

Our Ref. MP09_146MOD4/DW/SP19864
Your Ref.

26 November, 2018

NSW Government of Planning and Environment
320 Pitt Street,
Sydney NSW 2000

Attention: Ms Casey Joshua

Dear Ms Joshua,

RE: Eastlakes Shopping Centre (Mixed Use Development)
Application No: MP 09_0146 MOD 4
Location: Gardeners Road and Evans Avenue, Eastlakes
Council Area: Bayside
Proponent: Crown Group

I refer to the abovementioned amendments to the proposed project development . I am the owner of Units [REDACTED] in an adjoining property consisting of a block of residential dwellings, known as [REDACTED] Eastlakes.

I am making a submission to you to object to the current proposal.

I also note that I have made similar representations on at least two previous occasions and, to my great disappointment, these appeared to have been ignored and not responded to.

It is my wish, as an adjoining neighbour, to bring to your attention a number of issues concerning the above proposed project and its impact on the immediate surrounding area and, specifically, on our block of residential dwellings:

- a. Our block of units is situated on the Southern side of the proposed Mixed Use Development at Eastlakes Shopping Town ("Development"), at the corner of Barber Avenue and St Helena Parade, Eastlakes, **It is, therefore, directly and immediately impacted by the intended development works.**
- b. Aspects of the proposed development works reflected in our objections, as affecting the property in the Development's immediate proximity, should also be of considerable concern to the NSW Department of Planning and Environment in general since these effects spread out and encompass all neighbouring lots.
- c. After having regard to the exhibited Development proposal submission, it has become apparent that our building, located on the Southern side of the Development, will be directly and profoundly impacted by excessive traffic flows, potential noise from Plant Rooms and Loading Docks servicing the new Shopping Centre, **which is now proposed to operate 24 hours.**

- d. All these new high use and maintenance commercial axillary facilities are located literally within a few meters of our front door and residential living areas facing the Loading Dock. Therefore, will have a profound and debilitating effect upon our building and its occupants. In fact, I suggest that with the proposed 24 hour operation of the Loading Dock our units will become unfit for occupation.
- c. The increased density proposed by the 2-6 and 4-14 storey unit blocks facing the Western elevation and additional unit dwellings above the loading area significantly, further congest and inhibit the peaceful use of our existing residential building.

This will have direct and unprecedented effects on the commercial viability of our properties and their occupancy as a number of tenants have already raised their concerns and indicated that their preparedness to vacate the dwellings in an event of these new modifications to the Development being placed at their doorstep.

This specifically relates to proposed Loading Dock placement and its proposed times of operation.

The detrimental effects of the these new high use and maintenance commercial axillary facilities/utilities, concentrated in one place and centered directly opposite our residential units together with an immense increase in units on your proposed site include:

- a. Their perceived scale, massing and bulk as a result of shear mass of commercial wall enclosures stretching a length of the Southern boundary. Buildings now about 30m to 56m in height;
- b. Increased loss of privacy and quiet enjoyment of the property along the Southern boundary;
- c. Loss of quiet enjoyment and noise nuisance generated by an increase in vehicular and human traffic, plant noise and substantially increased volume of use of commercial axillary facilities/utilities, such as loading docks and plant, that are planned to operate for 24 hours, seven days per week.

I note that currently submitted assessment "SEAR's Application - Acoustic Assessment" by Acoustic Logic ("Acoustic Logic Report") provides a reasonably detailed assessment for residential dwelling acoustic requirements, at section 5 and 6 of the report, that have to be met to comply with the BCA and current Australian Standards. It devotes a significant amount of time and effort to the assessment of various sources, however effective ignores nor attempts to assess implications of additional noise transmission generated by the trucks around the Loading Bay operating in low gear whilst accelerating, turning or maneuvering in and out of Loading Dock.

In fact, the Acoustic Logic Report requires that all residential dwelling windows must be double-glazed acoustically sealed window units consisting of 10.38mm laminate / 100mm air gap / 6mm toughened glass assembly. Unfortunately, no such benefit is offered to our building which is effected by the same noise levels generated by the said proposed development.

- d. Significant increase in traffic along the Barber Avenue and St Helena Parade, being a direct result of density of the Development, location and placement of commercial and other utilities and, unquestionably, apparent over-development of the site.

The above proposed Development has a direct adverse impact on our property in following terms:

1) Loss of Economic Value to Our Property.

Although it would appear that some consideration has been given to the design of the Development, the creation of utilities (such as plant rooms), traffic corridors and traffic funneling (due to proposed parking design) and positioning of loading docks, as well as greatly increased bulks and occupational density of the Building 6 and Building 7, along the Southern boundary create substantial and adverse impacts upon our property's and its occupants ability to have a peaceful enjoyment of the land they are currently accustomed to;

2) Vehicular Access

The Development, as currently assessed by you, proposes that one of two traffic entry and exit points for all commercial and residential traffic flow will be located at the junction of Barber Avenue and St Helena Parade, which is virtually opposite our residential building. This will create an unbearable traffic and residential parking situation at least with regards to our property

Close review of the "Traffic and Transport Assessment for Section 75w Modifications for Southern Site of Eastlakes Shopping Centre", dated August 2018, by Colston Budd Rogers & Kafes Pty Ltd suggests that the proposed development will result not only in major increase in traffic, both during the day and throughout the night, but will effectively overload scarcely available on-street curbside parking to a point where current residents and their visitors will not be able to accommodate their vehicles.

As our property is situated close to the corner of St Helena Parade and Barber Avenue, Eastlakes, we are convinced that the intended increase in vehicular flow alone will have

3) Urban Context

The Development has incorporated landscaping and urban design along its Northern and Western quadrants.

However, along the Southern elevation there is little more than utilities, dock facilities additional unit dwellings and a parking corridor. All of the above sit right along the Southern external boundary and inhibit any consideration of the urban context along the South at Barber Avenue, creating an appearance of what can only be referred to as "concrete jungle".

The proposed 6 storey unit building, together with unit entitlements above the plant rooms and loading docks further effect the ability to create any appreciable, habitable, sustainable and sightly urban design.

In fact, the Development, will provide a more bulky, potentially noisier, more heavily developed and a lot less sightly Southern facade than currently present (as unsightly as

it may be now).

We would like to stress our resolve to protect the amenity of our property, at 22 Barber Avenue, Eastlakes, by expressing our objections to the proposed modifications to the Eastlakes Shopping Centre development in a proper manner.

However, we do believe that the modifications raised in this submission are significant and should be identified and appropriately considered by the NSW Government's Planning and Environment's assessment and determination process.

Having said this, we support the Development in general, but with a measured and holistic approach allowing for a considered master plan that takes a due account of the location, proper planning with respect to the critical areas of transport, access and traffic, noise, solar access, landscaping and high quality residential development consistent with the approach previously

The description of proposed modification as suggested in this current submission seeks to, in the least:

- “Increase building heights from 2 - 6 storeys to 4 - 14 storeys above the podium”
- “Increase the number of apartments from 292 to 468 (increase of 176 apartments)”
- “Increase the gross floor area from 35,743m² to 51,079m²” (about 45% increase)
- “Modify the operating hours for non-residential component to 6am-10pm and the loading dock to 24 hours” thereby audible noise levels well beyond legislated 35-



40dB without the benefit of retrofitting existing building windows to double-glazed acoustically sealed window units consisting of 10.38mm laminate / 100mm air gap / 6mm toughened glass assembly as recommended by the Acoustic Logic Report.

It is my belief, that the proposed major increase in FSR and changes to building heights alone constitute grounds for a new DA