



18 September 2017

The Minister
NSW Department of Planning and Environment
GPO Box 39,
Sydney NSW 2001

Dear Sir/ Madam

SECTION 75W MODIFICATION (MOD 2) OF PROJECT APPROVAL MP09_0146 - EASTLAKES SHOPPING CENTRE, EASTLAKES

1. INTRODUCTION

This Section 75W Modification has been prepared by Urbis on behalf of Stateland East Unit Trust (Crown Group) to modify Project Approval MP09_0146 relating to the Eastlakes Shopping Centre, Eastlakes.

This application seeks a minor modification to Condition B29(e) to facilitate larger construction vehicles up to 19 metres long to be used during construction. This is proposed to reduce the number of truck movements required to access the site.

This letter is supported by Swept Path Diagrams (submitted at **Appendix A**) and includes the following information:

- **Section 2 – Project Background:** Provides a brief history of approvals on site;
- **Section 3 – Site and Surrounds:** Describes the site and its context;
- **Section 4 – Proposed Modification:** Provides a description of the proposed modification;
- **Section 5 – Statutory Framework:** Provides an assessment against the relevant environmental planning instruments; and
- **Section 6 – Conclusion.**

2. PROJECT BACKGROUND

Project Approval (MP09_0146) was granted on the 19 September 2013 by the Planning Assessment Commission, on behalf of the Minister for Planning, for the redevelopment of the Eastlakes Shopping Centre comprising:

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.

Modification 1 to the Project Approval was lodged on the 11 July 2017. The modification was exhibited until the 23 August 2017 and seeks approval for the following:

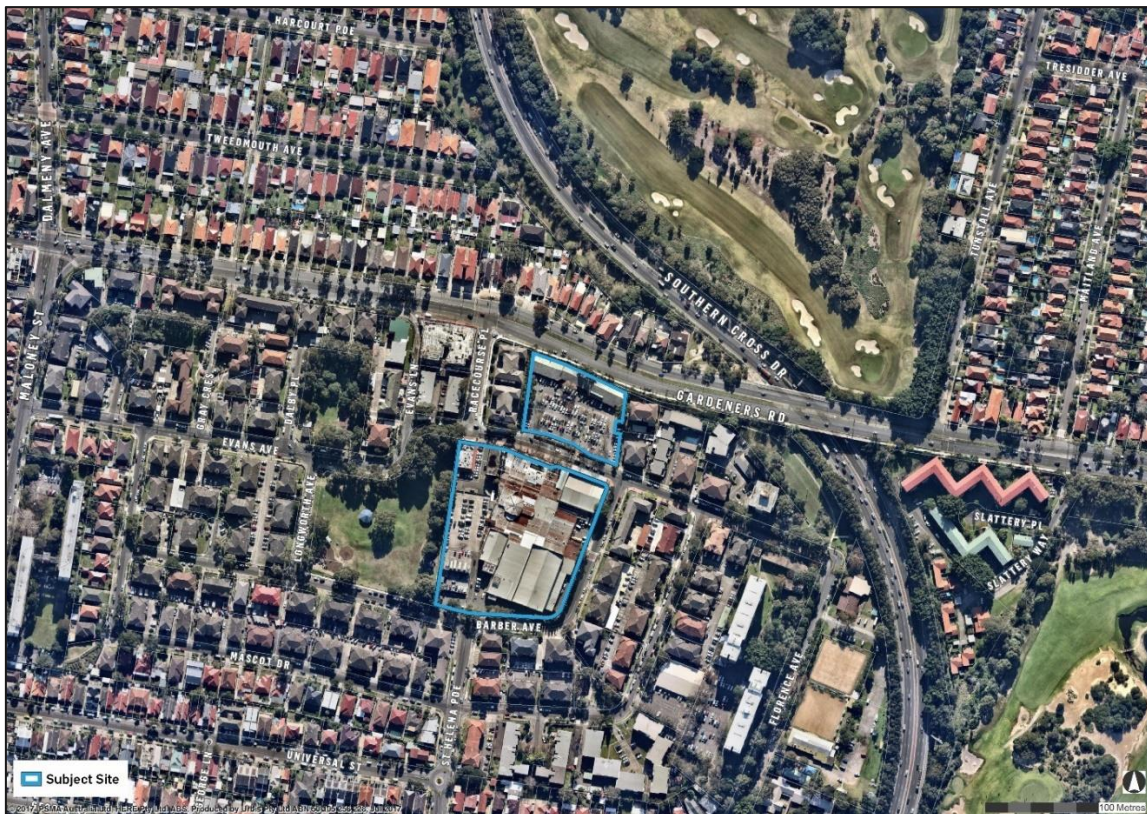
The proposed modification relates exclusively to the North Site. The works comprise general site improvements relating to basement car park layout, reconfiguration of the ground level retail mall and a modification to the building envelope of Building 1B. The proposal also involves design development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

3. SITE AND SURROUNDS

3.1. THE SITE

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 (see **Figure 1**).

Figure 1 – The Site



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.

3.2. 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).

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.

4. PROPOSED MODIFICATION

This Section 75W Modification seeks to amend Condition B29(e) to enable 19-metre-long trucks and trailers to access the site during construction.

Condition B29(e) is proposed to be amended as follows (new text shown in 'red' and deleted text shown as a **strikethrough**):

Construction Management Plans

B29 Prior to the issue of any Construction Certificate, a detailed Construction Traffic Management Plan for the pedestrian and traffic management of the site during construction shall be prepared and submitted to the Principal Certifying Authority and Council. The plan shall:

- (a) be prepared by a RMS accredited qualified person;*
- (b) nominate a contact person who is to have authority without reference to other persons to comply with instructions issued by Council's Traffic Engineer or the Police;*
- (c) indicate the construction vehicle access points of the site;*
- (d) indicate the frequency and spread of truck movements;*
- (e) ensure any vehicles accessing the site or carrying out construction activities associated with the development be restricted to ~~42.5~~ **19** metres (defined as Heavy Rigid Vehicle in AS2890.2);*
- (f) ensure any vehicles associated with the demolition and construction activities associated with works on the southern site enter the site from the south of the roundabout at the intersection of Racecourse Place and Evans Avenue; and*
- (g) ensure all traffic (including worker's vehicles) generated from the construction activities shall enter and leave the site in a forward direction*

4.1. JUSTIFICATION FOR THE MODIFICATION

Condition B29(e) restricts construction vehicles from accessing the site or carrying out construction activities associated with the development which are greater than 12.5 metres in length.

This 12.5 metre truck length restriction means material excavated from the site will be carted in rigid trucks, resulting in approximately 6,500 truck movements in and out of the site. Alternatively, a larger 19-metre-long truck and trailer would significantly reduce the number of truck movements to approximately 2,300 truck movements in and out of the site.

The reduced truck movements facilitated by a larger 19-metre-long truck is considered to reduce the amount of congestion in the surrounding streets. In addition, it would also reduce the total time taken to complete the excavation, benefiting the community by reducing the overall construction program.

Semi-trailers already use Evans Avenue and Barber Avenue to deliver to the shopping centre on the south side of Evans Avenue, hence there would be no issue with truck and trailers being able to navigate the route back to Gardeners Rd from the site.

Swept path analysis has been undertaken (refer to **Appendix A**) and demonstrates that a 19-metre-long truck and trailer can enter and exit the site from Evans Avenue.

5. STATUTORY FRAMEWORK

5.1. 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 modification set out in this letter.

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

5.1.1. 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 modification, particularly as the modification is of limited environmental impact. This is demonstrated by the following considerations:

- Seeks only to amend the length of construction vehicles accessing the site or carrying out construction activities on the site from 12.5 metres to 19 metres.
- Results in reduced truck movements and hence reduced congestion on surrounding road network as well as a more streamlined construction programme and impact on the local community.
- Is supported by swept path diagrams demonstrating a 19-metre-long truck can reasonably enter and exit the site.
- Will not alter the approved development in terms of its use, bulk, scale or appearance or the nature of the development
- Will not result in any impacts on local land owners or residents and the development remains suitable for the site as approved.
- Remains consistent with the relevant environmental planning instruments and provisions as detailed in the original application.

5.2. RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES

The proposal has no bearing on the proposals compliance with the relevant State Environmental Planning Polices.

5.3. BOTANY BAY LOCAL ENVIRONMENTAL PLAN 2013

The proposal has no bearing on the proposals compliance with the *Botany Bay Local Environmental Plan 2013*.

5.4. BOTANY BAY DEVELOPMENT CONTROL PLAN 2013

The proposal has no bearing on the proposals compliance with the Botany Bay Development Control Plan 2013.



6. CONCLUSION

This Section 75W application seeks a minor modification to Condition B29(e) of MP09_0146 to facilitate larger construction vehicles up to 19 metres long to be used during construction of the approved development.

Having regard to each of the matters considered above, the proposed modification is considered to be reasonable and appropriate. The proposed modification is minor in nature and will facilitate the timely development of the site.

Based on the above, we conclude that the proposed modification should be approved pursuant to the provisions of Section 75W of the Act.

If you have any questions with regard to the application, please call the undersigned on (02) 8233 9900.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jessica Ford".

Jessica Ford
Senior Consultant



APPENDIX A – SWEEP PATH DIAGRAMS