

An aerial photograph of the Sydney Harbour Bridge, showing the bridge's arch and the surrounding city of Sydney. The bridge is filled with cars, and the city skyline is visible in the background. The water of the harbour is visible to the left of the bridge.

MP 09_0146 MOD 4 - MODIFICATION TO EASTLAKES SHOPPING CENTRE

RESPONSE TO SUBMISSIONS AND
PREFERRED PROJECT REPORT

14 OCTOBER 2019

FINAL
PREPARED FOR CROWN GROUP



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TABLE OF CONTENTS

1.	<u>Introduction</u>	<u>1</u>
1.1.	Overview	1
1.2.	Inclusion of North Site to MOD 4	1
1.3.	The Exhibited Proposal.....	2
1.4.	Summary of Consultation Process	3
1.5.	The Amended Proposal	3
1.5.1.	South Site	3
1.5.2.	North Site	5
1.6.	Draft Eastlakes Master plan.....	5
1.7.	Purpose and Structure of this Report	8
1.8.	Supporting Documentation	13
1.8.1.	South Site	13
1.8.2.	North Site	14
2.	<u>Overview of Submissions for South Site</u>	<u>15</u>
2.1.	Government and Agency Submissions	15
2.1.1.	Bayside Council	15
2.1.2.	State Design Review Panel and Government Architects Office.....	16
2.1.3.	Airspace Authorities.....	16
2.1.4.	Transport for New South Wales.....	16
2.1.5.	Roads and Maritime Services.....	17
2.1.6.	Response to Government and Agency Submissions	17
2.2.	Community Submissions	17
2.2.1.	Response to Public Submissions	17
3.	<u>Preferred Project Description</u>	<u>19</u>
3.1.	South Site	19
3.1.1.	Amendments to Exhibited Modification Application.....	19
3.1.2.	Description of Final Modification Proposal for the South Site	27
3.2.	North Site	28
3.2.1.	Building 1 and 1A Internal Modifications	28
3.2.2.	Building 1 and 1A External Modifications	29
3.2.3.	Building 1B Modifications.....	30
3.2.4.	Basement Modifications.....	30
3.2.5.	Landscaping.....	31
3.2.6.	Loading Dock Hours of Operation	32
3.2.7.	Centre Trading Hours	32
3.2.8.	Stratum Subdivision.....	32
3.3.	Numerical Overview and Comparison to Approval.....	33
3.4.	Modification to Terms of Approval and Statement of Commitments	34
3.5.	Staging.....	34
3.5.1.	Construction Staging	34
3.5.2.	Section 7.11 Contributions.....	34
4.	<u>Assessment of Preferred Project – South Site</u>	<u>36</u>
4.1.	Built Form Impacts.....	37
4.2.	Aeronautical	39
4.2.1.	PANS OPS.....	39
4.2.2.	OLS.....	40

4.3.	Residential Amenity	41
4.3.1.	Separation Distances.....	42
4.4.	Open Space and Recreation	43
4.5.	Amenity to Adjoining Development.....	43
4.5.1.	Overshadowing	43
4.5.2.	Visual Impacts.....	46
4.5.3.	View Impacts.....	48
4.6.	Ground Plane Activation	50
4.7.	Tree Removal	51
4.8.	Acoustic	51
4.8.1.	Aircraft Noise Assessment.....	52
4.8.2.	Local Road Assessment	53
4.8.3.	Loading Dock Assessment	53
4.9.	Pedestrian Wind Impacts	53
4.10.	BASIX & Ecologically Sustainable Development.....	54
4.11.	Traffic and Parking.....	54
4.11.1.	Traffic Generation	54
4.11.2.	Car Parking	55
4.11.3.	Access, Internal Layout and Servicing.....	56
4.12.	Accessibility	56
4.13.	Signage.....	56
5.	<u>Assessment of Preferred Project – North Site.....</u>	<u>59</u>
5.1.	Statutory Planning Assessment.....	59
5.2.	Visual Impacts.....	63
5.3.	Building Height Impacts	64
5.4.	Acoustic	64
5.4.1.	Sleep Disturbance Assessment.....	66
5.4.2.	Local Road Assessment	67
5.4.3.	Waste Management Assessment	67
5.5.	Car Parking	68
5.6.	Accessibility and BCA	68
6.	<u>Conclusion</u>	<u>69</u>
Disclaimer	71	

South Site Appendices

<u>Appendix A</u>	<u>Amendments to conditions and Statement of Conditions</u>
<u>Appendix B</u>	<u>Response to Agency Submissions</u>
<u>Appendix C</u>	<u>Response to Public Submissions</u>
<u>Appendix D</u>	<u>Architectural Plans</u>
<u>Appendix E</u>	<u>SEPP 65 Design Report</u>
<u>Appendix F</u>	<u>Landscape and Public Domain Plans</u>
<u>Appendix G</u>	<u>Urban Context Report</u>
<u>Appendix H</u>	<u>Community Engagement Strategy and Implementation Outcomes Report</u>
<u>Appendix I</u>	<u>Visual and View Impact Analysis</u>
<u>Appendix J</u>	<u>Open Space and Recreational Needs Analysis</u>
<u>Appendix K</u>	<u>Traffic and Parking Report</u>
<u>Appendix L</u>	<u>Arborist Report</u>
<u>Appendix M</u>	<u>Stormwater Management Plan</u>
<u>Appendix N</u>	<u>Contamination</u>

<u>Appendix O</u>	<u>Updated Geotechnical Statement</u>
<u>Appendix P</u>	<u>Utilities and Services Plan</u>
<u>Appendix Q</u>	<u>Accessibility</u>
<u>Appendix R</u>	<u>Acoustic Assessment</u>
<u>Appendix S</u>	<u>Updated Construction Management Plan and Construction Traffic Management Plan</u>
<u>Appendix T</u>	<u>Wind Effects Report</u>
<u>Appendix U</u>	<u>Operational Waste Management Plan</u>
<u>Appendix V</u>	<u>Aeronautical Impact Assessment</u>
<u>Appendix W</u>	<u>Public Benefit Offer</u>
<u>Appendix X</u>	<u>Quantity Surveyors Report</u>
<u>North Site Appendices</u>	
<u>Appendix Y</u>	<u>Architectural Plans</u>
<u>Appendix Z</u>	<u>Landscape Plans</u>
<u>Appendix AA</u>	<u>BASIX</u>
<u>Appendix BB</u>	<u>Acoustic Report</u>
<u>Appendix CC</u>	<u>Waste Management Plan</u>
<u>Appendix DD</u>	<u>Car Parking Review</u>
<u>Appendix EE</u>	<u>Accessibility Report</u>
<u>Appendix FF</u>	<u>BCA Compliance Capability Report</u>
<u>Appendix GG</u>	<u>Amended Stratum Plans</u>

FIGURES:

Figure 1 – Extent of Landholding – North and South Sites	2
Figure 2 – South Site Built Form Evolution.....	5
Figure 3 – Insert from Figure 1.6 ‘Option 1 Development Viability Testing’ from Draft Eastlakes Masterplan ..	7
Figure 4 - Potential Future Context – View from the North West at Corner of Gardeners Road and Maloney Street	7
Figure 5 - Potential Future Context – View from the South West at corner of Maloney Street and Universal Street	8
Figure 6 – Ground Level Plan - submitted.....	21
Figure 7 – Ground Level Plan - proposed amendment	21
Figure 8 – Level 1 Plan - submitted.....	22
Figure 9 – Level 1 Plan – lower podium proposed amendment.....	23
Figure 10 – Height of Building D-J - submitted.....	24
Figure 11 – Height of Building D-J - proposed amendment	24
Figure 12 – Bulk and Scale of Building D-J - Submitted	25
Figure 13 – Bulk and Scale of Building D-J - Proposed Amendment.....	25
Figure 14 – North Elevation – Approved	30
Figure 15 – North Elevation – Proposed	30
Figure 16 – Photomontage of amended proposal looking east from Eastlakes Reserve	38
Figure 17 – Photomontage of amended proposal looking south.....	38
Figure 18 – Photomontage of amended Building D looking at western retail entry	39
Figure 19 – Assessment of the amended scheme against PANS OPS Surface Heights	40
Figure 20 – Assessment of the amended scheme against Circling Area PANS OPS heights	41
Figure 21 – Building separation diagram.....	42
Figure 22 – Direct solar access to neighbouring residential properties: view from north west	44
Figure 23 – Shadow diagrams of the amended proposed – 9am-3pm on 21 June	45
Figure 24 – Design measures to reduce the visual impact of the exhibited proposal.....	46

Figure 25 – Proposed interface looking north along Barber Avenue.	47
Figure 26 – Visual Context Analysis extract of View 4 from Gardeners Road Bridge	49
Figure 27 - Visual Context Analysis extract of View 7 from West of Evans Avenue	49
Figure 28 – Perspective Sketch View looking from north west toward retail entry	50
Figure 29 – Site Layout and surrounding receivers.....	51
Figure 30 – External noise level criteria in accordance with the NSW Noise Policy for Industry	52
Figure 31 – Expected wind comfort classification around the development	54
Figure 32 – North Site photomontage showing consistency of Building 1B (left) with Building 1A (right) – looking north	63
Figure 33 – North Site photomontage showing Building 1A (left) and Building 1 (right) – looking south.....	63
Figure 34 – North Site photomontage showing relationship of Building 1B (left) with Building 1A (right) – looking northwest.....	64
Figure 35 – Site Layout and surrounding receivers.....	65
Figure 36 – External noise level criteria in accordance with the NSW Noise Policy for Industry	66

TABLES:

Table 1 – Reference Table – The Department’s Request for Response to Submissions dated 11 January 2019.....	9
Table 2 – Reference Table – The Department’s Key Issues Letter dated 30 July 2019.....	10
Table 3 – Supporting Documentation – South Site	13
Table 4 – Supporting Documentation – North Site.....	14
Table 5 – Summary of Submissions.....	15
Table 6 – Overview of submissions.....	17
Table 7 – Summary of Key Issues.....	18
Table 8 – Summary of amended car parking provision.....	26
Table 9 – Numeric Overview of Building 1 and 1A Changes	29
Table 10 – Numeric Overview of Basement Carparking	31
Table 11 – Numeric Overview and Comparison of Proposal	33
Table 12 – Solar access and cross ventilation compliance assessment	41
Table 13 – Car Parking Provision.....	55
Table 14 – Assessment of proposed signs against SEPP 64	56
Table 15 – Statutory Planning Assessment – North Site	59
Table 16 – Car Parking Provision.....	68

1. INTRODUCTION

1.1. OVERVIEW

This Response to Submissions (**RtS**) and Preferred Project Report (**PPR**) has been prepared by Urbis on behalf of Crown Group (**the Proponent**) in support of Modification 4 (**MOD 4**) to MP09_0146.

Part 3A Project Approval (MP09_0146) was granted by the Planning Assessment Commission, on behalf of the Minister for Planning, on the 19 September 2013 for a mixed-use development incorporating basement car parking, ground floor retail and residential development above.

Since the granting of the Major Project Approval in 2013, a total of three modification applications have been lodged and approved. The most noteworthy being Modification 1 (**MOD 1**) which was approved in June 2018 for changes to the North Site comprising an improved ground plane, additional basement parking and increased height and density to Building 1B.

MOD 4, the subject of this RtS and PPR, was submitted on the 31 August 2018 supported by a Modification Report (**MR**). The MR and associated plans and technical reports were placed on exhibition between 1 and 30 November 2018. A total of 155 written submissions were made to the then Department of Planning and Environment (**the Department**).

This RtS report identifies, discusses and addresses the submissions received by the Department from the exhibition of MOD 4, setting out the final proposal to be assessed by the Department for determination by the Independent Planning Commission (**IPC**).

This RtS report has been prepared with reference to the now repealed section 75H(6) of the EP&A Act 1979 and encompasses the following:

- a response to the submissions received in relation to the exhibition of the application;
- a PPR which outlines proposed changes to the project in response to issues raised or arising from design development; and
- revisions to the development consent and statement of commitments.

1.2. INCLUSION OF NORTH SITE TO MOD 4

The Major Project Approval (MP09_0146) relates to the entire extent of the Eastlakes Shopping Centre. MP09_0146 applies to land comprising the following legal description: Lot 30 and 31 in DP1246820. This includes the land outlined in 'red' in the below **Figure 1**, and includes both landholdings to the north and south of Evans Avenue (and known as North Site and South Site).

A request to modify the Project Approval (MOD 4) and obtain the Secretary's Environmental Assessment Requirements (SEAR's) was lodged to the Department on the 28 February 2018. On the 8 May 2018, the SEAR's were subsequently issued for MOD 4, which at the time related to modifications to the South Site only.

Following lodgement and exhibition of MOD 4, it became apparent that modifications to the North Site were required as a consequence of design development. The modifications are minor and substantially the same as the approved development (as modified), and the Proponent was intending to progress these modifications under section 4.55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) due to the commencement of the *Environmental Planning and Assessment (Saving, Transitional and Other Provisions) Regulation 2017* prohibiting the use of the section 75W pathway for Project Approvals from 1 September 2018.

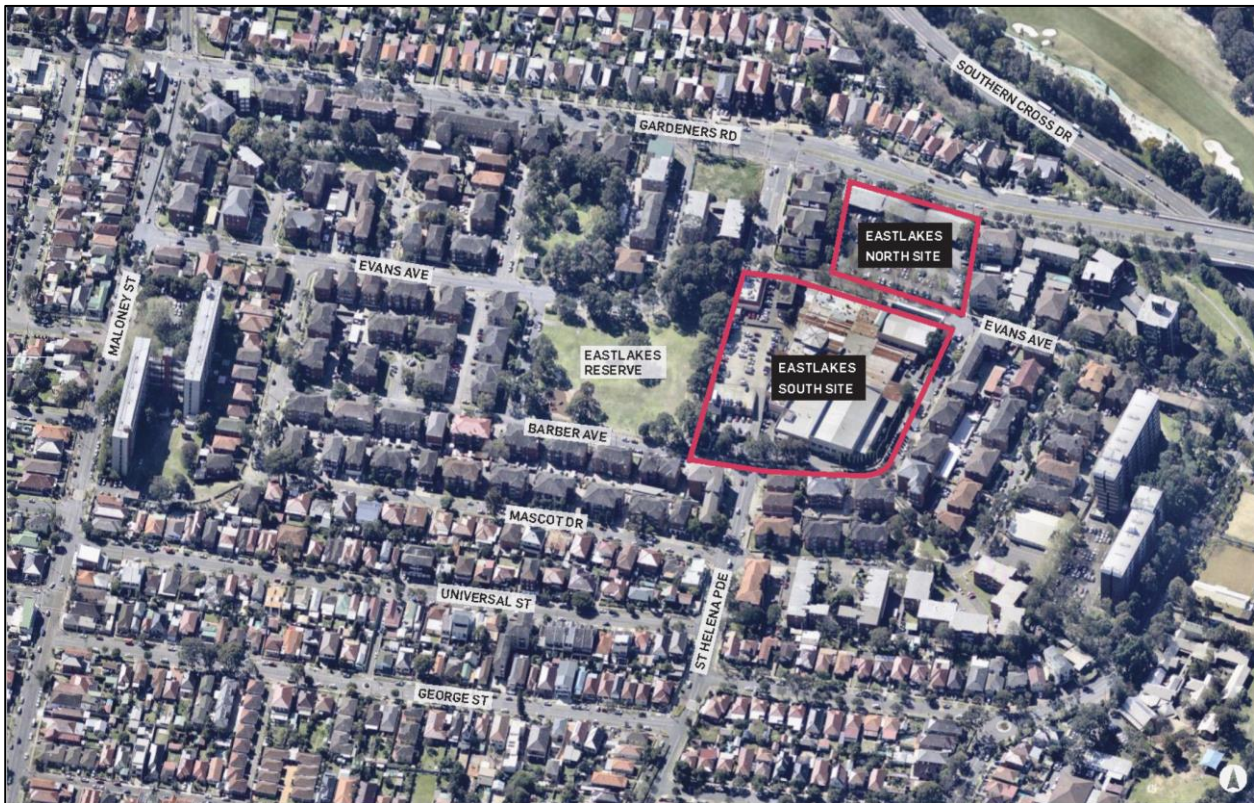
Consultation with the Department has indicated that in order to progress the modifications under section 4.55 of the EP&A Act, the project needs to be transitioned to a State Significant Development (SSD). The Department has advised that the project cannot be transitioned to an SSD until such time that MOD 4 is determined.

The Proponent commissioned legal advice to ascertain whether it is possible to amend the current section 75W modification application (MOD 4) for the southern site to include the modifications required in relation to

the northern site. The legal advice confirmed that this would be legally possible. This legal advice was sent to the Department on the 3 April 2019.

To avoid any unnecessary delay in waiting for MOD 4 to be determined prior to lodging a modification to enable the changes sought to the North Site, it also proposed that the North Site modifications are included as part of MOD 4. The modifications to the North Site are set out in this PPR and accompanying appendices.

Figure 1 – Extent of Landholding – North and South Sites



Source: Near maps, 2018

1.3. THE EXHIBITED PROPOSAL

The proposal exhibited by the Department is a modification application to an approved Major Project Approval, MP09_0146, referred to as 'MOD 4'. The exhibited modification related to the South Site only, and in summary sought approval for the following modifications:

- **Ground Floor Retail and Level 1 Commercial Layout** – Expansion and reconfiguration of the ground floor commercial floor plate to improve internal circulation, layout and public domain interface. A double height awning along the entire park frontage is also proposed to provide opportunities for outdoor dining while responding to its westerly orientation. The proposal expands the non-residential component to the Level 1 podium level to consist of a new medical centre and childcare along the western boundary.
- **Residential Podium** – Configuration of residential apartments to the north and east and separated by mechanical plants, ensuring privacy from commercial uses. Amend landscaping configuration and provision of a communal gym and common room.
- **Residential Buildings** – Modifications to the building envelopes and design of the facades of the residential buildings above the retail podium, including:
 - Consolidation of number of residential buildings from 6 to 4; comprising a feature building along the park frontage and three smaller scaled buildings behind.
 - Increase in height ranging between four to 14 storeys above the retail podium.
 - Increase in residential apartments to 468 in total for the South Site.

- **Basement Car Park** – Provision of three levels of basement car parking and a total of 1,077 parking spaces and 135 motorcycle spaces.
- **Tree Removal and Landscaping** – Removal of seven existing trees offset by replacement planting and landscape embellishments throughout the site.
- **General Site Improvements** – No change to the approved location but refinement of design of key site services including vehicular access driveways and loading dock throughout the south site.
- **Operating Hours** – Approval for operating hours of the non-residential component between 6am and 10pm and use of the loading dock 24 hours.

1.4. SUMMARY OF CONSULTATION PROCESS

The proposed development was the subject of public exhibition undertaken by the Department in accordance with section 75H of the EP&A Act.

Exhibition commenced on the 1 November 2018 and closed on the 30 November 2018. The documentation was made publicly available online at the Department's Major Projects portal, where copies of all plans and technical reports, including the MR could be viewed and downloaded.

Post exhibition of the proposal, further consultation was undertaken by way of face to face meetings and email exchanges with Bayside Council and government agencies. The meetings that were held include:

- Government Architect's Office – 7 February 2019;
- Department of Planning and Environment – 12 February 2019;
- Bayside Council – 13 February 2019;
- State Design Review Panel – 17 April 2019; and
- Department of Planning Industry and Environment (DPIE) – 20 August 2019.

At the most recent meeting with DPIE on the 20 August 2019, an amended scheme was presented to Officers for feedback in response to a Key Issues Letter received from DPIE on the 30 July 2019. Verbal feedback was provided during the meeting, and Officers advised they would be seeking additional feedback from the Government Architects Office (GA Office) prior to formally responding. Written feedback from the GA's Office was provided on the 2 October 2019.

Email exchanges have also occurred with Bayside Council regarding the Public Benefit Offer (PBO). A revised PBO was submitted to Bayside Council for review and consideration on the 7 May 2019. As a result of the revised proposal presented in this PPR, further amendments to the PBO are proposed. The revised PBO will be issued to Bayside Council for consideration as part of the public exhibition of this RtS and PPR.

Crown Group has also committed to ongoing engagement with the public (which is designed to reach neighbouring residents, shopping centre users and key stakeholders) to keep them informed and up to date with the planning process. Post exhibition of MOD 4, project updates occurred in November 2018 and February 2019. This comprised website updates, shopping centre displays and community flyers. Reference should be made to the Consultation Outcomes Report for further details on the consultation undertaken.

1.5. THE AMENDED PROPOSAL

The following provides a high-level summary of the amended proposal for the South Site compared to what was submitted and subject to exhibition as part of MOD 4, and a description of the proposed modifications to the North Site.

1.5.1. South Site

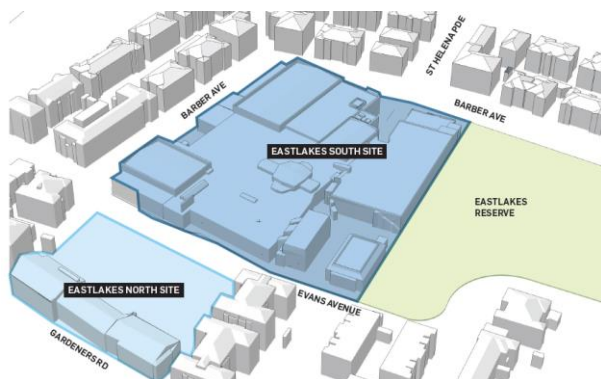
The following key project amendments to the South Site scheme are proposed arising from design development, the further information requests from the Department and G, and in response to the community, Bayside Council and agency submissions received:

- Amendments to the ground level and level 1 non-residential layout to include additional retail and commercial tenancies. The commercial tenancies at Level 1 have been consolidated to the northern end, allowing for an improved connection to the retail mall at ground level.

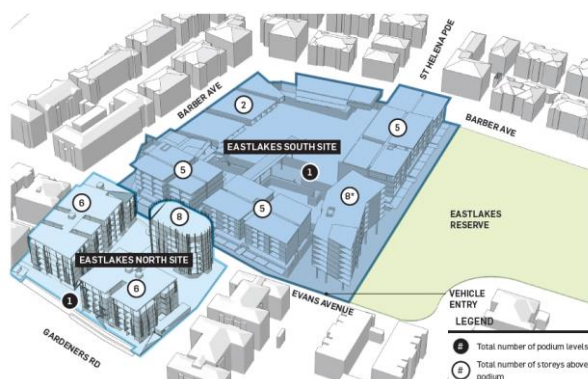
- Additional provisions for activation along the south eastern elevation of Barber Avenue, including public art and landscaping on the podium façade, and addition of a building managers office to reduce the built form impact on the streetscape.
- Amendments to the design including levels along the western elevation to improve the relationship between the site and Eastlakes Reserve.
- Reduction in the height of Building D-J fronting Eastlakes Reserve by three – four storeys. The maximum building height is RL 60.600m.
- Division of Building D-J into two separate buildings.
- The southern portion of the western awning has been lowered in scale to provide a better transition/ reduced scale to the southern edge of the site.
- Addition of roof top plant a top of Buildings E, F and G.
- Reduction in number of additional apartments by 116.
- Reduction in additional residential GFA by 8,626sqm.
- Increase in the non-residential GFA by 3,040sqm
- Reconfiguration of basement design including reduction in basement footprint on B2 and B3, addition of a fourth basement level (B4) and reduction in car parking provision by 161 spaces.
- Amendments to the landscape and public domain design throughout the site (including removal of an additional two street trees (Tree 26 and Tree 90).
- Addition of a resident's library on Level 2 integrated with the glass oculus that provides daylight to the retail mall.
- Seeks approval for two signage zones on the north west and south west corner for a pylon sign for business identification purposes.
- Approval is no longer sought for 24-hour use of the loading dock. The proposed hours of operation of the loading dock and waste removal / collection is to be between 5am and 10pm daily.

An illustrative comparison of the built form evolution of the South Site is provided in the following Figure.

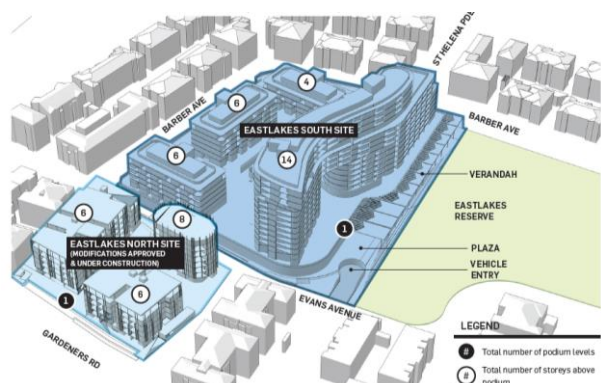
Figure 2 – South Site Built Form Evolution



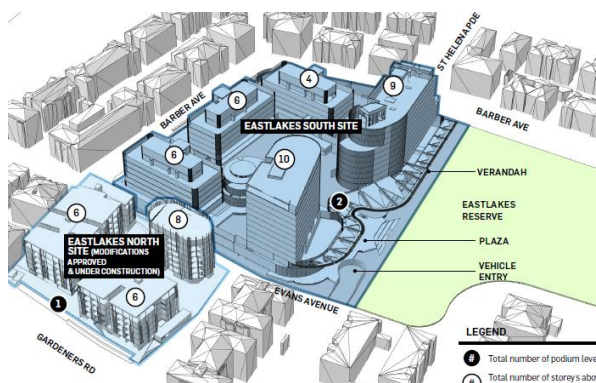
Picture 1 – Existing



Picture 2 – Approved



Picture 3 – 2018 Exhibited Scheme



Picture 4 – Proposed

1.5.2. North Site

As a consequence of design development, the modifications to the North Site scheme include:

- Minor changes to the internal planning and external appearance of Buildings 1 and 1A (no change to approved building envelope).
- Amendments to the Level 1 residential landscaped podium design.
- Modify the approved hours of the loading dock from 7am and 9pm to 5am and 10pm.
- Modify the approved hours of waste removal collection from Monday to Saturday between 7am and 5pm to daily between 5am and 10pm.
- Seek approval for Shopping Centre trading hours between 6am and 10pm 7 days per week.
- Modify the basement layout and car parking provision.

1.6. DRAFT EASTLAKES MASTER PLAN

Bayside Council exhibited the *Draft Eastlakes Master Plan* from 3 July 2019 to 31 July 2019. The Master Plan identified opportunities and constraints to guide the future development of the Eastlakes Local Centre, including the Eastlakes Shopping Centre. During this time, the proponent submitted a submission demonstrating how the proposed development aligns with the future aspirations for the local centre. This includes the following points:

- **Site is largest landholding in the centre** – The site is the largest landholding under single ownership in the Local Centre and is the only site that is capable of redevelopment in the short to medium term. A mixed-use proposal delivering improved services and facilities has the potential to be a catalyst for change within the wider area.

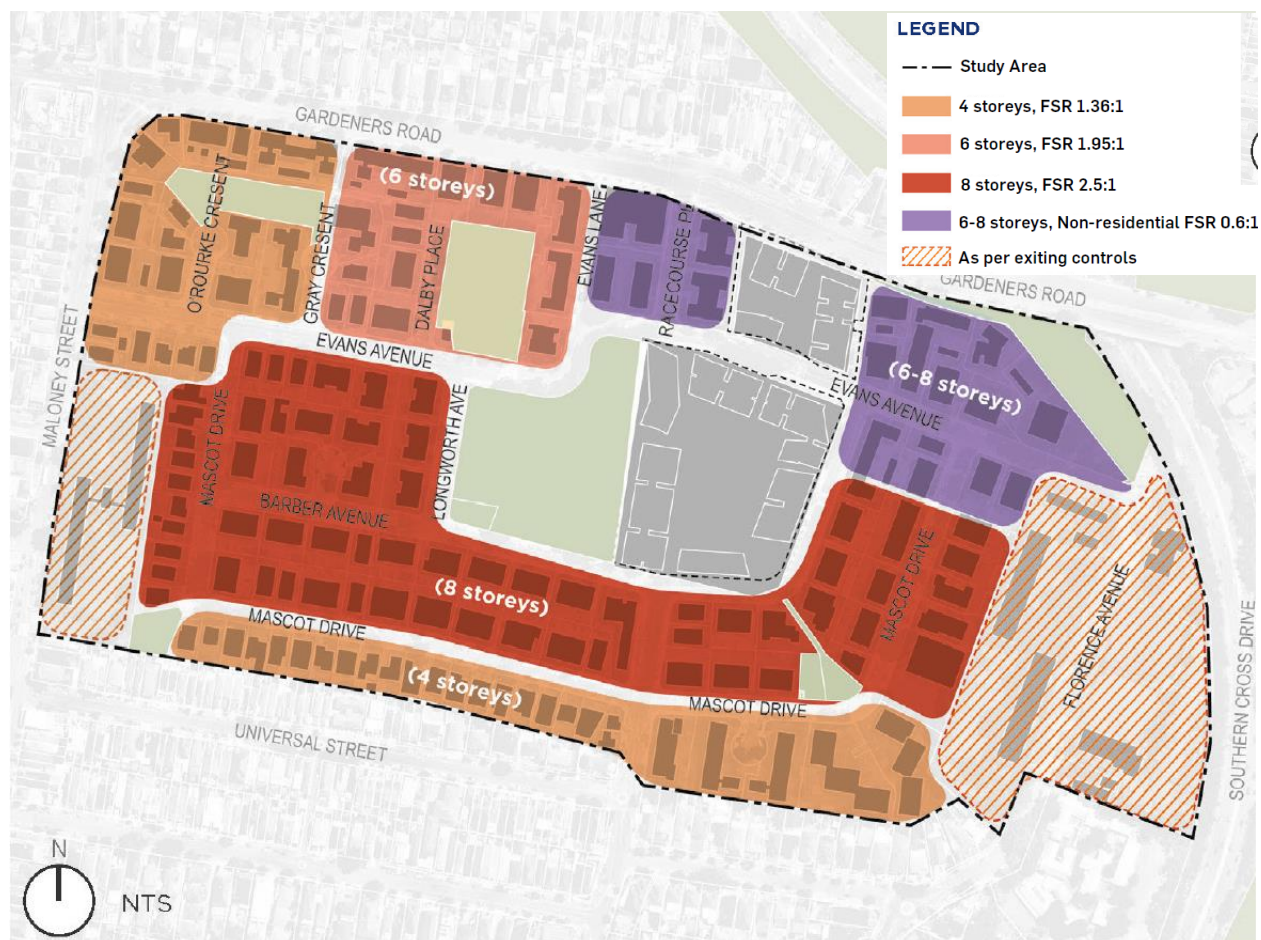
- **Modification to Major Project Approval** - The modification has come about in response to the significant advances in the strategic planning framework governing metropolitan Sydney since Project Approval was granted over 6 years ago. This includes significant increases to population, housing and job projections.
- **The proposal aligns with the Master Plan vision** - The height and density proposed by MOD 4 is not inconsistent with the feasibility options identified in the Master Plan for the remainder of the Local Centre. The proposal aligns with the built form approach and urban design principles set by the Master Plan options given the site acts as the central or focal point of the locality where building heights are typically greater than the remainder of the local centre to provide a visual marker of the location of the centre.
- **The proposal respects built form by providing a stepping down transition** - Acknowledging the surrounding sites may not be feasible for redevelopment in short to medium term, the proposed built form has been designed to provide a built form transition to the edges of the precinct. The proposed heights step down from the park to the residential interface to the east and south. The environmental impacts associated with the proposal have been extensively modelled and assessed against the relevant controls and guidelines in the application and deemed to be more than satisfactory.
- **Retention of approved height and density will result in a missed opportunity** - Limiting building heights to the approved heights of between 3-6 storeys on the ELS site would be a gross underutilisation of the capacity of the site to accommodate height and density. Further, it would result in a discordant relationship of the ELS site to the surrounding context once those sites are redeveloped and is at odds with the principles set by the Master Plan in terms of creating a built form transition that steps down in height and density from the “town centre heart”.
- **Master Plan should be a long term plan and not just reflective of current market conditions** - The reasons for not incentivising regeneration of sites by changing the development standards is not well understood. A master plan and local environmental plan should be a long-term plan that lasts several market cycles. The plans should not just reflect the current market conditions. The ELS proposal has the ability to catalyse renewal of other sites but this cannot be achieved with the current planning controls that are in place.

The draft Master Plan tested two development options. These options identified building heights between 6-9 storeys and FSR's up to 2.4:1 immediately surrounding the subject site, with height and densities then reducing further away from the “town centre heart”. It is noted that the development options do not incorporate the ELS site recognising it is subject to a separate development application process but identify the ELS forming part of the “town centre heart”.

The proposal is considered to be consistent with the objectives and development options identified in the Master Plan. The proposal aligns with the built form approach and urban design principles set by the Master Plan options given the site acts as the central or focal point of the locality where building heights are typically greater than the remainder of the local centre to provide a visual marker of the location of the centre. The building heights surrounding the centre then gradually step down, reflective of the principle set by the Master Plan with heights cascading the further you move away from the centre heart.

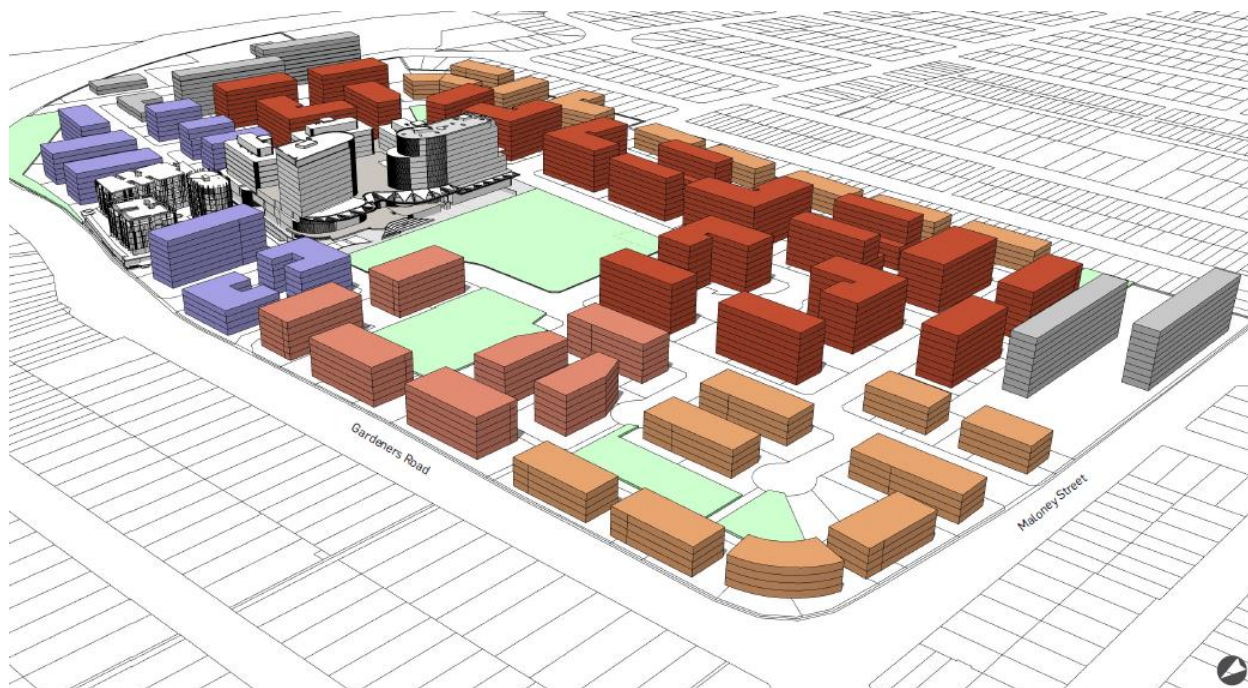
The following diagrams illustrate potential future development for the Eastlakes Local Centre based on provisions provided in Bayside Council's *Draft Eastlakes Local Town Centre Master Plan* Figure 1.6. Indicative massing of the future town centre assumes a majority of residential uses and considers high level ADG controls regarding building separation, privacy and massing dimensions and high level regard for FSR.

Figure 3 – Insert from Figure 1.6 'Option 1 Development Viability Testing' from Draft Eastlakes Masterplan



Source: Urbis

Figure 4 - Potential Future Context – View from the North West at Corner of Gardeners Road and Maloney Street



Source: Urbis

Figure 5 - Potential Future Context – View from the South West at corner of Maloney Street and Universal Street



Source: Urbis

1.7. PURPOSE AND STRUCTURE OF THIS REPORT

This RtS report (incorporating proposed amendments to the development proposal and associated impact assessment) has been prepared in accordance with former section 75H(6) of the EP&A Act.

The RtS report documents and considers the issues raised in the submissions made to the Department during the public exhibition of the MR and is structured as follows:

- **Section 2: Overview of Submissions.** Provides an overview of key issues raised by the community, government agencies and key stakeholders prior to, during and after the public exhibition of the proposal. A detailed response to the issues raised in the Department's Key Issues letter's, government agencies and the public submissions is appended to this Report.
- **Section 3: Preferred Project Description.** Details the changes made to the South Site proposal in response to the submissions received, design development and the additional information submitted with this report and provides an overview of the changes sought to North Site as a consequence of design development.
- **Section 4: Assessment of Preferred Project – South Site.** Provides an assessment of the preferred project for the South Site. References are made to the Modification Report if the conclusions remain the same.
- **Section 5: Assessment of Preferred Project – North Site.** Provides an assessment of the modifications proposed for the North Site.
- **Section 6: Conclusion.**

With reference to the Department's Request for Response to Submissions letter dated 11 January 2019, and as amended by the Key Issues Letter dated 30 July 2019, this RtS report provides the following summary of items addressed:

Table 1 – Reference Table – The Department's Request for Response to Submissions dated 11 January 2019

Department submission	Document Reference
1. Density	
Overall density is excessive and should be reduced.	The overall density has been reduced significantly and is discussed at Section 3.1 and illustrated in the Architectural Plans at Appendix D and SEPP 65 Design Report at Appendix E .
2. Built Form / Urban Design	
Proposal should be amended to address issues raised by the SDRP and ensure the development achieves design excellence.	The proposal has been revised to address the comments from the SDRP and is summarised at Section 3.1 . A response to each of the matters raised by the SDRP is provided at Appendix B .
The height of the western building (Building D-J) is not supported.	The height of Building D-J has been reduced. Refer to Section 3.1 and Architectural Plans at Appendix D .
The consolidation of the residential towers in Building D-J results in excessive bulk and scale when viewed from surrounding areas.	Buildings D and J have been divided into two separate buildings and overall bulk and scale reduced. Refer to discussion at Section 3.1 and Architectural Plans at Appendix D .
The design of the residential towers in Building D-J compromises the amenity of the apartments.	The previous non-compliances with the ADG have been addressed. The overall development is now highly consistent with the ADG. Refer to SEPP 65 Design Report at Appendix E and discussion at Section 4.3 .
Detailed shadow diagrams (including in elevation form) are required to enable a full assessment of the shadow impacts of the development.	Detailed shadow diagrams in plan and elevation form as well as heat mapping has been prepared and submitted at Appendix E .
3. Public Domain	
The ground level should be redesigned to improve permeability and accessibility along the western facade of the development.	Refer to detailed response at Appendix B .
The back of house facilities and loading dock is excessive and should be redesigned.	Refer to detailed response at Appendix B .
The reduction in retail tenancies along Evans Avenue and Eastlakes Reserve adversely impacts on street activation.	The number of retail tenancies at ground level is now at a similar or greater provision than approved. Refer to discussion at Section 3.1 and Architectural Plans at Appendix D .
The location of the car park driveway on Evans Avenue compromises pedestrian access to Eastlakes Reserve and it impacts on the amenity of the area.	Changes to the design of the vehicular driveway on Evans Avenue is proposed. Refer to discussion at Section 3.1 and detailed response at Appendix B .

Department submission	Document Reference
4. Traffic and Transport	
An updated traffic report and SIDRA modelling must be provided to assess the traffic impacts associated with the proposal.	Refer to Traffic and Parking Report at Appendix K .
A detailed analysis of the existing and future public transport servicing and capacity is required to demonstrate the site can support additional density.	Refer to Traffic and Parking Report at Appendix K .
The proposed hours of operation of the loading dock operation should be reduced to minimise noise and amenity impacts on surrounding residents.	The proposed hours of operation of the loading dock are reduced. Refer to discussion at Section 3.1 and Acoustic Assessment at Appendix R and summarised at Section 4.7 .
5. Public Benefit	
Provide evidence of continuing negotiations with Bayside Council in relation to public benefits, including additional contributions, public domain improvements and the commitment to affordable housing provision.	The PBO was submitted to Bayside Council for review and consideration on the 7 May 2019 and no feedback was provided. The PBO has been subsequently revised to reflect the amended proposal outlined in this submission. A revised Public Benefit Offer is submitted at Appendix W and will be issued to Bayside Council for review and feedback as part of the exhibition of this proposal.

An amended scheme was lodged with the Department on the 6 June 2019. The Department reviewed the scheme and supporting information lodged in consultation with the Office of the Government Architect NSW. On the 20 July 2019, the Department issued a Key Issues Letter identifying a range of matters to be resolved before the proposal is renotified. The proposal presented in this revised RtS and PPR positively responds to the issues raised.

Table 2 – Reference Table – The Department's Key Issues Letter dated 30 July 2019

Key Issue	Document Reference
1. Proposed changes to the north site	
It is noted Mod 4 now includes amendments to the buildings on the north site. However, it is unclear from the submitted documents what is changing from the approved development. Please amend Appendix Z of the RTS and clearly describe and indicate all proposed internal and external changes.	<p>The Architectural Plans submitted at Appendix Y have been amended to clearly articulate the proposed amendments to the North Site.</p> <p>The plans were issued to the Department for review and feedback on the 26 August 2019 and no additional requests for changes were requested.</p>
2. Density	
The Department considers the scale and density of the development is still inconsistent with the future desired character of the locality and has not been informed by the constraints and capacity of the site. The proposed GFA results in a poor urban design outcome, adverse visual impacts and	The overall density has been reduced significantly and is discussed at Section 3.1 and illustrated in the Architectural Plans at Appendix D and SEPP 65 Design Report at Appendix E .

Key Issue	Document Reference
increased traffic congestion. As such, the overall scale and density of the proposal should be reduced.	
Please also consider the proposed development against the strategic direction for Eastlakes Town Centre as defined in the draft Eastlakes Local Town Centre Masterplan currently on exhibition by Bayside Council.	The proposed development has been considered against the strategic direction for the Eastlakes Local Centre as outlined in Bayside Council's Draft Eastlakes Local Town Centre Masterplan. Refer to commentary contained at Section 1.6 of this report.
3. Built Form / Urban Design	
The reduced height of Buildings D and J is supported, however the height of building J is still inconsistent with the site's context. Building J should be further reduced in height to provide an appropriate transition to neighbouring sites and reduce the visual impacts of the development.	Building J has been further reduced in height and scale. Refer to discussion at Section 3.1 and Architectural Plans at Appendix D .
Streetscape outcomes on Barber Avenue to the east and south of the centre are not supported. The extensive blank walls and loading docks result in a lack of activation and passive surveillance opportunities, and adversely impacts on the amenity and streetscape of the area. The proposal should be amended to eliminate blank walls and provide additional street activation along these frontages.	Refer to detailed response at Appendix B .
4. Public Domain	
The proposal should be amended to improve the permeability and accessibility along the western facade of the development.	Refer to detailed response at Appendix B .
The design of the junction at Evans Avenue should be amended to improve its function and address safety concerns.	Changes to the design of the vehicular driveway on Evans Avenue is proposed. Refer to discussion at Section 3.1 and detailed response at Appendix B .
5. Internal Amenity	
Reducing the bulk and scale of Building J and increasing the separation between Buildings D and J would improve internal privacy and amenity and reduce the visual impacts associated with the proposal.	The previous non-compliances with the ADG have been addressed. The overall development is now highly consistent with the ADG. Refer to SEPP 65 Design Report at Appendix E and discussion at Section 4.3 .
The proposal should be amended to improve the residential amenity of the apartments.	The previous non-compliances with the ADG have been addressed. The overall development is now highly consistent with the ADG. Refer to SEPP 65 Design Report at Appendix E and discussion at Section 4.3 .

Key Issue	Document Reference
Some studio apartments provide separate sleeping space from the kitchen/living areas and therefore do not meet the 'Studio apartment' definition in the ADG.	All studio apartments comply with the relevant requirements.
Please ensure apartments are provided with private open space that achieves the minimum ADG requirements.	The previous non-compliances with the ADG have been addressed. The overall development is now highly consistent with the ADG. Refer to SEPP 65 Design Report at Appendix E and discussion at Section 4.3 .
The proposal includes several corridors servicing more than 8 units and exceeding 12m in length. It is noted the ADG design guidance allows up to 12 units per core, but only where good amenity and safety can be demonstrated. Please show how the proposed corridors are articulated, provide incidental spaces and can properly service the number of apartments. Design solutions include a series of foyer areas with windows and seating spaces and/or wider areas at apartment entry doors.	The previous non-compliances with the ADG have been addressed. The overall development is now highly consistent with the ADG. Refer to SEPP 65 Design Report at Appendix E and discussion at Section 4.3 .
Please provide a report that tests the existing capacity of the surrounding roads and intersections, compared with the expected impact from the approved Eastlakes development under current conditions, and that proposed in the amended Mod 4.	This has been addressed in the Traffic and Parking report submitted at Appendix K and discussion contained at Section 4.11 of this RTS and PPR.
The submitted report does not assess the existing capacity of the public transport network, to enable an analysis of whether capacity is available to service the proposed development.	This has been addressed in the Traffic and Parking report submitted at Appendix K and discussion contained at Section 4.11 of this RTS and PPR.

1.8. SUPPORTING DOCUMENTATION

Technical Reports and Plans have been prepared to support the proposed modifications. The documentation has been prepared to address the North Site and South Site modifications in separate reports as detailed in the following sections.

1.8.1. South Site

The entire suite of technical reports and plans submitted with the MR have been updated to address the preferred project proposal. A list of the documentation appended to this RtS and PPR is provided in the following Table.

Table 3 – Supporting Documentation – South Site

Document Title	Consultant	Appendix Reference
Amended Conditions and Statement of Commitments	Urbis	Appendix A
Response to Agency Submissions	Urbis	Appendix B
Response to Community Submissions	Urbis	Appendix C
Architectural Plans	FJMT	Appendix D
SEPP 65 Design Report	FJMT	Appendix E
Landscape and Public Domain Plan	Taylor Brammer Landscape Architects	Appendix F
Urban Context Report	Urbis	Appendix G
Community Engagement Strategy and Implementation Outcomes Report	Elton Consulting	Appendix H
Visual and View Impact Analysis	Urbis	Appendix I
Open Space and Recreational Needs Analysis	Urbis	Appendix J
Traffic and Parking Report	Colston Budd Rogers and Kafes	Appendix K
Arborist Report	Greg Tesoriero	Appendix L
Stormwater Management Plan	VDM	Appendix M
Contamination	Environmental Investigation Services	Appendix N
Updated Geotechnical Report	JK Geotechnics	Appendix O
Utilities and Services Plan	WSP	Appendix P
Accessibility	Accessibility Solutions	Appendix Q
Acoustic Assessment	Pulse Acoustic Consultancy	Appendix R

Document Title	Consultant	Appendix Reference
Updated Construction Management Plan and Construction Traffic Management Plan	Crown Group	Appendix S
Wind Effects Report	ARUP	Appendix T
Operational Waste Management Plan	Foresight Environmental	Appendix U
Aeronautical Impact Assessment	Landrum and Brown Worldwide	Appendix V
Public Benefit Offer	Crown Group	Appendix W
Quantity Surveyors Report	Newton Fisher Group	Appendix X

1.8.2. North Site

The following table list the reports and plans that have been prepared to support the modifications sought for the North Site.

Table 4 – Supporting Documentation – North Site

Document Title	Consultant	Appendix Reference
Architectural Plans	FJMT	Appendix Y
Landscape Plans	Turf Design Studio	Appendix Z
BASIX Certificate	WSP	Appendix AA
Acoustic Report	Pulse Acoustic Consultancy	Appendix BB
Waste Management Plan	Elephants Foot	Appendix CC
Parking Review	Colston Budd Hunt and Kafes	Appendix DD
Accessibility Report	Accessibility Solutions	Appendix EE
BCA Compliance Capability Report	Vic Lilli & Partners Consulting	Appendix FF
Amended Stratum Plans	LTS	Appendix GG

2. OVERVIEW OF SUBMISSIONS FOR SOUTH SITE

The proposed South Site development was the subject of a 28-day exhibition period between 1 and 30 November 2018. In response to the exhibition of the proposed development, a total of 155 submissions were made to the Department during and following the exhibition period.

A high-level summary of these submissions is provided in **Table 5** below.

Table 5 – Summary of Submissions

Nature of Submissions	Number
Comment	11
Support	5
Objection	139
Total	155

It is noted that the North Site modifications did not form part of the initial MOD 4 proposal or exhibited development. It is understood that this Rts and PPR comprising the amended South Site proposal and North Site amendments will be publicly notified for a period of 30 days. Any additional submissions received during that time will be reviewed and responded to where necessary.

2.1. GOVERNMENT AND AGENCY SUBMISSIONS

A total of eight submissions were registered under Government and Agency on the Departments website.

Of the eight submissions, six agencies commented on the proposal raising concerns in relation to their respective disciplines. These agencies included Bayside Council, Roads and Maritime Services, Transport for NSW, Ausgrid, Sydney Water and Government Architect NSW. Two objections were received from Sydney Airport and CASA raising the same issue in relation to the proposal's exceedance of the airspace height limitations.

A summary overview of the issues raised by the respective authorities is outlined below. It is noted that Sydney Water provided recommended conditions of consent and Ausgrid advised they had no comments. Therefore, no further consideration has been given to these authority's submissions.

2.1.1. Bayside Council

Bayside Council provided a detailed response to the proposed development and raised several issues with the proposal in its current form.

Master Plan Process

Council advised that they were currently undertaking a comprehensive review of their LEP and DCP and have identified Eastlakes as a priority project for the preparation of the Eastlakes Centre Master Plan. As a result, they consider the proposed modification premature ahead of Council's strategic planning for this locality. The draft master plan has since been released for comment. Refer to **Section 1.6**.

Height and Scale

Council raised concern that the proposed height and scale is inconsistent with the established urban character of the Eastlakes Local Centre. Council considered the proposed increase in height as a significant departure from the original approval and significant change from the architectural character and scale of the Eastlakes Local Centre.

Bulk and GFA

Council noted that the site was not capable of accommodating the proposed increase and density. Council stated that the proposed bulk impacts on the interface with the adjoining residential developments and Eastlakes Reserve. Concern was raised that the increase would put unnecessary stress on existing

infrastructure including the local road network, bus network along with increased conflict between pedestrians and vehicles.

Visual Impacts

Concern was raised that the proposal would overwhelm views from the north, west and south of the site. Council stated that the approved scheme's impacts are minimal whilst the proposed scheme dominates the skyline.

Interface

Concern was raised over the interface between the proposed western linear building and the public domain including Eastlakes Reserve. Council considered the interface to inappropriate for the area and too much of a departure from the original scheme.

Overshadowing

Concern was raised that the shadow diagrams provided as part of the lodgement package do not provide assurance that surrounding residential buildings will meet the specifications of the ADG.

Active Transport Network

Council were concerned that although the proposal includes plans to improve the public domain on the site, they feel little consideration has been given to improving the broader public domain. Further information is required.

Transport

Council argued that the improvement of bus shelters on both sides of Gardeners would be needed to accommodate the expected population increase as a result of the proposal. Council has requested that this be included as part of a VPA.

2.1.2. State Design Review Panel and Government Architects Office

The proposal was presented to the State Design Review Panel (SDRP) on 26 July 2018 before lodgement on the 31 August 2018. The SDRP issued minutes on the 5 August 2018 that identified several issues citing height, bulk and scale and the impacts of increased traffic on the road network as an important component to resolve. The SDRP stated that further public benefit was needed to justify the proposed increase in built form and densification. They recommended reducing the height and length of the main western building as well as increase permeability of the site and re-establish a visible through-site link with access to natural light.

The Government Architects Office (GA Office) reviewed the proposal during the November 2018 exhibition period and provided subsequent comments on the proposed modifications as lodged. The GA's Office recognised the changes that had been made to the proposal in response to the SDRP which they support but noted that the proposal had not addressed the main concerns relating to GFA and the length and scale of the 14-storey building fronting Eastlakes Reserve.

Amendments to the height, bulk and scale of the Building D-J fronting Eastlakes Reserve among other changes were made in response to this feedback, which were subsequently presented to the SDRP on the 17 April 2019. On the 20 August 2019, an amended scheme was presented to DPIE which was subsequently forwarded to the GA's Office for feedback. Written feedback from the GA's Office was provided on the 2 October 2019.

Based on the additional information submitted as part of this RtS and PPR, the proposed amendments to the South Site scheme are considered to positively address the comments received by the SDRP and GA's Office. The Proponent and project team will continue to work closely with the SDRP (if required) as part of this next phase to resolve and close out any remaining issues.

2.1.3. Airspace Authorities

Submissions provided by CASA, Phillip, ACT and Sydney Airport, Canberra, ACT state the maximum height of the property development without affecting any procedures at Sydney Airport is 60.6m AHD.

2.1.4. Transport for New South Wales

Transport for New South Wales (TfNSW) has requested the relevant report and drawings illustrate the proposed provision of bicycle parking and end of trip facilities. They have also requested clarification on transport and traffic related matters during construction.

2.1.5. Roads and Maritime Services

Roads and Maritime Services (RMS) have requested SIDRA modelling to verify the proposed increase in trip generation can be supported by the road network. In addition, confirmation that the right turn bay and left turn slip lane on Gardeners Road into Racecourse Place will not be affected.

2.1.6. Response to Government and Agency Submissions

A detailed response to all issues raised in the government and agency submissions, including the Department's Key Issues Letter is provided at **Appendix B**.

2.2. COMMUNITY SUBMISSIONS

The Department received a total of 147 public submissions in response to the exhibition of the proposed development.

Of the 147 submissions, 63 of submissions were identified as proformas, using three different stylistic submissions templates and in which issues were raised but no new or altered matters. For the purpose of analysing and identifying issues all proforma and modified proforma submissions have been considered together as a single submission.

Seven sets of submissions were identified as duplicates (2973752, 295238, 294757, 295004, 297763, 297678, 297892), as such, only one of each of these submissions has been included in the total analysis.

For the purpose of the analysis, there has been assumed to be 77 submissions once the duplicates and proformas are removed.

Table 6 – Overview of submissions

Parameter	Number of submissions
Total community submissions	147
Submissions in support	5
Submissions in objection	137
Comments on the proposal	5
Proforma submissions	63
Modified proforma submissions	2
Duplicates	7
Total number of submissions considered for analysis	77

2.2.1. Response to Public Submissions

Because a large number of submissions raise similar issues, rather than addressing each submission individually, the issues raised in submissions have been grouped into key issues and are addressed at **Appendix C**.

The issues raised have been categorised according to key issues (e.g. height, bulk and scale, amenity). This approach means that while the exact wording of issues raised by the community is not referenced, the intent and issues raised have been identified. **Table 7** below provides a summary of the key issues raised by the community.

Table 7 – Summary of Key Issues

Key issues	Number of submissions raising issues
Height (inconsistent with surrounding prevailing heights)	31
Bulk and Scale (overbearing on neighbouring properties)	33
Traffic (local roads are unable to support an increase in vehicles)	62
Public transport (at capacity / lack of options)	26
Architectural design (unsupportive of design)	11
Demographics (facilitate change, fails to cater for current community)	6
Land use (residential not supported)	4
Obstruct views	6
Overshadowing (impacts to Eastlakes Reserve and neighbouring dwellings)	27
Noise (from 24/7 loading dock, general operating noise)	27
Car parking (insufficient / cause issues with on street parking)	17
No community / public benefit	7
Out of character	36
Pedestrian safety	3
Drastic change from original approval & several incremental modifications by the developer over the years	5
Infrastructure including schools, hospitals and open space (at capacity)	16

3. PREFERRED PROJECT DESCRIPTION

A description of the Preferred Project for the South Site is described at **Section 3.1** and North Site at **Section 3.2**.

3.1. SOUTH SITE

The Proponent has reviewed the Key Issues Letter's by the Department, submissions by Bayside Council, public agencies and the general public. In response to these submissions, the Proponent has made several significant amendments to the proposed Modification Application dealing with the built form, ground plane planning, car parking provision and the public benefit offering associated with the application.

The amended scheme is considered to greatly improve the surrounding Eastlakes amenity, including built form impacts on the existing streetscape and Eastlakes Reserve. Proposed building heights and density have been significantly reduced, improving solar access to internal apartments and surrounding residential buildings.

These changes are described in **Section 3.1.1**, whilst **Section 3.1.2** provides a summary of the Project Application as it is proposed to be modified.

3.1.1. Amendments to Exhibited Modification Application

The amendments to the South Site proposal since exhibition include the following:

- Amendments to the ground level and level 1 retail and commercial layout. The commercial tenancies at Level 1 have been consolidated to the northern end, allowing for an improved connection to the retail mall at ground level resulting in some re planning of the apartments at the southern end.
- Additional provisions for activation along the south eastern elevation of Barber Avenue, including public art and landscaping on the podium façade, and addition of a building managers office to reduce the built form impact on the streetscape.
- Amendments to the design of the "Grand Veranda" along the Eastlakes Reserve interface, including dropping the overall level to improve the relationship between the mall and Eastlakes Reserve. The stairs have been re designed and a ramp has been introduced mid-way.
- The southern portion of the western awning has been lowered in scale to provide a better transition/ reduced scale to the southern edge of the site.
- Reduction in the height of Building D-J fronting Eastlakes Reserve between three - four storeys. The maximum building height is RL 60.600m.
- Division of Building D-J into two separate buildings and increased internal building separation.
- Minor amendments to Buildings E, F and G at the lower levels (Levels 1 and 2) due to the re planning of the Level 1 commercial podium and increase height due to increased roof top plant.
- Reduction in number of additional apartments by 116.
- Reduction in additional residential GFA by 8,626sqm.
- Increase in the non-residential GFA by 3,040sqm
- Reconfiguration of basement design including reduction in basement footprint on B2 and B3, addition of a fourth basement level (B4) and reduction in car parking provision by 161 spaces.
- Amendments to the landscape and public domain design throughout the site (including removal of an additional two street trees (Tree 26 and Tree 90).
- Addition of a resident's library on Level 2 integrated with the glass oculus that provides daylight to the retail mall.
- Approval is no longer sought for 24-hour use of the loading dock. The proposed hours of operation of the loading dock and waste removal / collection is to be between 5am and 10pm daily.

- Addition of two 5m (high) x 2m (wide) pylon signage zones at ground level along Evans Avenue and Barber Avenue.

Several other amendments have been made resultant of the above amendments including the landscape design and other components of the proposal. The preferred project for which consent is sought is described at **Section 3.1.2**.

The following sections provide a detailed description of each amendment sought.

Amended Ground Level and Level 1 Design

The ground level and level 1 retail design has been amended in response to post lodgement design requirements and matters raised by the State Design Review Panel. This includes additional retail tenancies and improvements in light, air and permeability.

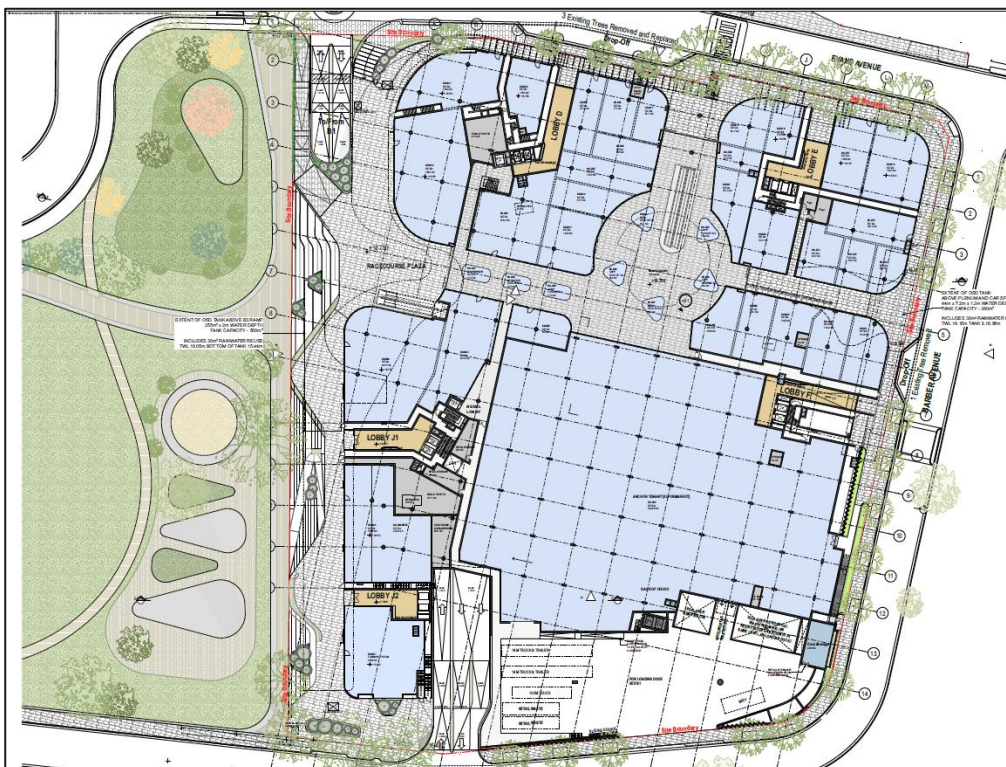
The amendments to the retail design on ground level includes:

- Reconfiguration of the ground floor layout and increase the total number of retail tenancies from 21 to 42 (four more than approved).
- Introduction of an escalator from Racecourse Plaza to level 1 retail / commercial space.
- Relocate the controlled entrance points at Evans Avenue and Barber Avenue by pushing back entry doors into the retail area to provide larger public areas. The retail mall space will provide public through-site links during operating hours.
- Amend the Barber Avenue pedestrian entrance and through-site link with a glass ceiling over to create an 'eat street' allowing greater light and air into the space, while increasing opportunities for activation along this elevation.
- Reconfiguration of the Evans Avenue driveway by moving the ramp 3 metres south (i.e. cars will not be approaching the cross over immediately after ramping) and refinements to the design to provide for improved pedestrian safety and deter pedestrians from crossing at the entry (i.e. ramps have been improved to the west of the car park entry and adjusted steps and landscaping to the east).
- Introduction of a large void in the centre of the mall at ground level, and introduction of a glass ceiling above the through-site link to Barber Avenue to provide greater natural light into the retail mall.
- The western veranda area has been lowered such as there are no steps at the southern end of the site. A new centrally located ramp has been introduced to ensure equitable access.

The following figures provides a comparison of the ground floor plans submitted and proposed to be amended.

Architectural site plan of the proposed 10-story office building at the intersection of Racecourse Plaza and Market Square. The plan shows the building footprint, parking areas, landscaping, and surrounding streets including Race Avenue and Market Avenue. Key features include Racecourse Plaza, Market Square, and various lobbies (Lobby A, B, C, D, E, F). The building is situated on a corner lot, with a large parking area to the west and a landscaped area to the east. The plan also shows existing trees to be removed and new trees to be planted. A north arrow is located in the upper right corner.

Figure 7 – Ground Level Plan - proposed amendment



PREFERRED PROJECT DESCRIPTION 21

The amendments to the commercial design on level 1 includes:

- Relocation of the childcare centre to the north west corner and reduction of GFA (from 748.1sqm to 732.5sqm). The childcare centre is proposed to accommodate 75 children. The use and fit-out of the childcare centre will be the subject of a separate development application.
- Provision of 6 commercial tenancies comprising a total GFA of 1,883sqm.
- Inclusion of an escalator and lift to provide improved public access between ground level and level 1.
- Amendment to the canopy profile, reflecting the reduced height and scale of Building D and J and to improve visual and pedestrian flow between the park edge and retail centre.
- Consolidation of commercial premises to the northern end of Level 1 allowing for an improved connection to the public areas of the ground level retail.

The following figures provides a comparison of the level 1 podium plans submitted and proposed to be amended.

Figure 8 – Level 1 Plan - submitted



Source: FJMT

Figure 9 – Level 1 Plan – lower podium proposed amendment



Source: FJMT

Amended Building Heights

The Department, Council and Airspace Authorities raised concern with the originally proposed height of Buildings D-J. The proposed amendments to the building height of Building D-J located along the park frontage has been reduced by 3 storeys to 4 storeys to a maximum height of 12 storeys. This is a considerable reduction in overall height from the original scheme and reduces the built form impacts on the surrounding land uses, including Eastlakes Reserve. The proposed revised heights maintain the 'town centre' character of the site, whilst respecting the existing built form of the surrounding residential developments.

As recommended by the SDRP, the southern end of building J has been stepped down to ensure the interface with Barber Avenue is at human scale, reducing the built form impacts on the streetscape, resulting in a height of 3 storeys above the podium at the street interface.

The height of Building D (tallest building) located along the park frontage has been reduced by 12.2m from 73.0m to a maximum height of RL 60.600m.

As per the submissions provided by CASA, Phillip, ACT (293850) and Sydney Airport, Canberra, ACT (294503), the maximum height of the proposed development without affecting any procedures at Sydney Airport is 60.6m AHD. The amended proposal now compiles with the airspace requirements.

To address the matters relating to bulk and scale raised by the Department, Government Architects and the community, the bulk and scale of Building D-J has been reduced. The following amendments have been made:

Reduction in the number of storeys of Building D and J

The height of Building D-J located along the park frontage has been reduced between three to four storeys, and now comprises:

- Building D – 10 storeys above 2 storey podium (12 storeys in total)
- Building J – 9 storeys above 2 storey podium (11 storeys in total)

The following perspectives provide the extent of the height in storeys reduction and a comparison of what was submitted and amended.

Figure 10 – Height of Building D-J - submitted



Source: FJMT

Figure 11 – Height of Building D-J - proposed amendment



Source: FJMT

Separation of the upper building forms

The upper level building form connecting Buildings D and J (located along the park frontage) has been removed, creating two district buildings. Further building separation has been provided to comply with the Apartment Design Guide for building separation, improving apartment amenities. The improved building separation provides further solar access for internal apartments and the central communal open space as well as surrounding residential buildings. Refer to **Section 4.5.1** for detailed assessment.

The following perspectives provide a comparison of what was submitted and amended.

Figure 12 – Bulk and Scale of Building D-J - Submitted



Source: FJMT

Figure 13 – Bulk and Scale of Building D-J - Proposed Amendment



Source: FJMT

Amended Basement Design and Car Parking Provision

To reflect the increase of non-residential GFA and the reduction of the total number of apartments, the following amendments are proposed to the basement design and car parking provision:

- Reduction in basement footprint on levels B2 and B3 and introduction of a fourth (known as B4) basement level.
- Reduction in the total number of car parking spaces by 161 spaces. A total of 916 parking spaces (including 95 accessible spaces) and 16 motorcycle spaces are proposed.
- Provision of bicycle parking and end of trip facilities on Level B1.

The following table provides a breakout of the amended car parking provision.

Table 8 – Summary of amended car parking provision

Use	Provision
Residential	400
Non-residential	444
Accessible (included in retail and residential total)	95
Visitors	72
Total	916 (including 95 accessible)
Motorbike	16
Bicycle	50

Amended Landscape, Public Domain and Open Space Design

To reflect the proposed amendments to the architectural design, changes have occurred to the proposed landscape and public domain design at ground and podium levels. The design intent has remained the same, however changes have occurred as a result of increased commercial premises on Podium Level 1. This has resulted in a reduction in landscaped area on Podium Level 1 and an increase in landscaped area on Podium Level 2.

Changes to Loading Dock Hours of Operation

Approval is no longer sought for the 24-hour use of the loading dock.

The proposed hours of operation of the loading dock and waste removal / collection is to be between 5am and 10pm daily to meet future tenancy requirements. The proposed hours of operation are consistent with the existing loading dock. Acoustic and visual impacts will be mitigated with the use of an operable loading dock door which will close after vehicles enter the site. The design of the dock has not been amended from the original proposal, ensuring vehicles enter and exit in a forward motion.

Centre Trading Hours

The existing development consent does not identify hours of operation for the retail component of the development. It is therefore sought that general trading hours of between 6am and 10pm 7 days per week are approved, which is consistent with surrounding shopping centres. Any tenancy that seeks to operate outside of the centre's standard hours will require a separate development application.

Signage Zones

The proposal includes provisions for two signage zones to accommodate two future business identification pylon signs up to 5 metres in height. The location of the signs are proposed at the entrance to the site at the north western and south western boundaries of the site at the entrance to the 'grand veranda'.

This application seeks consent only for the signage zones, with a detailed development Application to be lodged with Bayside Council in the future for the design content of the signs.

Public Benefit Offer

A revised Public Benefit Offer (PBO) has been prepared to reflect the amended scheme. The revised PBO has been simplified and takes into consideration the comments received by Bayside Council in their submission. The revised PBO proposes a total contribution of benefits equal to \$4,650,000 comprising:

- Public domain upgrades surrounding the site (with the extent to be agreed with Council);
- Monetary contribution to be used for upgrades to established or new community facilities and public spaces at Eastlakes (within a 2km radius of the site);
- Affordable housing contribution equivalent to 10% of the total number of additional apartments proposed in this Modification Application.

Reference should be made to the PBO submitted at **Appendix W**.

3.1.2. Description of Final Modification Proposal for the South Site

In light of the abovementioned changes, an amended description of the final modification proposal for the South Site is provided below. This description should be read in conjunction with the description contained in the Modification Report dated August 2018.

In summary, Modification 4 to MP09_0146 seeks approval for the following modifications to the South Site:

- **Ground Floor Retail and Level 1 Commercial Layout** - Expansion and reconfiguration of the ground floor commercial floor plate to improve internal circulation, layout and public domain interface. A double height awning along the entire park frontage is also proposed to provide opportunities for outdoor dining while responding to its westerly orientation. The proposal expands the non-residential component to the Level 1 podium level which consists of a series of commercial tenancies and a 75-place childcare centre separated from the residential component of the podium level.
- **Residential Podium** - Reconfiguration of residential apartments separated by landscaping from commercial uses. Amended landscaping on podium levels.
- **Residential Buildings** - Modifications to the building envelopes and design of the facades of the residential buildings above the retail podium, including:
 - Consolidation of number of residential buildings from six to five comprising two feature buildings framing Eastlakes reserve and three lower scale buildings behind.
 - Increase in building height ranging between four to 10 storeys above the two-storey retail/commercial podium.
 - Increase in residential apartments to 361 in total for the south site.
- **Basement Car Park** - Provision of four levels of basement car parking and a total of 916 parking spaces (including 95 accessible spaces) and 16 motorcycle spaces.
- **Tree Removal and Landscaping** - Removal of seven existing trees offset by replacement planting and landscape embellishments throughout the site.
- **General Site Improvements** - No change to the approved locations but refinement of design of key site services including vehicular access driveways and loading dock.
- **Operating Hours** - The proposed hours of operation for the commercial component is 6am and 10pm daily. The proposed hours of operation of the loading dock and waste removal / collection is 5am and 10pm daily.
- **Modifications to Consent Conditions and Statement of Commitments** – The proposed amendments result in several changes to the terms of the consent and statement of commitments. The proposed changes are detailed at **Appendix A**.

3.2. NORTH SITE

Amendments are proposed for the approved North Site development. Amendments include design changes to Building 1 and 1A resultant of further post approval design development. Only minor modifications are sought to Building 1B to demonstrate compliance with the consent conditions. In summary the proposed modifications include:

- Minor changes to the internal planning and external appearance of Buildings 1 and 1A (no change to approved building envelope or GFA).
- Increase in topmost height of Building 1 and 1A to accommodate new louvered plant room enclosures on rooftops to screen plant and equipment (no change to parapet height).
- Amendments to the ground level and Level 1 residential landscaped podium design including changes to the Gardeners Road and eastern elevation podium heights and design in accordance with Condition B2 and B5.
- Reconfiguration to the layout and distribution of basement car parking including an additional 3 residential spaces, 10 motorbike spaces and provision of bicycle parking and end of trip facilities.
- Inclusion of façade louvers to Building 1B in response to the respective conditions of consent.
- Modification to the operating hours as follows:
 - Loading dock: 5am and 10pm (daily).
 - Waste removal collection: 5am and 10pm (daily).
 - Shopping Centre: 6am and 10pm (seven days a week).
- Amendments to the approved stratum plans to facilitate stratum subdivision of the site into 5 separate stratus.
- The proposed amendments result in several changes to the terms of the consent and statement of commitments. The proposed changes are detailed at **Appendix A**.

The following subsections provide further detail of the proposed modifications to the development on the North Site.

3.2.1. Building 1 and 1A Internal Modifications

The following internal modifications to Building 1 and 1A are proposed:

- Minor amendments to apartment layouts to achieve improved amenity and usability, and to achieve storage compliance. Proposed amendments are considered to be consistent with the approved design, however respond to post approval design requirements.
- In Building 1, the layout of the south eastern apartment has been revised to achieve facade symmetry. This involved a simple mirroring of the plan that had no impact on compliance, amenity and or the building envelope.
- Revision to the apartment mix of Building 1 and 1A, including deletion of one apartment in Building 1A resulting from the merge of a 1 and 2 bedroom apartment to a 3 bedroom (refer to **Table 9**).
- Addition of a second lift to Building 1, providing increased accessibility for future residents.
- Change in location of fire stairs throughout Building 1 and 1A to achieve improved apartment layouts.

No change is proposed to the approved number of apartments.

3.2.2. Building 1 and 1A External Modifications

The following external modifications to Building 1 and 1A are proposed:

- Amended landscape and private open space design to improve amenity. This includes additional plantings along the perimeter of the site.
- Introduction of palisade fence and gates to enclose substation kiosk fronting Gardeners Road.
- Building 1 facade recessed to achieve weather protection and improved articulation around the entry.
- Increase in top most point of Building 1 and 1A to accommodate plantroom and louvred enclosures on rooftops to screen plant and equipment (refer to **Table 9**).
- Amendment to fenestration of facades to be consistent with that of the approved Building 1B. These changes include the addition of vertical external privacy louvres which direct views and obscure internal activities from external observation.
- Pergola deleted from communal podium landscape areas.

The following table provides a numeric overview of the approved and proposed development.

Table 9 – Numeric Overview of Building 1 and 1A Changes

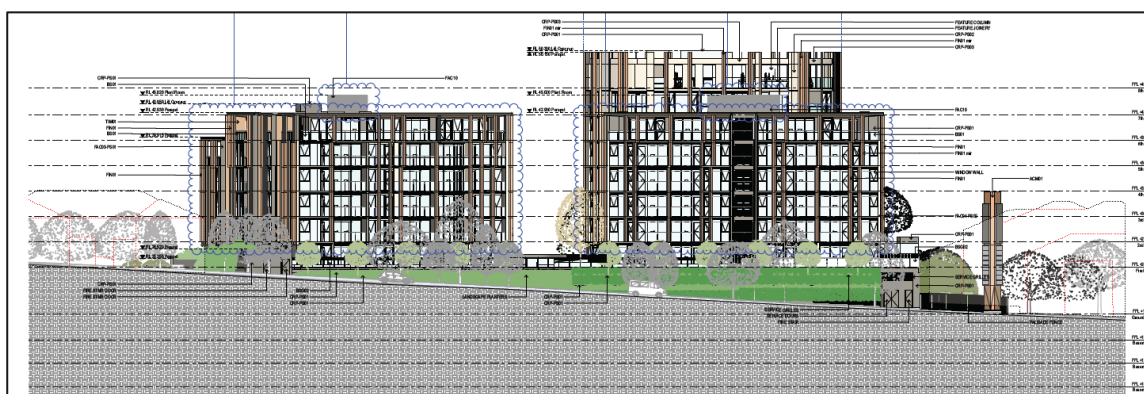
Building	Roof RL	Top of Plant RL	One bed	Two bed	Three Bed	Total units
Building 1 (approved)	42.930	Lift overrun RL not specified. No allowance for plantroom	20	22	2	44
Building 1 (proposed)	42.930	45.020	20	22	2	44
Building 1A (approved)	42.930	Lift overrun RL not specified. No allowance for plantroom	19	40	4	63
Building 1A (proposed)	42.930	45.020	17	40	5	62

A comparison between the approved and proposed external façade amendments is illustrated in the following extracts and in the Architectural Plans submitted at **Appendix Y**.

Figure 14 – North Elevation – Approved



Figure 15 – North Elevation – Proposed



Source: FJMT

3.2.3. Building 1B Modifications

The following modifications to Building 1B are proposed in response to the respective consent conditions arising from MOD 1:

- On Building 1B Vertical Privacy Louvres were added to bedroom windows from L2-6 (in response to Condition B6). Colours and materials are consistent with the approved design and is not considered to impact the design integrity of the approved development.
- On Building 1B Vertical Privacy Louvres were added and a Planter Bed included on Level 7 to mitigate potential over viewing to the adjacent property (In response to Condition B6).

3.2.4. Basement Modifications

The proposal includes the reconfiguration of the basement car park to improve efficiency and operations. In summary, the changes comprise:

- Basement Level 1** consists of only retail car parking, providing 100 spaces, including two accessible spaces. This level also includes the provision for 12 dedicated motorbike parking spaces.
- Basement Level 2** consists of a mix of retail and residential parking spaces. The design ensures a distinct separation between the two.

This level includes retail parking for 36 cars, including three accessible retail spaces. This level also includes the provision for eight dedicated motorbike parking spaces.

This level includes residential car parking for 67 cars, including four accessible spaces and one car wash bay is located behind roller shutters.

It is also proposed to add retail storage rooms in the north eastern corner and a redesign of the plant and storage rooms along the eastern boundary. Bicycle parking and end of trip facilities have also been added toward the south eastern end near the mall entry and travelers.

- Basement Level 3** consists of only residential car parking, providing 83 spaces, including eight accessible spaces. Dedicated apartment storage is provided on this level.

The following table provides a comparison of the approved and proposed basements.

Table 10 – Numeric Overview of Basement Carparking

Item	Approved	Proposed
Basement levels	Three levels	Three levels
Residential	144 spaces	150 spaces (including 12 accessible spaces)
Retail and residential visitor	136 spaces	136 spaces (including five accessible spaces)
Service vehicles	3 spaces	3 spaces
Motorcycle	10 spaces	20 spaces

Bicycle Parking

Bicycle car parking has been provided at ground level and basement levels with the allocations as follows:

- Ground level – 26 retail horizontal visitor spaces in the eastern laneway.
- Basement Level 2 – 20 residential visitor horizontal spaces; and 62 resident storage cages.
- Basement Level 3 – 73 resident storage cages.

Vehicular Access

Vehicular access remains consistent with the Part 3A Project Approval. Vehicular access is via two entry/exit points from Evans Avenue.

Access for residential vehicles is made from the same entry/exit point, with internal secure ramps guiding vehicles to residential parking on Basement Levels 2 and 3.

Waste Management

Following a review and consultation with Bayside Council, minor amendments are proposed to the waste management strategy throughout the North Site (including size of chute discharge rooms and bin holding areas) in order to comply with Council's requirements. The proposed waste management strategy is discussed in the Waste Management Plan prepared by Elephants Foot and submitted at **Appendix CC**.

3.2.5. Landscaping

Amendments are proposed to the approved landscape design as a result of post approval design changes and amendments to the overall building design.

The following modifications to the landscaping at ground level and on the podium is proposed:

- Removal of deep soil area within the planter in the laneway near eastern site boundary.
- Pool area redesigned to accommodate a 25m lap pool and 1.2m pool fence to improve safety and user amenity.
- BBQ area relocated to western end of Building 1B, additional seating areas included in the central and northern areas on the podium, and linear water feature in central podium area located to eastern side of central pathway.
- Podium planting palette revised.
- Minor adjustments to northern podium planter soil depths and widths.
- Rooftop landscaping provided on Building 1B.

The amended Landscape Plans also specifically address Conditions B2 and B5.

Overall, the proposal results in 1,448sqm of planting area, being a minor reduction compared to the increase approved under MOD 1 as a result of the proposed landscape amendments.

Refer to the amended Landscape Drawings prepared by Turf at **Appendix Z**.

3.2.6. Loading Dock Hours of Operation

This modification seeks to modify the hours of the operation of the following:

- Loading dock from 7am and 9pm to 5am and 10pm, and
- Waste removal collection from Monday to Saturday between 7am and 5pm to daily between 5am and 10pm.

Amendments are sort to meet requirements of future tenants and are considered to be consistent with operating hours for other shopping centres. The proposed hours of operation will not impact on the surrounding residential developments.

3.2.7. Centre Trading Hours

The existing development consent does not identify hours of operation for the retail component of the development. It is therefore sought that general trading hours of between 6am and 10pm 7 days per week to align with the operational requirements of future tenancies. These proposed hours are consistent with other neighbourhood shopping centres.

Any tenancy that seeks to operate outside of the centre's standard hours will require a separate development application.

3.2.8. Stratum Subdivision

The approved development was made of two stratoms (residential and retail). Due to design development, the proposal seeks consent for stratum subdivision of the site into the following five stratoms.

- Lot 1: Residential Building A
- Lot 2: Residential Building B
- Lot 3: Residential Building C
- Lot 4: Embedded Energy
- Lot 5: Retail/ Commercial

The proposed plan of subdivision includes the following easements which are intended to be created:

- Easements (whole of lot):
 - Easement for Support and Shelter
 - Easement for Services
 - Easement for Access to Shared Facilities
 - Right to Use Fire Stairs and Egress (variable width)
 - Right to Use Life (Variable Width)
- Easement (A) – Easement for Access (variable width)
- Easement (B) – Easement for Public Access (variable width)

Reference is made to the proposed plans of subdivision prepared by LTS Lockley and submitted at **Appendix GG**.

3.3. NUMERICAL OVERVIEW AND COMPARISON TO APPROVAL

Table 11 – Numeric Overview and Comparison of Proposal

Item	Approved (South Site)	Approved (North Site)	Approved (North & South)	MOD 4 Exhibited (South Site)	MOD 4 Preferred Project (South Site)	MOD 4 Preferred Project (North Site)	MOD 4 Preferred Project Total (North & South)
Total site area: 24,053sqm							
Total GFA (sqm)	35,743sqm	15,075sqm	50,818sqm	51,079sqm (+15,336sqm)	45,493sqm (+9,750sqm)	15,046sqm (-29sqm)	60,539sqm (+9,721sqm)
Commercial GFA (sqm)	11,082sqm	3,508sqm	14,590sqm	12,786sqm (+1,704sqm)	15,826sqm (+4,744sqm)	3,457sqm (-51sqm)	19,283sqm (+4,693sqm)
Residential GFA (sqm)	24,661sqm	11,566sqm	36,228sqm	38,293sqm (+13,632sqm)	29,667sqm (+5,006sqm)	11,589sqm (+22sqm)	41,256sqm (+5,028sqm)
Residential units	292	134	426	468 (+176)	361 (+69)	133 (- 1)	494 (+68)
Residential Mix	Studio – 7 1-bed – 171 2-bed – 110 3-bed – 3 4-bed – 1	Studio – 1 1-bed – 46 2-bed – 77 3-bed – 10 4-bed – 0	Studio – 8 1-bed – 218 2-bed – 187 3-bed – 11 4-bed – 1	Studio – 52 1-bed – 184 2-bed – 172 3-bed – 59 4-bed – 1	Studio – 32 1-bed – 164 2-bed – 126 3-bed – 39 4-bed – 0	Studio – 0 1-bed – 45 2-bed – 75 3-bed – 13 4-bed – 0	Studio – 32 (+ 24) 1-bed – 209 (- 9) 2-bed – 201 (+14) 3-bed – 52 (+41) 4-bed – 0 (-1)
Height above podium (in storeys)	2-6 storeys	5-8 storeys	2-8 storeys	4-14 storeys (+8 storeys)	4-11 storeys (+5 storeys)	5-8 storeys (no change)	4-11 storeys (+3 storeys)
Car parking spaces	700 spaces	280 spaces	980 spaces	1,077 spaces	916 spaces (+ 216 spaces)	286 spaces (+6 spaces)	1,202 spaces (+222)

3.4. MODIFICATION TO TERMS OF APPROVAL AND STATEMENT OF COMMITMENTS

To reflect the proposed modifications to the South and North Sites, changes to the Conditions of Approval and Statement of Commitments are required. These modifications are detailed in table format at **Appendix A**.

3.5. STAGING

3.5.1. Construction Staging

The North and South Site will be constructed separately. As a result, the structure of consent needs to allow for the CC and OC for the North Site to be obtained independent of the South Site.

It is therefore sought that any requisite changes to the sequencing of the conditions reflect the construction staging for the North and South sites, as outlined below.

North Site Construction Staging:

Stage 1 – *Basement to Ground*

Stage 2 - *Retail*

Stage 3- *Residential*

South Site Construction Staging:

Stage 1 - *Demolition of existing structures*

Stage 2 - *Bulk excavation & remediation*

Stage 3- *Construction of basement up to ground floor slab*

Stage 4- *Construction of Podium up to Level 1*

Stage 5- *Building G*

Stage 6- *Building J*

Stage 7 - *Building F*

Stage 8 - *Building D*

Stage 9- *Building E*

Staging of buildings to follow the construction methodology. The exact sequencing of the stages may vary.

3.5.2. Section 7.11 Contributions

The applicant is committed to paying the total Section 7.11 contributions owed as specified in Condition B14 (and adjusted accordingly); however, payment in one lump sum will impose a significant cash flow problem on the developer and is therefore sought to be deferred to enable timely development of the site.

Section 2.12 of the *City of Botany Bay Section 94 Contributions Plan 2005-2010* states that Council may at its discretion permit payment of contributions by deferred or periodic payments. Circumstances where this is considered to be acceptable are when Council is satisfied that:

1. *Compliance with the provisions relating to when contributions are payable is unreasonable or unnecessary in the circumstances of the case; and*
2. *Non-compliance with the required timing of payment will not increase the cost or prejudice the timing or the manner of providing the facility or service for which the contribution was required as outlined in the Works Schedule.*

South Site

It is proposed to stage the Section 7.11 Contributions for the South Site in the following way:

Stage 4- Construction of Podium up to Level 1 – payment of contributions relating to the retail component to be made prior to CC for this stage.

Stage 5- Building G – Residential – payment of contributions relating to Building G to be made prior to CC for this stage.

Stage 6- Building J – Residential - payment of contributions relating to Building J to be made prior to CC for this stage.

Stage 7 - Building F – Residential - payment of contributions relating to Building F to be made prior to CC for this stage.

Stage 8 - Building D – Residential - payment of contributions relating to Building D to be made prior to CC for this stage.

Stage 9- Building E – Residential - payment of contributions relating to Building E to be made prior to CC for this stage.

North Site

It is proposed to defer and stage payment of the Section 7.11 Contributions for the North Site in the following way:

Structures to roof – nil.

Fit out of basement 3 to retail – payment of contributions applying to 3,508sqm of retail floor space.

Fit out of residential part 1 - podium to roof including façade of Building 1B - payment of contributions applying to 27 residential dwellings.

Fit-out of residential part 2 - podium to roof including façade of Building 1 and 1A - payment of contributions applying to 107 residential dwellings.

Crown Group is currently engaging with Bayside Council regarding deferred and staged payment of the Section 7.11 Contributions for the North Site.

4. ASSESSMENT OF PREFERRED PROJECT – SOUTH SITE

The exhibited MR addressed the potential impacts of the modifications against a range of matters relevant to the development. Except where addressed in the following sections, the conclusions of the original assessment remain unchanged. In particular, the assessment of the following matters remains unchanged:

- **Strategic Policy Assessment** – the proposal remains highly consistent with the directions and priorities contained in the Greater Sydney Region Plan and Eastern City District Plan as well as other relevant policies and guidelines discussed in the MR.
- **Statutory Planning Assessment** – the assessment generally remains unchanged from the MR.
- **Density** – the additional density, albeit reduced by this preferred project report, is justified on following grounds:
 - Responds to the significant growth that is anticipated by the *Eastern City District Plan* and *Greater Sydney Region Plan* compared to what was anticipated by the *Draft Metropolitan Plan for Sydney 2011-2031* (the plan that applied at the time of the 2013 project approval) comprising an increase of 400,000 people, 180,000 dwelling and 192, 0000 jobs.
 - Represents a logical location to share in supporting a small proportion of the required housing growth for the District and LGA given it is an established local centre and thus benefits from good transport and service offering.
 - Economic analysis prepared to support the proposal identifies that the forecasted annual apartment demand within the eastern shore study area is approximately 3,200 -3,600 apartments per annum between 2018 and 2026, and the study area will enter into a supply deficit between 2023 – 2026.
 - Comparable to other local centres with similar density drivers (such as Double Bay, Rozelle, Leichardt and Balmain) Eastlakes has notably less density despite having a similar level of accessibility and travel time to employment illustrating potential for Eastlakes to accommodate greater density.
 - Is highly accessible to approximately 505,000 jobs by car, 320,000 jobs by public transport and 6,877 jobs by foot within 20-30 minutes.
 - Delivers on the 30-minute city concept due to its location as a local centre in the Global Economic Corridor and is close to the following major and specialist centres:
 - Sydney CBD – 6km;
 - Green Square- Mascot – 2km;
 - Sydney Airport – 2.5km;
 - Port Botany – 5km;
 - Randwick Health and Education Centre – 2.5km.

These centres are accessible via local and regional bus services which directly service these centres and are proposed to be upgraded to provide higher frequency services. They currently provide access to interchanges to regional transport including the future Kingsford Light Rail Station (1.5km), Mascot Train Station (2.6 km) and Green Square Train Station (3 km).

 - Delivers additional retail, services, employment and housing opportunities to bolster the offerings and convenience within the heart of the local centre.
 - Improves and expands upon the non-residential offering within an accessible and walkable catchment.
 - Is consistent with the principles and desired future character of Eastlakes in accordance with the principles set by Bayside Council's draft Eastlakes Master Plan.
 - The urban design and environmental impacts arising have been thoroughly examined and on balance deemed acceptable.

- **Contamination** – no change is proposed to the conclusions or recommendations contained in the Preliminary Environmental Site Assessment Report. The report identifies that soil contamination was encountered onsite, however due to current site constraints arising from the shopping centre occupying the entire site, a detailed analysis was unable to be undertaken. In accordance with Condition B12 of the Project Approval, a detailed Stage 2 Site investigation will be undertaken prior to the issue of the Contraction Certificate. Pending on the results, a Stage 3 Remedial Action Plan (RAP) will be prepared.
- **Geotechnical** – no change to recommendations or conclusions contained in the Preliminary Geotechnical Report (refer to statement attached at **Appendix O**).

4.1. BUILT FORM IMPACTS

The amended proposal modifies the built form of MOD 4 (as exhibited) in order to respond to the submissions made by the Department, Government Architect, Bayside Council, State Government Agencies and the community.

The built form massing of Building D-J has been substantially reduced to a maximum of 10 storeys above podium level (Building D) and 9 storeys above podium level (Building J) and divided into two separate building forms along the park edge. Building D has a length of approx. 40m; Building J has a length of 70m. The three lower scale towers (Building E, F & G) between 4-6 storeys to the rear remain generally as exhibited with minor internal planning changes and addition of roof top plant.

The massing of the amended proposal is highly consistent with existing and proposed buildings in the vicinity of the site as documented in the MR and Urban Context Report (refer **Appendix G**).

A series of design measures have been proposed to articulate the building façade and mitigate the scale and mass in response to the sites context and matters raised during exhibition, including:

- The separation of Building D-J into two slimmer discrete building forms minimises the dominance of the building on the public domain while maintaining a strong frame and edge to Eastlake Reserve.
- The reduction in height of Building D to 10 storeys above podium (12 storeys total) and the curved corners is more consistent with the approved Gateway Building 1B (seven storeys above podium) on the opposite side of Evans Avenue. The consistency between Building D and Building 1B is accentuated by the consistent datum line created by the façade material change on the eighth storey of Building D. This creates a common architectural language in the precinct and provides an appropriate height transition from Building 1B (on the North Site) to Building D and Building J.
- Building J has been amended to step down in height at the southern boundary to minimise the built form impact on the Barber Avenue streetscape, resulting in an appropriate interface with the streetscape.
- Building D has been setback further from Eastlakes Reserve which opens sight lines down Racecourse Place looking south. The 12-storey form of Building D is appropriate for its corner gateway position for the site and more broadly local centre and compliments the approved (as proposed to be amended) design of the 'north site' buildings.
- The facades of Building D and Building J have been treated with different materials to mitigate the visual impact of the mass on the upper levels when viewed from key public places. Stronger colours are used on the lower elements of the façade, while a lighter diaphanous palate is used on the upper façade. This reduces the built form impacts on the park interface and provides a visually appealing façade.

Overall, the scale of the development is considered appropriate given the shopping centre is the 'central or focal point' of the locality, and the massing will positively mark the location of the centre. Whilst this will become the tallest development in the centre, the locality is characterised by a mix of building forms that include residential flat buildings and larger towers and thus the proposal in our assessment does not create a discordant relationship to the existing surrounding context.

The proposed density and height is also consistent with Bayside Council's recently exhibited *draft Eastlakes Master Plan* which identifies potential for building heights of up to 9 storeys for sites immediately surrounding the subject site, with heights gradually stepping down as they move away from the site and 'town centre heart'. Given the site is at the centre of the Eastlakes Local Centre in accordance with urban design best practice it is generally expected that building heights in this location are greater in height than the surrounding area. The proposal strategically locates the taller buildings to the west to define and frame the park edge and maximise views out towards the open space, away from any residential interface. To the east

and south, building heights gradually step down in recognition of the existing residential context to provide a suitable transition and acceptable level of impact to the surrounding dwellings.

Given Council's future vision for increased height and density for Eastlakes, the case with respect to the appropriateness of the scale with the desired future character further strengthens.

The following series of photomontages show the amended proposal and illustrate how the mass of Building D and Building J will be viewed in terms of its context with neighbouring sites and Eastlakes Reserve.

Figure 16 – Photomontage of amended proposal looking east from Eastlakes Reserve



Source: FJMT

Figure 17 – Photomontage of amended proposal looking south



Source: FJMT

Figure 18 – Photomontage of amended Building D looking at western retail entry



Source: FJMT

4.2. AERONAUTICAL

Landrum & Brown Worldwide (Australia) have revised the Aeronautical Impact Assessment (AIA) for the maximum building height reduction proposed on the South Site (refer **Appendix V**).

4.2.1. PANS OPS

The Procedures for Air Navigation Services – Aircraft Operations (PANS OPS) surfaces provide an obstacle free flight path to enable safe and efficient aircraft operations in conditions with poor visibility.

The following figure shows the lowest of the PANS OPS surface heights for Sydney Airport above the site and the clearance (in green) or infringement (in red) of the proposed building on each surface. The results of the assessment demonstrate the proposed development at a maximum height of 60.60m AHD:

- Will not infringe the PANS OPS surfaces of Sydney Airport,
- Will not infringe any PANS OPS surfaces at any other airport, and
- Will not infringe the RTCC protection surface.

Figure 19 – Assessment of the amended scheme against PANS OPS Surface Heights

Sydney Airport Approach, Departure or Circling Procedure	Surface Height (m AHD)	Clearance above 19A Evans Avenue (60.60m AHD)
RWY 25 ILS	81.4	20.8
RWY 25 RNAV-Z (GNSS)	60.64	0.04
Sydney One Departure RWY 07	107.8	47.2
RWY 07 ILS Missed Approach Segment	100.4	39.8
RWY 07 RNAV-Z (GNSS) Missed Approach Segment	>101.8 (MDA-MOC)	>41.2
Circling Cat A/B	126	65.4
Circling Cat C/D	184	123.4
RTCC	152	91.4

Source: Landrum & Brown Worldwide (Australia)

4.2.2. OLS

Obstacle Limitation Surfaces (OLS) are surfaces associated with runways and seek to protect aircraft operations from unrestricted obstacles.

The site is located within the Sydney Airport OLS. The site is located beneath the Inner Horizontal Surface (HIS) of Sydney Airport's OLS. This surface is 45m above the elevation of the airport. Sydney Airport's HIS has an elevation of 51m AHD.

The proposed development infringes the HIS of the OLS for Sydney Airport by 9.60m

Landrum & Brown Worldwide (Australia) have undertaken an Aeronautical Study and Safety Case to demonstrate that the infringement of the OLS does not adversely affect the safety or the regularity of aircraft operations at Sydney Airport. Key findings are summarised below:

- *A study by the Flight Safety Foundation found that a majority of aircraft accidents in the vicinity of airports occurred during the conduct of a circling approach.*
- *The promulgation of straight in instrument approaches has reduced the area in which aircraft are likely to operate during approach procedures. Therefore, the requirement to overly restrict obstacle growth in areas where aircraft no longer operate during normal operations is reduced.*
- *Due to the high number of airline movements, and noise constraints in the vicinity of Sydney Airport, the use of a circling procedure is only permitted in emergency situations, or for ATC separation purposes. These occur very rarely.*
- *Each airline and aircraft operator design and implement their own contingency procedures for safe emergency flight paths that may be required in the event of a critical engine failure after take-off. Public schools and multistorey flats in the vicinity of the Eastlakes development would be taken into consideration during the design of these contingency procedure and are unlikely to occur above the development site.*

The results of an assessment of the circling approach surfaces finds that the proposed maximum building height of RL 60.600m will infringe the OLS for Sydney Airport, but not the Circling Area MDA. This finding is based on the following:

- *19A Evans Avenue is located underneath CAT A/B and CAT C/D IFR circling areas for Sydney airport.*
- *The aircraft category (CAT) depends on a number of aircraft performance parameters and is published in ICAO Doc 8168 PANS OPS.*

- The minimum descent altitudes (MDA) published for circling approaches at Sydney are:
 - CAT A and B aircraft: 710 feet AMSL, and
 - CAT C and D aircraft: 1000 feet AMSL.
- The circling area limits from the runway thresholds, and Minimum Obstacle Clearance (MOC) for circling approaches are published in the PANS OPS document, as follows:
 - CAT A and B: Area radius 2.66 nautical miles, MOC 295 feet, and
 - CAT C and D: Area radius 5.28 nautical miles, MOC 394 feet.
- The MOC is subtracted from the MDA to produce the PANS OPS surface height.

The following figure shows the applicable circling area PANS OPS height and the clearance (in green) or infringement (in red) of the proposed building on each surface.

Figure 20 – Assessment of the amended scheme against Circling Area PANS OPS heights

Aircraft Category	Height of PANS OPS Surface (m AHD)	Result for development height of 60.60 m AHD (in metres)
A and B	126.4	65.8
C and D	184	123.4

Source: Landrum & Brown Worldwide (Australia)

In summary, although the proposed maximum building height infringes upon the OLS the site is located in an area not used regularly by aircraft. The report concludes that an application to the aviation authorities for infringement of the Inner Horizontal Surface of the OLS will be required to be submitted to SACL. However, it identifies that because the development site is located in an area that is not used regularly by aircraft and has a maximum height that does not infringe the PANS OPS surfaces, the application should be successful.

4.3. RESIDENTIAL AMENITY

An updated assessment of the proposed changes against SEPP 65 and the Apartment Design Guide (ADG) has been undertaken by fjmt and is submitted at **Appendix E**.

The proposed modifications to Building D-J specifically respond to the issue raised by the Department with respect to Section 4F in terms of the number of apartments off a single circulation core. Building D has 11 apartments off a single circulation core and Building J1 has 6 and J2 has 9.

Building J has been amended such that it now has two cores. The maximum number of apartments served of a single core is thus reduced from 17 to a maximum of 11. The amended scheme is also now fully ADG compliant in regard to solar access and cross ventilation. Supporting diagrams are included within the drawing set that forms part of this submission. The following table provides an overview of the key controls in the ADG.

Table 12 – Solar access and cross ventilation compliance assessment

Control	Building D	Building J	Building E	Building F	Building G	Total
Apartment yield	105	126	48	48	34	361
Solar	84	95	34	35	24	272 (75%)
No solar	0	0	0	0	0	0 (0%)
Cross ventilation	45	63	30	32	24	194 (63%)

Overall the proposal maintains a high level of compliance with the ADG. Specifically:

- 75% of apartments receive at least 2 hours of solar access in mid-winter and 0 (0%) apartments receive no solar access in mid-winter;
- More than 60% of apartments are naturally cross ventilated in the first nine storeys of the building;
- Ceiling heights are in accordance with the ADG requirements and 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.

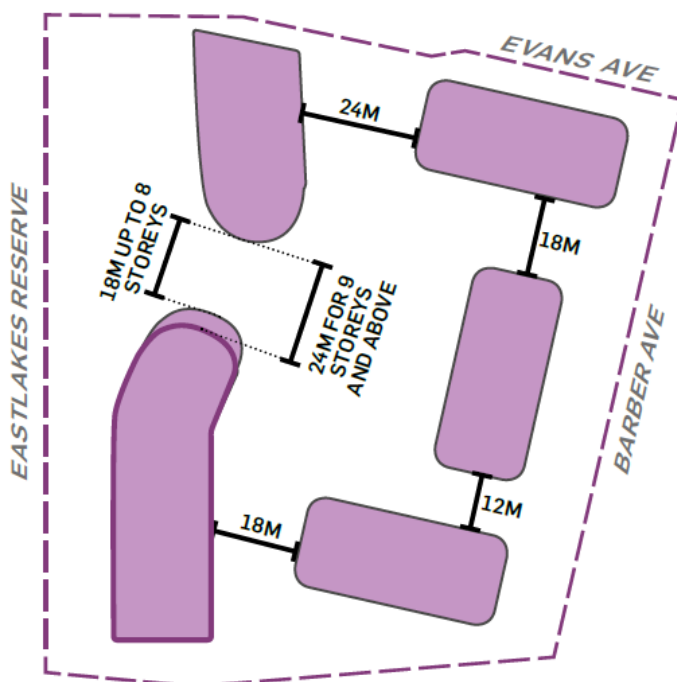
4.3.1. Separation Distances

Section 3F of the Apartment Design Guide requires adequate separation distances to achieve reasonable levels of external and internal visual privacy.

On site building separation is generally compliant with the ADG. The separation of Buildings D and J at the uppermost levels have resulted in the creation of two separate buildings.

Building separation between the two buildings is compliant with the ADG as the two buildings are separated by 18m between Levels 3 -7, and 24m between Levels 8 – 11. The proposed northern balcony on Building J at level 8 encroaches into the 24m building separation distance between Buildings D and J, however no habitable rooms are located within this zone. Extensive landscaping embellishments along the parameter of the balcony have been proposed to mitigate potential privacy impacts to apartments on Building D. As demonstrated in **Figure 21**, the curvilinear form of the buildings means the building quickly curves away at the ends separating the building by up to 24 metres.

Figure 21 – Building separation diagram



Source: Urbis

4.4. OPEN SPACE AND RECREATION

An Open Space and Recreation Needs Analysis has been prepared by Urbis to support the amended proposal and is submitted at **Appendix J**.

The assessment considered the open space context of Eastlakes which identifies six areas of passive open space within a 400m walking distance of the site, with Eastlakes Reserve being the most significant. It also identifies the site is in proximity of a network of private golf courses and includes provision of open space within the development itself.

Taking into account an open space benchmark of 2.45ha per 1,000 people there is an existing shortfall of open space in the Eastlakes community as well as the broader area which will increase slightly with the proposed development population.

Given the identified shortfall, the report recommends that it is acceptable considering the following works are proposed as part of the development to meet the open space and recreational needs of the incoming residents and existing Eastlakes community:

- **Active Frontage** - The existing shopping centre currently has a poor interface with Eastlakes Reserve and Barber Avenue, with no visual connection between the sites. The proposal aims to improve this interface through a number of design measures including activation of the park frontage with a giant veranda experience including elevated outdoor seating area and food and beverage activation that extends hours of passive surveillance.
- **Private Open Space** – The development includes provision for 7,856sqm (0.78ha) of communal, resident-only podium and rooftop terraces for use by residents.
- **Offer of Public Benefit** – A Public Benefit Offer has been prepared and is submitted at **Appendix W**. The OPB proposes, among many things, a monetary contribution towards public domain upgrades surrounding the site and a monetary contribution to be used toward upgrades or embellishments to community facilities and public spaces within a 2km radius of the site.

Overall, the report demonstrates that there is an increasing demand for good quality public open space within the Eastlakes Local Centre, highlighting the importance of the proposed benefits of this development.

4.5. AMENITY TO ADJOINING DEVELOPMENT

4.5.1. Overshadowing

Figure 23 overleaf shows the shadow cast by the amended development. The blue shadow is cast by the approved development, the yellow shadow is cast by the proposed development.

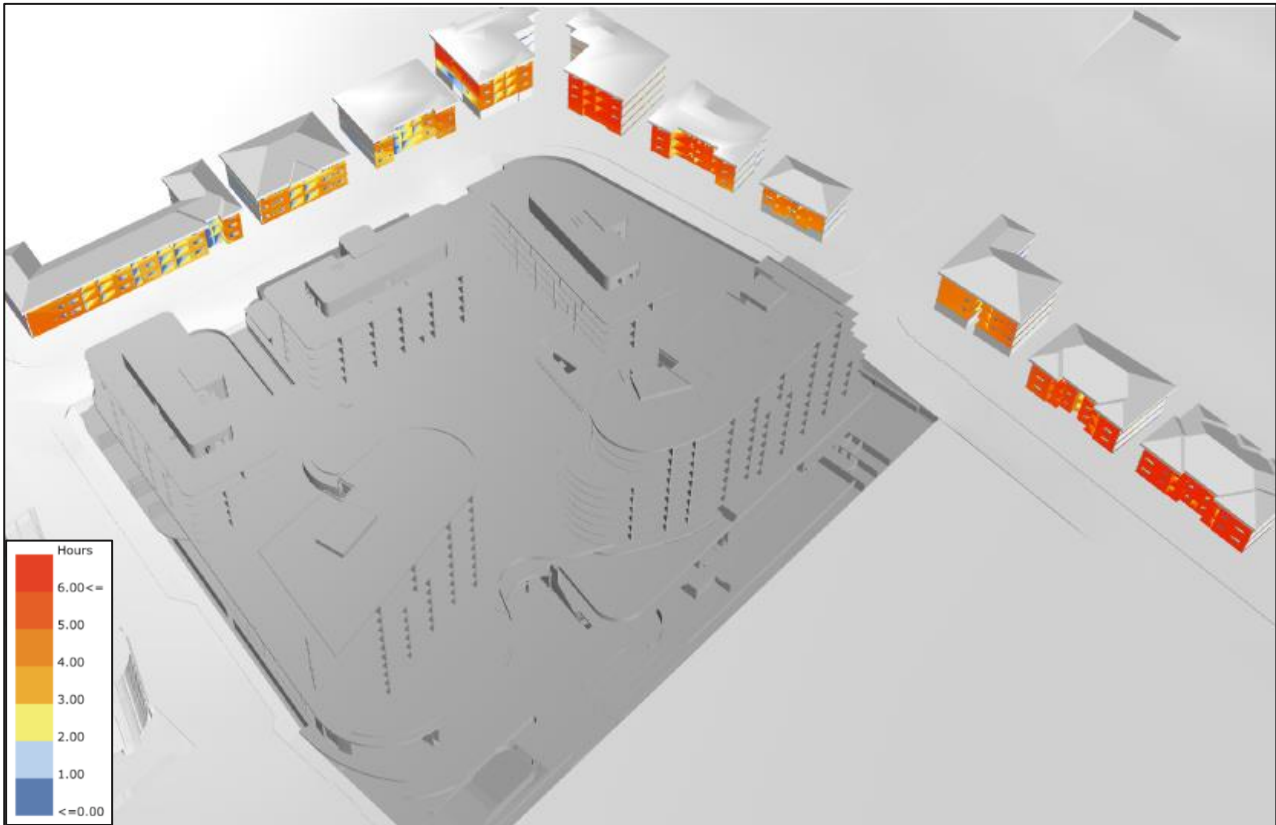
Overall, the proposal provides significantly greater solar access to Eastlakes Reserve during mid-winter compared to the approved development by approximately 50%. Between 11am and 3pm at mid-winter the proposal provides unimpeded solar access to Eastlakes Reserve.

In terms of the surrounding residential properties, the following properties have shadows cast during the 9am to 3pm period on 21 June:

- 18 Barber Ave – 1 hour at 9am. No overshadowing from 10am onwards.
- 20 Barber Ave – 2-3 hours from 9am to 12pm. No overshadowing from 1pm onwards.
- 22 Barber Ave – 2-3 hours from 12pm to 3pm. No overshadowing prior to 12pm.
- 24 Barber Ave – 2-3 hours from 1pm to 3pm. No overshadowing prior to 1pm.
- 26-28 Barber Ave – 1 - 2 hours from 2pm to 3pm. No overshadowing prior to 2pm.
- 30-34 Barber Ave – 1 -2 hours from 2pm to 3pm. No overshadowing prior to 2pm.

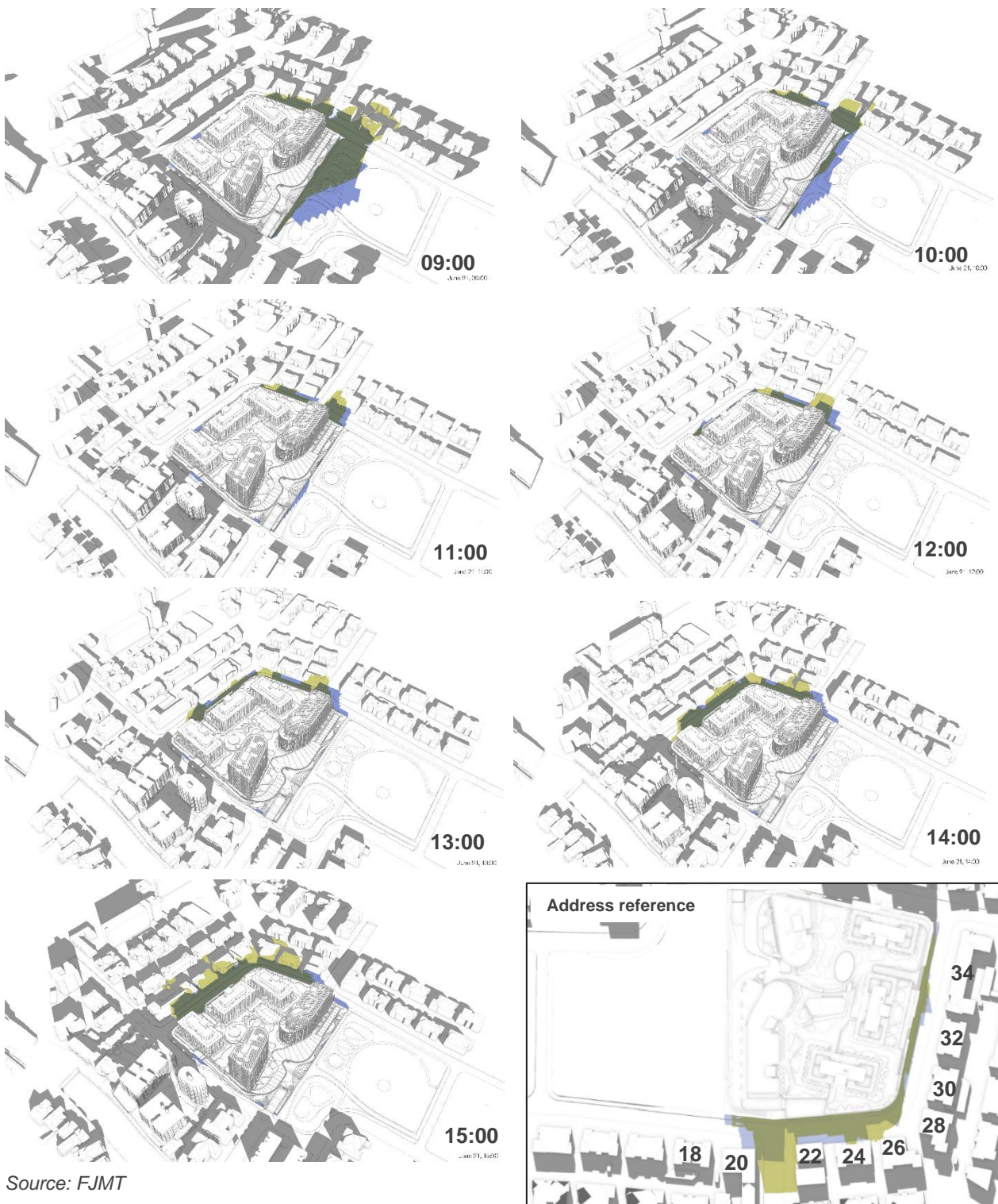
In summary, all the buildings in the immediate context of the proposed development will receive in excess of two hours of solar access on 21 June. This is shown in the solar heat mapping image at **Figure 22** below.

Figure 22 – Direct solar access to neighbouring residential properties: view from north west



Source: FJMT

Figure 23 – Shadow diagrams of the amended proposed – 9am-3pm on 21 June



Source: FJMT

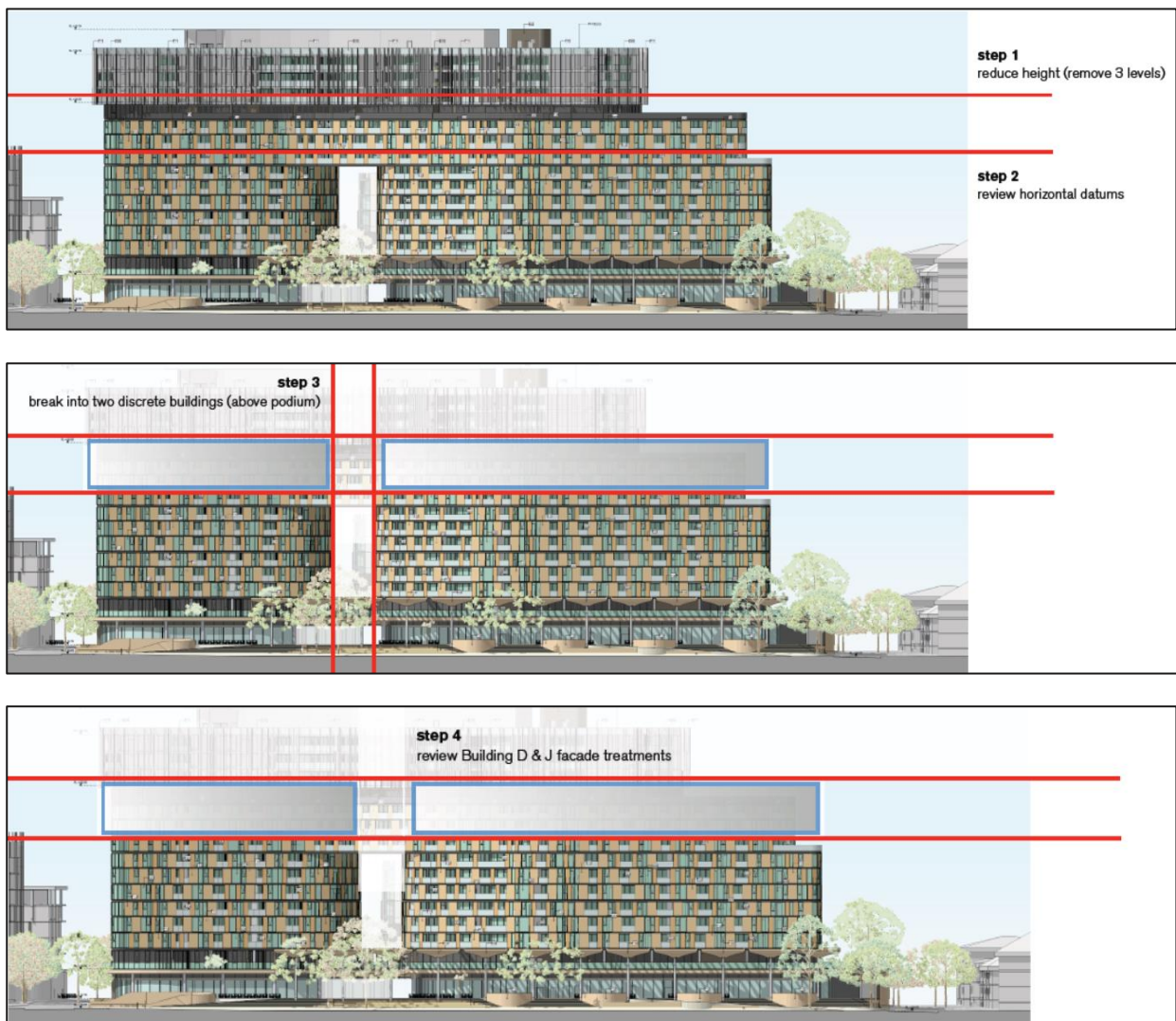
4.5.2. Visual Impacts

To respond to issues raised with the visual impact of the exhibited proposal, FJMT have reduced the overall building height and divided Building D-J into two separate building forms. This has resulted in a significant decrease in built form impacts on Eastlakes Reserve and the Evans and Barber Avenue streetscapes.

Recommendations by the SDRP suggested further stepping down in height at the southern side of Building J. This provides a better height transition to existing residential developments and provides improved built form impacts on the Barber Avenue streetscape. The design of Building D at the northern end of the site compliments the approved Building 1B on the north site and contributes to the Evans Avenue streetscape.

The horizontal datums of the upper levels have also been amended to be more consistent with Building 1B on the North Site. The facades of Building D and Building J have also been treated with different materials to mitigate the visual impact of the mass on the upper levels when viewed from key public places. Stronger colours are used on the lower elements of the façade, while a lighter diaphanous palette is used on the upper façade.

Figure 24 – Design measures to reduce the visual impact of the exhibited proposal





Source: FJMT

Barber Avenue Interface

Additional ground level activation has been provided to the eastern elevation at the interface with Barber Avenue to improve the public domain and mitigate the built form impacts on the streetscape. Additional design elements include:

- Additional glazing via the introduction of a new glazed administration area to accommodate centre management;
- Integration of public artwork zones within the walls along the southern portion of Barber Avenue. These artworks will be developed within a framework agreed by the approval authority and are proposed to focus on issues of local and community interest; and
- Increased planting to soften the impact of these walls.

Figure 25 below demonstrate the proposed Barber Avenue public domain improvements.

Figure 25 – Proposed interface looking north along Barber Avenue.



4.5.3. View Impacts

To assess the view impacts created by the proposed modification, a GIS view shed analysis of the visibility of the site was undertaken as part of the Visual Context Analysis (refer **Appendix I**). After defining where the proposed development could be viewed from, 10 key viewpoints were identified and a comparison analysis between the existing centre, the approved development, the exhibited development, and the Preferred Project was undertaken.

The following findings were made in relation to each situation:

- The **existing centre** is not visible from the adjacent surroundings areas once you are beyond the immediately adjoining streets and thus does not contribute to local legibility or wayfinding within the neighbourhood to key services and facilities.
- The **Approved 2013 Scheme** contributes to some local legibility, however again only once within the immediate vicinity of the site.
- The **2018 Exhibited Scheme** increases visibility of the centre especially within the walking catchment of the site. The proposed buildings act as landmarks that denote the significance of the local centre and support wayfinding to both motorists and pedestrians within an 800m catchment of the site as well as beyond.
- Compared to the 2018 **Exhibited Scheme**, the Preferred Project has reduced building heights which typically mean proposed buildings are more in keeping with skyline views (existing and on the North Site as shown in View 4) and surrounding context. While buildings are less visually prominent than the Exhibited Scheme, they maintain presence as a visual marker to aid wayfinding and legibility of the local centre.

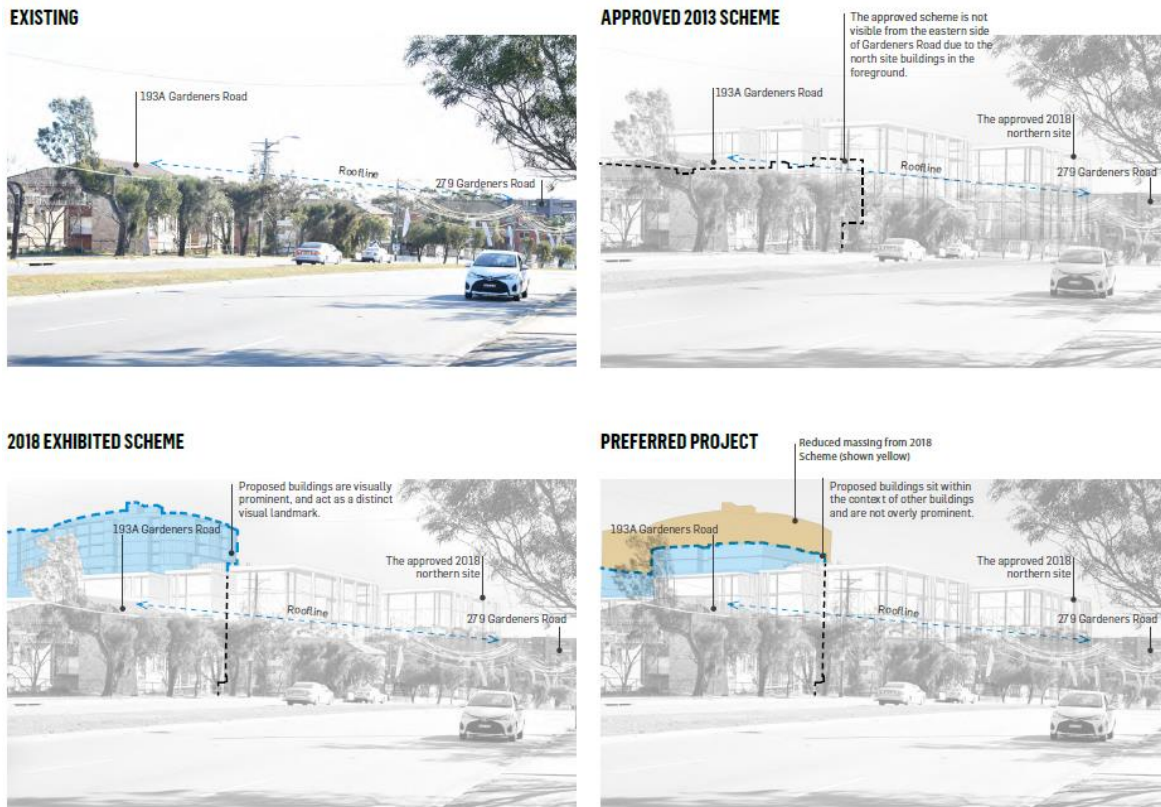
The analysis demonstrates that although the Preferred Project scheme increases visibility of the centre, this heightened visibility provides a key wayfinding and legibility marker to both pedestrians and motorists in the 800m catchment of the site. The analysis demonstrates when viewed from 800m, the proposed built form, although visible, sits within the overall composition of other elements in the skyline, both built and natural.

The Preferred Project Scheme is considered to be consistent with the desired future character of the Eastlakes Local Centre as outlined in Bayside Council's *Draft Eastlakes Master Plan* which set principles that facilitated a stepped height transition moving away from the 'town centre heart'. Whilst not specifically identifying a preferred height limit for the subject site, the proposed height of the Preferred Project Scheme is consistent with this desired approach, where building heights should be tallest at the centre of the Local Centre.

The analysis also demonstrates that the reduction of between three to four storeys in the Preferred Project provides a development more in keeping with the local context. In terms of View 8 from St Helena Parade, the developments building envelope maintains a particularly prominent presence in this view. However, the building quickly recedes beyond it and cumulatively there is a substantial reduction in visible building form compared to the 2018 scheme.

Selected extracts from the Visual Context Analysis are provided in the following figures.

Figure 26 – Visual Context Analysis extract of View 4 from Gardeners Road Bridge



Source: Urbis

Figure 27 - Visual Context Analysis extract of View 7 from West of Evans Avenue



Source: Urbis

4.6. GROUND PLANE ACTIVATION

State Design Review Panel and the Department of Planning and Environment provided comments regarding the ground plane activation. In response to this a series of amendments have been made to the ground plane to further enhance the retail offering and public domain interface to increase activation as much as possible across all four elevations.

In summary, the following changes have been made which contributes toward increased activation compared to the approved situation:

- Greater provision of retail tenancies at ground level and extension of non-residential uses to the entire western portion of Level 1 to provide for increased surveillance and activation along the park edge.
- Relocation of the proposed childcare centre to the north western edge of podium Level 1, with surrounding outdoor space.
- Creation of Racecourse Plaza to provide dual function as a community meeting place and civic event space. The added provision of escalators and a lift to provide direct access to Level 1 will further heighten the activation and use of this plaza area.
- Improved interface with Eastlakes Reserve through a drop in levels, urban veranda and amphitheatre steps (see **Figure 28**).
- Addition of an air 'eat street' off Barber Avenue to provide increased activation and surveillance along the eastern elevation of the site and improve the east west connectivity through the site.
- Addition of a new glass oculus over the central retail space to allow increased daylight and views to the sky.
- Provision of landscaping and public art to treat the blank walls along the south east elevation.

Cumulatively, the proposal results in activation to 70% of the sites street elevations. The remainder of the site is used for servicing with the overall positioning being consistent with the approved scheme.

Figure 28 – Perspective Sketch View looking from north west toward retail entry



Source: Fjmt

4.7. TREE REMOVAL

An amended Arboricultural Impact Assessment has been prepared by Creative Planning Solutions and is submitted at **Appendix L**.

The assessment identifies that in addition to the five trees sought for removal under the lodged modification application, an additional two trees (Trees 26 and 90) are required to be removed. The assessment identifies that Tree 90, located along Barber Avenue, is required to be removed to accommodate the new drop off zone and Tree 26, located along Evans Avenue, is proposed to be removed to ensure access to the proposed pedestrian crossing to the north site is not obscured for drivers, potentially causing safety issues.

The assessment further identifies:

- Tree 26 – located within Council verge of Evans Avenue and forms part of a row of four London Plane street trees (all proposed to be removed by this Modification Application). The tree was observed to be in good health and condition and has been attributed as ‘high retention value’.
- Tree 90 – located within the Council verge on Barber Avenue and consists of one street tree. The tree was observed to be in fair health with poor condition and has been attributed as ‘medium retention value’.

The proposed tree removal will be offset by the recommendations for replacement planting to compensate for the loss of amenity and impact to landscape character in accordance with the Arboricultural Impact Assessment attached at **Appendix L**.

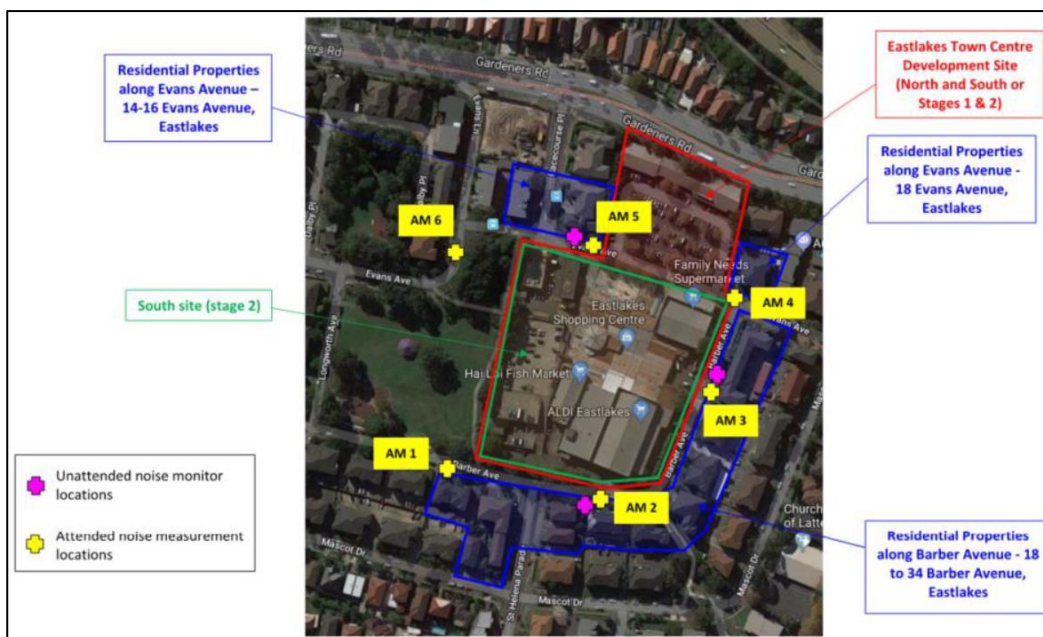
4.8. ACOUSTIC

Pulse Acoustic Consultancy have undertaken an Acoustic Assessment of the proposed amendment to the South Site and the potential acoustic resultant from the proposed extension of operating hours (refer **Appendix R**).

Pulse Acoustic Consultancy assessed the following acoustic components of the amendment:

- The noise impact of existing road traffic.
- The noise impact of aircraft overflights on the amenity of internal spaces
- Sets criteria for noise emission from the development with respect to mechanical plant, traffic generation and activity noise from the retail spaces.

Figure 29 – Site Layout and surrounding receivers



Source: Pulse Acoustic Consultancy

The site is surrounded by residential properties with local road networks carrying low to medium volumes of traffic. The surrounding nearest affected receivers are as follows:

- 18 to 34 Barber Avenue, Eastlakes.
- 14 to 18 Evans Avenue, Eastlakes.

The intrusive and amenity criteria for each measurement location is provided in **Figure 30**.

Figure 30 – External noise level criteria in accordance with the NSW Noise Policy for Industry

Location	Time of Day	Project Amenity Noise Level, LAeq, period ¹ (dBA)	Measured LA90, 15 min (RBL) ² (dBA)	Measured LAeq, period Noise Level (dBA)	Intrusive LAeq, 15 min Criterion for New Sources (dBA)	Amenity LAeq, 15 min Criterion for New Sources (dBA) ^{4,5}
North-eastern corner of the site Residences (16 Evans Ave) - Pulse data	Day	55	53	64	58	58
	Evening	45	47	58	52	51
	Night	40	45	59	50	52
	Shoulder period: 5:00am–7:00am	-	53	65	58	58
North-eastern corner of the site (16 Evans Avenue) ⁵ - ALC data	Day	55	59	-	64	58
	Evening	45	57	-	62	48
	Night	40	53	-	58	43
Residences (234 Gardeners Road)	Day	55	58	69	63	62
	Evening	45	51	63	56	56
	Night	40	41	62	46	55
	Shoulder period: 5:00am–7:00am	-	55	68	60	61
South of the site (22 Barber Avenue) - ALC data ⁷	Day	55	52	-	57	58
	Evening	45	52	-	57	48
	Night	40	46	-	51	43
East of the site (34 Barber Avenue) ⁶ - ALC data ⁷	Day	55	55	-	60	58
	Evening	45	55	-	60	48
	Night	40	53	-	58	43
Commercial	When in use	60	-	-	-	63

Source: Pulse Acoustic Consultancy

4.8.1. Aircraft Noise Assessment

The subject site is located within the Sydney Airport ANEF 20 contour. Based on the distances from the Main North – South runway, the Parallel North – South runway and the East – West runway the subject site will be exposed to the following maximum noise levels:

- Departure: 80 dBA
- Arrival: 70 dBA

In order to comply with relevant aircraft noise intrusion criteria the building will need to be installed acoustic insulation listed in Table 19 of the Acoustic Assessment prepared by Pulse Acoustic Consultancy. The glazing recommendation will be refined in the detailed design stage once a 3-D noise model of the development and the surrounding area has been developed.

4.8.2. Local Road Assessment

The Acoustic Assessment of the impact from local roads found the following:

- *It is noted that the development will generate 60 additional vehicles per hour two way during the Thursday afternoon period and approximately 20 additional vehicles per hour two way during the Saturday midday peak period.*
- *In order to generate an increase of 2 dB on local road traffic noise, existing traffic volumes should increase by approximately 60%. [Based on the expected traffic generation increase], it is noted that the traffic volume generated by the development represents less than 60% of the existing traffic flow.*
- *Therefore, it is expected that the increase on existing traffic noise levels, due to the traffic generation, will be less than 2 dB. Hence this implies that the increase on traffic noise levels is likely to be subjectively not perceptible.*

The noise resultant from the increase and change in traffic generated by the proposed modification is minimal and satisfies the relevant criteria in the NSW RNP.

4.8.3. Loading Dock Assessment

The proposed hours of operation of the loading dock and waste collection is to be between 5am and 10pm daily. The period between 5:00am and 7:00am is subject to a sleep arousal assessment.

Four worst case scenarios of loading dock activities have been assessed:

- Scenario 1: Heavy vehicle braking inside the loading dock with the shutter doors open.
- Scenario 2: Heavy vehicle idling inside the loading dock with the shutter doors open
- Scenario 3: Heavy vehicle reversing inside the loading dock with the shutter doors open
- Scenario 4: Heavy vehicle movement inside the loading dock with the shutter doors open

Pulse Acoustic Consultancy predict the noise emissions from the loading dock will exceed the sleep arousal criterion. The following acoustic mitigation measures are recommended in order to achieve compliance with the relevant criterion:

- Roller shutter door should be closed during the shoulder period (5am and 7am).
- The roller shutter door must be constructed from an imperforate material.

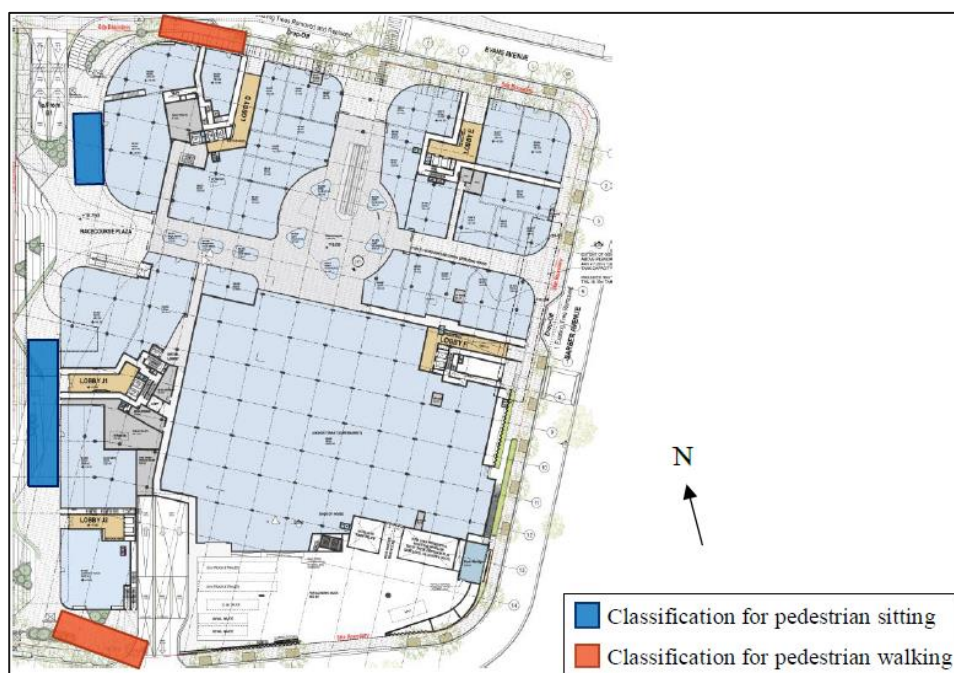
4.9. PEDESTRIAN WIND IMPACTS

The Environmental Wind Assessment prepared by Arup has been revised and is attached at **Appendix T**.

The report undertook an analysis of the pedestrian level wind conditions for comfort and safety in and around the site. The assessment concluded that all locations within and around the proposed development would meet the safety criterion. In addition, from a wind comfort perspective, the wind conditions at the majority of locations around the development would be expected to be classified as suitable for pedestrian standing and walking activities, with some locations suitable for outdoor sitting.

As illustrated in **Figure 31**, these classifications are consistent with the intended use of these spaces such as outdoor dining along the western veranda to the park.

Figure 31 – Expected wind comfort classification around the development



Source: Arup

4.10. BASIX & ECOLOGICALLY SUSTAINABLE DEVELOPMENT

A revised Ecologically Sustainable Development Report including a revised BASIX and NatHERS Certificate WSP has been prepared and is submitted under separate cover.

The report confirms that the buildings meet the statutory requirements for single occupancy dwellings under Section J and BASIX and describes how best practice ESD principles will be incorporated in the design of the development.

4.11. TRAFFIC AND PARKING

A revised Traffic and Transport Assessment has been undertaken by Colston Budd Rogers & Kafes and is submitted at **Appendix K**. The assessment has been revised as a consequence of the amended design and responds to the matters raised in the submissions from RMS, TfNSW and the Department of Planning and Environment.

4.11.1. Traffic Generation

The report assessed the traffic impact of the proposed modification on the existing road network.

The assessment demonstrates that the proposed modification will generate a modest increase of some 60 additional vehicles per hour two-way during the Thursday morning and afternoon peak periods and 20 additional vehicles per hour during the Saturday peak period compared to the approved development.

It further identifies that when distributed to the surrounding road network the greatest increase in traffic would occur in Racecourse Place with increases of some 30 vehicles per hour, two-way in the morning and afternoon peak hours. On other roads the increases would be less at up to 15 vehicles per hour, two-way. The additional traffic is equivalent to an average of less than one additional vehicle every 2 to 4 minutes.

The assessment used SIDRA analysis to determine the impact generated by the proposed modification (including a cumulative assessment of the approved development) on the operation of the intersections of Racecourse Place with Gardeners Road and Evans Avenue (where the increases are highest). The SIDRA analysis found that:

- **Signalised intersection of Gardeners Road and Racecourse Place** – operates with average delays of less than 20 seconds per vehicle during peak periods representing a level of service B – a good level of service.

- **Roundabout at intersection of Evans Avenue and Racecourse Place** - operates with average delays of less than 15 seconds per vehicle during peak periods representing a level of service A/B – a good level of service.

Overall, the proposed modification results in a modest increase in traffic generation and is therefore considered to result in negligible additional traffic impacts. The report concludes that as a result of the proposed modifications sought by the amended application, the surrounding road network and intersections will continue to operate at satisfactory levels of service during peak periods consistent with the approved development.

4.11.2. Car Parking

The design of the proposed four level basement car park is consistent with Australian standards and does not pose potential risk to the safety and security of users.

The proposed number of car spaces for the residential and non-residential uses have been determined based on the site-specific parking rates developed under the Part 3A approval. Parking rates for the childcare, medical centre and commercial office uses have been determined using rates from Botany Bay DCP 2013 and RMS guideline.

An assessment of the proposed car parking rates against the proposal is provided in the following Table. In summary, the proposed basements are able to accommodate the required number of spaces.

Table 13 – Car Parking Provision

Use	Rate	Yield	Required	Proposed
Residential	1 space per studio	32	32	400
	1 space per one bed	164	164	
	1 space per two bed	126	126	
	2 spaces per three bed	39	78	
	2 spaces per four bed	-	-	
	Residential Sub-total		400	
Visitor	1 visitor space per five units	361	72	72
Retail / community	3.5 spaces per 100sqm GLA	9,665sqm	338	338
Childcare	1 space per two employees; plus 1 space per five children; plus 1 pick-up and set-down spaces per 20 children	15 staff 75 children	27	27
Commercial	1 space per 40sqm GFA	1,883sqm	47	47
Medical	1 space per 25sqm GFA	500sqm	20	20
Leisure	3.5 spaces per 100sqm GLA	342 sqm	12	12
	Non-residential Sub-total		444	444
Total			916	916

The proposal also accommodates motorcycle and bicycle parking within the basement car park. Bicycle car parking equivalent to 10% of the required number of non-residential parking spaces is provided at Basement Level 1 with capacity to accommodate up to 50 bicycles. End of trip facilities for the non-residential uses is also proposed at Basement Level 1 next to the bicycle storage area.

Residential bicycle parking is proposed to be located within the residential storage facilities for each apartment within basement levels B3 and B4.

4.11.3. 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.

4.12. ACCESSIBILITY

Accessibility Solutions have undertaken an Access Assessment of the proposed modification and is attached at **Appendix Q**.

The report assessed the level of accessibility of the design, including the proposal for 73 adaptable / silver level apartments and 95 accessible parking spaces (comprising 72 residential, and 23 non-residential accessible spaces). The provision for 73 adaptable units is in accordance with the 20% required under BBDCP 2013 and provides for the required number of accessible parking spaces which is 50% of the number of adaptable units.

The assessment demonstrates that the proposed modification, including the retail and residential components, can achieve a high level of compliance with the BCA, BBDCP 2013 and SEPP 65 requirements.

4.13. SIGNAGE

The proposal seeks approval for 2 x pylon signage zones at the northern entry at Evans Avenue and the southern entry to Barber Avenue. An assessment of the proposed signage zones against criteria contained at Schedule 1 of *State Environmental Planning Policy No. 64 – Advertising and Signage* (SEPP 64) is provided in the below Table.

Table 14 – Assessment of proposed signs against SEPP 64

Design Assessment Criteria	Response
1. CHARACTER OF THE AREA	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposal is considered to be consistent with the desired character of the Eastlakes Local Centre. The site contains an existing shopping centre that includes business identification signage, and therefore the proposal is consistent with the existing situation, as well as signage expected for a shopping centre.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	
2. SPECIAL AREAS	
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 landscapes or residential areas?	The proposal is considered to be consistent with the proposed design of the overall development. whilst this application seeks consent for the signage zone, the future pylon signs do not detract from the surrounding character.
3. VIEWS AND VISTAS	

Design Assessment Criteria	Response
Does the proposal obscure or compromise important views?	The proposal will not compromise or obscure important views. The pylon signs are located within the site and are located at entry points to the shopping centre. The proposed 5m pylon signs will not dominate the skyline. The proposed redevelopment of the Eastlakes Shopping centre has a total proposed height of 12 storeys and therefore will be significantly taller than the proposed signs.
Does the proposal dominate the skyline and reduce the quality of vistas?	
Does the proposal respect the viewing rights of other advertisers?	
4. STREETScape, SETTING OR LANDSCAPE	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The proposed signs are in proportion with the overall development and are appropriate for the existing and future streetscape of both Evans and Barber Avenues.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signs will contribute to the future streetscape and setting of the Eastlakes Shopping Centres as the heart of the Eastlakes Local Centre. The signs will provide business and building identification to identify the Centre and key retailers.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposal will provide condensed business identification for future retail and commercial premises within the one sign, therefore reducing signage clutter around the site.
Does the proposal screen unsightliness?	The proposed signage zones are part of the overall redevelopment of the site and will complement the proposed design.
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signs will not protrude above the proposed buildings on the site.
Does the proposal require ongoing vegetation management?	No.
5. SITE AND BUILDING	
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?	The proposed signs are compatible with the proposed scale, proportion and future characteristics of the subject site. The signs will respect the proposed design integrity of the overall redevelopment of the site. The proposed dimensions are commensurate with the use and intended height and density of the proposed development.
Does the proposal respect important features of the site or building, or both?	
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	

Design Assessment Criteria	Response
6. ASSOCIATED DEVICES AND LOGOS WITH ADVERTISEMENTS AND ADVERTISING STRUCTURES	
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?	The proposed signs are intended to be illuminated. Further details will be outlined as part of a future DA.
7. ILLUMINATION	
Would illumination result in unacceptable glare?	A further assessment of the proposed illumination of the signs will be undertaken as part of a future DA.
Would illumination affect safety for pedestrians, vehicles or aircraft?	
Would illumination detract from the amenity of any residence or other form of accommodation?	
Can the intensity of the illumination be adjusted, if necessary?	
Is the illumination subject to a curfew?	
8. SAFETY	
Would the proposal reduce the safety for any public road?	The proposed signs will not reduce the safety for vehicles along Barber or Evans Avenues. The signs are set back from the road frontage.
Would the proposal reduce the safety for pedestrians or bicyclists?	The proposed signage will not reduce the safety of pedestrians or cyclists and will not obscure sightlines from public areas.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	

5. ASSESSMENT OF PREFERRED PROJECT – NORTH SITE

5.1. STATUTORY PLANNING ASSESSMENT

The MR provided a statutory planning assessment of the modifications proposed to the South Site. Given the inclusion of the North Site within MOD, the following provides an assessment of the proposed modifications to the North Site against the provisions of the relevant legislation, policy and planning instruments, including:

- *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 No 64 – Advertising and Signage*
- *State Environmental Planning Policy (Infrastructure) 2007*
- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*
- *Botany Bay Local Environmental Plan 2013*
- Botany Bay Development Control Plan 2013

Table 15 provides an assessment of the proposed modifications to the North Site against the relevant legislation, policy and planning instruments.

Table 15 – Statutory Planning Assessment – North Site

Policy	Assessment
<i>Environmental Planning and Assessment Act 1979</i>	<p>The existing transitional arrangements for Part 3A were moved out of the EP&A Act into a new Regulation, the <i>Environmental Planning and Assessment (Saving, Transitional and Other Provisions) Regulation 2017</i>. Section 75W remains in force by operation of clause 3BA of schedule 2 of the <i>Environmental Planning and Assessment (Saving, Transitional and Other Provisions) Regulation 2017</i>. Accordingly, MOD 4 to MP09_0146 is sought under section 75W of the EP&A Act.</p> <p>Following lodgement and exhibition of MOD 4, it became apparent that modifications to the North Site were required. The modifications (subject to the North Site) are minor and substantially the same as the approved development (as modified), and the Proponent was intending to progress these modifications under section 4.55 of the EP&A Act due to the commencement of the <i>Environmental Planning and Assessment (Saving, Transitional and Other Provisions) Regulation 2017</i> prohibiting the use of the section 75W pathway for Project Approvals from 1 September 2018.</p> <p>Consultation with the Department has indicated that in order to progress the modifications under section 4.55 of the EP&A Act, the project needs to be transitioned to a State Significant Development (SSD). The Department has advised that the project cannot be transitioned to an SSD until such time that MOD 4 is determined.</p> <p>The Proponent commissioned legal advice to ascertain whether it is possible to amend the current section 75W modification application (MOD 4) for the southern site to include the modifications required in relation to the northern site. The legal</p>

Policy	Assessment
	<p>advice confirmed that this would be legally possible. This legal advice was sent to the Department on the 3 April 2019.</p> <p>To avoid any unnecessary delay in waiting for MOD 4 to be determined prior to lodging a modification to enable the changes sought to the North Site, it also proposed that the North Site modifications are included as part of MOD 4.</p> <p>Section 75W Modification</p> <p>Section 75W(2) of the EP&A Act sets out the right of a proponent to request a modification:</p> <p><i>“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.”</i></p> <p>Section 75W(4) of the EP&A Act then provides the Minister with the power to <i>“modify the approval (with or without conditions) or disapprove of the modification.”</i></p> <p>The Minister has the power to make the proposed modifications to MP09_0146 under MOD 4 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&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 the assessment in the following sections of this report, the proposed development on the North Site will have limited environmental impacts beyond those already assessed for the Approved Project. It is considered that it is open to the Minister to modify the Approved Project under the provisions of the EP&A Act and associated regulations that preserve the application of section 75W.</p>
Airports Act 1996 (CTH) and Regulations	<p>The proposed modifications to buildings 1 and 1A on the North Site result in minor increases in height to accommodate rooftop plant and screening. The proposed top most height of the buildings is RL 45.020m and therefore remains below the applicable aviation height limits.</p>
State Environmental Planning Policy No 55 – Remediation of Land	<p><i>State Environmental Planning Policy No. 55 – Remediation of Land</i> 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.</p> <p>The proposed modifications have no bearing on the conclusions and recommendations of the previous contamination assessment. The proposal will continue to comply with the recommendations of the Preliminary Site Investigation report prepared by Environmental Investigation Services included at Appendix 14 of the EAR dated July 2012.</p>

Policy	Assessment
<p>State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development</p>	<p><i>State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development</i> (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.</p> <p>The approved development was assessed and approved under the former Residential Flat Design Code which was repealed on the 19 June 2015 and replaced by the Apartment Design Guide (ADG).</p> <p>The proposed modifications result in no change to the proposal's compliance with SEPP 65 and the RFDC.</p>
<p>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</p>	<p><i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> 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.</p> <p>WSP has prepared a BASIX Certificate for the proposed modification which investigated the estimated thermal comfort, water and energy use of the building and is provided at Appendix AA. The Assessment confirms:</p> <ul style="list-style-type: none"> • The proposed development has achieved the BASIX Water target of 44%. • The proposed development has achieved the energy target of 37%. • The proposal manages thermal loads within the apartments to meet the minimum benchmark for this location.
<p>Botany Bay Local Environmental Plan 2013</p>	<p>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. Consequently, the provisions of the <i>Botany Bay Local Environmental Plan 2013</i> (Botany Bay LEP 2013) do not apply to the subject modification. Notwithstanding this, as required by the SEARs this MR considers the provisions of the Botany Bay LEP 2013 as it would otherwise apply to the subject modification.</p> <p>The following addresses the key controls within Botany Bay LEP 2013.</p> <p>Land Use Zoning and Permissibility</p> <p>The site is zoned B2 under the provisions of the Botany Bay LEP 2013. Residential Flat Buildings, shop-top housing and commercial premises are permissible with consent within the B2 zone.</p> <p>The objectives of the zone are as follows:</p> <ul style="list-style-type: none"> • <i>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.</i> • <i>To encourage employment opportunities in accessible locations.</i> • <i>To maximise public transport patronage and encourage walking and cycling.</i>

Policy	Assessment
	<p>The development inclusive of the proposed modifications continue to comply with the objectives of the B2 zone.</p> <p>Building Height</p> <p>Clause 4.3 of Botany Bay LEP 2013 applies a maximum building height standard of 14m to the site.</p> <p>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. Consequently, this clause does not apply to this modification.</p> <p>The proposed minor increases to the height of Buildings 1 and 1A have been considered in Section 5.3 of this report.</p> <p>Floor Space Ratio</p> <p>Clause 4.4 of the Botany Bay LEP 2013 applies a maximum Floor Space Ratio (FSR) of 1.5:1 to the site.</p> <p>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 approval project. Consequently, this clause does not apply to this modification.</p> <p>The proposed modification results in a minor decrease in GFA by 29sqm.</p> <p>Airspace Operations</p> <p>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.</p> <p>The proposed modifications to buildings 1 and 1A on the North Site result in minor increases in height to accommodate rooftop plant and screening. The proposed top most height of the buildings is RL 45.020m and therefore remains below the applicable aviation height limits.</p>
Botany Bay Development Control Plan 2013	<p>The Botany Bay Development Control Plan 2013 (Botany Bay DCP 2013) guides the development and planning within the LGA. The proposed modifications have no bearing on the objectives and controls of the Botany Bay DCP 2013.</p>

5.2. VISUAL IMPACTS

The modified proposal seeks to improve the appearance of the Building 1 and 1A facades. This is achieved by amending the fenestration and material palette to be consistent with the façade of Building 1B and the introduction of vertical external privacy louvres.

The amendments also include the introduction of louvred plantroom enclosures on rooftops to screen plant and equipment. This reduces the visual impact of rooftop plant equipment.

No modifications are proposed to the approved building envelope or maximum height. As such, there are no additional visual impacts associated with mass and scale.

As shown in the photomontages extracted in **Figure 32** and **Figure 33**, the amended façade design improves the visual appearance of the development. The amended material palette and similar fenestration pattern provides a consistent architectural character to the North Site, while variations in the arrangement of vertical louvres ensures the buildings are read as discrete buildings.

Figure 32 – North Site photomontage showing consistency of Building 1B (left) with Building 1A (right) – looking north



Figure 33 – North Site photomontage showing Building 1A (left) and Building 1 (right) – looking south



Figure 34 – North Site photomontage showing relationship of Building 1B (left) with Building 1A (right) – looking northwest



Source: FJMT

5.3. BUILDING HEIGHT IMPACTS

The additional height does not give rise to any additional overshadowing impacts given the minor extent of the height increase and that the elements creating the increase is located centrally on the rooftop.

At the time of the original DA submission and approval, Rice Daubney (previous architects) had not developed the detailed services requirements of the scheme to confidently allow for the roof mounted services to be illustrated. FJMT have developed a detailed proposal which seeks to sensitively screen views of the roof mounted plant equipment from both side and elevated views from future taller developments in proximity. The screening devices cause the overall height increase.

The minor increase in height does not create any additional shadow impacts but rather improves the external presentation of the building by integrating screening devices with the architecture of the buildings. On balance, this creates a superior development when compared to the approved scheme.

5.4. ACOUSTIC

Pulse Acoustic Consultancy have undertaken an Acoustic Assessment of the proposed modification on the North Site and the potential acoustic resultant from the proposed extension of operating hours.

The closest sensitive receivers are located at 16 and 18 Evans Avenue as shown in **Figure 35** below.

The existing ambient noise level around the site is largely influenced by the local road traffic on Gardeners Road, Southern Cross Drive, Racecourse Place, and Evans Avenue.

Pulse Acoustic Consultancy assessed the following acoustic components of the proposed modification:

- Road traffic during the night-time shoulder period between 5am and 7am.
- Loading dock activities and waste collection during the night-time shoulder period between 5am and 7am and the late evening period between 9pm and 10pm
- Sleep arousal potential from dock activity, waste collection and traffic generation of the proposed extended operating hours.

Figure 35 – Site Layout and surrounding receivers



Source: Pulse Acoustic Consultancy

An unattended noise survey was conducted between 8 and 26 October 2018 at Unit 1, 16 Evans Avenue and 234 Gardeners Road. The survey was conducted at 16 Evans Avenue to determine the existing ambient noise levels which are representative of the nearest potentially noise affected receivers to the development. The noise survey at 234 Gardeners Road was conducted to determine traffic noise levels for use in calibrating the noise model developed of the site.

The intrusive and amenity criteria for each measurement location is provided in **Figure 36**.

Noise levels of vehicular activities within the loading dock and on the local roads were based on Pulse Acoustic Consultancy professional experience of similar developments, which included a detailed breakdown of truck activities.

The traffic flow volumes were sourced from the Traffic Report prepared by Colston Budd Hunt & Kafes dated May 2010. This report provided the existing and predicted traffic flow of the roads around the development during the peak hour. These were used to estimate the current and future noise levels of the traffic flows.

Figure 36 – External noise level criteria in accordance with the NSW Noise Policy for Industry

Location	Time of Day	Project Amenity Noise Level, LAeq, period ¹ (dBA)	Measured LA90, 15 min (RBL) ² (dBA)	Measured LAeq, period Noise Level (dBA)	Intrusive LAeq, 15 min Criterion for New Sources (dBA)	Amenity LAeq, 15 min Criterion for New Sources (dBA) ^{4,5}
Residences (16 Evans Ave)	Day	55	53	64	58	58
	Evening	45	47	58	52	51
	Night	40	45	59	50	52
	Shoulder period: 5:00 am – 7:00 am	-	53	65	58	58
Residences (234 Gardeners Road)	Day	55	58	69	63	62
	Evening	45	51	63	56	56
	Night	40	41	62	46	55
	Shoulder period: 5:00 am – 7:00 am	-	55	68	60	61
Commercial	When in use	60	-	-	-	63
<p>Note 1: Project Amenity Noise Levels corresponding to "Suburban" areas, equivalent to the Recommended Amenity Noise Levels (Table 4) minus 5 dBA</p> <p>Note 2: LA90 Background Noise or Rating Background Level</p> <p>Note 3: Project Noise Trigger Levels are shown in bold</p> <p>Note 4: This is based on the assumption that the existing noise levels are unlikely to decrease in the future</p> <p>Note 5: According to Section 2.2 of the NSW NPI, the LAeq, 15 minutes is equal to the LAeq, period + 3 dB</p>						

Source: Pulse Acoustic Consultancy

5.4.1. Sleep Disturbance Assessment

The Acoustic Assessment of the proposal's acoustic impact on sleep disturbance found the following:

- The external sound pressure at 16 Evans Avenue complies the sleep arousal criteria for loading dock activities.
- The sleep arousal criterion is marginally exceeded for the Level 1 residences located above the loading dock when heavy vehicles use a parking brake.

The noise generated from a heavy vehicle reversing is considered as being marginally compliant with the sleep arousal criteria, given the change of 1dB or 2dB in the sound level is considered imperceptible.

- The external sound pressure level at 16 Evans Avenue and the residence located above the proposed building exceeds the criteria for all vehicle pass-by on Evans Avenue.

The sleep arousal criterion is currently being exceeded approximately 44 times during the morning shoulder period with the existing heavy/medium vehicles.

The proposed extension in operating hours will result in an increase in the number of exceedances by at most 20 during the morning shoulder period. This increase is less than half number that currently occurs with the existing traffic flows.

The assessment assumed that the residences have their windows open. The internal noise levels will be significantly lower (by perhaps an additional 15 dB depending on glazing area and thickness) with closed windows and is likely to be below the internal noise level criteria for sleep arousal.

In order to mitigate the noise generated by the loading dock activities and comply with the established criterion, the following acoustic treatment is proposed:

- Approximately 250m² of sound absorbing material (such as Envirospray 300), with an acoustic performance of approximately NRC 0.8, will be provided to the wall areas and / or the underside of the concrete soffit of the loading dock to reduce the reverberant build-up of noise levels in this space.

With the inclusion of the acoustic treatment on the walls and/or ceiling of the loading dock the Level 1 residences located above the loading dock will meet the established criteria.

5.4.2. Local Road Assessment

The Acoustic Assessment of the impact from local roads found the following:

- *The road noise assessment shows that the increase in noise level does not exceed 1dBA at the sensitive receivers during the worst hour of the day. An increase of 1dB is considered to be imperceptible and is less than the NSW Road Noise Policy criteria that requires any increase in the total traffic noise level to be limited to 2dB during both day and night-time periods.*
- *The change in traffic noise levels for the overall daytime (Laeq, 15hr) and night-time periods (Laeq, 9hr) will increase by less than 1dB and will also be imperceptible and result in no change to the overall traffic noise environment in the area.*

The noise resultant from the increase and change in traffic generated by the proposed modification is minimal and satisfies the relevant criteria in the NSW RNP.

5.4.3. Waste Management Assessment

The Acoustic Assessment of the proposal's acoustic impact from waste collection found the following:

- The garbage trucks activities during the morning shoulder period exceed the sleep arousal criterion during some loading dock activities and during vehicular movements on the local road.

In order to mitigate the noise generated by waste collection activities and comply with the established criterion, the following acoustic treatment is proposed:

- *Approximately 250m² of sound absorbing material (such as Enviro spray 300), with an acoustic performance of approximately NRC 0.8, will be provided to the wall areas and / or the underside of the concrete soffit of the loading dock to reduce the reverberant build-up of noise levels in this space.*
- The worst-case scenario exceedance on Monday when four garbage trucks enter and leave the proposed development between 7am and 12pm is considered insignificant. Noise contributed from garbage truck traffic is considered compliant with the NSW RNP given it will not significantly affect the existing traffic noise levels from local roads.

Noise generated from the loading dock and during waste management during the extended operating hours will be acceptable.

5.5. CAR PARKING

Costin Budd Rogers & Kafes have assessed the revised car parking arrangements for the North Site and found that the design of the proposed basement car park is consistent with Australian standards and does not pose potential risk to the safety and security of users.

The proposed number of car spaces for the residential and retail uses have been determined based on the site-specific parking rates developed under the Part 3A approval. An assessment of the proposed car parking rates against the proposal is provided in the following table. In summary, the proposed basements can accommodate the required number of spaces.

Table 16 – Car Parking Provision

Use	Rate	Yield	Required	Proposed
Residential	1 space per studio	-	-	150 (including 12 accessible)
	1 space per one bed	35	35	
	1 space per two bed	85	85	
	2 spaces per three bed	13	26	
	2 spaces per four bed	-	-	
	Sub-total		146	
Visitor	1 visitor space per five units	133	26	136 (including five accessible)
Retail	3.5 spaces per 100sqm GLA	2,863sqm	100	
Total			272	286 (280 approved)

5.6. ACCESSIBILITY AND BCA

An Accessibility Assessment has been prepared by Accessibility Solutions and is submitted at **Appendix EE**. The assessment confirms the following outcomes:

- The ground level retail areas and residential lift lobby will provide appropriate access in accordance with BCA, DDA and Botany Bay DCP 2013.
- Lift access from ground level to podium level and residential levels comply with BCA and DDA.
- Accessible sanitary facilities associated with the retail component comply with the relevant Australian Standards, satisfying the provisions of the BCA, DDA and Botany Bay DCP 2013.
- Parking design and allocation will provide appropriate access for people with disabilities in accordance with relevant Australian Standards for the retail areas to satisfy BCA, DDA and Botany Bay DCP 2013. The parking for adaptable units will be consistent with Australian Standards design requirements to satisfy Botany Bay DCP 2013.
- The proposal continues to provide for 11 adaptable units which is consistent with the Project Approval.

A BCA Compliance Capability Report has also been prepared by Vic Lilli and is submitted at **Appendix FF**. The assessment concludes that subject to implementation of the recommendations noted in the report, the proposed building is capable of achieving compliance with the requirements of the Building Code of Australia (BCA) 2016 and relevant adopted standards without undue modification to the design or appearance of the building.

6. CONCLUSION

This RtS and PPR report provides a comprehensive and consolidated response to the Government Agency and Community submissions received in response to the exhibition of the MR. During the RtS process the Proponent and the project team have consulted with the Department, Bayside Council and the Government Architect / State Design Review Panel in seeking to address and resolve matters raised through exhibition and review of the modification documentation.

In responding to and addressing the submissions, the Proponent has sought to refine the project design for the South Site. The proposed refinements to the South Site, in addition to the amendments sought to North Site form the preferred project for which consent is sought in accordance with the provisions of section 75H6 of the EP&A Act 1979.

The key findings and recommendations of this RtS and PPR report are underpinned by a suite of technical reports prepared by a specialist consultant team, these are attached as **Appendices A - GG**. The technical reports address the preferred project and provide an assessment of the project amendments to confirm that the modification has limited environmental impacts beyond those of the original Major Project Approval.

As discussed in the Modification Report and as amended by this RtS and PPR report, the revised proposal is considered to have significant planning merits for the following reasons:

- The proposal responds to the change in population projections since the Project Approval was assessed and approved in 2013. The current strategic planning framework identifies that significant growth is anticipated than what was forecasted by the Draft Metropolitan Strategy for Sydney 2011-2031 (the plan that applied at the time of the 2013 project approval) comprising an increase of 400,000 people, 180,000 dwellings and 192,000 jobs.
- The proposal is highly consistent with the strategic planning framework and delivers on the directions and priorities of the Greater Sydney Region Plan and Eastern City District Plan including:
 - The proposal delivers on the '30 minute' city concept. It has good connectivity to key strategic centres, trade gateways and education and health precincts including Sydney Airport (2.5 km), Green Square- Mascot (2 km), Sydney CBD (6 km), and Randwick (2.5 km). The site is also located within proximity to these centres by public transport via local bus services which provide links to the Sydney CBD, key Strategic Centres as well as regional transport modes including the future Kingsford Light Rail Station (1.5km), Mascot Train Station (2.6 km) and Green Square Train Station (3 km).
 - It is highly accessible to around 320,000 jobs by public transport, 505,000 jobs by car and 6,877 jobs by foot within 20-30 minutes. The proposed retail and commercial offering will also provide for local employment opportunities with an increased job provision than what was anticipated by the approved development.
 - It is a desirable location for housing due to its accessibility to regional transport, proximity to major employment locations and concentration of local services within a walkable and cyclable catchment. The proposal will contribute toward the housing supply targets by providing an additional 68 apartments including 10% as affordable housing.
- The revised height, bulk and scale of Buildings D and J are more in keeping with skyline views (existing and on the North Site) and surrounding built form context. The height and length of these buildings reflects the unique building typology in the area, characterised by buildings up to 9 storeys and notably long.
- The proposal is consistent with the draft Eastlakes Master Plan which envisaged heights for the Eastlakes Local Centre as stepping down from the centre. The proposal is considered to encapsulate the desired character as outlined within the draft Master Plan.
- The proposal results in significantly improved overshadowing (by approximately 50% to Eastlakes Reserve compared to the current approval) and all neighbouring apartments are still able to achieve a minimum of 2 hours of solar access.
- The traffic impacts are deemed acceptable as the surrounding road network and intersections will continue to operate at satisfactory levels of service during peak periods consistent with the approved development.

- Achieves design excellence by providing a highly active ground plane, and level 1 podium including ground floor improvements through improved edge and integration with Eastlakes Reserve, creation of a more 'open to air' ground level, creation of an 'eat street' and through building links to improve permeability across the site. It also seeks to improve residential building forms and apartment amenity and results in a high quality architectural design with significantly improved features and finishes compared to the approved development.
- Makes a voluntary planning contribution offer to be used toward public domain upgrades, community facilities and open space and affordable housing. The quantum of the contribution is considered commensurate to the density uplift and will enable Council to utilise the monetary contribution toward centre wide initiatives it identifies as part of their own strategic studies.

In conclusion, the proposed modifications are considered to deliver on strategic planning directions and generate significant economic and social benefits while not giving rise to any significant environmental impacts. As a result, the proposal is considered to be worthy of approval by the Independent Planning Commission.

DISCLAIMER

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

SOUTH SITE APPENDICES

APPENDIX A AMENDMENTS TO CONDITIONS AND STATEMENT OF CONDITIONS

APPENDIX B RESPONSE TO AGENCY SUBMISSIONS

APPENDIX C RESPONSE TO PUBLIC SUBMISSIONS

APPENDIX D ARCHITECTURAL PLANS

APPENDIX E SEPP 65 DESIGN REPORT

APPENDIX F

LANDSCAPE AND PUBLIC DOMAIN PLANS

APPENDIX G URBAN CONTEXT REPORT

APPENDIX H COMMUNITY ENGAGEMENT STRATEGY AND IMPLEMENTATION OUTCOMES REPORT

APPENDIX I VISUAL AND VIEW IMPACT ANALYSIS

APPENDIX J OPEN SPACE AND RECREATIONAL NEEDS ANALYSIS

APPENDIX K TRAFFIC AND PARKING REPORT

APPENDIX L

ARBORIST REPORT

APPENDIX M STORMWATER MANAGEMENT PLAN

APPENDIX N CONTAMINATION

APPENDIX O UPDATED GEOTECHNICAL STATEMENT

APPENDIX P UTILITIES AND SERVICES PLAN

APPENDIX Q ACCESSIBILITY

APPENDIX R ACOUSTIC ASSESSMENT

APPENDIX S UPDATED CONSTRUCTION MANAGEMENT PLAN AND CONSTRUCTION TRAFFIC MANAGEMENT PLAN

APPENDIX T WIND EFFECTS REPORT

APPENDIX U OPERATIONAL WASTE MANAGEMENT PLAN

APPENDIX V AERONAUTICAL IMPACT ASSESSMENT

APPENDIX W PUBLIC BENEFIT OFFER

APPENDIX X QUANTITY SURVEYORS REPORT

NORTH SITE APPENDICES

APPENDIX Y ARCHITECTURAL PLANS

APPENDIX Z LANDSCAPE PLANS

APPENDIX AA BASIX

APPENDIX BB ACOUSTIC REPORT

APPENDIX CC WASTE MANAGEMENT PLAN

APPENDIX DD CAR PARKING REVIEW

APPENDIX EE ACCESSIBILITY REPORT

APPENDIX FF BCA COMPLIANCE CAPABILITY REPORT

APPENDIX GG AMENDED STRATUM PLANS

