

Modification of Project Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning, the Independent Planning Commission modifies the Project Approval referred to in Schedule 1, subject to the conditions in Schedule 2.



Mr John Hann (Chair)
Member of the Commission



Dr Peter Williams
Member of the Commission

Sydney

28 June 2018

SCHEDULE 1

Project Approval:	MP 09_0146 granted by the Planning Assessment Commission on 19 September 2013
For the following:	Mixed use development incorporating basement car parking, ground floor retail area, and residential development above, communal open space, public domain landscaping and associated infrastructure works.
Proponent:	Crown Prosha Joint Venture
Approval Authority:	Minister for Planning
The Land:	Eastlakes Shopping Centre Eastlakes Lot 100 DP 700822 Lot 41 and 42 DP 601517 Lot 3 and 5 DP 248832
Modification:	MP 09_0146 MOD 1: changes to the northern site, including modification of Building 1B, changes to the ground level retail areas, changes to the basement parking arrangements, and changes to landscaping and street trees.

SCHEDULE 2

The above approval is modified as follows:

- (a) Schedule 2 Part A – Administrative Conditions - Condition A1 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Development Description

A1 Development approval is granted only to carrying out the development described in detail below:

- demolition and removal of all existing buildings;
- construction of a mixed use development generally between 2 - ~~6-8~~ storeys above podiums in height ~~except at the corner of Evans Avenue and Racecourse Place, where a maximum height of RL 48.7 AHD applies;~~
- ground floor retail and community floor space of 44,984 **14,591** m²;
- maximum ~~405~~ **425** residential apartments with a maximum GFA of ~~34,056~~ **36,228** m²;
- ~~916~~ **980** basement car parking spaces ~~over two levels;~~
- associated landscaping;
- associated infrastructure, stormwater and utility works; and
- stratum subdivision

- (b) Schedule 2 Part A – Condition A2 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Development in Accordance with Plans and Documentation

The development shall be undertaken generally in accordance with:

- the Environmental Assessment dated 12 July 2012 prepared by Don Fox Planning except where amended by the Preferred Project Report dated 14 March 2013 and as amended by information submitted on 8 May 2013, including all assessment documents and reports;
- the Draft Statement of Commitments prepared by Don Fox Planning and amended by Urbis dated 28 February 2018; and
- **Section 75W Modification (MOD 2) of Project Approval MP09 0146 – Eastlakes Shopping Centre, Eastlakes prepared by Urbis and dated 18 September 2017 as amended by Response to Bayside Council – Eastlakes Shopping Centre Mod 2 prepared by Urbis dated 30 October 2017**
- **Section 75W Modification (MOD 3) of Project Approval MP09 0146 – Eastlakes Shopping Centre, Eastlakes prepared by Urbis and dated 4 January 2018 as amended by Section 75W Modification (MOD 3) of Project Approval MP09 0146 – Eastlakes Shopping Centre, Eastlakes prepared by Urbis dated 1 February 2018**
- **Environmental Assessment Report Section 75W Modification Eastlakes Shopping Centre, Eastlakes prepared by Urbis and dated July 2017 as amended by Response to Submissions – Eastlakes Shopping Centre Mod 1 prepared by Urbis dated 21 November 2017 and Response to DP&E Request for additional information – Mod 1 to MP09 0146 Eastlakes Shopping Centre prepared by Urbis and dated 5 March 2018 and Response to DP&E Request for additional information – Mod 1 to MP09 0146 Eastlakes Shopping Centre prepared by Urbis and dated 28 March 2018 and additional information submitted on 11 May 2018**
- the following drawings:

Architectural Plans by Rice Daubney			
<i>Drawing No</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
DA02	F <u>J</u>	Site Plan	07.05.13 19.10.15
DA03	G <u>J</u>	Basement Level 2 Plan	15.02.13 19.10.15
DA04	H <u>K</u>	Basement Level 1 Plan	07.05.13 19.10.15
DA05	H <u>O</u>	Ground Floor Plan	15.02.13 19.10.15
DA06	G <u>N</u>	Level 1 Plan	07.05.13 12.11.15
DA07	G <u>M</u>	Level 2 Plan	07.05.13 12.11.15
DA08	G <u>M</u>	Level 3 Plan	07.05.13 12.11.15
DA09	G <u>M</u>	Level 4 Plan	07.05.13 12.11.15
DA10	G <u>L</u>	Level 5 Plan	07.05.13 19.10.15
DA11	G <u>L</u>	Level 6 Plan	07.05.13 19.10.15
DA12	G <u>L</u>	Level 7 Plan	07.05.13 19.10.15
DA13	G <u>L</u>	Level 8 Plan	07.05.13 19.10.15
DA14	F <u>K</u>	Roof Plan	07.05.13 19.10.15
DA15	E <u>H</u>	Building 1 & 1B Layouts	15.02.13 19.10.15
DA16	E <u>I</u>	Building 1A Layouts	15.02.13 12.11.15
DA17	F <u>I</u>	Building 2 & 3 Layouts	07.05.13 19.10.15
DA18	F <u>H</u>	Building 4 & 4A Layouts	07.05.13 19.10.15
DA19	E <u>G</u>	Building 5 Layouts	15.02.13 19.10.15
DA20	E <u>G</u>	Building 6 & 6A Layouts	15.02.13 19.10.15
DA21	F <u>I</u>	Building 7 Layouts	07.05.13 19.10.15
DA22	E <u>I</u>	Elevations sheet 1 South Site: North and West Elevations	15.02.13 19.10.15
DA23	E <u>I</u>	Elevations Sheet 2 South Site: East and South Elevations	15.02.13 19.10.15
DA24	E <u>I</u>	Elevations Sheet 3 North Site: East and South Elevations	15.02.13 12.11.15
DA25	E <u>I</u>	Elevations Sheet 4 North Site: North and West Elevations	15.02.13 19.10.15
DA26	E <u>H</u>	Sections	15.02.13 19.10.15
DA27	E <u>H</u>	Sections	15.02.13 19.10.15
DA28	E <u>H</u>	Sections	15.02.13

			19.10.15
DA45	A	Staging Plan	15.02.13

Except as amended by the following plans for the northern site:

Architectural Plans by FJMT			
<i>Drawing No</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
<u>S75W130002</u>	<u>07</u>	<u>Ground Floor</u>	<u>28.03.2018</u>
<u>S75W130003</u>	<u>10</u>	<u>Podium Level Floor Plans</u>	<u>09.05.2018</u>
<u>S75W130004</u>	<u>05</u>	<u>Building 1B Floor Plans</u>	<u>14.07.2017</u>
<u>S75W130005</u>	<u>06</u>	<u>Basement 2</u>	<u>10.11.2017</u>
<u>S75W130006</u>	<u>05</u>	<u>Basement 1</u>	<u>10.11.2017</u>
<u>S75W130007</u>	<u>03</u>	<u>Elevations</u>	<u>14.07.2017</u>
<u>S75W130008</u>	<u>06</u>	<u>Elevations</u>	<u>27.03.2018</u>
<u>S75W130009</u>	<u>05</u>	<u>Sections</u>	<u>27.03.2018</u>
<u>S75W130010</u>	<u>03</u>	<u>Adaptable Units</u>	<u>29.06.2017</u>
<u>S75W130011</u>	<u>04</u>	<u>Area Schedule</u>	<u>17.11.2017</u>
<u>S75W130015</u>	<u>01</u>	<u>Basement 3</u>	<u>10.11.2017</u>

Landscape Plans by Taylor Bramner			
<i>Drawing No</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
LA01	D	Concept Landscape MasterPlan	03.01.2018
LA02	D	Tree Retention and Removal Plan	03.01.2018
LA03	D	Public Domain Landscape Plan	03.01.2018
LA04	D	Landscape Planning Plan	03.01.2018
LA05	C	Landscape Soil Depths Plan	28.02.2013
LA06	C	Landscape Details Plan	28.02.2013
LA07	C	Landscape Elevations- Barber Avenue	28.02.2013
LA08	D	Landscape Elevations- Evans Avenue	03.01.2018
LA09	C	Landscape Elevation and Section – Gardeners Road	28.02.2013
LA10	C	Landscape Elevations- North Site East and West Elevations	28.02.2013

Except as amended by the following plans for the northern site:

Landscape Plans by Turf Design Studio			
<i>Drawing No</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
<u>L-DA-01</u>	<u>D</u>	<u>Ground Floor Landscape Plan</u>	<u>11.05.2018</u>
<u>L-DA-02</u>	<u>D</u>	<u>Podium Landscape Plan</u>	<u>11.05.2018</u>
<u>L-DA-03</u>	<u>D</u>	<u>Planting Plan</u>	<u>11.05.2018</u>
<u>L-DA-04</u>	<u>D</u>	<u>Soil Depth Plan</u>	<u>11.05.2018</u>
<u>L-DA-05</u>	<u>D</u>	<u>Sections</u>	<u>11.05.2018</u>
<u>L-DA-06</u>	<u>D</u>	<u>Typical Details</u>	<u>11.05.2018</u>
<u>L-DA-07</u>	<u>D</u>	<u>Materials</u>	<u>11.05.2018</u>

<i>Drawing No</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>
10116/6	-	Plan of Proposed Subdivision of Lot 3 DP248832, Lot 5 DP 248832, Lot 100 DP 700822 & Lot 41 DP 601517. Sheets 1 - 6	8.02.2013
10116/7	-	Plan of Proposed Subdivision of Proposed Lot 10 being part of Lot 3 DP248832, Lot 5 DP 248832, & Lot 41DP 601517. Sheets1-5	8.02.2013
Engineering Plans by VDM Consulting			
<i>Drawing No</i>	<i>Revision</i>	<i>Name of Plan</i>	<i>Date</i>

DA010	D	Erosion & Sediment Control	05.03.13
DA011	F	Drainage & Road Modification Layout Sheet 1	26.04.13
DA012	F	Drainage & Road Modification Layout Sheet 2	26.04.13
DA013	F	Drainage & Road Modification Layout Sheet 3	06.05.13
DA014	E	OSD Tank Details	23.04.2013
DA015	D	Catchment Plan, Drainage Data & Results	23.04.2013

except for:

- any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- otherwise provided by the conditions of this approval.

- (c) Schedule 2 Part B – Prior to the issue of a construction certificate - Condition B2 B5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Design Modifications

~~B2 – Prior to the issue of the first Construction Certificate, plans and specifications demonstrating incorporation of the following modifications shall be submitted and approved by the Director General.~~

- ~~(a) – Unit sizes shall be amended to meet the requirements of the Residential Flat Design Code;~~
- ~~(b) – set back the plant rooms at the north-west corner of the northern site at least two metres from the western podium wall alignment;~~
- ~~(c) – The roof design of Building 2 is to be amended to have a maximum height of RL48.7 AHD;~~
- ~~(d) – The eastern façade of building 1A is to incorporate further articulation to visually break up walls at the southern and northern ends of the façade. Measures should include the provision of windows and openings in the façade and may also include variations to building massing and building materials and incorporation of balconies where appropriate.~~
- ~~(e) – A total of 916 basement car parking spaces are to be provided on-site;~~
- ~~(f) – Deletion of wall sign proposed in Gardeners Road frontage, or relocation of the sign to western end of the podium wall above sub-station openings;~~
- ~~(g) – Redesign Gardeners Road Pylon Sign so that pedestrian views are not obstructed;~~
- ~~(h) – Northern site~~
- ~~• Increase the setbacks on the eastern and western sides of the site to provide landscape buffers;~~
 - ~~• Relocate the supermarket and plant adjusted/relocated to reduce the height of boundary walls; and~~
 - ~~• Increase the setback of Building 1A from Gardeners Road.~~
- ~~(i) – Southern site~~
- ~~• Widen the footpath on Evans Avenue in front of Building 4;~~
 - ~~• Increase the width of public boardwalk adjacent to the reserve by 2m to 6.5m by moving Building 7 east by 2m;~~
 - ~~• Delete Buildings 6A and 6B;~~

- ~~Delete one storey from Building 5; and~~
- ~~Delete the western unit from Building 6 to accommodate the eastward moving of Building 7.~~

~~A set of amended plans shall be submitted to the Director General for approval within 3 months of this approval. Written evidence of the Director General's approval of amended plans satisfying the above shall be provided to the Certifying Authority.~~

B2 Prior to the issue of the first Construction Certificate for above ground works on the North site, plans and specifications demonstrating incorporation of the following modifications shall be submitted to and approved by the Secretary:

- (a) **The podium at the western end of the Gardeners Road frontage above the service entry doors shall have a height of no more than 3 metres and is to be non-trafficable. The trafficable area of the podium is to be setback consistent with the main podium line on this frontage. A planter shall be provided within the non-trafficable area.**
 - (b) **Amended plans showing RLs and amended elevations demonstrating the eastern podium wall adjacent to 193 Gardeners Road would have maximum height of 2.99 metres and a stepped landscaping arrangement consistent with the plans approved prior to Modification 1.**
 - (c) **The awning over the eastern entrance to the north site is to be reduced in size so that it would not extend into the future tree canopy of the boundary landscaping.**
- (d) Schedule 2 Part B – Prior to the issue of a construction certificate - Condition B5 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Amended Landscape Plan

B5 Amended landscape documentation is to be submitted and approved by the Secretary prior to the issue of a Construction Certificate for aboveground works. The landscape plans **approved in Condition A2** by Taylor Brammer, Rev D, dated 3 January 2018 shall be amended to include the following:

- (a) ~~Three~~ **One** additional canopy trees (~~1 on the northern site and 2 on the southern site~~) to a mature height of 18 metres be provided to the podium communal open space areas
- (b) **Dense shrub and tree** landscaping along the entire western edge of the northern podium **to prevent this area being trafficable and to reduce overlooking towards 16 Evans Avenue**
- (c) Sufficient landscape details, sections and specifications are to be provided to detail planter wall finishes, podium planter construction, pavements, finishes, amenity, lighting and so on
- (d) Six replacement street trees are to be provided along the northern side of Evans Avenue. The replacement street trees are to be either Platanus x Aceritolia (London Plane Tree) or Corymbia Maculate (Spotted Gum), in accordance with the City of Botany Bay Street Tree Master Plan 2014. A qualified Landscape Architect shall decide which species is the most appropriate replacement street tree, in consultation with Council.
- (e) **Six replacement street trees are to be provided along the southern side of Gardeners Road Avenue. The replacement street trees are to be in**

accordance with the City of Botany Bay Street Tree Master Plan 2014. A qualified Landscape Architect shall decide which species is the most appropriate replacement street tree, in consultation with Council.

- (f) The base of the planter at the western end of the Gardeners Road street frontage is to be lowered to incorporate a soil depth sufficient to support shrubs that will grow to a height of at least 1.8 metres.

- (e) Schedule 2 Part B – Prior to the issue of a construction certificate - Condition B6 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Privacy Screening

- B6 Details of the location and design of all proposed window privacy screening is to be detailed on plans prior to the issue of a Construction Certificate. Screening to prevent overlooking is to be provided to all windows in elevations that have the potential to overlook other windows or private open space areas within the applicable building separation distance recommended by the Residential Flat Design Code.

This is to include privacy screening or window treatments to prevent overlooking of 16 Evans Avenue from all bedroom windows on the western elevation of Building 1B and privacy screening to the western end of all balconies on the western elevation of Building 1B.

The western end of the roof terrace of Building 1B is also to be made non-trafficable to prevent overlooking of 16 Evans Avenue from the roof area.

- (f) Schedule 2 Part B – Prior to the issue of a construction certificate - Condition B14 is amended by the insertion of the **bold and underlined** words / numbers and deletion of the ~~struckout~~ words/numbers as follows:

Section 94 Contribution

- B14 A monetary contribution shall be made to Council prior to the issue of a Construction Certificate for a particular stage of building works for which a contribution might be levied. ~~The contributions have been calculated as follows:~~

Contributions are to be paid in accordance with the Botany Bay Section 94 Contributions Plan.

The developer shall contact Council for a calculation of the applicable contributions at each stage of the development.

	Residential*	SpecialityShop*	Total
Community Facilities	\$924,480	\$10,878	\$935,358
Administration	\$34,240	\$1,764	\$36,004
Open Space & Recreation	\$7,130,480	\$73,290	\$7,203,770
Shopping Centre Improvement (City Wide)	N/A	\$7,896	\$7,896
Transport Management	\$470,800	N/A	\$470,800
Total S94 Contributions			\$8,653,828

~~*The contribution has been calculated on the basis of 428 apartments and a retail floor area of 15,960m². The total contribution may be adjusted in accordance with the changes to the overall apartment numbers and/or mix and the reduction in retail floor area to 14,984m² as a result of the modifications required by Condition B2.~~

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in the Botany Bay Section 94 Contributions Plan.

- (g) Schedule 2 Part B – Prior to the issue of a construction certificate – new condition B47 is added as follows:

External Walls and Cladding

B47 The external walls of all buildings including additions to existing buildings must comply with the relevant requirements of the BCA.

Before the issue of a Construction Certificate and an Occupation Certificate, the Applicant must provide the Certifying Authority with documented evidence that the products and systems proposed for use or used in the construction of external walls including finishes and claddings such as synthetic or aluminium composite panels comply with the requirements of the BCA.

The Applicant must provide a copy of the documentation given to the Certifying Authority to the Secretary within seven days after the Certifying Authority accepts it.

- (h) Schedule 2 Part D – During Construction - new Condition D26 is added as follows:

Height of Construction Equipment

D26 All construction equipment, including cranes, shall not exceed AHD 50.2 m, unless prior approval is granted by Sydney Airport.

- (i) Schedule 2 Part F – During Operations / Post Completion - new Condition F22 is added as follows:

Use of entry

F22 The eastern entry to the north site (adjacent to 18 Evans Avenue) is not to be used for outdoor dining or outdoor trading.

End of Modification MP 09_0146 MOD 1