

## ASSESSMENT REPORT

### MIXED USE DEVELOPMENT, EASTLAKES SHOPPING CENTRE MP 09\_0146 MOD 2

#### 1. INTRODUCTION

This report is an assessment of a request to modify the Project Approval for a mixed use development at Eastlakes Shopping Centre in the Bayside local government area. The request has been lodged by Urbis on behalf of Crown Group (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to amend Condition B29(e) to allow construction vehicles up to 19 metres (m) to access the site during construction.

The Department's assessment concludes the proposal is acceptable as it would reduce the number of vehicles accessing the site during construction and the swept path analysis demonstrates the surrounding intersections can support 19 m long vehicles.

#### 2. SUBJECT SITE

The subject site is located at Eastlakes Shopping Centre, approximately six kilometres (km) south of the Sydney CBD. The northern portion of the site has frontages to Gardeners Road to the north, Evans Avenue to the south, and adjoins residential flat buildings to the east and west. The southern portion of the site has frontages to Evans Avenue to the north, Barber Avenue to the east and south, and Eastlakes Reserve to the west (see **Figure 1**).



Figure 1: Site Location

### 3. APPROVAL HISTORY

On 19 September 2013, the Planning Assessment Commission (the Commission) granted Project Approval for a 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 Department is currently assessing MP\_0146 MOD 1 for the changes to the northern site including reconfiguration of parking and ground level retail, an increase in the height of building 1B and tree removal along Evans Avenue.

### 4. PROPOSED MODIFICATION

On 18 September 2017, the Proponent lodged a section 75W modification application (MP 09\_0146 MOD 2) seeking approval to amend Condition B29(e) to allow vehicles up to 19 m long to access the site during construction.

The proposed modified condition is outlined below:

#### **Construction Management Plan**

*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 used by Council's Traffic Engineer of 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 ~~12.5~~ 19 metres (defined as a 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.*

The modification is requested on the basis it would reduce the number of truck movements required during construction, and therefore reduce congestion within surrounding streets.

### 5. STATUTORY CONSIDERATION

#### 5.1 Section 75W

The project was originally approved under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former section 75W of the Act.

The Department is satisfied that the proposed changes are within the scope of section 75W of the EP&A Act, and the proposal does not constitute a new application.

#### 5.2 Approval Authority

The Minister for Planning is the approval authority for the request. However, the Executive Director, Key Sites and Industry Assessments may determine applications under delegation as:

- the relevant council has not made an objection
- a political disclosure statement has not been made
- there are less than 25 public submissions in the nature of objections.

### 6. CONSULTATION

The Department made the modification request publicly available on its website, and consulted with Bayside Council (Council) about the proposed modification.

**Council** requested an additional swept path analysis for the Gardeners Road and Racecourse Place intersection and the Racecourse Place and Evans Avenue intersection. It also requested an investigation into the existing road pavement adequacy to cater for the largest proposed vehicles and design and reconstruction of the road pavement for the travel route in accordance with Austroads.

No **public** submissions were received.

In response to Council's comments, the Proponent provided an additional swept path analysis for the intersections requested and design calculations in accordance with Austroads – Guide to Pavement Technology Part 2: Pavement Structural Design, 2012 showing the existing road pavement can cater for the 19 m long vehicles.

Council reviewed the analysis and advised it has no further comments regarding swept paths. However, it requested a dilapidation report be provided for all traffic facilities along Racecourse Place and Evans Avenue.

## 7. ASSESSMENT

The Department has assessed the modification application and supporting information and considers the proposed modification to allow larger trucks to access the site during the construction phase is acceptable as:

- it would reduce the number of vehicle movements required during construction
- the swept path analysis demonstrates the surrounding intersections can support 19 m long vehicles
- the existing condition B6 requires a dilapidation report for surrounding public infrastructure to ensure the protection of Council assets.

## 8. RECOMMENDATION

It is recommended that the Executive Director, Key Sites and Industry Assessments, as delegate of the Minister for Planning:

- **consider** the findings and recommendations of this report
- **determine** that the application falls within the scope of section 75W of the EP&A Act
- **modify** the Project Approval (MP 09\_0146)
- **sign** the attached notice of modification (**Appendix A**).

Recommended by:

Anthony Witherdin  
**Director**  
**Modification Assessments**

---

## DECISION

Approved by:

Anthea Sargeant  
**Executive Director**  
**Key Site and Industry Assessments**  
as delegate of the Minister for Planning.

---

## APPENDIX A: NOTICE OF MODIFICATION

---

A copy of the notice of modification can be found on the Department's website at:

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8756](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8756)

## APPENDIX B: SUPPORTING INFORMATION

---

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8613](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8613)

2. Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8613](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8613)

3. Response to Submissions

[http://majorprojects.planning.nsw.gov.au/index.pl?action=view\\_job&job\\_id=8613](http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=8613)