* of medium retention value located along the northern side of Evans Avenue (known as Trees 3-7).

The approved and proposed awnings and installation of underground services (as required by Condition B41 of the Project Approval) means the encroachment into the Tree Protection Zones (TPZ) of the impacted trees is categorised as a 'major encroachment' of 100%. The proposed awnings are important for public amenity and shelter and create an activated café strip along Evans Avenue, as well as highlighting the entry to the mall architecturally.

The report concludes that:

- All trees are of medium retention value and can be replaced with new tree planting in the short term – as such there will be relatively minor and temporary loss of amenity.
- Because there are no feasible options that can be implemented that would permit the retention of these trees, replacement planting is proposed to compensate for loss of amenity in the Evans Avenue streetscape in accordance with the Botany Bay DCP 2013 and Council's Street Tree Master Plan.
- The relocation of overhead wires to underground will allow for replacement species to be formatively pruned/managed so as to re-establish an avenue canopy, whilst maintaining the Council's standard

pruning clearances. This will also allow re-alignment of trees to suit neighboring sites' existing tree alignment.

- Remaining trees surrounding the site are proposed to be retained and protected during construction in accordance with the recommended Tree Protection Measures and Tree Protection Plan outlined in the Arboricultural Impact Assessment.

The Landscape Plan submitted at **Appendix D**, illustrates the replanting of five (5) new *Platanus x acerifolia* street trees with understorey planting along the northern side of Evans Avenue. These trees are proposed to be either transplanted from the existing at-grade car parking area which were approved for removal as part of MP09_0146 or will be in the form of new mature tree plantings. The new trees are proposed to be replanted in alignment with the neighbouring properties street trees setback from the boundary.

8.6. ACCESS AND PARKING

A Traffic and Parking Report has been prepared by Colston Budd Hunt & Kafes and is submitted at **Appendix K**. The Review provides an assessment of the proposed modification, and supplements the original Traffic and Parking Assessment prepared for MP09_0146. A summary of the key considerations and findings is provided below.

8.6.1. Traffic Generation

As set out in the Project Approval, traffic generated by the proposed redevelopment will have its greatest effects during the weekday morning, weekday afternoon and Saturday midday peak periods when combined with the other commuter traffic on the surrounding road network.

Traffic counts undertaken at the existing centre indicate that it generates some 3.1, 5.6 and 7.8 vehicles per hour two-way per 100m² GLA on Thursday morning, Thursday afternoon and Saturday midday peak hours respectively.

In accordance with the approved development, a traffic generation rate of some 0.29 vehicles per hour two-way during the weekday morning and afternoon peak hours was adopted. Application of these rates found that the proposed modifications will generate a modest increase in traffic generation of some 20 to 30 additional vehicles per hour two-way during the Thursday morning and Thursday afternoon peak periods and some 40 additional vehicles per hour two-way during the Saturday midday peak period, compared to the approved development.

The Traffic and Parking Report concluded that this modest increase in traffic would not affect the operation of the surrounding road network and the intersections in the vicinity of the site will continue to operate satisfactorily or at a better level of service during peak periods.

8.6.2. Car Parking

Site specific car parking rates were adopted for the approved development as set out in the Project Approval. The rates are a balance between Council's DCP, the RMS Guide to Traffic Generating Development as well as traffic surveys undertaken at the site. The rates include:

- 1 space per studio, 1 bed and 2 bed apartments;
- 2 spaces per 3 and 4-bedroom apartment;
- 1 space per 5 units for visitors; and
- 3.5 spaces per 100sqm GLA.

However, in order to promote public transport use in line with sustainability objectives and to reduce excessive vehicle trips to the site, the total car parking provision across the site was capped at 916 spaces.

When applying the above rates against the proposed modification, 44 additional spaces are required. The proposal includes provision for an additional 7 spaces on the North Site. The proposed parking demand generated by the proposed modification will therefore be accommodated within the 7 spaces provided on the North Site with the balance provided on the South Site.

In summary, this parking provision is considered appropriate.

8.6.3. Access, Internal Layout and Servicing

The car park layout has been reviewed against the requirements of AS2890.1:2004, including bay and aisle width, adjacent structures, sight lines to pedestrians on exit, ramps and grades, access driveway, and car park circulation swept paths.

The car park dimensions, aisle widths and ramp grades have generally been designed in accordance with AS2890.1:2004, AS2890.2:2004 and AS2890.6:2009.

8.7. BUILDING CODE OF AUSTRALIA

An assessment of the proposed modifications against the Building Code of Australia (BCA) 2016 has been undertaken by Vic Lilli and Partners and is submitted at **Appendix H**. The assessment of the proposed modification concludes that the proposal meets the requirements of the BCA subject to verification of further detailed design at construction certificate stage.

The Report also includes a Fire Safety Measures Schedule. The report details the nominated BCA Deem-to-Satisfy (DtS) provisions with the performance requirements of the BCA and provides recommendations and methodologies for the achievement of a safe and workable Fire Safety Strategy.

In accordance with Condition AN3 of the Project Approval, the proponent will consult with the Certifying Authority about any modification needed to comply with the BCA prior to submitting the application for a Construction Certificate.

8.8. EQUITABLE ACCESS AND HOUSING ADAPTABILITY

Accessibility Solutions have reviewed the proposed modification to ensure that ingress and egress, paths of travel, circulation areas, car parking and accommodation comply with relevant statutory guidelines. An Access Report have been prepared to provide advice and strategies to maximise reasonable provisions of access for people with disabilities and is included at **Appendix I**.

The report confirms that the proposed development demonstrates an appropriate degree of accessibility and compliance with statutory requirements, pertaining to retail access, common domain residential amenities, visitability and adaptability of residential apartments.

In addition, the SEPP 65 Design Report submitted at **Appendix C** identifies that provision is made within Building 1B for 6 adaptable dwellings (22% of total dwellings) in accordance with the requirements under the Botany Bay DCP 2013 and Apartment Design Guide (ADG).

8.9. WASTE MANAGEMENT

A Waste Management Plan has been prepared by Elephants Foot and is attached at **Appendix J**.

The Report assesses operational waste for proposed Building 1B. The assessment has been conducted to satisfy the City of Botany Bay Development Control Plan 2013 (BBDCP 2013).

In summary, the proposal includes the following waste management arrangements:

- A garbage chute and a 240L recycling bin are located in the waste compartment on each residential level,
- Garbage is compacted at the base of each chute, and garbage and recycling will be collected weekly,
- A 42.2m² bin room is provided at Basement level 1 containing 12 660L MGB's.
- An 11.4m² bulky goods storage room is provided at Basement Level 1.
- A caretaker will be responsible for the removal of bins from the basement to the bin holding room at ground level for Council collection.
- Council will service all MGB's from the 20m² bin holding room located at ground level in the loading dock.
- The lobbies, gym areas, function rooms and circulation areas will be supplied with suitably labelled waste and recycling bins, where considered appropriate. Building management will monitor use and

ensure bins are exchanged and cleaned. These areas generate negligible waste however garbage and recycling receptacles should be placed in convenient locations.

8.10. ECOLOGICALLY SUSTAINABLE DEVELOPMENT

WSP have prepared a prepared a BASIX Report for Building 1B and a Section J Compliance Report for the ground floor retail component and is submitted at **Appendix F** and **Appendix G** respectively.

The BASIX Report demonstrates that Building 1B achieves a high level of compliance with the NSW residential performance parameters including water, energy and thermal comfort as required by *State Environmental Planning Policy (Building Sustainability Index BASIX) 2004*.

The Section J Compliance Report concludes that:

- The building fabric meets the performance requirements Part J1 of Section J of Volume One of the NCC Series 2016.
- The glazing meets the performance requirements of Part J2 of Section J of Volume One of the NCC Series 2016.

The requirements and commitments outlined in these reports will be incorporated into the Construction Certificate plans for the development.

8.11. SOCIAL AND ECONOMIC IMPACTS

It is considered the following key social benefits will arise with the proposed development:

- The modification supports the continued growth of the Eastlakes Local Centre and meets local housing needs, availability and affordability.
- The modification to Building 1B improves the residential mix of the overall development while adding an additional six (6) apartments that are capable of being made adaptable.
- It incorporates additional areas for passive recreation including a 160.6m² rooftop terrace area which is afforded with northerly views to the Australian Golf Club.
- It improves the ground floor retail environment and further integrates the retail component with the public domain.
- The modification contributes to future growth and change in the Eastlakes Local Centre as premeditated in local and state strategic reports and policies.
- The design of the proposed Building 1B is in keeping with the building scale and form of the approved buildings, creating a cohesive and integrated mixed-use Local Centre.
- Safety measures have been incorporated into the development to maintain a high degree of both residential and community amenity. These measures and its compliance with CPTED principles are discussed in the following section.

A further key consideration in relation to the social impacts of residential developments of this scale is to minimise opportunities for anti-social behaviour and crime through good planning and design. The Crime Prevention Through Environmental Design (CPTED) guidelines provide a clear approach to crime prevention and focus on the 'planning, design and structure of cities and neighbourhoods'.

The proposed development has been designed to meet the four key CPTED principles being surveillance, access control, territorial reinforcement and space management and is considered to result in a high level of safety and security, where:

- The location of the building fronting Evans Avenue allows for constant activation of the public domain.
- The ground floor retail component ensures the Centre is an active environment after business hours giving good passive surveillance to the residential occupants and active public domain.
- A consolidated residential lobby within Building 1B at ground floor level enhances surveillance by virtue of increased general visitor and delivery traffic through the new Building 1B circulation core.

- The proposed landscaping design and plant species are not likely to obstruct surveillance within the communal areas or along the road frontages.
- The location of residential carparking for the residents of Building 1B within the basement car park provides residences with a safe and direct lift access to street level, the commercial ground floor level and all internal levels of the building. These lifts are intended to be security controlled.
- The landscaped area along the western boundary provides access control and will create a sense of ownership for the residences in the apartment buildings.
- Well maintained planters, gardens and pavers will indicate the development is well-used and cared for to reduce criminal activity.

The proposed modification will maintain a high level of security and the building's design elements will deter criminal behaviour. Security measures will be employed to ensure safe and secure pedestrian entries to the commercial ground floor and residences. The proposed modification is therefore consistent with CPTED principles.

It is considered that the following economic benefits will be realised during both the construction and occupation stages as a result of the proposed modification:

- The construction of the proposed modification, along with the surrounding developments, will generate employment opportunities and contribute to the local and broader economy through the construction workforce.
- The proposed modification will increase the number of residential apartments provided onsite, broaden housing choice and boost the supply of housing in the Bayside LGA.
- The additional 21 apartments are in the Eastlakes Town Centre and benefit from close proximity to employment opportunities, retail and major transport routes. The provision of additional residences onsite is a direct response to the demand for additional housing contained within the Strategic Plans and Policies, as outlined in **Section 7** of this report.
- The increase in retail gross floor area will generate increased job supply.
- Modification to the layout of the ground floor retail tenancies and basement carparking maximises the development potential on the site and permits additional uses on the site. These modifications will strengthen the role of the commercial centre, increase economic output and improve retail choice for the community.

9. CONCLUSION

This proposal seeks to modify the design and configuration of the development approved at the Eastlakes Shopping Centre under Project Approval MP09_0146. Principally, the modification involves increasing the building height, form and scale of Building 1B to accommodate additional dwellings, amendments to the layout of the ground floor retail tenancies and other minor amendments.

This application has been prepared in accordance with the Transitional Part 3A provisions and has demonstrated that the proposed modifications are appropriate and can be approved under Section 75W as a modification.

This proposal has thoroughly considered the modifications in terms of the immediate built context, neighbouring residential amenity and statutory planning compliance, and found that the proposal is satisfactory and acceptable for the following reasons:

- The approved use on site remains unchanged;
- The nature of the proposed modifications are minor and will result in minimal impacts external to the site and minimal alteration to the approved building envelopes across the site, they involve:
 - Modifications to the North Site only; the South Site remains unchanged in its entirety.
 - Reconfiguration of Basement Car Park to improve efficiency while maximising parking provision resulting in a nett increase of 7 spaces.
 - Expansion of the ground floor building footprint and increase the retail GFA by 467.4m².
 - Minor changes to the landscaped configuration of the communal open space podium.
 - Changes to the building envelope of Building 1B resulting in an additional 10,349m² of GFA and 21 apartments in a range of typologies and sizes.
 - Removal and replant five (5) existing trees along the northern side of Evans Avenue.
- The proposed modifications will result in minimal changes to the existing building envelope and built form across the site. The changes predominantly relate to Building 1B to create an identifiable “Gateway Building”, increase housing supply within the Eastlakes Centre, the Bayside LGA and more broadly across Sydney generally and ensure there is a sufficient variety in the appearance of buildings and massing along the street edge;
- The modification seeks to improve internal efficiency of the basement car park and retail mall and amenity of the residential apartments in Building 1B; and
- The proposal does not introduce any new adverse amenity impact upon the surrounding area and public domain.

For these reasons, it is considered that the modifications are appropriate and worthy of approval.

DISCLAIMER

This report is dated 11 July 2017 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Stateland East Unit Trust (Crown Group) (**Instructing Party**) for the purpose of Section 75W Modification Report (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

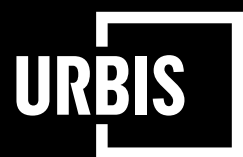
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