

16 December 2019

Our Ref: F18/679  
Contact: Howard Taylor 9562 1663

Emma Butcher  
**Planning Officer, Regional Assessments**  
NSW Department of Planning, Industry & Environment  
Level 29, 320 Pitt Street  
SYDNEY NSW 2000

Dear Emma,

**Re: Bayside Council Submission on MP 09\_0146 MOD 4 – Eastlakes Shopping Centre:  
Response to Submissions and Amended Proposal**

Thank you for the opportunity to make a submission in response to the notification of the applicant's Response to Submissions (RtS) and amended proposal. Council staff have reviewed the submitted RtS and amended proposal, and respond as follows:

On the 11<sup>th</sup> December 2019, Council considered a report and submission (attached) prepared by Council staff and resolved:

- 1 That Council in principal opposes the Eastlakes Shopping Centre MOD 4 amended proposal.*
- 2 That Council endorses the attached submission, in relation to the revisions proposed by the NSW Department of Planning, Industry and Environment to MOD 4 - Modification to Eastlakes Shopping Centre Mixed Use Development (Commercial, Retail & Residential).*
- 3 That Council writes to the State and Federal Members of Parliament, particularly the Member for Heffron, to advise them of Council's opposition to the modification and its decision. The submission (attachment 2) reiterates previous concerns raised in relation to fundamental land use planning issues that the NSW Department of Planning, Industry and Environment should consider in determining the Modification Request as amended.*

We trust that the Department of Planning, Industry and Environment will take these land use planning issues into account and reject the Modification Request as amended.

Yours faithfully,



**Clare Harley**  
**Manager Strategic Planning**

Attached:  
Council Resolution  
Council Submission

**Postal address**

PO Box 21, Rockdale NSW 2216  
ABN 80 690 785 443

**Bayside Customer Service Centres**

Rockdale Library, 444-446 Princes Highway, Rockdale  
Westfield Eastgardens, 152 Bunnerong Road, Eastgardens

E [council@bayside.nsw.gov.au](mailto:council@bayside.nsw.gov.au)

W [www.bayside.nsw.gov.au](http://www.bayside.nsw.gov.au)

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## **8.8 Renew our Libraries Phase 2**

### **RESOLUTION**

Minute 2019/266

Resolved on the motion of Councillors Rapisardi and McDougall

- 1 That Council makes representations to the local State Member(s) in relation to the need for a sustainable state funding model for the ongoing provision of public library services.
- 2 That Council writes to the Hon. Don Harwin, Minister for the Arts, and the Hon. Walt Secord, Shadow Minister for the Arts, calling for bi-partisan support for Consumer Price Index (CPI) indexation of state funding for NSW public libraries, as well as legislation of all elements of the 2019-20 to 2022-23 NSW state funding model.
- 3 That Council endorses the distribution of the NSW Public Libraries Association NSW library sustainable funding advocacy information in Council libraries, as well as involvement in any actions proposed by the Association.

## **8.9 Eastlakes Shopping Centre MOD 4 - Amended proposal**

### **RESOLUTION**

Minute 2019/267

Resolved on the motion of Councillors Morrissey and Curry

- 1 That Council in principal opposes the Eastlakes Shopping Centre MOD 4 amended proposal.
- 2 That Council endorses the attached submission, in relation to the revisions proposed by the NSW Department of Planning, Industry and Environment to MOD 4 - Modification to Eastlakes Shopping Centre Mixed Use Development (Commercial, Retail & Residential).
- 3 That Council writes to the State and Federal Members of Parliament, particularly the Member for Heffron, to advise them of Council's opposition to the modification and its decision.



**Council endorsed  
submission dated 12th  
December 2018**

**Strategic Planning**

**General**

Under section 3.9 of the *Environmental Planning and Assessment Act 1979* (EPAA), and with guidance from the Greater Sydney Commission, Council is undertaking the comprehensive LEP and DCP review. An identified priority project as a part of this process is the Eastlakes Local Centre Master Plan.

**Greater Sydney Region Plan**

*Objective 12 – Great places that bring people together*

*Objective 22 – Investment in business activity in centres*

**Eastern City District Plan**

- Planning Priority E6 – principles for local centres and housing strategies

**Proponents Response to  
Submissions and Preferred Project  
Report (RtS)**

The response in the proponents RtS is noted.

The RtS states that the assessment of the proposals consistency with the directions and priorities contained in the Greater Sydney Region Plan and Eastern City District Plan remain unchanged. Accordingly, the RtS has not specifically responded to the concerns raised in Council's submission of 12th December 2018 in relation to the proposal's consistency with the Greater Sydney Region Plan and Eastern City District Plan.

**Council Comment**

Parts 4.1 and 4.7 of the Draft Eastlakes Local Town Centre Masterplan indicates the following for the long term in relation to built form and governance:

*'Review of controls to incentivise future renewal within an improved market cycle and when supporting infrastructure in place.'*

and

*'Local centre hierarchy and development standards will need to be revised if suitable infrastructure and foundation haven undertaken to understand Eastlakes role as a local centre.'*

Council reiterates the concerns raised in relation to the proposal's inconsistency with objectives 12 and 22 of the Greater Sydney Region Plan and Planning Priority E6 of the Eastern City District Plan in its submission dated 12th December 2018.

**Future Transport Strategy 2056**

- improvements to active transport network to connect with sustainable transport options

In relation to Future Transport Strategy 2056, the RtS states that '*Further information is required*', however, a review of the submitted documentation indicates that no further information has been submitted to address Council's concerns.

Accordingly, the RtS has not responded to the concerns raised in Council's submission of 12th December 2018 in relation to the proposal's consistency with the Future Transport Strategy 2056.

Council reiterates the concerns raised in relation to the proposal's inconsistency with Future Transport Strategy 2056 in its submission dated 12th December 2018.

**Botany Bay Planning Strategy 2031**

- Managing Growth in the Eastern Centres Objectives and Action

As noted in Council's submission of 12th December 2018, the SEARs required the proponent to address the relevant planning provisions, goals and strategic planning objectives in the *Botany Bay Planning Strategy 2031* (Strategy). A review of the RtS indicates that the Strategy has not been specifically addressed.

Council reiterates the concerns raised in relation to the proposal's inconsistency with the relevant planning provisions, goals and strategic planning objectives in the *Botany Bay Planning Strategy 2031*.

**Better Placed – An Integrated Design Policy for the Built Environment of NSW**

Design objectives:

- *Better Fit*
- *Better Performance*
- *Better for Community*
- *Better for People*
- *Better working*
- *Better value*
- *Better Look and Feel*

The RtS states under the heading '4. Assessment of Preferred Project – South site' that the assessment of 'other relevant policies and guidelines remains unchanged and has not specifically respond to the concerns raised in relation to the design objectives of Better Placed.

Council reiterates the concerns raised in relation to the proposal's inconsistency with *Better Placed – An Integrated Design Policy for the Built Environment of NSW*.



**Environmental Planning and Assessment Act 1979 (EP&A Act)**

**Section 3.9 - Local strategic planning statements of councils**

**State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65)**

- identifying the context
- local character and context

**Practice Note PS 18-001 – Stepping up planning and designing for better places:**

The RtS does not address Section 3.9 of the EP&A Act, in particular, the publicly exhibited draft Bayside Local Strategic Planning Statement (BLSPS). The BLSPS notes under Bayside Planning Priority 9 that *'Council will take a place based approach and finalise and adopt the master plans/ urban design studies for the local centres of Rockdale, Eastlakes and Brighton Le Sands.'*

As noted in Council's submission of 12<sup>th</sup> December 2018, Council is undertaking the comprehensive LEP and DCP review. An identified priority project as a part of this process is the Eastlakes Local Centre Master Plan. The Master Plan will aid in the formulation of the Local Strategic Planning Statements (LSPS) and built form controls for the revised LEP and DCP and will be focused on engagement with the Eastlakes Community, evidence based studies and testing to inform place specific outcomes, consistent with place based planning required by the Eastern City District Plan.

The RtS has not specifically responded to Council's concerns in relation to the proposal's consistency with the

Council is in the process of finalising the Eastlakes Local Centre masterplan, which will be used to guide future development of the centre. Council re-iterates the concerns raised in its submission of 12th December 2018 that consideration of the proposed modification ahead of Council's strategic planning for this locality is premature.

Council re-iterates the concerns raised in its submission of 12<sup>th</sup> December 2018 in relation to Parts 1A and 1B of SEPP 65. Town Centre Principles 02 and 08 of the Draft Eastlakes Town Centre Masterplan indicate that controls are to be reviewed when supporting infrastructure is in place.

Council re-iterates the concerns raised in its submission of 12th December 2018 in relation to the proposal's consistency with the Department of Planning and Environment's

**respecting and enhancing local character**

Department of Planning and Environment's Planning Circular PS 18-001.

Practice Note PS 18-001 - *Stepping up planning and designing for better places: respecting and enhancing local character.*

Neither Council nor the community has undertaken a strategic planning process to establish a desired future character vision for Eastlakes to inform an appropriate planning framework for the growth and renewal of the centre. Council has, however, commenced this work in the form of the Draft Eastlakes Town Centre Masterplan. Town Centre Principles 02 and 08 indicate that in the long term, controls are to be reviewed when supporting infrastructure is in place.

**Botany Bay LEP 2013**

- Land zoning

As noted in Council's submission of 12th December 2018, the SEARs required the proponent to demonstrate the proposals consistency with the objectives of the B2 Local Centre zone. A review of the RtS indicates that this has not been undertaken.

Council re-iterates the concerns raised in its submission of 12th December 2018 in relation to the proposal's consistency with the objectives of the B2 Local centre zone.

- Practice Note PN 11-002  
Preparing LEPs using the  
Standard Instrument – standard  
zones

As noted in Council's submission of 12th December 2018, the core objectives of the B2 Local centre zone are primarily focussed on the provision of retail, business, entertainment and community uses. Whilst residential accommodation in the form of *residential flat buildings* and *shop top housing* are permissible with consent, residential development is not included as a core objective. The RtS has

Council re-iterates the concerns raised in its submission of 12th December 2018 in relation to the proposal's consistency with the Department of Planning and Environment Practice Note PN 11-002 *Preparing LEPs using the Standard Instrument – standard zones.*



- Building height

not specifically responded to Practice Note 11-002

In relation to building height, the height of buildings map in Botany Bay LEP 2013 stipulates a height of 14 metres for the site. MOD 4 as amended proposes a revised building height of 60.6 metres (reduced from 71.70 metres). As noted in Council's previous submission of 12th December 2018, introducing a building of this height and scale is not consistent with the overall/ established character of Eastlakes which predominantly comprises 3-4 storey walk-up residential flat buildings.

Council re-iterates the concerns raised in its submission of 12th December 2018 in relation to the proposed building height and FSR.

Whilst the RtS notes that the Botany Bay LEP 2013 does not apply to a project to which Section 75R(3) of the EP&A Act applies, the requirements of relevant SEPPs continue to apply. Refer to comments in relation to the proposals inconsistency with character and context established in SEPP 65 and Practice Note PN 18-001, above.

- Floor space ratio

In relation to FSR, the proposed is considered a significant overdevelopment of the site given that the Botany Bay LEP 2013 stipulates an FSR of 1.5:1.

Whilst the RtS notes that the Botany Bay LEP 2013 does not apply to a project to which Section 75R(3) of the EP&A Act

- NSW LEC Planning Principle:  
Zones

### Botany Bay DCP 2013

- Car parking

applies, the requirements of relevant SEPPs continue to apply. Refer to comments in relation to the proposals inconsistency with character and context established in SEPP 65 and Practice Note PN 18-001, above.

The RtS does not address the Planning Principle 'Zones' established by the NSW Land and Environment Court.

Council reiterates the concerns raised in its submission of 12th December 2018 in relation to the proposals consistency with the Planning Principle 'Zones'.

As noted in Council's submission of 12th December 2018, the Botany Bay DCP 2013 requires car parking to be provided at the following rate:

Council reiterates the concerns raised in its submission of 12th December 2018 in relation to provision of car parking.

- 1 space/ studio or one (1) bedroom dwelling
- 2 spaces/ two (2) or more bedrooms dwelling
- 1 designated visitor space/ 5 dwellings
- 6 per 100 m2 of GLA

#### Calculation:

32 x studio = 32 x 1 = 32

209 x 1-bed = 209 x 1 = 209

201 x 2-bed = 201 x 2 = 402

52 x 3-bed = 52 x 2 = 104

1 space per 5 dwellings = 494/ 5 = 99

(19,283/ 100) x 6 = 1157



## **Other considerations**

### **State Design Review Panel**

*'The Panel understands that Bayside Council is undertaking a strategic planning study of the broader Eastlakes area to establish a vision and principles for future development. It is recommended that any approval of development modifications on this site be informed by this study.'*

### **Urban Design**

Total car parking required under the Botany Bay DCP 2013 (north and south combined) = 2003

Based on the calculation above, MOD 4 (as amended) it is apparent that there is a car parking *shortfall* of 1023 spaces.

As noted in Council's submission of 12th December 2018, the draft SEARs stated that *'the Department supports suppressed car parking in areas with good access to services and transport'*, however, Eastlakes is not well served by public transport.

The response in the proponents RtS is noted.

The response in the proponents RtS is noted.

As noted in Council's submission of 12th December 2018, Council supports the comments made by the State Design Review Panel. Town Centre Principles 02 and 08 in the Draft Eastlakes Town Centre Masterplan indicate that in the long term, controls are to be reviewed when supporting infrastructure is in place.

Council reiterates the concerns raised in its submission of 12th December 2018 in relation to Urban Design.

**Transport**

The response in the proponents RtS is noted.

Council reiterates the concerns raised in its submission of 12th December 2018 in relation to Transport.

**Open Space and Recreation**

The response in the proponents RtS is noted.

Council reiterates the concerns raised in its submission of 12th December 2018 in relation to provision of Open Space and Recreation.

**Offer of public benefit**

The proponent's offer of an offer of public benefit is noted.

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