



21 November 2017

Ms Emma Butcher  
Planning Officer  
NSW Department of Planning & Environment  
GPO Box 39,  
Sydney NSW 2001

Dear Emma,

## **RESPONSE TO SUBMISSIONS - EASTLAKES SHOPPING CENTRE MOD 1**

### **1. INTRODUCTION**

This letter has been prepared by Urbis on behalf of Stateland East Unit Trust (The Applicant) regarding MP09\_0146 Mod 1 – Modification to Eastlakes Shopping Centre Mixed Use Development. The Modification was placed on public exhibition from 8 August – 23 August 2017 and submissions were received from the community, local and state agencies.

The purpose of this letter is to provide a summary response to the submissions received and consequential amendments to the proposed development. The response includes:

- Revised Architectural Drawings prepared by FJMT, including an additional level of basement parking and signage changes on the North Site (see **Appendix A**).
- Revised Shadow Diagrams prepared by FJMT, illustrating comparison of approved versus proposed shadow cast from the modifications sought to Building 1B (see **Appendix B**).
- Traffic and Parking Letter prepared by Colston Budd Hunt and Kafes, assessing the additional basement car parking level (see **Appendix C**).
- Letter from Ausgrid providing approval to two new kiosks (see **Appendix D**).

### **2. AMENDMENTS TO PROPOSED DEVELOPMENT**

Since lodgement of Modification 1 in July 2017, a series of minor amendments have been made to the proposal in response to the submissions received as well as a result of design development.

The amendments are illustrated in the revised Architectural Drawings prepared by FJMT and submitted at **Appendix A** and summarised under the following sub-headings.



## 2.1. CAR PARKING

The proposal includes the construction of an additional level of basement car parking on the North Site to accommodate an additional 64 car parking spaces, in accordance with the approved site-specific rates set under MP09\_0146.

As demonstrated in **Table 1**, the proposal results in the requirement for 272 spaces on the North Site. The amended proposal includes provision for 280 spaces on the North Site comprising 136 retail and visitor spaces and 144 residential spaces (refer to amended Basement Plans submitted at **Appendix A**). The proposed parking provision is considered appropriate and while is 8 spaces greater than the parking rate, is still in less than the rates under the Botany Bay DCP.

Table 1 – Car Parking Control Table

Type	Approved	Proposed	Rate	Car Parking Provision
Studio		1	1 space per dwelling	1 space
1-bed	40	47	1 space per dwelling	47 spaces
2-bed	67	77	1 space per dwelling	77 spaces
3-bed	5	8	2 spaces per dwelling	16 spaces
Visitor	-	-	1 space per 5 apartments	26.6 spaces
Retail	2,511m <sup>2</sup> GLA (approx.)	2,960m <sup>2</sup> GLA	3.5 spaces per 100m <sup>2</sup> GLA	103.6 spaces
			Total Required	272 spaces
			Total Approved	216 spaces
			Total Proposed	280 spaces

The amendments to the basement car park have been reviewed by the Colston Budd Hunt and Kafes (CBHK) and are deemed to comply with the relevant Australian Standards. A Traffic and Parking Letter has been prepared by CBHK and is submitted at **Appendix C**.

## 2.2. SIGNAGE

The proposal includes the following signage amendments:

- Minor amendments to the approved pylon sign in the north-western corner of the site fronting Gardeners Road. The approved height and location of the sign remains unchanged.
- Provision of a 16m (w) x 4m (h) signage zone at podium level fronting Gardeners Road.

The podium signage zone to Gardeners Road formed part of the MP09\_0146 application. Condition B2(f) – Design Modification of the Project Approval required it to be moved further west along Gardeners Road above the sub-station opening. The sign was subsequently deleted from the plans and did not form part of the Architectural Drawings approved under the discharge of Condition B2.

It is now sought to reinstate the signage zone along Gardeners Road. It is considered that Gardeners Road is a suitable location for signage and the proposed amendments sought by this modification to landscaping along this frontage enables it to be visible from the roadway.

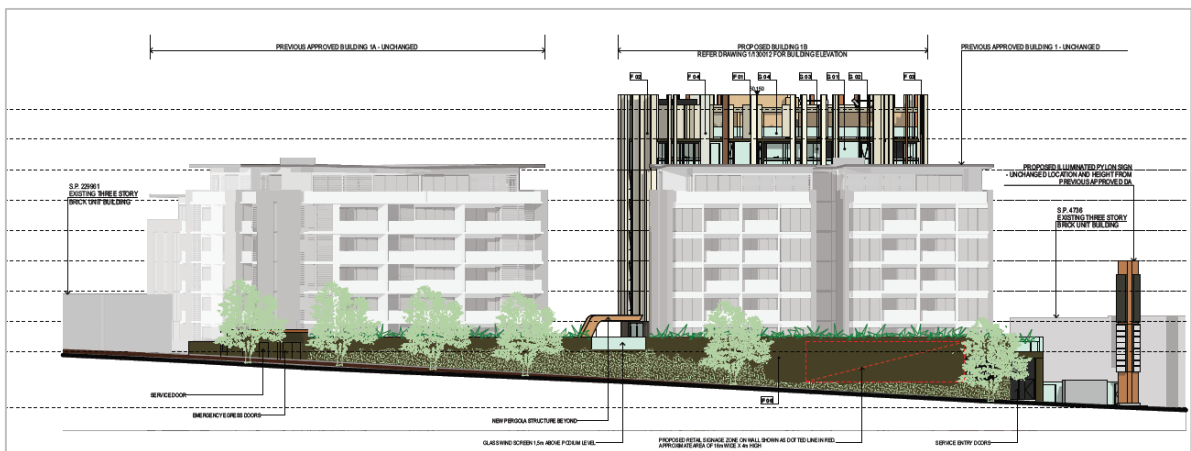
A comparison between the approved and proposed signs is illustrated in the Figures below.

Figure 1 – Approved Pylon Sign



Source: Rice Daubney

Figure 2 – Proposed Pylon Sign and Signage Zone



Source: FJMT



An assessment of the proposed signage amendments have been assessed against the relevant signage controls in the following sections.

## 2.2.1. State Environmental Planning Policy No. 64 – Advertising and Signage

*State Environmental Planning Policy No. 64 (SEPP 64)* aims to ensure that advertising and signage is compatible with the desired amenity and visual character of an area and provides effective communication in suitable locations and is of high quality design and finish. It does not regulate the content of signs and advertisements.

An assessment of the proposed signage against Schedule 1 of the SEPP is included in the below **Table 2**.

Table 2 – SEPP 64 Assessment

Provision	Comment	Compliance
<b>1. Character of the Area</b>		
<i>Is the proposal compatible with the character of the area or locality in which it is proposed to be located?</i>	<p>The site is within a B2 Local Centre Zone and is surrounded by residential uses. The proposed signage is generally in accordance with the signage assessed and approved under MP09_0146 and is therefore considered compatible with the character of the area and consistent with the type of signage located at Shopping Centres.</p> <p>The location of the proposed signage fronting Gardeners Road, a major arterial road, is a suitable location for signage.</p>	Yes
<i>Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?</i>	<p>There is no theme of outdoor signage established within the area or locality. Notwithstanding, the proposed signage is consistent with the level of type of advertising associated with shopping centres.</p> <p>In addition, the proposal is generally consistent with the signage controls under the Botany Bay Comprehensive DCP 2013.</p>	Yes



Provision	Comment	Compliance
<b>2. Special Areas</b>		
<p><i>Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscape or residential areas?</i></p>	<p>The proposed signage fronts a busy road away from the residential dwellings to the east and west. The proposal therefore does not detract from any environmentally sensitive areas.</p> <p>The site is not a heritage item nor is it located in a heritage conservation area. The site is also not identified as a natural area, open space area, waterway, or rural landscape and therefore has no effect on any special areas.</p>	Yes
<b>3. Views and Vistas</b>		
<p><i>Does the proposal obscure or compromise important views?</i></p>	<p>The proposed signage has been designed to integrate with the approved built form and as a result, does not obscure or compromise any important views from surrounding properties.</p>	Yes
<p><i>Does the proposal dominate the skyline and reduce the quality of vistas?</i></p>	<p>The proposed signage does not protrude above or beyond the approved buildings and as a result does not dominate the skyline or reduce the quality of vistas.</p> <p>No change is proposed to the height of the approved pylon sign. The proposed wall sign is proposed to be mounted to the ground floor podium wall.</p>	Yes
<p><i>Does the proposal respect the viewing rights of other advertisers?</i></p>	<p>The proposed signage is confined to the existing site boundaries, is minimalistic in design and presentation and as a result does not impact the viewing rights of other advertisers.</p>	Yes

Provision	Comment	Compliance
<b>4. Streetscape, Setting or Landscape</b>		
<i>Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?</i>	The proposed scale, proportion and form of the signage is generally in accordance with the signage approved at the site under MP09_0146 and was considered acceptable.	Yes
<i>Does the proposal contribute to the visual interest of the streetscape, setting or landscape?</i>	The size and scale of the proposed signage is consistent with the signage assessed and approved under MP09_0146. It has also been designed to ensure it is of a high design quality that is well integrated with the approved built form and context whilst providing visual interest to the public domain.	Yes
<i>Does the proposal reduce clutter by rationalising and simplifying existing advertising?</i>	<p>The signage results in reduced visual clutter compared to the signage currently existing at the Eastlakes Shopping Centre.</p> <p>The proposal is limited to two signs along the sites frontage to Gardeners Road which are sufficiently distanced from one another to respond to visual clutter.</p>	Yes
<i>Does the proposal screen unsightliness?</i>	The proposed signage will aid in providing visual interest. The signage has been well integrated with the approved built form at the Eastlakes Shopping Centre.	Yes
<i>Does the proposal protrude above buildings, structures or tree canopies in the area or locality?</i>	<p>The proposed wall sign will be located on the external facade of the proposed building and does not protrude above the proposed building at any point.</p> <p>No change is proposed to the height of the approved pylon sign.</p>	Yes
<i>Does the proposal require ongoing vegetation management?</i>	The proposal does not require any ongoing vegetation management.	Yes

Provision	Comment	Compliance
<b>5. Site and Building</b>		
<i>Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?</i>	The proposed signage is consistent with the scale and proportion of the signage assessed and approved under MP09_0146. The proposed signage is also compatible with the scale of the approved built form at Eastlakes Shopping Centre.	Yes
<i>Does the proposal respect important features of the site or building, or both?</i>	<p>The proposal respects important features of the approved buildings across the site by locating signage in appropriate locations.</p> <p>The proposed signage has been designed and located in a way which respects the adjacent residential area by ensuring no signs directly front residential dwellings.</p>	Yes
<i>Does the proposal show innovation and imagination in its relationship to the site or building, or both?</i>	<p>The proposed signage relates to the existing and proposed use of the site as Eastlakes Shopping Centre.</p> <p>It will provide visual interest and activation at the ground plane to identify the site to vehicles, pedestrian and cyclists along Gardeners Road.</p>	Yes
<b>6. Associated Devices and Logos with Advertisements and Advertising Structures</b>		
<i>Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?</i>	<p>No safety devices, platforms or lighting devices are proposed as part of the proposal.</p> <p>The signage content will be subject to a separate application.</p>	Yes
<b>7. Illumination</b>		
<i>Would illumination result in unacceptable glare?</i>	The pylon sign is proposed to be illuminated, consistent with the approval.	Yes



Provision	Comment	Compliance
	The signage will be designed in accordance with the relevant Australian Standards (AS 4282-1997 Control of the obtrusive effects of outdoor lighting), as required by Condition B28 of the Project Approval.	
<i>Would illumination affect safety for pedestrians, vehicles or aircraft?</i>	The proposed illumination will not have an adverse impact on the safety for pedestrians, vehicles or aircraft as the illumination of the sign will be diffused and partially concealed by the signage itself.	Yes
<i>Would illumination detract from the amenity of any residence or other form of accommodation?</i>	The proposed illumination will not detract from the amenity of any residence or other form of accommodation, including the residential area adjoining the site to the west.	Yes
<i>Can the intensity of the illumination be adjusted, if necessary?</i>	A control panel will allow lighting levels and illumination to be adjusted, if necessary.	Yes
<i>Is the illumination subject to a curfew?</i>	No.	Yes
<b>8. Safety</b>		
<i>Would the proposal reduce the safety for any public road?</i>	<p>The proposed signage has been well integrated into the design of the buildings, and will not reduce the safety for any public road.</p> <p>Signage has been specifically located to aid decision making and wayfinding by drivers of motor vehicles in a safe and appropriate manner. The level of safety for public roads has been a key consideration of this application.</p>	Yes
<i>Would the proposal reduce the safety for pedestrians or bicyclists?</i>	The signage will not have any effect on the level of safety for pedestrians or bicyclists, as this signage is contained wholly within the site.	Yes





Provision	Comment	Compliance
<i>Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?</i>	The proposed signage will not inhibit the level of safety for pedestrians and children, and will not obscure sightlines from public areas. The proposed signage will continue to allow clear paths of travel for pedestrians and maintain existing sightlines from public areas.	Yes

### 2.2.2. Botany Bay Comprehensive Development Control Plan 2013

Section 3D of the Botany Bay Comprehensive DCP 2013 includes controls for signage. The proposal is consistent with the relevant controls in the following way:

- The proposed signage is not inconsistent with the Desired Future Character of Eastlakes.
- The signage meets the general requirements set out in Section 3D.2.
- The proposed pylon sign is proposed to be illuminated, consistent with the existing approval. No change is proposed to the location and height of the sign as approved. The proposed illuminated sign is therefore considered entirely appropriate as assessed and approved under MP09\_0146. The lighting levels will comply with the requirements set out in Condition B28 of the Project Approval.
- The proposed podium signage zone generally meets the controls for wall signage as it:
  - Is not located between footpath and awning of the building.
  - Is located on a primary street frontage to the site.
  - Relates to the proportions of the wall to which it is erected. As a result, it is greater than the minimum size requirements due to its context on an expansive blank wall and extensive street frontage which is considered acceptable in this circumstance.
- The signage content is subject to a separate application. The signage will be a combination of business and building identification signage. The proposed location and size of the sign meets the controls for building identification signage.

### 2.3. LANDSCAPING

The proposal also includes minor changes to the proposed landscaping along Gardeners Road. The revised landscaping scheme along Gardeners Road is illustrated on the elevation drawings prepared by FJMT and submitted at **Appendix A**.



### 3. RESPONSE TO SUBMISSIONS

The following **Table 3** provides a summary response to the submissions received during the public exhibition period from public authorities and the community. This also includes a description of design modifications responding to specific submissions.

Table 3 – Response to Authority and Community Submissions

Submission	Response
<b>Department of Planning and Environment</b>	
<p>1. <i>Please provide shadow diagrams showing the additional overshadowing as a result of the increased height for Building 1B.</i></p>	<p>Updated Shadow Diagrams have been prepared by FJMT and are submitted at <b>Appendix A</b>.</p> <p>The diagrams demonstrate that the proposed works sought by this modification result in minor additional shadow impact on existing dwellings. The proposed development has been designed to minimise overshadowing of adjacent properties as far as practical, particularly to the western boundary where the site adjoins 16 Evans Avenue. Due to the increased setback and curvilinear shaped building, the proposed modification results in Building 1B having reduced shadow impact to the west compared to the approved scheme. At no point does shadow cast from Building 1B impact 16 Evans Avenue to the immediate west.</p> <p>Between 11am and 2pm the additional shadow cast by Building 1B is located over Evans Avenue onto the South Site. The shadow is generally fast moving and enables the approved north facing dwellings within Building 3 and some within Building 4 to have access to at least 2 hours of solar access. It is noted that the approval for the South Site is proposed to be revisited. Any modification or new application will need to demonstrate compliance with the solar access design criteria contained in the Apartment Design Guide (ADG).</p> <p>At 3pm the proposal impacts existing dwellings within the existing residential flat building at 34 Barber Avenue. This shadow impact is considered acceptable, as:</p> <ul style="list-style-type: none"> <li>• Only impacts the north-western corner.</li> <li>• Shadow impact is limited to 3pm only, with only minor impact at 2pm.</li> </ul>



Submission	Response
	<ul style="list-style-type: none"> <li>Dwellings within this block are still able to achieve more than 2 hours of solar access, with uninterrupted solar access up until 2pm.</li> </ul> <p>The proposed shadow cast from Building 1B is therefore considered entirely acceptable.</p>
<p>2. <i>Please also provide elevational shadow diagrams clearly showing the additional impact on the adjoining residential building.</i></p>	<p>The modifications subject to this application result in no additional shadow impact to the adjoining residential development at 16 Evans Avenue.</p> <p>This is achieved through the integration of larger setbacks than approved and the curvilinear shaped building.</p> <p>As a result, elevational shadow diagrams are not considered warranted and have not been prepared.</p>
<p><b>Bayside Council</b></p>	
<p>3. <i>It is noted that no master plan has been prepared or endorsed by Council for Eastlakes Town Centre or the wider Eastlakes locality, which would otherwise guide any increase in development density (with appropriate LEP controls). In the absence of such master planning for the Town Centre and immediate locality, Council cannot be supportive of further substantial intensification beyond the previous Part 3A approval. The preparation of a Master Plan would provide opportunities for stakeholder participation during its preparation, including consultation with relevant government agencies, in accordance with the relevant provisions of the EP&amp;A Act.</i></p>	<p>It is recognised that there is no Master Plan in force to guide additional development density within the Eastlakes Local Centre.</p> <p>There was also no Master Plan in force to support the approval of MP09_0146. The proposed modification of Building 1B and minor inconsequential amendments to the North Site are considered to be of limited environmental impact and consistent with the existing approval as demonstrated within the submitted EAR and is therefore a modification of the original approval. The proposed additional gross floor area (GFA) of 1,778.5m<sup>2</sup> sought by the proposed modification is not considered to warrant the preparation of a local centre Master Plan, if one was not required as part of the original approval for 49,040m<sup>2</sup>. Such an increase does not constitute a substantial intensification of the site from an operational impact perspective given the proposed addition of residential and retail floor space represents an additional 0.07:1 of FSR to a much greater overall floor space and centre approach. The proposed modifications therefore should be treated under the same assessment criteria as the original Part 3A Approval.</p> <p>In the absence of a local centre Master Plan, the proposal has sought to respond to the local and state strategic planning framework. Specifically, the revised draft</p>



Submission	Response
	<p>Eastern City District Plan identifies Eastlakes as a Local Centre, encourages Council to investigate and coordinate urban renewal at Local Centres and surrounds and manage growth and change in identified centres including provision for an increase in support of residential development for walkable centres that have supermarkets greater than 1,000m<sup>2</sup>. More broadly, the proposal also responds to the NSW 2021 Plan and draft Greater Sydney Region Plan which 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. Further discussion on the proposal's consistency with the relevant strategic plans is provided in the submitted EAR prepared by Urbis.</p> <p>A meeting between the Proponent and Bayside Council was held on the 4 September 2017. At this meeting, it was resolved that the Proponent and Council work together to prepare an Urban Context Investigation for the Eastlakes Local Centre. This Investigation may inform an alternative scheme for the South Site.</p>
<p>4. <i>In terms of planning legislation it is not considered a modification when an additional five storeys and 10,816 sqm of floor space are being sought. Council contends that this new proposal should be considered a new application.</i></p>	<p>The proposal seeks an additional five (5) storeys to Building 1B and 1,778.5m<sup>2</sup> of retail and residential gross floor area across the North Site.</p> <p>Section 75W(2) of the EP&amp;A Act sets out the right of a proponent to request a modification. Section 75W(4) of the EP&amp;A Act then provides the Minister with the power to “modify the approval (with or without conditions) or disapprove of the modification.”</p> <p>The Minister has the power to make the proposed modifications to MP09_0146 under Mod 1 because Section 75W(4) confers upon the Minister a broad power to modify a Major Project approval. Under the defined terms in Section 75W(1), modifying an approval can include ‘changing the terms of’ an approval. The EP&amp;A Act does not set out any express statutory limitation upon the nature or extent of the change that is permitted to be made under section 75W.</p> <p>As demonstrated in Section 8 of the submitted EAR prepared by Urbis, the proposed works as part of Mod 1 have limited environmental impacts beyond those already assessed for project approval under MP09_0146. In addition, while the proposal seeks an additional 5 storeys to Building 1B and an increase of</p>



Submission	Response
	<p>1,778.5m<sup>2</sup> of GFA across the North Site, when compared to the existing approval this represents a nominal increase of 0.07:1 of additional FSR across the site.</p> <p>The extent of proposed modifications sought by this application is consistent with a multitude of other proposed and approved Section 75W applications across NSW.</p>
<p>5. <i>It is unclear as to where the additional floorspace is to be accommodated. Council would appreciate clarification of this issue and an opportunity for further comment on receipt of the information.</i></p>	<p>It is noted the incorrect gross floor area (GFA) is referenced throughout the EAR. The proposed amendments to the basement car park have also resulted in a minor reduction to the proposed retail GFA compared to what was previously sought.</p> <p>The additional GFA sought by the proposed modification is 1,778.5m<sup>2</sup>, comprising 186.7m<sup>2</sup> of retail GFA and 1,591.8m<sup>2</sup> of residential GFA. This brings the total GFA across the site to 50,818.5m<sup>2</sup> and an FSR of 2.1:1.</p>
<p>6. <i>Introducing a building of eight storeys in height is out of character with the locality, and without master planning to date, could result in a range of adhoc planning outcomes for the broader locality.</i></p>	<p>The proposed 8 storey built form is not inconsistent with the original approval. The approved buildings across the site ranged from 3 – 7 storeys, generally consistent with the proposed 8 storey height of Building 1B.</p> <p>The built form impacts associated with the additional building height are considered acceptable as discussed in Section 8 of the EAR and summarised as follows:</p> <ul style="list-style-type: none"> <li>• Incorporation of greater setbacks above podium level between 6.475m-14.140m resulting in improved amenity of Building 1B apartments and existing dwellings at 16 Evans Avenue.</li> <li>• No overshadowing of immediately adjoining residential development. 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.</li> <li>• Acceptable visual impact from street level and key vantage points as a result of upper level setbacks and approved built form context.</li> </ul>



Submission	Response
<p>7. <i>The Modification Request proposes an increase of almost 11,000 sqm, which will result in 59,856 sqm of Gross Floor Area. This represents an FSR of 2.49:1. This is significantly higher than the current FSR of 1.5:1 that applies to the site under the BBLEP 2013. The information submitted as part of the Modification Request provides no justification for this substantial increase in FSR. Coupled with the proposed significant increase in building height, it is clear when observing the relevant development standards of the BBLEP 2013 that the proposal would result in significant overdevelopment of the site.</i></p>	<p>As discussed, the proposal results in an increase of 1,778.5m<sup>2</sup> which will result in 50,818.5m<sup>2</sup> of gross floor area across the site. This represents an FSR of 2.1:1, resulting in a nominal increase of 0.07:1 compared to the project approval.</p> <p>While the proposal represents an inconsistency with the 1.5:1 FSR development standard in the <i>Botany Bay Local Environmental Plan 2013</i> (Botany Bay LEP 2013), this inconsistency is largely attributed to the original approval.</p> <p>In addition, it is acknowledged that Section 75R(3) of the EP&amp;A Act states that Environmental planning instruments (other than State environmental planning policies) do not apply to or in respect of an approved project. Consequently, the provisions of the Botany Bay LEP 2013 do not apply to the subject modification.</p> <p>The justification for the proposed modifications including additional GFA is adequately addressed in the submitted EAR. In summary, the proposed modifications have arisen through design development, a detailed architectural review and further planning, where 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 as well as a shift in market needs since project approval was granted in 2013.</p>
<p>8. <i>All 3-bedroom apartments in Building B1 are to demonstrate compliance with Part 4C.4.2 – Family Friendly Apartment Buildings of the Botany Bay Development Control Plan 2013 (BBDCP 2013).</i></p>	<p>Given the operation of section 75R(3) of the EP&amp;A Act 1979 it is understood that Botany Bay Development Control Plan 2013 (Botany Bay DCP 2013) is not applicable to Modification 1.</p> <p>All apartments proposed within Building 1B comply with the minimum apartment sizes within Part 4D of the Apartment Design Guide (ADG). In addition, all 3-bedroom apartments exceed the minimum apartment size between 12.8m<sup>2</sup> – 28.6m<sup>2</sup>.</p>
<p>9. <i>The modified proposal provides for an additional seven spaces to that of the Part 3A approval, resulting in a shortfall of 59 spaces from the amount of car parking required by the BBDCP 2013 and the RTA Guide. Council does not support such a substantial shortfall in car parking, especially when considering that the site is a</i></p>	<p>As discussed in Section 2.1 of this letter, the proposal has been amended to incorporate an additional basement level on the North Site accommodating an additional 64 car parking spaces, in accordance with the approved site-specific rates set under MP09_0146.</p>



Submission	Response
<i>Local Centre that experiences traffic movements well beyond that of a residential area.</i>	Reference is drawn to the Architectural Plans prepared by FJMT and Traffic and Parking Letter prepared by CBHK (see <b>Appendix A</b> and <b>Appendix C</b> respectively).
10. <i>Given that bus services are already operating at capacity in the locality, the argument to justify a reduction in car parking provision by the availability of public transport is not supported. A shortfall of 59 car parking spaces is a substantial shortfall, given that public transport services are already at capacity. The modification is not supported on this basis alone.</i>	Refer to above. The proposal has been amended to address the car parking shortfall.
11. <i>An increase in the FSR from 2.039:1 to 2.49:1 will place further pressure on the existing road network, introduce traffic safety risks and greater conflicts between vehicles and pedestrian/cyclists.</i>	<p>The proposed increase in FSR from 2.039:1 to 2.113:1 will result in negligible impacts of the surrounding road network.</p> <p>The Traffic and Parking Report prepared by CBHK (dated July 2017) discusses that the proposed modifications will result in less than one additional vehicle every two to three minutes during the weekday peak period and less than one additional vehicle every 1.5 minutes during the Saturday midday peak period. The report concludes that such modest increases in traffic during peak periods would not affect the operation of the surrounding road network.</p>
<b>Roads and Maritime Services</b>	
12. <i>Roads and Maritime raises no objection to the subject application to modify MP09_0146 for Eastlakes Shopping Centre provided all buildings and structures, together with any improvements integral to the future use of the site are wholly within the freehold property (unlimited in height or depth), along the Gardeners Road boundary. Roads and Maritime's comments on MP09_0146 provided in correspondence dated 12 September 2012 remain applicable.</i>	The proposed modifications to the North Site are contained wholly within the site and do not extend beyond the boundary.
<b>Transport for NSW</b>	
13. <i>TfNSW has reviewed the proposed modifications to the Conditions of Approval and provides no further comments.</i>	Noted.





Submission	Response
<b>Ausgrid</b>	
<p>14. Ausgrid require that due consideration be given to the compatibility of proposed development with existing Ausgrid infrastructure, particularly in relation to risks of electrocution, fire risks, electric and magnetic fields (EMF), noise, visual amenity and other matters that may impact on Ausgrid or the development.</p>	<p>Noted. This will be addressed by the Proponent through the conditions of consent (if necessary).</p>
<p>15. The existing substation on site (S.2247) does not have any spare capacity for a load increase. Any load increase or new connection application will require a new substation to be built. The customer has made no reference to electrical supply requirements or new substations in their application.</p>	<p>The Proponent has consulted with Ausgrid prior to the lodgement of this application. As discussed, the additional GFA sought by the proposed modification is 1,778.5m<sup>2</sup>, comprising 186.7m<sup>2</sup> of retail GFA and 1,591.8m<sup>2</sup> of residential GFA. This brings the total GFA across the site to 50,818.5m<sup>2</sup> and an FSR of 2.1:1. Certification letters from Ausgrid for the establishment of 2 new kiosks is attached at <b>Appendix D</b>.</p>
<b>CASA</b>	
<p>16. The proposed development to a height of 50.15m AHO is in close proximity but will not infringe prescribed airspace for Sydney Airport. CASA has no safety concerns about this proposal.</p>	<p>Noted.</p>
<b>Sydney Airport</b>	
<p>17. In my capacity as Airfield Design Manager and an authorised person of the Civil Aviation Safety Authority (CASA) under Instrument Number: CASA 229/11, in this instance, I have no objection to the erection of this development to a maximum height of 50.2 metres AHD.</p>	<p>Noted.</p>
<p>18. Should the height of any temporary structure and/or equipment be greater than 15.24 metres AEGH, a new approval must be sought in accordance with the Civil Aviation (Buildings Control) Regulations Statutory Rules 1988 No. 161.</p>	<p>The relevant approval to operate construction equipment will be obtained prior to issue of the relevant Construction Certificate (CC).</p>





Submission	Response
<p>19. <i>Current planning provisions (s.117 Direction 3.5 NSW Environmental Planning and Assessment Act 1979) for the assessment of aircraft noise for certain land uses are based on the Australian Noise Exposure Forecast (ANEF). The current ANEF for which Council may use as the land use planning tool for Sydney Airport was endorsed by Airservices in December 2012 (Sydney Airport 2033 ANEF).</i></p> <p><i>Whilst there are currently no national aviation standards relating to defining public safety areas beyond the airport boundary, it is recommended that proposed land uses which have high population densities should be avoided.</i></p>	<p>The proposed density of Building 1B is generally consistent with the density approved throughout the site. The proposal is therefore considered acceptable in terms of public safety.</p>
<b>Sydney Water</b>	
<p>20. <i>This advice is not a formal approval of our servicing requirements. Formal requirements for servicing the development will be determined as part of the Section 73 application.</i></p>	<p>It is acknowledged that the proposed development can be serviced by water through connection into the 200mm main in Gardeners Road and wastewater system through the 225mm main in Racecourse Place.</p> <p>The Proponent will submit a Section 73 application at the relevant time.</p>
<b>Member of the New South Wales Legislative Assembly</b>	
<p>21. <i>The existing consent is already an overdevelopment of the site, particularly having regard to access. It was always Council's view that any redeveloped site should be accessed from Gardeners Road. Increasing residential density and commercial floor space cannot be sustained without access from Gardeners Road.</i></p>	<p>The subject modification proposes no change to the access arrangements assessed and approved under MP09_0146.</p> <p>A Traffic and Parking Report was prepared by CBHK (dated July 2017) to assess the traffic implications of increasing the floor space. The report discusses that the proposed modifications will result in less than one additional vehicle every two to three minutes during the weekday peak period and less than one additional vehicle every 1.5 minutes during the Saturday midday peak period. The report concludes that such modest increases in traffic during peak periods would not affect the operation of the surrounding road network.</p>



Submission	Response
<p>22. <i>There are severe access problems to the site already, which will be exacerbated by the delivery of goods to and from the site. The delivery area adjoins high density residential communities, and those deliveries will impact on the quality of life of nearby residents.</i></p>	<p>The subject modification seeks to increase the retail floor space by some 186.7m<sup>2</sup> (approximately 1.3%). This nominal increase to the already approved 14,404m<sup>2</sup> retail floor space is not considered to warrant any significant increase in service deliveries beyond the approval.</p>
<p>23. <i>The Eastlakes Shopping Centre is surrounded predominately by 3 storey walk-up flats of a high density, and the previous approval had already contained unit sizes that are below the SEPP 65 standard. That means, already below the size of units contained in the dense, 3 storey walk up area.</i></p>	<p>As discussed, the proposal has arisen from several strategic influences and shifts in market needs since project approval was granted in 2013. This includes the release of the revised draft Eastern City District Plan and draft Greater Sydney Region Plan.</p> <p>Specifically, the plans identify Eastlakes as a Local Centre, encourages Council to investigate and coordinate urban renewal at Local Centres and surrounds and manage growth and change in identified centres including provision for an increase in support of residential development for walkable centres that have supermarkets greater than 1,000m<sup>2</sup>. More broadly, the proposal also responds to population and housing targets with 10,150 new dwellings required in the Bayside LGA in the next 5 years and 157,000 dwellings in the Eastern City in the next 20 years (see EAR prepared by Urbis for further discussion).</p> <p>While the preparation of housing strategies by each Council will dictate the location of additional housing, it is considered that the characteristics of Eastlakes make it a desirable location for urban renewal and residential density uplift. This includes its high accessibility to several strategic centres of employment, proximity to key public transport nodes by bus and the provision of retail and other services within the Eastlakes Shopping Centre itself which serves the immediate walkable community.</p> <p>The proposed density is therefore considered entirely appropriate. Reference is made to Section 8.1 of the EAR for further discussion.</p>
<p>24. <i>Altering one of the buildings above the shopping centre to eight storeys, instead of the approved amount, would be out of keeping, and well above the height of the surrounding residential area. The density in that Eastlakes area is so great that It cannot tolerate any additional population density.</i></p>	<p>The proposed 8 storey built form is not inconsistent with the original approval. The approved buildings across the site ranged from 3 – 7 storeys, generally consistent with the proposed 8 storey height of Building 1B.</p>



Submission	Response
	The environmental impacts associated with the additional building height are considered acceptable as discussed in Section 8 of the EAR.
<b>Public Submissions</b>	
<p>25. <i>Increase in height will result in loss of sunlight, privacy and breezes.</i></p>	<p>The proposed modification has been designed to minimise overshadowing of adjacent properties as far as practical, particularly to the western boundary where the site adjoins 16 Evans Avenue. At no point does shadow cast from Building 1B impact 16 Evans Avenue to the immediate west.</p> <p>Between 11am and 2pm the additional shadow cast by Building 1B is located over Evans Avenue onto the South Site.</p> <p>At 3pm the proposal impacts existing dwellings within the existing residential flat building at 34 Barber Avenue. This shadow impact is considered acceptable, as it is for one hour and dwellings within this block are still able to achieve more than 2 hours of solar access, with uninterrupted solar access up until 2pm.</p> <p>Building 1B includes greater setbacks than approved. 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. In addition, to further address privacy the proposal includes fixed vertical sunshades and privacy screens along the building façade to reduce opportunities for direct lines of sight to neighbouring dwellings.</p>
<p>26. <i>Does not fit into the planning design and heritage of Eastlakes.</i></p>	<p>The proposed 8-storey height of Building 1B is considered to be generally consistent with the remainder of the approved Eastlakes Shopping Centre development which ranges between 3-7 storeys in height.</p>
<p>27. <i>Increase in floor space by 20% will increase traffic and compromise the area's traffic pedestrian safety.</i></p>	<p>The proposed modification results in an increase in floor space of approximately 3.6%. The proposed traffic impacts have been assessed by the project traffic consultant CBHK and addressed in the Traffic and Parking Report (dated July 2017). In summary, the report concluded 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</p>



Submission	Response
	<p>Saturday midday peak period, compared to the approved development. 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.</p>
<p>28. <i>Increase in height unacceptable.</i></p>	<p>The increase in height is considered entirely acceptable in the context of the existing approved buildings ranging in height between 3-7 storeys.</p> <p>Reference is made to Section 8.2.1 of the submitted EAR prepared by Urbis.</p>
<p>29. <i>Impact on existing infrastructure such as parking, traffic flow, air pollution and quality of life.</i></p>	<p>To address agency and public submissions, the proposal has been amended to include an additional level of basement car parking with provision for an additional 64 car parking spaces. The additional car parking will alleviate on-street parking pressures that takes away from residential street parking. Traffic flow has been assessed by the project traffic consultant, CBHK. The additional traffic generated from the proposed modification is assessed as being acceptable as discussed in Item 27.</p>
<p>30. <i>Review loss of trees along public park.</i></p>	<p>The modification proposes the removal of five (5) trees along the northern side of Evans Avenue. The subject modification does not propose any tree removal to the park boundaries.</p> <p>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.</p> <p>To offset the proposed removal of the subject trees, the proposal seeks to replant five (5) <i>Platanus Acerifolia</i>, or 'London Plane' trees along the northern side of Evans Avenue to reintroduce vegetation into the streetscape in alignment with the</p>



Submission	Response
	neighbouring properties street trees setback from the kerb. These trees will be supplemented with understorey planting.



#### **4. CONCLUSION**

We trust this letter responds to all matters raised during the public exhibition period and documents design modifications in response to submissions received as well as a result of design development.

Should you have any queries, please do not hesitate to contact the undersigned on 8233 9986.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jessica Ford". The signature is fluid and cursive, with the first name being more prominent.

Jessica Ford  
Senior Consultant