

14 May 2020

Our Ref: F18/679

Contact: Howard Taylor 9562 1663

Emma Butcher

Planning Officer, Regional Assessments

NSW Department of Planning, Industry & Environment

Locked Bag 5022

PARRAMATTA NSW 2124

Dear Emma,

Re: Bayside Council Submission on MP 09_0146 MOD 4 – Eastlakes Shopping Centre: Final Response to Submissions

Thank you for the opportunity to make a submission in response to the notification of the applicant's Final Response to Submissions (RtS). On the 13th May 2020, Council considered a report and submission (attached) prepared by Council staff and resolved:

'That Council endorses the attached submission in relation to MOD 4 - Modification to Eastlakes Shopping Centre Mixed Use Development (Commercial, Retail & Residential).'

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

Yours faithfully,

 15/5/2020

Clare Harley

Manager Strategic Planning

Attached:

Council Resolution

Council Submission

BAYSIDE COUNCIL COMMENTS
MP 09_0146 MOD 4 – EASTLAKES SHOPPING CENTRE

In October 2018, Crown Group (the proponent) lodged an application to modify a Part 3A Concept Plan Approval for the Eastlakes Shopping Centre ('MOD 4'). The modification is a significant departure from the current Part 3A Approval.

On the 12th December 2018, Council endorsed a submission to the then Department of Planning and Environment (now the Department of Planning, Industry and Environment (DPIE)) for their consideration (**Appendix A**). The submission highlighted the following primary concerns:

- Strategic planning framework – in particular, the proposal is considered premature in the context of the Bayside Local Strategic Planning Statement and Eastlakes Local Town Centre Master Plan
- Consistency with the objectives of the B2 Local Centre zoning - the proportion of residential development significantly exceeds retail and business components
- Urban design – height and scale; building bulk; visual impacts; interface; active transport network
- Building height and floor space ratio – significantly exceed Council's adopted controls
- Car parking – provided significantly less than required by the Botany Bay DCP 2013
- Access to open space and recreation

The proponent subsequently lodged a 'Response to Submissions' (RtS) which included amendments to MOD 4. Key amendments proposed in the RtS (from that exhibited in the original modification proposal) included:

- a reduction in additional gross floor area (GFA) of 5,586sq.m (45,493sqm proposed)
- a reduction of 107 additional apartments (361 apartments proposed)
- a reduction in proposed building heights from 4-14 storeys to 4-11 storeys above the podium
- removal of the request for 24 hour use of loading dock

The RtS also introduced the following key modifications to the northern site:

- extend the approved hours for the loading dock from 7am - 9pm to 5am - 10pm

- extend the approved hours for waste removal collection from Monday to Saturday between 7am and 5pm to daily between 5am and 10pm
- propose shopping centre trading hours of 6am and 10pm 7 days per week
- modify the basement layout and increase the number of residential parking spaces from 144 to 150 (6 additional spaces).

Council endorsed a submission to the DPIE on the 16th December 2019, which reiterated the concerns raised in Council's previous submissions (**Appendix B**).

On the 14th April 2020, DPIE notified Council of the lodgment of a 'Final Response to Submissions' (Final RtS) prepared by the proponent in response to a number of key issues identified by the DPIE in relation to:

- Landscaping
- Compliance with conditions contained in the original approval.
- Compliance with the Apartment Design Guide
- Design of the entry/ exit to Evans Avenue
- Car parking provision
- Consistency with the principles for local centres set out in the Eastern City District Plan

The proponent's response to the DPIEs key issues include a number of minor amendments to MOD 4, including:

- Internal amendments to the north site
- Modifications to landscaping on the north site
- Removal of 2 apartments from Building J on the south site to reduce the bulk
- Modified design of rooftop plant
- An updated wind assessment

Council staff have undertaken a review of the current MOD 4 documentation, including the minor amendments described in the Final RtS, and consider that the amendments are insufficient to address the fundamental strategic and statutory planning issues identified in Councils' previous submissions.

Strategic Planning:

- **General**

Under section 3.9 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and with guidance from the Greater Sydney Commission, Council is undertaking

the comprehensive LEP and DCP review. An identified priority project as part of this process is the Eastlakes Local Town Centre Master Plan. The Master Plan has informed the preparation of the Bayside Local Strategic Planning Statement (Bayside LSPS).

The draft Master Plan was publicly exhibited in July 2019 and was prepared in consultation with the Eastlakes Community and supported by evidence based studies and testing to inform place specific outcomes. This evidence base will guide any future development, access and movement strategies, public domain upgrades and open space requirements, and will provide a holistic approach to the renewal of the Eastlakes Local Centre:

The draft Master Plan notes the following:

“it was recommended that with the current infrastructure in place, the broader economic conditions and environmental considerations, at this point in time through undertaking a review of planning controls, changes to development standards is not recommended due to the economic feasibility of regenerating the current housing stock. Given these findings the Master Plan recommends a series of strategies that aim to set a solid foundation for future renewal that can occur longer term.”

In summary, the draft Master Plan recommends that current controls for the locality should remain unchanged.

- **Greater Sydney Region Plan**

Objective 12 – Great places that bring people together emphasises using a place based planning approach for ‘streets, neighbourhoods, Local Centres and larger scale urban renewal.’ Place-based planning involves a collaborative process involving:

“...The community, local businesses, residents, State and local governments and other stakeholders to produce a shared vision. The shared vision and spatial framework for a place provide the basis for future development, governance and allocation of responsibilities.”

The Eastlakes Local Town Centre Master Plan has been placed on public exhibition and forms part of the place based planning required by the Greater Sydney Region Plan.

Objective 22 - Investment in business activity in centres establishes *Principles for Greater Sydney’s Centres* and provides for how Local Centres are to be managed:

“The management of Local Centres is best considered at a local level. Developing a hierarchy within the classification of Local Centres should be informed by a place-based strategic planning process at a council level including an assessment of how, broadly, the proposed hierarchy influences decision-making for commercial, retail and other uses.”

The strategic studies, including housing strategy and retail/ economic studies have not yet been finalised; and the Council led Eastlakes Local Town Centre Master Plan whilst exhibited has not yet been adopted.

Accordingly, MOD 4 as proposed is considered premature in the context of Objectives 12 and 22 of the Greater Sydney Region Plan.

- **Eastern City District Plan:**

Planning Priority E6 of the Eastern City District Plan (ECDP) provides the following in relation to the management of local centres:

"As the management of local centres is predominantly led by councils, the resolution of which local centres are important to each council will need to be assessed as part of their preparation of local strategic planning statements and local environmental plans."

Council has prepared the Bayside Local Strategic Planning Statement (Bayside LSPS), which identifies Eastlakes as a local centre. Planning Priority 9.5 of the Bayside LSPS states:

"Council will take a place based approach and finalise and adopt the master plans/ urban design studies for the local centres of Rockdale, Eastlakes and Brighton Le Sands."

It is noted that whilst the draft Eastlakes Local Town Centre Master Plan has been exhibited, it has not yet been adopted and recommends that controls for the centre remain unchanged at this time.

The ECDP goes on to state:

"This hierarchy of local, strategic and metropolitan centres (including transport interchanges) should be informed by an evidence-based assessment of local and district-wide housing, employment, retail, commercial services and infrastructure demand.

and

Councils will need to consider which centres:

- *will be appropriate to accommodate additional housing as part of their housing strategy*
- *will need to grow to provide for the required goods and services of the community"*

Council has not yet finalised its strategic studies, including its housing strategy, which will be used to provide the evidence base to inform any changes to the Eastlakes local centre. The draft Eastlakes Local Town Centre Masterplan notes that controls for the centre are to be reviewed when supporting infrastructure is in place.

Given that the strategic studies and Master Plan have not been finalised, Council reiterates its previous concerns that intensification of the Eastlakes local centre is premature and inconsistent with the strategic planning process for local centres set out in the Eastern City District Plan.

- **Bayside Local Strategic Planning Statement**

Council has prepared the Bayside LSPS, which identifies Eastlakes as a local centre. Planning Priority 9.5 of the Bayside LSPS provides:

“Council will take a place based approach and finalise and adopt the master plans/urban design studies for the local centres of Rockdale, Eastlakes and Brighton Le Sands.”

Council considers that the renewal of the centre at the scale proposed is inconsistent with the Bayside LSPS given that the draft Eastlakes Local Town Centre Master Plan recommends that the controls for the centre remain unchanged.

In relation to public transport, the Bayside LSPS notes the following:

*“Access to public transport for those suburbs located along the two rail corridors is relatively good. However, access to public transport is more limited in the eastern part of Bayside, particularly the suburbs of Hillsdale, Botany, Pagewood, Banksmeadow and **Eastlakes**.”*

Council considers the Final RtS does not adequately address the concerns raised in Council's previous submissions in relation to the proposals consistency with the Eastern City District Plan.

- **Botany Bay Planning Strategy 2031 (Strategy 2031)**

Council considers that the proposal has not been sufficiently amended to address the concerns raised in Council's previous submissions in relation to the proposals consistency with Strategy 2031.

- **Future Transport Strategy 2056 (Strategy 2056)**

Council considers that the proposal has not been sufficiently amended to address the concerns raised in Council's previous submissions in relation to the proposals consistency with Strategy 2056.

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

Council considers that the proposal has not been sufficiently amended to address the concerns raised in Council's previous submissions in relation to the proposals consistency with the design objectives contained in the NSW Government Architect's Office *Better Placed* (2017).

Statutory Planning

- **Environmental Planning and Assessment Act 1979**

Under Section 3.9 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) Council is required to prepare a local strategic planning statement (LSPS). Council considers that the renewal of the centre at the scale proposed is inconsistent with the Bayside LSPS given that the draft Eastlakes Local Town Centre Master Plan recommends that the controls for the centre remain unchanged and that the centres is poorly connected by public transport.

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

Part 1B of the ADG provides the following in relation to determining local character and context:

Part 1B - Local character and context:

Guidance for determining local character and context, including desired future character, is provided in Part 1B of the ADG:

“Desired future character:

Establishing the desired future character is determined through the strategic planning process in consultation with the community, industry and other key stakeholders. Understanding the context during this process is crucial to support change and determine appropriate building types and planning controls.”

Neither Council nor the community has completed a strategic planning process to update the desired future character for the Eastlakes Local Centre and inform an appropriate planning framework for the growth and renewal of the centre.

As noted in Council's previous submission, additional guidance for establishing desired future character is provided in PS 18-001:

“Good planning should ensure all places share a future desired character and once this has been established the planning framework can be used to guide the degree of change needed to achieve that vision.”

Neither Council nor the community has undertaken a strategic planning process to establish a desired future character vision for Eastlakes to inform an appropriate planning framework for the growth and renewal of the centre. Council has, however, commenced this work in the form of the draft Eastlakes Local Town Centre Masterplan which has been exhibited but not yet adopted.

Council considers that the proposal has not been sufficiently amended to address the concerns raised in Council's previous submissions in relation to the proposals consistency with SEPP 65 and PN 18-001.

- **Botany Bay Local Environmental Plan 2013 (Botany Bay LEP 2013)**

As noted in the previous submission, Council noted that the provisions of the Botany Bay LEP 2013 do not apply in respect of an approved project under Section 75R(3) of the EP&A Act. However, Council also noted that the SEARs required the proponent to demonstrate consistency with the zone objectives.

Council considers that the proposal has not been sufficiently amended to address the concerns raised in Council's previous submissions in relation to the proposals consistency with the B2 Local Centre zone objectives.

The following Practice Note and Planning Principle provide additional considerations for determining consistency with zone objectives.

Practice Note PN 11-002

Preparing LEPs using the Standard Instrument: standard zones

Council considers that the proposal has not been sufficiently amended to address the concerns raised in Council's previous submissions in relation to the proposals consistency with PN 11-002.

NSW Land & Environment Court Planning Principle: 'Zones'

*BGP Properties Pty Limited v Lake Macquarie City Council [2004] NSWLEC 399
revised - 05/05/2005 at 115-119:*

"Part 3 of the EP&A Act provides complex provisions involving extensive public participation directed towards determining the nature and intensity of development which may be appropriate on any site. If the zoning is not given weight, the integrity of the planning process provided by the legislation would be seriously threatened."

Council considers that the proposal has not been sufficiently amended to address the concerns raised in Council's previous submissions in relation to the proposals consistency with the Planning Principle.

Height of Buildings

In relation to building height, the height of buildings map in Botany Bay LEP 2013 stipulates a height of 14 metres for the site. The proposed building height of 60.6 metres remains unchanged from that previously exhibited.

Council considers that the proposal has not been sufficiently amended to address the concerns raised in Council's previous submissions in relation to the proposals consistency with the height controls in the Botany Bay LEP 2013.

Floor Space Ratio (FSR)

In relation to FSR, the proposal to increase FSR from the approved 2.04:1 to 2.75:1 is considered a significant overdevelopment of the site given that the Botany Bay LEP 2013 stipulates an FSR of 1.5:1.

Council considers that the proposal has not been sufficiently amended to address the concerns raised in Council's previous submissions in relation to the proposals over development of the site.

- **Botany Bay Development Control Plan 2013**

Car parking

Whilst the Final RtS has provided additional details in relation to car parking design, the proposal has not been amended to address the car parking shortfall identified in Council's previous submissions.

Council reiterates its previous requests that car parking provision is to comply with the Botany Bay DCP 2013.

- **Other:**

The proposal has not been adequately amended to address the fundamental concerns identified in Council's previous submissions in relation to Urban Design, Transport, Open Space and Recreation and Landscape Architecture.

- **Offer of Public Benefit:**

Council staff have commissioned a valuation which indicates that a higher offer may be warranted. Discussions are currently being undertaken between Council staff, the DPIE and Crown Group.

Conclusion:

The amendments proposed as part of the Final Response to Submissions are considered insufficient to address the fundamental strategic and statutory planning issues identified in this, and Council's previous submissions.

Accordingly, Council reiterates its requests that the DPIE rejects MOD 4 for the detailed strategic planning and environmental planning reasons outlined in this and Council's previous submissions.

Appendix A

BAYSIDE COUNCIL COMMENTS

MP 09_0146 MOD 4 – EASTLAKES SHOPPING CENTRE

Introduction

In October 2018, Crown Group lodged an application to modify a Part 3A Concept Plan Approval for the Eastlakes Shopping Centre (MOD 4). It is a significant departure from the current approval seeking:

- Alterations to ground floor commercial layout;
- Increase in floor space from 49,040m² to 71,815m²;
- Increase the number of apartments from 292 to 468 (increase of 176 apartments);
- Provision of a new mezzanine level and corresponding increase in height of the residential podium;
- Consolidation of the proposed residential buildings from 6 to 4;
- Increase in the building height from 3-6 storeys to 4-14 storeys above the podium; and
- Provision of additional levels of basement car parking increasing parking from 700 to 1,077 spaces (increase of 377 spaces).

On 31 October 2018 Council was notified of the Exhibition of MOD 4. The Exhibition period is from Thursday, 1 November 2018 to 14 December 2018. Full documentation of the project can be found at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9169

Council staff have undertaken an analysis of the MOD 4 documentation in light of Councils' previous position in relation to the centre, the findings and recommendations of the State Design Review Panel and the relevant strategic planning framework including the Eastern City District Plan.

The Modification Application was accompanied by an offer of public benefit (a Voluntary Planning Agreement).

Background:

In 2009 Botany Bay Council adopted the *Botany Bay Strategy 2031* which nominated the Eastlakes Town Centre for investigation in the medium term. The Strategy noted that a *“more comprehensive redevelopment and renewal at Eastlakes will depend on a major reconfiguration of the subdivision and relationship between retail and residential uses. Further intensification at Eastlakes depends on:*

- *coordinated and managed approach to renewal,*
- *future investment in public transport connections and improvement of the poor configuration of the centre.*
- *Conflicts between trucks servicing the shopping centre and neighbouring residential areas, poor public domain and the significant surrounding strata-titled residential apartments are major challenges for renewal.”*

At the March 2011 Council meeting Botany Bay Council noted:

“Council restates forcefully the need for a proper Master Planning process to ensure that any redevelopment of the shopping centre encompass a holistic approach which integrates the adjoining sites, establishes a planning vision for Eastlakes including improved traffic flow;

modern day shopping with civic amenity, improved pedestrians and cyclists, high quality of public space and street amenity and integration of a variety of land use functions, including improved residential amenity”

In November 2011, Crown Group lodged a Part 3A Major Project under Section 75 of the *Environmental Planning & Assessment Act 1979* (EP&A ACT).

On 19 September 2013 Eastlakes Shopping Centre Major Project was approved under Section 75 of the EP&A ACT (refer **Appendix 1**)

On the 16-18 July 2014, the former City of Botany Bay Council appealed the determination in the NSW Land and Environment Court (*Botany Bay City Council v Minister for Planning and Infrastructure & Ors* [2015] NSWLEC 12).

On the 10th February 2015, the NSWLEC dismissed the proceedings.

Subsequent to the approval, four modifications have since been lodged under the Section 75W modification applications of the EP&A ACT.

On the 4 September 2017, Council officers met with the proponent to discuss concept plans for a potential Planning Proposal at the south site of the Eastlakes Shopping Centre. The development shown in the concept plans was of a similar scale and nature to that currently proposed in MOD 4. At the meeting, Council’s technical officers advised that intensification of the shopping centre on the scale proposed would require broader strategic planning and further investigation in the context of the broader Eastlakes Local Centre.

On the 9 November 2017, the proponent met with Council officers to present a proposed scope for an Urban Context Analysis that would inform the potential Planning Proposal at the south site. Following the meeting, the proponent was issued with the following advice:

“Council will soon commence a review of the Botany Bay LEP 2013. The Revised Draft Central District Plan identifies Eastlakes as a ‘Local Centre’ and therefore will be the subject of strategic planning by Council as part of the preparation of a new LEP.”

“.....In this context we consider a major Planning Proposal for the Eastlakes Shopping Centre premature.”

On the 29 November 2017, the proponent forwarded a proposed scope of works for the Urban Context Analysis for Council’s review and comment. In a letter dated 18 December 2017 (refer **Appendix 2**), the proponent was advised that Council officers had not requested an Urban Context Analysis to inform strategic planning for the Eastlakes Local Centre; and previous advice was reiterated that a major Planning Proposal was considered premature given that strategic planning for a new LEP was about to commence, and the necessary strategic studies and analysis undertaken at that time.

In 2018 the Greater Sydney Commission released the *Eastern City District Plan* which nominates Eastlakes as a Local Centre and identifies a Local Centre to be

Local Centres are a focal point of neighbourhoods and where they include public transport and transport interchanges, they are an important part of a 30-minute city. While Local Centres are diverse and vary in size, they provide essential access to day-to-day goods and services close to where people live. (p. 48)

As required under the Eastern City District Plan (2018), the NSW Department of Planning and Environment Guidelines for Local Environmental Plan Reviews and the preparation of

Local Strategic Planning Statements, Council is required to prepare evidence based assessments and place-based planning for Local Centres that address:

- Open space and natural environment;
- Local infrastructure requirements;
- Active transport networks;
- Commercial and retail floor space;
- Expand employment opportunities;
- Local culture and heritage; and,
- Parking that is appropriate for future use and takes into account public transport and active transport networks.

State Design Review Panel

In early 2018 Council commenced the preparation of a comprehensive Bayside Local Environmental Plan and Development Control Plan. Eastlakes has been nominated as a Local Centre requiring a Master Plan to determine future development capacity, improvements to streetscape and open space, private and public transportation strategies, and a cohesive development approach.

On 26 July 2018 the Government Architects Office held a State Design Review Panel (SDRP) session to assess MOD 4. Council staff made representation to the Government Design Review Panel. The Panel observed that:

“The scheme proposed is a significant departure from the current approval, which was granted in 2013. The approved scheme is characterised by articulated, medium density residential buildings that create a streetscape and buffer to a set-back retail podium. The podium includes a supermarket, through-site links and small footprint retail. The proposed scheme retains the podium but introduces a 14 storey linear apartment tower to the east along the frontage with Eastlakes Reserve, and three seven storey residential blocks. Overall there is a significant increase in height, bulk and scale, apartment numbers and parking. The proposed modification offers fewer, larger individual retail units, less activated street frontage and a compromised east-west public pedestrian link.”

The Panel expressed concerns about the Proposal including:

- overall lack of value placed in public benefit, with commercial imperatives overriding other concerns - an appropriate balance between public benefit and private drivers was not felt to have been achieved.
- Increased GFA - the proposed modification seeks to increase residential yield on the site by approximately 50% with resultant impacts arising from increased bulk, height and scale of the development, impacts on streetscapes, increased car traffic, and the limited access to public transport in this area.
- Urban design and built form – the 14 storey linear building presents as a long, visually dominant wall to Eastlakes Reserve. The height and unbroken bulk of this element were considered unacceptable by the panel.
- the eastern elevation and the southern elevation of the podium are not activated and offer little obvious amenity or outlook to the adjacent residential buildings.
- the set back of the apartment buildings from the podium edge (required to address overshadowing issues) has meant that opportunities for visual activation and surveillance of the street have been reduced.
- the reduced number of retail units, and lack of a dedicated through-site link Greater permeability through the site, ideally with natural light and air is strongly

recommended. Further detail is required on the 'marketplace' as a means to support existing retail tenants to remain in the centre.

- concerns about safety given the impact of increased traffic.
- the north-south ramp from Barber Ave cuts off direct access to the park from the southern retail units which are accessed via a service corridor.
- The proposed community library space and childcare are located on the podium level. These spaces are only accessible via a residential core and are not visible or accessible from the public domain. Also, any community facility must be informed by engagement with the local council to ensure uses align with needs.
- concerns as to whether the 'town square' adjacent to the parking entry could be expected to work as a public space given the traffic impacts noted above.
- Level of amenity to be achieved in residential apartments as the linear western building overshadows the lower block buildings in the afternoon while appearing to offer fewer naturally ventilated apartments
- absence of ESD strategies or ratings targets which may have offered an improvement on the approved scheme.

The State Design Review Panel has provided a copy of its findings and recommendations to Council (refer **Appendix 3**). The Panel noted also that:

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

In October 2018, subsequent to confirmation of allocation of a \$2.5M grant to Bayside Council for the preparation of an accelerated LEP 2018, Council sought quotes from suitably qualified consultants to prepare a Town Centre Masterplan. The study will establish a vision and principles for future development and is being progressed in response to the strategic framework established by the NSW Government and the recommendations of the State Design Review Panel. The study area is identified in **Figure 1**.



Figure 1: Eastlakes Town Centre is bound by Gardeners Road to the North, Mascot Drive to the South, Maloney Street to the West and Southern Cross Drive to the East

Secretary's Environmental Assessment Requirements

On the 13th April 2018, the DPE wrote to Bayside Council requesting comments on the draft Secretary's Environmental Assessment Requirements (draft SEARs). Council responded to

the draft SEARs in a letter dated 27th April 2018 (refer **Appendix 4**). On the 8th May 2018, the DPE issued the final SEARs (refer **Appendix 5**).

MP 09_0146 MOD 1

A previous modification to the Eastlakes Shopping Centre (DPE Ref: MP 09_0146 MOD 1) for the north site, was approved by the Department of Planning and Environment on 28 June 2018. In summary, Council did not support the proposed modifications as a Masterplanning process to inform the centres growth had not been undertaken by Council. A copy of Council's submission to the DPE is provided as **Appendix 6**.

MP 09_0146 MOD 4

In October 2018 the Crown Group lodged the current modification (MOD 4) which is a significant departure from the current approval seeking the following:

- Alterations to ground floor commercial layout;
- Increase in floor space from 49,040m² to 71,815m²;
- Increase the number of apartments from 292 to 468 (increase of 176 apartments);
- Provision of a new mezzanine level and corresponding increase in height of the residential podium;
- Consolidation of the proposed residential buildings from 6 to 4;
- Increase in the building height from 3-6 storeys to 4-14 storeys above the podium; and
- Provision of additional levels of basement car parking increasing parking from 700 to 1,077 spaces (increase of 377 spaces).

On 31 October 2018 Council was notified of the exhibition of MOD 4. The exhibition period was from Thursday, 1 November 2018 to 30 November 2018. Council subsequently requested an extension, in order to provide Council with an opportunity to review the submission prepared by Council officers. The DPE granted an extension until 14 December 2018. Full documentation of the project can be found at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9169

A review of the exhibited information has identified issues associated with both the proposal and the site.

Strategic Planning

• General

Under section 3.9 of the *Environmental Planning and Assessment Act 1979* (EP&A ACT), and with guidance from the Greater Sydney Commission, Council is undertaking the comprehensive LEP and DCP review. An identified priority project as a part of this process is the Eastlakes Local Centre Master Plan. The Master Plan will aid in the formulation of the Local Strategic Planning Statements (LSPS) and built form controls for the revised LEP and DCP. The Master Plan will be undertaken in consultation with the Eastlakes Community and supported by evidence based studies and testing to inform place specific outcomes. This evidence base will guide any future development, access and movement strategies, public domain upgrades and open space requirements, and will provide a holistic approach to the renewal of the Eastlakes Local Centre. It is therefore considered premature that the proposed modification should be considered ahead of Council's strategic planning for this locality.

- **Greater Sydney Region Plan**

Objective 12 – Great places that bring people together emphasises using a place-based planning approach for ‘streets, neighbourhoods, Local Centres and larger scale urban renewal.’ Place-based planning involves a collaborative process involving:

“...The community, local businesses, residents, State and local governments and other stakeholders to produce a shared vision. The shared vision and spatial framework for a place provide the basis for future development, governance and allocation of responsibilities.”

The scale of intensification proposed is considered to have a significant impact on the Eastlakes Local Centre, however, as noted above, a strategic planning process to establish the shared vision and basis for the growth and renewal of the Eastlakes Local Centre has not yet been undertaken by Council.

Objective 22 - Investment in business activity in centres establishes *Principles for Greater Sydney’s Centres* and provides for how Local Centres are to be managed:

“The management of Local Centres is best considered at a local level. Developing a hierarchy within the classification of Local Centres should be informed by a place-based strategic planning process at a council level including an assessment of how, broadly, the proposed hierarchy influences decision-making for commercial, retail and other uses.”

Council notes that a new comprehensive Bayside LEP is under preparation and will be informed by a strategic planning process supported by studies and community and government stakeholder consultation to inform the managed growth of the Eastlakes Local Centre.

- **Eastern City District Plan:**

Eastlakes Local Centre is identified as a Local Centre in the Eastern City District Plan, to be informed by a place-based strategic planning approach driven by Council.

The Modification Report notes that Eastlakes is *‘positioned as a transitional area between the urban renewal precincts of Rosebery and Mascot – both of which have undergone significant urban renewal over the past 5 years...’*.

Council notes that Mascot Local Centre is centred on a public railway station and was subject to a Masterplanning process to inform its growth and renewal. In contrast, Eastlakes Local Centre has limited access to public transport, and performs a very different function to Mascot Local Centre.

Planning Priority E6

The SEARs required the proponent to specifically address the *‘principles for Local Centres and housing strategies contained in Planning Priority E6 of the Eastern City District Plan’*.

Whilst the proponent has addressed the Eastern City District Plan in the Modification Report, the proposals consistency with the principles for Local Centres has not been specifically addressed. In addition, the submitted Environmental Assessment is not supported by a local and district wide housing strategy; retail/ commercial analysis; infrastructure plan etc. to provide the necessary evidence base for the scale of intensification proposed.

Council considers that significant redevelopment of the centre without evidence based assessments to inform the growth and renewal of the Eastlakes Local Centre is premature and inconsistent with the principles for Local Centres.

The Department is advised that Council is currently preparing the new LEP that will be informed by the relevant studies and stakeholder consultation.

- **Future Transport Strategy 2056 (Strategy 2056)**

Strategy 2056 deals with how Sydney will manage our growth precincts and our economy with a focus on ensuring sustainable transport options are designed into development.

A review of the Modification Request indicates an understanding of the issues, however few items have been identified to enhance or improve the active transport network in the Offer of Public Benefit. Public domain upgrades surrounding the site will only facilitate improvement to the amenity for the proposed modification site itself, little consideration has been given to promoting connections to sustainable transport options.

The proposal does not clearly demonstrate how it can meet the transport requirements for the potential population it would introduce into the locality. Furthermore, the proposal does not clearly identify all necessary public transport and transport infrastructure upgrades that would be required, or how these would be funded.

- **Botany Bay Planning Strategy 2031**

The SEARs required the proponent to address the relevant planning provisions, goals and strategic planning objectives in the *Botany Bay Planning Strategy 2031* (Strategy 2031).

Managing Growth in the Eastern Centres Objectives and Actions

Objective 3.2 – Create an urban environment and public domain capable of accommodating additional residential development in the eastern centres in the medium to long term.

Strategy 2031 recognises the potential role that the eastern centre of Eastlakes plays in the provision of residential and employment growth. However, Strategy 2031 notes the following in relation to the Eastlakes centre:

“Further intensification at Eastlakes depends on a coordinated and managed approach to renewal, future investment in public transport connections and improvement of the poor configuration of the centre. Conflicts between trucks servicing the shopping centre and neighbouring residential areas, poor public domain and the significant surrounding strata-titled residential apartments are major challenges for renewal.”

“More comprehensive redevelopment and renewal at Eastlakes will depend on a major reconfiguration of the subdivision and relationship between retail and residential units.”

“Enhancement of public transport should be considered as part of a comprehensive Transport Management Plan which capitalises on opportunities to extend public transport corridors in adjoining LGAs.”

“More comprehensive redevelopment and renewal at Eastlakes will depend on a major reconfiguration of the subdivision and relationship between retail and residential uses.”

“.....The Eastern centres (including Eastlakes) of the LGA, though not as affected by aircraft noise, are poorly serviced by efficient public transport. Eastlakes has a high proportion of strata-titled subdivision in the core area within the centre and poor centre configuration. Additional development potential may be created in the medium term following investment in public transport, site assembly and public domain upgrades.”

As noted above, an identified priority project as a part of this process is the Eastlakes Local Centre Master Plan. The Master Plan will aid in the formulation of the Local Strategic Planning Statements (LSPS) and built form controls for the revised LEP and DCP. The Master Plan will be undertaken in consultation with the Eastlakes Community and supported by evidence based studies and testing to inform place specific outcomes. This evidence base will guide any future development, access and movement strategies, public domain upgrades and open space requirements, and will provide a holistic approach to the renewal of the Eastlakes Local Centre. It is therefore considered premature that the proposed modification should be considered ahead of Council’s strategic planning for this locality.

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

The Urban Context Report attempts to address the broader context of the Eastlakes Local Centre. It is also noted that some community consultation was undertaken as part of the proposed modification. However, there is a lack of assurance that the proposed modification addresses the design objectives contained in the NSW Government Architect’s Office *Better Placed* (2017):

Objective 1. Better Fit

The bulk, scale and transitioning of the building does not respond to a strategic direction for the Local Centre, or respond to the character and typology of the Local Centre.

Objective 2. Better Performance

The proposed modification does not respond to the current constraints of the Local Centre in redeveloping, and therefore is not considered to facilitate an overall improved performance of the Local Centre. Of particular concern is active transport networks, vehicular access and movement, servicing, parking, open space needs and overall consideration of appropriate built form outcomes.

Objective 3. Better for Community

Bayside Council is undertaking the comprehensive LEP and DCP review for the LGA, including the Eastlakes Local Centre Master Plan. Without thorough placed based planning for the Local Centre there is no indication that the proposed modification would result in a better outcome for the community.

Objective 4. Better for People

As per response to Objective 3, above.

Objective 5. Better working

As per response to Objective 2, above.

Objective 6. Better Value

Considering the demographics of the area, it is considered that the proposed modification is not an appropriate place based response. Such gentrification of the Local Centre could result in the displacement of current residents. It is considered that the proposal, apart from providing a new shopping centre, is not adding value to the current community and broader Local Centre. Any value added should be subject to further strategic planning undertaken by Council.

Objective 7. Better Look and Feel

The proposal does not respond to place, nor does it consider the existing character of the area. Desired future character statements will be developed in consultation with the community during the Eastlakes Local Centre Master Plan.

The Policy notes that community cohesion can be eroded, and problems of social inequity can be reinforced when a lack of tenure types creates social separation and exclusion. In terms of social inequity, the following provides a snapshot of the socio-economic profile of the Eastlakes suburb utilising Profile ID:

- Income:

'Overall, 13.1% of the households earned a high income and 28.3% were low income households (less than \$650 per week), compare with 28.3% and 15.1% respectively for Greater Sydney.'

- Household mix:

'Overall, 59.0% of households were in dwellings with 2 bedrooms or less, and 9.5% of household were in dwellings with 4 or more bedrooms, compared with 31.5% and 29.3% for Greater Sydney respectively.'

- Ownership:

'Overall, 23.1% of the population owned their dwellings; 18.7% were purchasing, and 49.6% were renting, compared with 27.7%, 31.5% and 32.6% respectively for Greater Sydney.'

- Rents:

'Analysis of the weekly housing rental payments of households in Eastlakes compared to Greater Sydney show that there was a smaller proportion of households paying higher rental payments (\$450 per week or more), and a larger proportion of households with low rental payments (less than \$250 per week).'

'Overall, 24.4% of households were paying high rental payments, and 38.1% were paying low payments, compared with 48.1% and 16.0% respectively in Greater Sydney.'

Given the socio-economic profile of the Eastlakes suburb, it is considered premature to intensify development of the centre without the preparation of appropriate socio-economic studies to inform the centres growth and renewal. As noted under the sub-

heading 'Principles for housing strategies', above, Bayside Council does not yet have an adopted housing strategy for the Bayside Local Government Area, which includes the Eastlakes Local Centre, to determine an appropriate housing density and profile for the centre.

Statutory Planning

- **Environmental Planning and Assessment Act 1979**

Under Section 3.9 of the Environmental Planning and Assessment Act 1979 (EP&A ACT) Council is required to prepare a local strategic planning statement (LSPS).

As noted under the heading 'Strategic Planning', Council is currently preparing the LSPS that will be used to inform the growth and management of Eastlakes.

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

Clause 28 (2) (c) of SEPP 65 requires a consent authority to take into consideration the Apartment Design Guide (ADG).

Part 1 – Identifying the context

Guidance for identifying the context is provided in Part 1 of the ADG:

“... The importance of understanding the context, setting, local character, size and configuration of a development site. It is to be used primarily during the design stage of a development and during the strategic planning process when preparing planning controls.”

The current planning controls in the Botany Bay Local Environmental Plan 2013 (Botany Bay LEP 2013) are based on a strategic planning process undertaken when the Botany Bay Local Environmental Plan 1995 was replaced by the standard instrument Botany Bay LEP 2013. The controls proposed in MOD 4 are not based on a strategic planning process informed by studies and consultation with the community and government stakeholders.

As noted under the heading 'Strategic Planning – General', Council is undertaking the comprehensive LEP and DCP review. An identified priority project as a part of this process is the Eastlakes Local Centre Master Plan. The Master Plan will aid in the formulation of the Local Strategic Planning Statements (LSPS) and built form controls for the revised LEP and DCP and will be focused on engagement with the Eastlakes Community, evidence based studies and testing to inform place specific outcomes.

Part 1B - Local character and context:

Guidance for determining local character and context, including desired future character, is provided in Part 1B of the ADG:

Desired future character:

“The desired future character can vary from preserving the existing look and feel of an area to establishing a completely new character based on different uses, street patterns, subdivisions, densities and typologies.

Establishing the desired future character is determined through the strategic planning process in consultation with the community, industry and other key stakeholders. Understanding the context during this process is crucial to support change and determine appropriate building types and planning controls.”

Currently the desired future character for the ‘Eastlakes Precinct’, in which the Eastlakes Shopping Centre is located, is detailed in the Botany DCP 2013. As noted previously in this response, neither Council nor the community has undertaken a strategic planning process to update the desired future character for the Eastlakes Local Centre and inform an appropriate planning framework for the growth and renewal of the centre.

Practice Note PS 18-001

Stepping up planning and designing for better places: respecting and enhancing local character

Additional guidance for establishing desired future character is provided in PS 18-001:

“Good planning should ensure all places share a future desired character and once this has been established the planning framework can be used to guide the degree of change needed to achieve that vision.”

Neither Council nor the community has undertaken a strategic planning process to establish a desired future character vision for Eastlakes to inform an appropriate planning framework for the growth and renewal of the centre. Council has, however, commenced this work in the form of the Draft Eastlakes Town Centre Masterplan.

Part 2: Developing the controls

Part 2 of the ADG states *‘This part explains the application of building envelopes and primary controls including building height, floor space ratio, building depth, separation and setbacks. It provides tools to support the strategic planning process when preparing planning controls.’*

Part 3: Site the development

Part 3 of the ADG states: *‘This part provides guidance on the design and configuration of apartment development at a site scale. Objectives, design criteria and design guidance outline how to relate to the immediate context, consider the interface to neighbours and the public domain, achieve quality open spaces and maximise residential amenity. It is to be used during the design process and in the preparation and assessment of development applications.’*

The proposal is considered to be inappropriate, over-scaled development that does not respond to the existing character or contextual positioning of the Local Centre.

Part 4: Designing the Building

Part 4 of the ADG states: *This part addresses the design of apartment buildings in more detail. It focuses on building form, layout, functionality, landscape design, environmental performance and residential amenity. It is to be used during the design process and in the preparation and assessment of development applications.*

Council refers to the comments as noted in the State Design Review Panel’s (Panel) consideration of MP 09_0146 _MOD 4 – Modification to Eastlakes Shopping Centre Mixed Use Development:

“Detailed ADG compliance was not undertaken, the Panel were not convinced that the proposed modification offers improved amenity for apartments.”

A comparison of the approved scheme and the proposed MOD4 scheme indicates that the proposed modification would not offer significantly improved amenity. There appears to be no significant increase in apartments receiving solar access or natural ventilation above the requirements. There is also no indication of an increase in dual aspect apartments. Council therefore has no certainty as to whether the proposed modification would provide increased amenity for the residents.

- **Botany Bay Local Environmental Plan 2013 (Botany Bay LEP 2013)**

Land Zoning

Whilst Section 75R(3) of the EP&A ACT states that the provisions of the Botany Bay LEP 2013 do not apply in respect of an approved project, the Secretary's Environmental Assessment Requirements (SEARs) nevertheless require the proponent to demonstrate the proposals consistency with the objectives of the B2 – Local Centre zone.

The objectives of the B2 Local Centre zone are:

- *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.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

Practice Note PN 11-002

Preparing LEPs using the Standard Instrument: standard zones

For each zone, the Standard Instrument (SI) sets out 'core' objectives for development, and certain mandated permitted or prohibited land uses.

Related Practice Note *PN 09-005 – Local environmental plan zone objectives*, provides that 'mandatory zone objectives set out the purpose of the zone and reflect the intended strategic land use direction.'

The core zone objectives for the B2 Local Centre zone in the Botany Bay LEP 2013 are primarily focussed on the provision of retail, business, entertainment and community uses. Whilst residential accommodation in the form of *residential flat buildings* and *shop top housing* are permissible with consent, residential development is not included as a core objective.

However, the primary land use proposed by the modification is residential. The total gross floor area for the centre (north and south combined) is proposed to be increased from the approved 50,818.5sqm to 66,154.5sqm with 49,859.8sqm of residential floor area (gross) and 16,294.7sqm of non-residential floor area (gross). Accordingly, the modification will enable approximately 75% of the total gross floor area to be dedicated to residential development.

The zone objectives also seek to maximise public transport patronage and encourage walking and cycling. Refer to the heading 'Transport', 'Urban Design', 'Botany Bay

Planning Strategy 2031' and 'State Design Review Panel' below for further discussion in this regard.

Building height

In relation to building height, the height of buildings map in Botany Bay LEP 2013 stipulates a height of 14 metres for the site. A building height of 71.70 metres is proposed. Introducing a building of this height and scale is not consistent with the overall/ established character of Eastlakes which predominantly comprises 3-4 storey walk-up residential flat buildings.

Floor space ratio (FSR)

In relation to FSR, the proposal to increase FSR from the approved 2.04:1 to 2.75:1 is considered a significant overdevelopment of the site given that the Botany Bay LEP 2013 stipulates an FSR of 1.5:1.

In summary, the Modification Request is considered inconsistent with the strategic direction of the zoning which is determined by a strategic planning process. As noted by McClellan, J in the Planning Principle 'Zones' (specific aspect 'Weight to be given to the zoning') established in the case *BGP Properties Pty Limited v Lake Macquarie City Council* [2004] NSWLEC 399 revised - 05/05/2005 at 115-119:

"Part 3 of the EP&A Act provides complex provisions involving extensive public participation directed towards determining the nature and intensity of development which may be appropriate on any site. If the zoning is not given weight, the integrity of the planning process provided by the legislation would be seriously threatened."

An identified priority project as a part of the preparation of the Local Strategic Planning Statement process under Part 3 of the EP&A ACT is the Eastlakes Local Centre Master Plan. The Master Plan will aid in the formulation of the Local Strategic Planning Statements (LSPS) and built form controls for the revised LEP and DCP and will be focused on engagement with the Eastlakes Community, evidence based studies and testing to inform place specific outcomes.

- **Botany Bay Development Control Plan 2013**

Car parking

The conditions of determination attached to the original approval, require the provision of car parking to be provided at the following rates, which are reduced from the rates required under the Botany Bay DCP 2013:

- 1 space per studio/ 1 bedroom/ 2 bedroom unit
- 2 spaces per 3 bedroom/ 4 bedroom unit
- 1 visitor space per 5 residential units
- 3.5 spaces per 100m² of gross lettable retail area.

Based on the above, car parking for the Eastlakes Shopping Centre (north and south combined) is proposed to be provided at the following rate:

- 52 x Studio = 52 x 1 = 52
- 184 x 1-bed = 184 x 1 = 184
- 172 x 2-bed = 172 x 1 = 172
- 59 x 3-bed = 59 x 2 = 118
- 1 x 4-bed = 1 x 2 = 2

- Visitor = $468 / 5 = 94$
- Retail = $12,786 / 100 = 127.86 \times 3.5 = 448$

Car parking required: 1070

Car parking provided: 1077

However, the Botany Bay DCP 2013 requires car parking at the following rate:

- 1 space/ studio or one (1) bedroom dwelling
- 2 spaces / two (2) or more bedrooms dwelling
- 1 designated visitor space / 5 dwellings
- 6 per 100m² of GLA
- 52 x Studio = $52 \times 1 = 52$
- 184 x 1-bed = 184
- 172 x 2-bed = $172 \times 2 = 344$
- 1 space per 5 dwelling = $468/5 = 94$
- $12,786 / 100 = 127.86 \times 6 = 768$

Total car parking required under the Botany Bay DCP 2013 = 1442

Car parking provided = 1077

Based on the calculations outlined above, it is apparent that there is a carparking shortfall of 365 spaces.

Whilst it is noted that the draft SEARs states that *“the Department supports suppressed car parking in areas with good access to services and transport”*, part 8.1 of the Botany Bay DCP 2013 notes the following about the Existing Local Character for the Eastlakes Character Precinct which should be taken into consideration when determining the amount of car parking to be provided:

“The function of the road network within and around Eastlakes however is congested due to significant on-street parking, especially within the high density residential area surrounding the Eastlakes Shopping Centre. The parking issue is the result of the lack of off-street parking provided within the residential flat buildings that were constructed in the period 1960 - 1970.”

“Conflicts between trucks servicing the shopping centre and neighbouring residential areas, poor public domain and the significant surrounding strata-titled residential apartments are major challenges for renewal. Furthermore, public transport to the centre is poor. Enhancement of public transport should be considered as part of a comprehensive Transport Management Plan which capitalises on opportunities to extend public transport corridors in adjoining LGAs.”

The Traffic and Transport Assessment submitted with the Modification Request states that *‘such modest increase in traffic during peak period would not affect the operation of the surrounding road network’*.

As noted above, the site is identified as having poor connection to public transport. However, the proposal appears to rely on public transport options to allow for reduced car parking for the development but does not appear to provide a strategy to improve connections to public transport.

- **Other considerations**

State Design Review Panel

On the 26 July 2018, the State Design Review Panel (SDRP) considered the Modification Request. A copy of their advice is provided as **Appendix 6**.

In conclusion, the SDRP provided the following summary recommendation:

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

Council is supportive of the comments made by the State Design Review Panel, and confirms that Council has commenced the strategic planning studies for the broader Eastlakes locality.

Urban Design

Council’s officers have reviewed the Modification Request and provides the following comment:

Height and Scale

The proposed built form is considered inconsistent in its bulk and scale with the established character of the Eastlakes Local Centre which is characterised by 3-4 storey walk-up residential flat buildings. The increase of building heights from 2-8 storeys to 2-14 storeys above the podium is a significant departure from the approved Part 3A proposal and is a significant departure from the architectural character and scale of the Eastlakes Local Centre.

Bulk and proposed increase GFA

An increase of gross floor area (GFA) from 35,743 sqm to 51,3079 sqm (south site) does not address the current capacity of Eastlakes Local Centre to cater for such density. The increase in floor space by 15,336 sqm has led to a much bulkier building, impacting on the interface with adjoining residential and Council’s open space asset. The impacts of such an increase in density on the Eastlakes Local Centre’s open space, public domain, access and movement including increased traffic and pedestrian movement conflicts is of considerable concern. Such a departure from the approved modification is not supported.

Visual Impacts

The visual implications of the proposal from various viewpoints is identified in the Visual Context Analysis. The proposed built form overwhelms the views from the north, west and immediate south of the site. The approved scheme impacts are minimal, whilst the proposed modification dominates and alters the skyline of the Eastlakes Local Centre. Such a departure from the approved modification is not supported.

Interface

The linear built form response to address the park is not considered appropriate. The linear form overwhelms the western elevation, whilst the approved proposal supported a stepped form transitioning to lower density to the south of the site and a break in

form to relieve such bulk and scale. Such a departure from the original principles as approved (including breaks in bulk and street wall and stepping of the form) cannot be supported.

The Eastern elevation provides enhanced design elements and increased visual interest however the increase in the height of these buildings is not supported.

Overshadowing

Whilst shadow diagrams have been provided, there have been no solar access studies identifying elevation format on adjoining developments to indicate hours of solar access. The overshadowing diagrams as provided do not give assurance that the existing dwellings will receive the ADG specifications for required solar access.

Active Transport Network

Few items have been identified to enhance or improve the active transport network in the Offer of Public Benefit, public domain upgrades surrounding the site will only facilitate improvement to the amenity for the proposed modification site itself, little consideration has been given to the broader requirements of the Local Centre.

It is noted that a total of \$100,000 is identified in the Offer of Public Benefit and given works being undertaken across the LGA, little benefit could be offered to the Eastlakes community in improved public domain or by way of moving to and from the Local Centre.

Transport

The SEARs required the Modification Request to:

'include an updated traffic and transport assessment, taking into account any changes to improve public transport use and accessibility (in particular given the site's location in relation to public transport opportunities) and 'incorporate a streetscape to promote people walking and cycling locally (wide footpaths, wayfinding signage) and high quality public transport facilities).'

Council's officers have reviewed the Modification Request and note the following:

- It is hoped that urban design (wide footpaths/ open space etc) attractive to pedestrian amenity will be extended well beyond the Local Centre, to local schools, recreation areas and public transport.
- Improvements to bus stop and shelter facilities will be required on both sides of Gardeners Road, in-line with the projected increased volume of users. Merely having a stop nearby is not enough. The stops will need to be upgraded to ensure public transport is a desirable option for residents and workers.
- The Local Centre is within 2-3kms to regional employment, education, health precinct and connections need to be enhanced to ensure active and public transport is a viable option. In-line with Greater Sydney Commission 30-minute city.

The SDRP's review also raised concerns about the sites limited access to public transport (refer to the heading 'State Design Review Panel, above).

A review of the Modification Request indicates an understanding of the issues, however, improvements to pedestrian amenity to the bus stops do not appear to have been identified.

Open Space and Recreation

The SEARs required the Modification Request to address public domain and open space requirements for the proposal.

As previously noted in Council's response to the draft SEARs, Strategy 2031 found that whilst the former Botany LGA has a relatively high open space provision, access for the wider public is often alienated, resulting in an overall undersupply of open space (37 ha of open space and 11 ha for active sports (Botany Bay Open Space & Recreation Needs Analysis 2012).

The need for open space is predicted to increase as the population increases within the LGA. Population predictions in the 2016 Section 94 Plan predicted a population growth of 1255 persons per year, however a review of current Development Applications and Planning Proposals suggests a growth of 5,378 per year until 2022. Open space provision per 1000 residents is predicted to fall from 2.41 ha/ thousand residents in 2016 to 1.5 ha per thousand residents by 2021.

The existing Eastlakes Local Centre is characterised by high density housing with the majority of open space being provided by a number of pocket parks.

It is evident that the modification proposal relies on Council's asset to provide significant amenity to the residents and visitors to the Centre. Such a proposal gives the community unrealistic expectations on what Council can deliver and the outcomes identified in the proposal may not meet the requirements of the community given Council is yet to undertake a LGA wide open space and recreation needs analysis.

Council's officers have reviewed the Modification Request and provided the following comment:

"Given Council's current engagement in the development of its Social Infrastructure Strategy, it would be premature for Council to have a strict view on the provision of open space areas proposed by the applicant."

Council is in the process of preparing the new LEP, which will be informed by an Open Space and Recreation Needs Analysis and Social Infrastructure Strategy to inform how equitable access to open space for the Eastlakes Local Centre and broader Bayside LGA is to be provided and managed.

Landscape Architecture

- Generally the landscape conceptual proposal is acceptable and seeks to improve amenity and privacy. The landscape master plan prepared by Taylor Brammer landscape architect Pty Ltd, dated 31st August 2018, and architectural drawings prepared by FJMT Studio dated 29th August 2018 are not consistent. Landscape plan provide planter boxes and dense planting where architectural drawings area showing paved areas. The provision of landscape areas on podium is essential in this development that is not providing deep soil.
- Interface with Reserve doesn't deliver an integrated landscape design. Landscape improvements to the reserve may be necessary in the public accessed ground level

area. Further detail shall be developed to ensure integration. Further planting in the reserve and in private land on slab along the interface will be beneficial.

- Buffer planting around perimeter in planters with a mix of trees and shrubs can provide an excellent buffer and amenity. Planters shall allow to have a proper depth for the growth of trees and or shrubs as needed to provide screen buffer in each area.
- Further planter boxes with planting in the interface of the development with adjacent residential area can be included in upper levels to provide more privacy, add streetscape value and break the built form.
- Buffer planting is essential to provide wind break, visual buffer, and amenity and shall be maximised in the perimeter of all the proposal, especially around common use areas.

Offer of public benefit

Council staff have reviewed the Offer of Public Benefit and provide the following comments:

Council has no record of the letter dated the 25 August 2018 by Crown Group to Bayside Council, which has been included in the exhibition material in relation to the above modification. Council takes the opportunity to provide feedback to the offer that was published.

In summary the offer includes;

1. Provision of Public Domain upgrades including new Paving and street plantings for council owned land immediately adjacent to the proposed development capped to \$100,000 (extent agreed with council) to improve safety and amenity to residents;

2. A commitment to an affordable Housing Contribution equivalent to 10% of the total number of additional apartments proposed to the Modification Application, equivalent to an estimated market value of \$8,100,000.

3. Dedication of a wall along Barber Avenue to the community for Public art or similar. Crown Group will facilitate additional community consultation to determine a use for the wall in response to local resident preferences, and will deliver the Brief capped at \$100,000

4. The dedication of a 330sqm Commercial tenancy shell with essential service utility points, located in the south western corner of the proposed development at ground level, with a market value of \$2,300,000. In addition, Crown Group will contribute up to \$350,000 towards the design and fitout of the tenancy to council satisfaction.

5. Provision of embellishment works to Eastlakes Reserve capped to \$786,685 following feedback from the local community. This includes but is not limited to:

- *Upgrades to paths;*
- *New gazebo/shelter/rotunda;*
- *Provision of second fitness station;*
- *Additional senior play items; and*
- *Basketball court renewal.*

- *Irrigation of the park using recycled water from the development lighting of the park lights using the solar panels from the development Upgrades to seating in south eastern corner*
- *Installation of 50 electric bicycles*
- *Crown Group as the developer would be responsible for the delivery of the proposed public domain improvements in their entirety. The detailed design of the upgrades and embellishment works will be subject to negotiations with Bayside Council as part of the assessment of the Modification Application.*

Council would be willing to continue negotiating to finalise the public beneficial pursuant to section 7.4(1)(a) of the Environmental and Planning Assessment Act 1979 if the proposal is successful in the Modification Application. For the avoidance of any doubt, the Council's willingness to continue negotiations does not in any way constitute its endorsement of the planning modification.

The monetary contribution associated with the value uplift arising from the proposed amendments to planning controls should be consistent with Council's general commitment to seek approximately 50% of the value uplift in a planning amendment.

Council would generally assess the uplift in value on a before and after analysis either on a Gross Building Area or unit comparison sale rate and this would be an instruction to an independent valuer.

We refer to recent sales data in the immediate area below;

- 671 Gardeners Road Mascot sold in February 2017 for \$67m with approval for 242 apartments. Site area is 0.7 hectares equating to \$9,336/sqm and \$277,000 per apartment
- 563 Gardeners Road Mascot sold in December 2016 for \$7m with approval for 25 apartments equating to \$280,000 per apartment.

In this case the proposed uplift in units No's is 176 units. If the purported 50% value uplift is \$11,736,000 this provides a total estimated value of the development uplift at \$133,363 per unit site which appears comparatively low in the immediate market. Bayside Council acknowledge the offer of Crown Groups proposed modification and table responses below;

Item	Description	Crown Groups Estimated public Benefit	Comment
1	Public Domain upgrades surrounding site	\$100,000	Not agreed. Public domain upgrades would form part of any standard condition of development consent particularly with a development of this size. These works would be necessary on all frontages and would be uncapped and in accordance with Councils public domain requirements
2	Affordable Housing (10% of housing)	\$8,100,000	The assessment of public benefit for AFH should be in accordance with the perceived net impact on development margins for the life of the development. The provided reports supporting value are simplistic in approach and referencing errors undermine the methodology. We note the proportion and unit mix would be a decision for council and a Community Housing Provider.
3	Community Wall	\$100,000	Not agreed. This is not a defined need in the public domain plan. May have design merit however developer risk to deliver

4	Community Centre Fitout Budget	\$350,000	<i>There is no identified community need, council would direct the \$350,000 to identified community benefit in the section 7.11 plan or in negotiations with the developer</i>
5	Community Centre Fitout Budget	\$2,300,000	<i>There is no identified community need, council would direct the \$2,300,000 to identified community benefit in the section 7.11 plan in negotiations with the developer</i>
5.1	Gazebo	\$35,000	<i>Redirect to Eastlakes Reserve Landscaping S.7.11 plan 2016</i>
5.2	2 nd Fitness Station	\$50,000	<i>As above</i>
5.3	Senior Play Items	\$150,000	<i>As above</i>
5.4	Basket Ball Court	\$16,935	<i>As above</i>
5.5	Irrigation to Park from development	\$308,000	<i>As above</i>
5.6	Lights in park	\$55,000	<i>As above</i>
5.7	Remove and make good seating to South Easterly corner Reserve	\$30,000	<i>As above</i>
5.8	50 * Electrical Bikes (council owned)	\$141,000	<i>Council does not operate or maintain an electrical bike fleet. Council would direct the funds to upgrades to cycle networks in the Eastlakes area as identified in the S7.11 plan 2016</i>

Conclusion

The proposed Eastlakes Local Centre Master Plan has been identified as a priority project as a part of the preparation of the Bayside Comprehensive LEP and DCP. The Master Plan will also aid in the formulation of the Local Strategic Planning Statements required under section 3.9 of the EP&A Act, which will inform the built form controls for the Comprehensive LEP and DCP.

The Master Plan will be undertaken in consultation with the Eastlakes Community, and be supported by evidence-based studies and testing to inform place-specific outcomes. This evidence base will guide any future development, including access and movement strategies, public domain upgrades and open space requirements, and will provide a holistic approach to the renewal of the Eastlakes Local Centre.

Council's position, as outlined in each of the detailed sections in this submission, is that the proposed modification is premature when considering Council's strategic planning for the Eastlakes Local Centre. The proposed modification would result in development that significantly exceeds current development standards within Eastlakes Local Centre. The proposal would undermine the Master Planning work currently being undertaken to inform the Comprehensive LEP and DCP for the broader Eastlakes Local Centre, which will determine whether there is any planning merit in amending current planning controls for the site.

In their consideration of the proposed modification, the State Design Review Panel (SDRP) arrived at a position that is consistent with Council's position on the proposal. The SDRP agreed that the proposed modifications are premature, and that strategic planning should first be undertaken for Eastlakes Local Centre to determine whether there is any planning merit in amending the current planning controls for the site.

Council requests that the DPE rejects the Modification Request, for the detailed strategic planning and environmental planning reasons outlined in this submission.

19 September 2013

NSW Planning Commission Determination Report Proposed redevelopment of Eastlakes Shopping Centre

1. Background

On 31 August 2010, the Director General of the Department of Planning and Infrastructure (the Department) requested the Planning Assessment Commission (PAC) to review the reasonableness of the Department's recommendation to declare a proposal to redevelop the Eastlake Shopping Centre for mixed use development, a Part 3A project, and to authorise the proponent to apply for approval of a concept plan for the proposal. The request also asked the Commission to meet with the proponent and Botany Bay City Council to discuss the proposal.

The Commission met with both parties and visited the site before finalising its review report. This report concluded that the capital investment value of the project was \$192 million and therefore fell within Schedule 3 of the then State Environmental Planning Policy (Major Project).

As to the authorisation of the application for a concept plan, the Commission considered that the application would be beneficial to the community to the extent that it would provide for redevelopment of the shopping centre. However, the Commission expressed concern that the introduction of additional residential in addition to retail development in the form then proposed, with a density of almost double that permitted by the then LEP (FSR 1:1 and the proposed FSR 2.1:1), would exacerbate existing issues of poor amenity and traffic concerns. Accordingly, the Commission did not support the Department's recommendation to authorise an application for a concept plan for the proposed residential and commercial development.

Following the PAC advice, the Minister declined to authorise a concept plan for the proposal. Nevertheless, as a result of the capital investment value of the proposal, the application was declared a project to which Part 3A applied on 18 January 2011.

2. The Proposal

The Project Application proposed a mixed use development for retail and residential uses. Following exhibition of the project's Environmental Assessment (EA) report, the proposal was amended to address issues raised in submissions and a Preferred Project Report (PPR) was submitted on 14 March 2013. The PPR as assessed by the Department sought approval for the following:

- a mixed use development over two sites with ground floor commercial/retail uses;
- eleven residential buildings (up to 7 storeys above the podium level) for 428 units;
- two levels of basement car parking for 1,028 vehicles; and

- public domain works including new vehicle access points, associated road works, streetscape works including footpaths and tree planting and lighting within the adjoining Eastlakes reserve.

The following table provides a brief summary of the changes from the proposal contained in the EA and the PPR. The Department's assessment was on the amended proposal as provided in the PPR.

	As Proposed in the EA	PPR as Assessed by the Department
Number of Storeys	Vary between 1 and 9 storeys in height	Single storey retail podiums with up to 7 storeys in height above the podiums and basement parking/loading portico on both sites
Number of residential units	443 apartments (361 residential units and 82 serviced apartments)	428 apartments (approval sought for variation of the number of units between 415 and 440)
GFA for residential use	40,318m ²	36,800m ²
GFA for retail/commercial use	15,960 m ²	15,045 m ²
Total GFA	56,278m ²	51,845 m ²
FSR	2.34:1	2.15:1
Basement car parking spaces proposed	1038	1028

Appendix 1 is the site plan contained in the PPR which shows the development layout and height of each building. It should be noted that the number of storeys indicated are above a podium as the ground floor is mostly for retail use.

3. Delegation to the Commission

On 13 June 2013, the Project Application (MP09_0146) was referred to the Planning Assessment Commission (the Commission) for determination under Ministerial delegation issued 14 September 2011, as the City of Botany Bay Council objected to the proposal and the Department received more than 25 public objection submissions.

For this determination, Ms Gabrielle Kibble AO, Chair of the Planning Assessment Commission, nominated Mr Paul Forward (chair), Ms Jan Murrell and Ms Abigail Goldberg to constitute the Commission for the project.

4. Department's Assessment Report

The Director-General's Assessment Report provided an assessment of the following key issues:

- density;
- built form (height, setback, urban design/streetscape);
- interface with reserve and public domain;
- amenity impact on adjoining residential premises;

- internal residential amenity including building depth, building separation, number of units to a circulation corridor and unit sizes; and
- traffic issues.

The Assessment report concluded that subject to recommended modifications and approval conditions, the proposed development would renew and upgrade the existing town centre. It would also increase housing stock in the area with good accessibility to retail services and employment opportunities, and is consistent with State planning objectives.

The Department considered the recommended modifications will improve the development's transition to neighbouring residential areas, provide a greater level of amenity, and promote the use of public transport. These recommended modifications include:

- Amending 3 units to ensure they meet the size requirements of the Residential Flat Design Code.
- Reducing the height of Building 2 to a maximum of RL48.7 AHD.
- Articulation to eastern facade of Building 1A.
- Deletion of 70 parking spaces.
- Deletion or relocation of a proposed wall sign in the Gardeners Road frontage.
- Redesign the Gardeners Road pylon sign to ensure pedestrian views are not restricted.
- A requirement for submission of amended Public Domain and Landscape Documentation.
- Details for building separation and privacy screens as recommended in the Residential Flat Design Code.

The application was recommended for approval by the Department, subject to conditions to enforce these modifications and ensure residual impacts are properly managed.

5. Commission's Site Visit

After reviewing the assessment report and public submissions, the Commission visited the site and the surrounding area on the afternoon of Wednesday, 24 July 2013. Commission members also separately visited the site and its surrounds on other occasions to familiarise themselves with the environment and existing traffic conditions in the area. They paid close attention to the local context of the proposed development and its relationship to existing residential buildings and the public domain.

6. Consultation

The Commission's decision making process requires it to hold a public meeting to hear public views on the assessment report and recommendation when the application receives more than 25 objection submissions. The procedures also require the Commission to meet with Botany Bay City Council (Council) and the proponent. The following is a brief summary of these meetings.

9 July 2013

The Commission met separately with the Council and the proponent on this day. More details of these two meetings are provided in Appendix 2.

Botany Bay City Council

The meeting with the Council included a briefing of the history of the site and issues of concern to the Council. The key concerns raised by Council included the lack of a masterplan for the area; comments from the previous PAC review not having been addressed; building bulk and scale, development density, noise, traffic and unit sizes. At the meeting, in the absence of a masterplan, Council undertook to provide the Commission a set of preliminary planning principles to help guide the development of the area.

The Proponent

At this meeting, the proponent also provided a brief history of the site and their justification for the proposed development. The issue of traffic impact was discussed, and the proponent's traffic consultant confirmed that the proposal would not significantly reduce the level of service at the two key intersections of Gardeners Road and Racecourse Parade, and Evans Avenue and Racecourse Parade.

The option of providing a link between Racecourse Parade and St Helena Parade was also discussed and the proponent agreed to give further thought to the option and its potential traffic implications. Concerns regarding the impact of the proposal on the public domain and local residential amenity were also debated, with the proponent undertaking to review these matters as well.

23 July 2013

The Commission met with the proponent to discuss its consideration of the option of linking Racecourse Road and St Helena Parade. Ideas for extending the public domain were also put forward by the proponent.

24 July 2013

A public meeting was held. Nineteen (19) people registered to speak at the meeting beforehand, although 2 declined to speak at the meeting itself. The Commission allowed one attendee to speak even though he had not registered to do so. Altogether 18 people spoke at the meeting including representatives of Botany Bay City Council. (Appendix 3)

Key issues raised at the meeting included planning and built form; traffic, parking and pedestrian access; impact on the public domain, in particular the reserve; public transport access and capacity; visual impact; impact from the operation of the loading docks; construction impact, and impacts on residential amenity. Most people supported the redevelopment of the shopping centre. More details of this meeting are provided in Appendix 4.

14 August 2013

By letter dated 6 August 2013, Council provided the Commission a set of preliminary planning principles. The Commission met with the Council on 14 August 2013 for a briefing

of these principles. The meeting focused on the traffic implications of these principles and the proposed significant increase in building heights fronting Gardeners Road.

19 August 2013

The Commission met with Mr Ron Hoenig MP, the member for Heffron as he was overseas when the public meeting was held. The key concerns raised by Mr Hoenig were similar to those raised by the Council including the lack of a master plan for the area, building bulk and scale, density, noise, traffic, unit sizes, the interface with the public reserve and the comments from the previous PAC review not having been addressed.

23 August 2013

The Commission met with the proponent to discuss the issues raised in the public meeting and by Mr Hoenig MP.

30 August 2013

The Commission met with the proponent to present the issues of concern to the Commission following its careful consideration of the assessment report and views expressed at meetings with stakeholders. Key concerns included traffic; impact on residential amenity, including solar access and visual impacts; and the interface with the public domain.

10 September 2013

At this meeting, the proponent responded to the Commission's concerns by presenting 11 amendments to the PPR proposal. In summary, the amendments include:

Northern site

- Increased setbacks and landscape buffers to be provided on the eastern and western sides of the site to reduce the visual impact on adjacent residents;
- Supermarket to be relocated and plant adjusted to reduce the height of boundary walls; and
- Increased setback of Building 1A from Gardeners Road to increase solar access to and views from the adjoining residential building.

Southern site

- Footpath on Evans Avenue in front of Building 4 to be widened to optimise sun access and extend the public domain;
- Width of public boardwalk adjacent to the Eastlakes Reserve increased by 2m to 6.5m by moving Building 7 east by 2m;
- Buildings 6A and 6B deleted to increase podium landscaped area and reduce the number of apartments;
- One storey deleted from Building 5 to improve solar access to existing buildings on Barber Avenue; and
- One unit deleted from Building 6 to accommodate the eastward moving of Building 7.

Following this meeting, the proponent, by email dated 12 September 2013, provided the Commission a set of 10 plans that have incorporated these changes (Appendix 5).

The following table provides a summary of the changes to the proposal:

	AS EXHIBITED	PPR	Final proposal as presented on 10 September 2013
Number of Storeys	Vary between 1 and 9 storeys in height	A single storey retail podium with up to 7 storeys in height above the podiums and portico on both sites	Same as PPR except for Building 5 which will be reduced by one storey.
Number of residential units	443 apartments (361 residential units and 82 serviced apartments)	428 apartments (approval sought for variation of the number of units between 415 and 440)	404 apartments
GFA for residential use	40,318m ²	36,800m ²	34,636m ²
GFA for retail & commercial use	15,960 m ²	15,045 m ²	14,404m ²
Total GFA	56,278m ²	51,845 m ²	49,040m ²
FSR	2.34:1	2.15:1	2.039:1
Unit mix		51.8% (studio & 1 bedroom) 48.2% (2 and 3 bedroom)	53% (studio & 1 bedroom) 47% (2 and 3 bedrooms)
Basement car parking spaces	1038	1028 (Assessment Report recommended 958)	916

7. Commission's Consideration

The Commission has reviewed the Department's assessment report and associated documents, including submissions from Botany Bay City Council, agencies and the public, and the proponent's changes in response. It has also considered the views expressed by the Council, the presenters who spoke at the public meeting, Mr Hoenig MP and the proponent and the written submissions received prior to, at, and after the public meeting.

The Commission notes that there is general consensus that the redevelopment of the shopping centre will be a significant public benefit to the community. The key concerns relate mainly to the traffic and amenity impacts on existing residents that will be generated by the proposed residential development associated with the redevelopment of the shopping centre.

7.1 Traffic

The existing traffic conditions in the area and the potential impact resulting from the proposed development is a key concern to the Council and the community. Particular issues relate to the capacity of the local road network, increased demand for on-street parking, connectivity with surrounding residential areas, public transport penetration, service vehicle access and impacts from the operation of the loading docks.

Section 5.6 of the Assessment Report provided an in depth assessment of the issue. The Commission notes that Council engaged a traffic consultant to advise on the application. Additional information was requested and meetings were held among the parties to resolve outstanding issues. The technical inputs from the Council were considered by the Department in its final assessment of the application.

The assessment report also indicated that the Roads and Maritime Services (RMS) raised no objection to the proposed development as it considered traffic generation from this

development would not warrant any upgrade of the intersection at Gardeners Road. Sydney Buses also advised that the development on its own is unlikely to require additional bus capacity, with the need for any additional bus services able to be addressed subsequent to the development. The Sydney Regional Development Advisory Committee (SRDAC), by letter dated 21 September 2012, also raised no objection 'in principle' to the traffic implications of the proposed development.

As mentioned in the earlier part of this report, the Commission explored the option of providing a link between Racecourse Road and St Helena Parade with the proponent in their first meeting. Following discussion with the proponent and Council, the Commission agreed that this option is not viable at this time for the following reasons:

1. The potential flow-on impact of such a link to the surrounding residential areas, particularly to the south of the site, is untested and may encourage more through traffic; and
2. It would require a redesign of a significant part of the southern site, requiring re-assessment of the proposal.

As to the issue of the proposal not having addressed the previous PAC review comments on the traffic, the Commission considers it important to note that the applicable FSR control at the time of the preliminary concept plan was 1:1 and the proposal was to double the density. The recently gazetted Botany Bay LEP 2013 however, allows a FSR of 1:5:1 and the current project application seeks approval of 2.039:1, that is, about 36% over the recommended FSR control. There is a slight reduction in the total retail GFA and the removal of all commercial GFA in the current application. Therefore, the traffic impact from the current application would be different from the earlier concept plan. It should also be noted that the assessment of this application has the benefit of inputs from Council's traffic consultant, advices from RMS, Sydney Buses and SRDAC. These inputs were not available to the previous PAC review.

The latest modifications (10 September 2013) proposed by the proponent will reduce the number of apartments from 428 to 404 and the retail GFA from 15,960m² to 14,404m². This will have a corresponding reduction in traffic generation, hence a further reduction in traffic impact.

On the evidence, the Commission is satisfied that the traffic issue has been satisfactorily addressed in the assessment report, and through subsequent amendments. It is of the view that the potential impacts can be properly mitigated or adequately managed by the recommended conditions.

7.2 Impacts on residential amenity

Potential impacts on residential amenity include visual impact, noise (particularly from the loading docks), overlooking and solar access. The Commission is empathic to these concerns, and placed priority on achieving effective integration of the new development into the existing urban fabric of Eastlakes. The Commission emphasised these concerns in discussions with the proponent. As a result, the proponent submitted amendments to the PPR proposal to the Commission, including:

- increased setbacks on the northern site to allow landscaping and greater sun access for adjacent residential developments;
- reduction in height of a residential building on the southern site to allow greater sun access for existing apartment blocks; and
- reduced density overall and as a result better traffic management.

The building height of the amended proposal is generally within the 6 storey range (above podium) which is in keeping with the character of an urbanised area. The exception is at the corner of Racecourse Parade and Evans Avenue, which will be 6 storey above the podium with a mezzanine floor. This building is adjacent to the Eastlakes Reserve and will have minimal impact on nearby residential developments. Furthermore, Building 5 is now a 2 storey building above podium which will improve its relation with existing residential developments on the other side of Barber Avenue.

The removal of Buildings 6A and 6B extends the private open space in the centre of the southern site, which will significantly improve the amenity for future residents.

The Commission is satisfied that with these improvements, the potential impacts on residential amenity will be minimised and reduced to an acceptable level. Any residual impacts could be properly managed via the approval conditions.

7.3 Impacts on public domain

As a result of the Commission's concern with optimising residential amenity and integrating the new development into the existing urban fabric, a number of ideas were discussed with the proponent leading to the proponent including among their amendments:

- increased pavement width on Evans Ave to enlarge the public domain where sun access is optimal, and which represents an area currently well used by the local community;
- increased setback from the reserve so that the building interface is improved, and the building use has the potential to activate and enhance the existing open space without encroaching on it; and
- reduced density overall and better traffic management.

The Commission has furthermore introduced a condition ensuring that a community space with street frontage is set aside for community and Council use on the reserve edge at no cost to the Council.

7.5 Council's preliminary planning principles

The Commission acknowledges Council's effort in preparing the preliminary planning principles and encourages Council to continue the master planning process for the area.

7.6 Operation of the loading docks

Noise and visual impact from the operation of the loading docks are issues raised by residents. The Commission considers these issues can be addressed by the requirement to close the doors of the loading docks at all times except when vehicles are accessing or exiting from the docks. The Commission also considers the enclosed loading dock should be

allowed to extend its operation hours so as to further reduce traffic conflict during shopping centre operation hours and peak traffic conditions. Relevant recommended conditions have been amended accordingly.

8. Commission's Determination

The Commission has carefully reviewed the application, the assessment report, views expressed by stakeholders and the 11 amendments to the PPR proposal provided by the proponent on 10 September 2013.

The Commission's consultation process, and the background to the application highlighted almost unanimous support for the redevelopment of the shopping centre. Consultation also indicated that such redevelopment is considered by many to be overdue, with high levels of vacancies currently apparent which is impacting on the liveliness of the local area. The amendments to the PPR proposal submitted by the proponent will ensure that such redevelopment will not be further delayed and will also be supported by new residents.

The Commission is satisfied that the proposal as amended will be beneficial to the community and that the environmental and amenity impacts of the proposal can be adequately mitigated or managed by a suite of stringent conditions. Therefore, the Commission has determined to approve the application as recommended by the Department subject to their recommended modifications as well as approval conditions as amended and supplemented by the Commission. The amendments are:

1. Maximum GFA for retail/community uses is 14,404m².
2. Maximum GFA for residential use is 34,636m².
3. Maximum number of units 405.
4. 916 basement car parking spaces to be provided.
5. Northern site
 - Increased setbacks and landscape buffers to be provided on the eastern and western sides of the site to reduce the visual impact on adjacent residents;
 - Supermarket to be relocated and plant adjusted to reduce the height of boundary walls; and
 - Building 1A increased setback from Gardeners Road to increase solar access to and views from the adjoining residential building.
6. Southern site
 - Footpath on Evans Avenue in front of Building 4 to be widened to optimise sun access and extend the public domain;
 - Width of public boardwalk adjacent to the reserve increased by 2m to 6.5m by moving Building 7 east by 2m;
 - Buildings 6A and 6B deleted to increase podium landscaped area and reduce the number of apartments;
 - One storey deleted from Building 5 to improve solar access to existing buildings on Barber Avenue; and
 - Delete one unit from Building 6 to accommodate the eastward moving of Building 7.

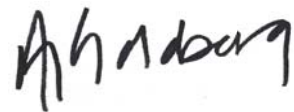
7. The roller shutters to the southern loading docks are to be kept closed at all times other than during the entry and exit of the docks. No queuing of delivery trucks outside the loading docks is permitted.
8. An appropriate community space within the development with street frontage at the edge of Eastlakes Reserve shall be included within the development, at no cost to Council, that can be used by Council or Council nominated community organisation(s) for community purposes. This is in addition to Council's Section 94 contributions. If Council declines to accept the space within 3 months of the offer, the proponent shall prepare an operation management plan for such space in consultation with the Council. The operation management plan shall be approved by the Department and a copy provided to Council for information.



Paul Forward
Commission Member



Jan Murrell
Commission Member



Abigail Goldberg
Commission Member



Appendix 1
Site Plan as shown in the PPR



NORTH POINT				
REV	DESCRIPTION OF CHANGE	DRAWN	CHECK	DATE
A	DA DRAFT	EC	RB	26.03.12
B	FINAL DRAFT	EC	RB	13.04.12
C	PART 3A SUBMISSION	VZ	RB	20.04.12
D	ENVIRONMENTAL ASSESSMENT ISSUE	SA/SM	PR	22.06.12
E	PPR ISSUE	RT	PR	15.02.13
F	PPR UPDATE ISSUE	RT	PR	07.05.13

CLIENT

CROWN PROSHA JOINT VENTURE



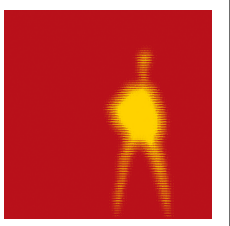
66 ALFRED STREET
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ARCHITECTS

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ANALYSING CREATING AND
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PROJECT:

EASTLAKES TOWN CENTRE
SYDNEY, NSW, 2018

DRAWING TITLE:

SITE PLAN

SCALE:

1:500 @ A1

CHECKED:

RT

PROJECT NUMBER:

11001

DRAWING NUMBER:

DA 02

ISSUE:

F

Summary of Issues discussed at Meetings held on 9 July 2013

Meeting with Botany Bay City Council

Key concerns raised by Council include:

- Traffic – future growth in traffic will compromise the performance of Racecourse Place and Evans Road roundabout; the traffic report and parking demand surveys were based without considering the number of vacancies within the Eastlakes shopping centre; streets such as Longworth Avenue are narrow and difficult to have two way vehicle movement; there is a high take up of street parking;
- Public transport – the existing public bus network is at capacity noting this site alone will not drive the demand for additional buses;
- Site fragmentation and isolation – the proposal, if approved, will prevent No.'s 14 & 16 Evans Road from redevelopment;
- Adequacy and suitability of accessible units;
- Unit sizes – the majority of units do not meet the minimum unit sizes provided in the Residential Flat Code or Council's DCP 35;
- FSR – the proposed residential FSR exceeds the retail FSR with the site being zoned for retail use;
- Noise – there will be concentrated noise arising from the loading docks which will impact on adjoining residential premises;
- Built form, height, bulk, density, adequacy of open space;
- Overshadowing – the development would overshadow the adjoining reserve especially during the winter months when sun is needed the most;
- The proposal would involve Council's easement which runs parallel to the reserve; and
- Potential visual impact from public domain especially the adjoining reserve.

Meeting with the Proponent

The proponent advised that the site is ready for redevelopment and has been for a number of years. A number of refinements to the project design and layout have been carried out since the original EA was exhibited late in 2012 to address issues raised by the Council and in public submissions. These include a reduction in the podium height, increasing setbacks along Barber and Evans Avenues, deletion of the serviced apartments in favour of residential units, relocating the car park entry on Evans Avenue and a reduction in height on the southern side of Building 7.

The proponent's traffic consultant has confirmed that the proposal would not significantly reduce the level of service at the two key intersections (Racecourse Place with Gardeners Road and Racecourse Place with Evans Avenue).

The option of providing a shared zone arrangement, including the creation of a bus access corridor, between the shopping centre and the reserve was discussed with the proponent

indicating the connectivity of the shopping centre to the reserve was more conducive to an active interface.

With regard to potential noise issues from the proposed loading docks, the proponent advised that the docks could not be located underground due to the high water table in the area which would limit the extent of excavation for the project.

The proponent indicated key benefits include:

- Diversity of residential product being made available;
- The interface to the reserve addresses the existing disconnect between the park and the shopping centre;
- The project would have the benefit of activating the reserve;
- The proposed entry locations would minimise vehicle disruption on surrounding residential development; and
- Secondary spend would increase which would benefit more retail premises.

Appendix 3 List of Speakers

Planning Assessment Commission Meeting Proposed Redevelopment of Eastlakes Shopping Centre

Date: 4 pm, Wednesday, 24 July 2013

Place: The Eastlakes Community Hall, Florence Avenue, Eastlakes

1. City of Botany Bay Council
Mayor, Mr Ben Keneally
Mr Tim Hale
2. Ms Sevinc Berber
3. Ms Maryana Fernandez
4. Ms Dianne Wolff
5. Ms Alena Brickacek
6. Ms Elsie Cole
7. Ms Kay Evans
8. Ms Carina Giatsios
9. Mr Min San Song
10. Name withheld as requested
11. Ms Cherie Muir
12. Mr Peter Starr
13. Ms Colette Batha
14. Mr Allen Jacobson
15. Strata Plan 4736
Ms Denise Tsiros
16. Ms Therese Penya
17. Ms Flora Shmaryan

Summary of Issues raised at the public meeting on 24 July 2013

Planning and Built Form

- The proposal is inconsistent with the objects of the EP&A Act as it will have a detrimental effect to the existing multicultural nature of the community.
- It will provide “costly housing”, not “affordable housing”.
- The interface between the proposed high and existing low rise buildings is inadequate; particularly 7 storeys next to 2 storey houses.
- The proposed height of 7 storey’s and 4 metres for the podium is too high for the street.
- The residents of 193 Gardeners Road would be facing a 4 metre high podium wall.

Traffic, parking, and pedestrian access

- The intersection of Racecourse Place and Evans Avenue is already heavily congested.
- The entry/exit to the northern units is located adjacent to the loading dock driveway which will impact on traffic flow.
- Pedestrian access is unsafe, with foot traffic having to cross the roads which are now designated as a truck delivery route to gain entry to the shopping centre.
- Is the layback to the northern complex wide enough to provide truck entry and if not, this would hinder traffic which would have to stop as trucks cross over the medium to be able to manoeuvre into the loading dock driveway.
- There is inadequate parking provided for the number of units with only one space for 2 bedroom units when most people now have a car each which will result in residents parking on the surrounding streets.
- The existing road network is too narrow and will not accommodate the additional traffic especially Longworth Avenue which is single direction movement only most of the time due to street parking. Therefore the existing roads should be widened to two lanes each way to cater for the additional traffic generated.

Transport

- The existing bus network is overloaded and takes longer than the bus timetable indicates.
- School children gather in Racecourse Place to catch the 301 bus to school. The increase in traffic will result in accidents when mixed with children.

Visual Impact

- The buildings would have a significant visual and privacy impacts on adjoining residences.

Loading Docks

- Loading docks to Barber Avenue will add to congestion in street and impact on public safety;
- Loading dock operation hours should be limited to reduce traffic congestion and noise impacts;

Other issues

- The proposal fails to respect the particular characteristic aspirations and cultural identity of the community;
- The proponent has been misleading with the height of the development – while it is indicated as 7 storeys the actual height, including the podium, will be more like 9 ½ storeys.
- Impacts on adjoining properties during construction not considered;
- Noise from plant rooms to Barber Avenue residents to south of site;
- Loss of quiet enjoyment of street;
- Immediately affected buildings should be sound proofed;
- There will be significant overshadowing of 18 Evans Avenue;
- The Department's report states there were no further submissions following the revised PPR which is incorrect as at least one submission was made to Planning on the modified PPR;
- The entry/exit point for the northern car park will be affected by the roundabout on the junction of Racecourse Place and Evans Avenue resulting in traffic issues;
- Who will ensure landscaping (i.e. trees) on the podium will be maintained;
- All 36 unit owners within 16 Evans Avenue agreed to sell to the proponent contrary to the Department's assessment report.
- There will be noise from the pump required for the on-site detention system which will be used for landscape watering.

Appendix 5
Drawing Numbers DA05 to DA14 dated 11 September 2013

18th December 2017

Our Ref: S17/121

Ms Jessica Ford
Senior Consultant
URBIS
Level 23, Darling Park Tower 2
201 Sussex Street
SYDNEY NSW 2000

Dear Jessica,

Re: Eastlakes Shopping Centre

Thank you for your email dated 8th December 2017 attaching a proposed scope of works for an Urban Context Analysis in relation to a potential Planning Proposal at Eastlakes Shopping Centre.

Please be advised that Council has not at any time requested Urbis to prepare an Urban Context Analysis to inform strategic planning for the Eastlakes Shopping Centre.

Council wrote to you on the 6th December 2017 advising that the strategic planning team will soon commence a review of the Botany Bay Local Environmental Plan 2013 in the preparation of a new LEP. The Eastlakes Shopping Centre and broader Eastlakes locality will form part of that review and any necessary strategic studies and analysis to inform strategic planning for the new LEP, including working collaboratively with external stakeholders, will be undertaken at that time.

If you wish to discuss the matter further, please contact Clare Harley, Manager Strategic Planning on 0404 163 594.

Yours sincerely,



Michael McCabe
Director – City Futures

Mascot Customer Service Centre

141 Coward Street
Mascot NSW 2020, Australia

ABN 80 690 785 443 Branch 004
DX 4108 Maroubra Junction



Telephone Interpreter Services - 131 450

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444-446 Princes Highway
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Τηλεφωνικές Υπηρεσίες Διερμηνέων

بخدمة الترجمة الهاتفية

電話傳譯服務處

Служба за преведување по телефон

05 August 2018

Michael Romano
Development Director,
Crown Group

Via email –
Michaelromano
@crowngroup.com.au

PROJECT: MP 09_0146 MOD 4 - Modification to Eastlakes Shopping Centre
Mixed Use Development
RE: SDRP First Review – 26.07.18

Dear Michael,

Thank you for attending the State Design Review Panel (SDRP) session on Wednesday, July 26. Please note this and subsequent letters relating to the SDRP will be distributed to the meeting attendees listed below.

The scheme proposed as Modification 4 is a significant departure from the current approval, which was granted in 2013. The approved scheme is characterised by articulated, medium density residential buildings that create a streetscape and buffer to a set-back retail podium. The podium includes a supermarket, through-site links and small footprint retail. The proposed scheme retains the podium but introduces a 14 storey linear apartment tower to the east along the frontage with Eastlakes Reserve, and three seven storey residential blocks. Overall there is a significant increase in height, bulk and scale, apartment numbers and parking. The proposed modification offers fewer, larger individual retail units, less activated street frontage and a compromised east-west public pedestrian link.

Whilst the proposed modification does appear to in some ways improve the address to the neighbouring park with regards to the design of the public domain, the panel considered that overall there was a lack of value placed in public benefit, with commercial imperatives overriding other concerns. Whilst the panel understand that development must be viable, an appropriate balance between public benefit and private drivers was not felt to have been achieved. Consequently, the panel is not able to support the proposal. The following commentary is provided:

Increased GFA

The proposed modification seeks to increase residential yield on the site by approximately 50%. While the panel recognise the need for increased housing supply and appreciated the thorough presentation of the planning and urban design context, they remained concerned at the impacts of the proposed increases in terms of increased bulk, height and scale of the development, impacts on streetscapes, increased car traffic, and the limited access to public transport in this area.

Urban design and built form

The 14 story linear building presents as a long, visually dominant wall to Eastlakes Reserve, broken with a single penetration described as necessary for cross ventilation. The height and un-broken bulk of this element were considered unacceptable by the panel. The proposed 5.5m high (plus) podium provides an activated street frontage to Evans Avenue to the north and half of Barber Avenue to the east. This was supported. However, the southern half of the eastern elevation and the southern elevation of the podium are not activated and offer little obvious amenity or outlook to the adjacent residential buildings. The panel note that the extent of active street frontage has reduced from the approved scheme. This was not supported.

Whilst it is noted that the podium addresses the scale of neighbouring development on Barber Avenue, the set back of the apartment buildings from the podium edge (required to address overshadowing issues) has meant that opportunities for visual activation and surveillance of the street have been reduced.

Whilst the panel support the shopping centre use in principle as consistent with the approved design, the reduced number of retail units, and lack of a dedicated through-site link was not supported. Greater permeability through the site, ideally with natural light and air is strongly recommended. Further detail is required on the 'market -place' as a means to support existing retail tenants to remain in the centre.

The proposed parking entry is consistent with the approved scheme. Increased setback of development in this location is supported however the panel raised concerns about safety given the impact of increased traffic.

Public domain and community uses

Whilst the proposal does increase the setback of the podium and residential development from the park edge, and introduce a generously scaled awning (both of which the panel support), the north-south ramp from Barber Ave cuts off direct access to the park from the southern retail units which are accessed via a service corridor. A reconsideration of the arrangement of the ramp and steps to improve access is recommended.

The proposed community library space and childcare are located on the podium level. These spaces are only accessible via a residential core and are not visible or accessible from the public domain. While the panel support the provision of childcare and community facilities it is recommended that the community space be relocated to a more visible and accessible area on the ground floor. Any community facility must be informed by engagement with the local council to ensure uses align with needs.

The panel raised concerns as to whether the 'town square' adjacent to the parking entry could be expected to work as a public space given the traffic impacts noted above. Relocation of the parking entry would benefit the functioning of this space.

Residential apartments

Whilst noting that a detailed analysis of ADG compliance was not undertaken, the panel were not convinced that the proposed modification offers improved amenity for apartments. The linear western building overshadows the lower block buildings in the afternoon while appearing to offer fewer naturally ventilated apartments. The proposed modification provides 5 lift cores which in one cases services up to 17 apartments. This was not considered unacceptable. The southern block building has no ground floor entry lobby. The panel are concerned at the absence of ESD strategies or ratings targets which may have offered an improvement on the approved scheme.

Summary recommendations:

The panel understands that Bayside Council is undertaking a strategic planning study of the broader Eastlakes area to establish a vision and principles for future development. It is recommended that any approval of development modifications on this site be informed by this study. Additionally, the panel recommends the following with respect to the proposed Modification:

- Indicate how the proposal will balance public benefit with commercial considerations, for example through innovation in improved public domain or public access, sustainability, residential amenity, provision of affordable housing or other innovation;
- Reduce the height, bulk and scale of towers to reduce overshadowing, visual impacts and traffic load;
- Adopt a finer grained, articulated response for street elevations and ensure that Barber Avenue to the east does not feel like a 'back door';
- Increase permeability of the site and re-establish a visible through-site link with access to natural light and air, which supports diverse, independent retail;
- Ensure terraces to the park support a mix of community and food and beverage business;
- Reconsider the arrangement of the ramp and steps to improve access to retail areas and the park;
- Review the location of the parking entry and the design of the public square in this location to ensure usability and safety;
- Provide detail supporting the market square concept and how this will support existing businesses in staying in the precinct;
- Detail VPA commitments with Council and ensure community facilities are visible to and have direct access from the park;
- Increase the active street frontage on Barber Avenue facing east. Detail strategies for mitigating loading dock impact on neighbours;
- Ensure apartments meet ADG requirements and are serviced by an adequate number of cores, and generous, visible and accessible residential lobbies;
- Detail ESD strategy and green-star commitments.

I trust that this information is helpful and look forward to seeing this project as it progresses. Please contact Emma Kirkman if you have any queries in regards to this letter.

Sincerely,



Olivia Hyde
Director of Design Excellence - Government Architect NSW
Chair, Kent Road SDRP

CC

NSW SDRP Panel members

GANSW Design Advisor

DPE

Bayside Council:

Crown Group

FJMT

URBIS

Matt Davis, Adam Haddow, Garth Paterson, Oi Choong
(Bayside City Council nominee), Olivia Hyde (Chair – GANSW
Nic Moore
Anthony Witherdin
Alison Phillips
Michael Romano, Suzan Oktay
Don Albert, Sean McPeake
Stephen White, Madonna Locke

27 April 2018

Our Ref: F10/47
Contact: Howard Taylor 9562 1663

Ms Emma Butcher
Planning Officer
NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Butcher

RE: Request for SEARs- Eastlakes Shopping Centre (MP 09_0146 MOD 4)

Thank you for your email dated 13 April 2018, requesting comments on the draft Secretary's Environmental Assessment Requirements (draft SEARs) regarding the proposed modification to the Eastlakes Shopping Centre, Eastlakes (Department of Planning & Environment (DPE) Ref: MP 09_0146 MOD 4).

The Proposal:

The proposed modification relates to the south site, bounded by Evans Avenue, Barber Avenue and Eastlakes Reserve; and seeks the following changes to the project approval:

- Alterations to the ground floor commercial layout;
- Increase overall site floor space from 49,040m² to 71,815.1m²;
- Provision of a new mezzanine level and corresponding increase in height of the residential podium;
- Consolidation of the proposed residential buildings from 6 to 4;
- Increase the building height from 3-6 storeys to 3-12 storeys; and
- Provision of additional levels of basement car parking.

Background:

MP 09_0146 MOD 1

A previous modification to the Eastlakes Shopping Centre (DPE Ref: MP 09_0146 MOD 1) for the north site, is under consideration by the DPE. A copy of Council's submission in relation to this modification is attached for your reference.

Draft Planning Proposal:

On the 4 September 2017, Council officers met with the proponent to discuss concept plans for a potential Planning Proposal at the south site of the Eastlakes Shopping Centre. The development shown in the concept plans was of a similar scale and nature to that currently proposed in MOD 4. At the meeting, Council's technical officers advised that intensification of the shopping centre on the scale proposed would require broader strategic planning and further investigation in the context of the broader Eastlakes local centre.

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On the 9 November 2017, the proponent met with Council officers to present a proposed scope for an Urban Context Analysis that would inform the potential Planning Proposal at the south site. Following the meeting, the proponent was issued with the following advice:

“Council will soon commence a review of the Botany LEP 2013. The Revised Draft Central District Plan identifies Eastlakes as a ‘Local Centre’ and therefore will be the subject of strategic planning by Council as part of the preparation of a new LEP.”

“.....in this context we consider a major Planning Proposal for the Eastlakes Shopping Centre premature.”

On the 29 November 2017, the proponent forwarded a proposed scope of works for the Urban Context Analysis for Council’s review and comment. In a letter dated 18 December 2017, the proponent was advised that Council officers had not requested an Urban Context Analysis to inform strategic planning for the Eastlakes local centre; and previous advice reiterated that a major Planning Proposal was considered premature given that strategic planning for a new LEP was about to commence, and the necessary strategic studies and analysis undertaken at that time.

To date, the proponent has not lodged a Planning Proposal for the south site.

Bayside Council feedback: Draft Secretary’s Environmental Assessment Requirements (draft SEARs)

Council has reviewed the draft Secretary’s Environmental Assessment Requirements (draft SEARs) and provides relevant background and specific feedback in relation to the following items:

1. Relevant EPIs, policies and guidelines to be addressed;
4. Urban design and built form;
8. Public domain/ open space; and
9. Transport and access.

1. Relevant EPIs, policies and guidelines to be addressed

- **Greater Sydney Region Plan**

Objective 12 – Great places that bring people together emphasizes on using a place-based planning approach be applied to ‘streets, neighbourhoods, local centres and larger scale urban renewal.’ Place-based planning involves a collaborative process involving:

“...the community, local businesses, residents, State and local governments and other stakeholders to produce a shared vision. The shared vision and spatial framework for a place provide the basis for future development, governance and allocation of responsibilities.”

The scale of intensification proposed is considered to have a significant impact on the Eastlakes local centre, however, a strategic planning process to establish a shared vision and basis for the growth and renewal of the Eastlakes local centre has not yet been undertaken.

Objective 22 - Investment in business activity in centres establishes Principles for Greater Sydney's Centres and provides for how local centres are to be managed:

"The management of local centres is best considered at a local level. Developing a hierarchy within the classification of local centres should be informed by a place-based strategic planning process at a council level including an assessment of how, broadly, the proposed hierarchy influences decision-making for commercial, retail and other uses."

Council notes that a new comprehensive LEP is under preparation and will be informed by a strategic planning process supported by studies and community and government stakeholder consultation to inform the management of the Eastlakes local centre.

Assessment Requirements:

As noted above, the scale of intensification proposed by the modification is considered to have a significant impact on the management of the broader Eastlakes local centre.

Accordingly, Council seeks to ensure that the SEARs require the proponent to demonstrate consistency with Objectives 12 and 22 of the Greater Sydney Region Plan, in particular:

- i. How the proposal is consistent with the community, local businesses, residents, State and local governments and other stakeholders shared vision for the Eastlakes local centre.

- **Eastern City District Plan:**

Planning Priority E6

"To deliver high-quality, community specific and place-based outcomes, planning for the District should integrate site-specific planning proposals with precinct-wide place and public domain outcomes through place-based planning. This is a method by which great places can capitalise on the community's shared values and strengths and the place's locally distinctive attributes through collaboration and meaningful community participation."

The Planning Priority gives emphasis to evidence-based assessment and a place-based approach to planning for local centres. In this regard, it is considered premature to intensify development of the centre without the appropriate strategic studies for the broader local centre and suburb.

The Government Architect's policy, *Better Placed*, provides guidance for place-based planning. The Policy notes that community cohesion can be eroded, and problems of social inequity can be reinforced when a lack of tenure types creates social separation and exclusion. In terms of social inequity, the following is a snapshot of the socio-economic profile of the Eastlakes suburb utilising Profile ID:

- *Income:*

'Overall, 13.1% of the households earned a high income and 28.3% were low income households (less than \$650 per week), compare with 28.3% and 15.1% respectively for Greater Sydney.'

- *Household mix:*

'Overall, 59.0% of households were in dwellings with 2 bedrooms or less, and 9.5% of household were in dwellings with 4 or more bedrooms, compared with 31.5% and 29.3% for Greater Sydney respectively.'

- *Ownership:*

'Overall, 23.1% of the population owned their dwellings; 18.7% were purchasing, and 49.6% were renting, compared with 27.7%, 31.5% and 32.6% respectively for Greater Sydney.'

- *Rents:*

'Analysis of the weekly housing rental payments of households in Eastlakes compared to Greater Sydney show that there was a smaller proportion of households paying higher rental payments (\$450 per week or more), and a larger proportion of households with low rental payments (less than \$250 per week).

'Overall, 24.4% of households were paying high rental payments, and 38.1% were paying low payments, compared with 48.1% and 16.0% respectively in Greater Sydney.'

Given the socio-economic profile of the Eastlakes suburb, it is considered premature to intensify development of the centre without the preparation of the appropriate socio-economic studies to inform the centres growth and renewal.

Principles for local centres:

The Eastern City District Plan provides the following in relation to the management of local centres:

"As the management of local centres is predominantly led by councils, the resolution of which local centres are important to each council will need to be assessed as part of their preparation of local strategic planning statements and local environmental plans."

and,

"This hierarchy of local, strategic and metropolitan centres (including transport interchanges) should be informed by an evidence-based assessment of local and district-wide housing, employment, retail, commercial services and infrastructure demand."

Council considers that significant redevelopment of the centre without evidence based assessments to inform the growth and renewal of the Eastlakes local centres is premature and inconsistent with the principles for local centres, noting that Council is preparing the new LEP that will be informed by studies and consultation.

Principles for housing strategies:

The Eastern City District Plan states that housing strategies play an important role in planning for more liveable neighbourhoods and to meet housing demand by responding to the principles for housing strategies in the Eastern City District Plan.

Currently, Bayside Council does not have an adopted housing strategy for the Bayside local government area, which includes Eastlakes local centre.

Council notes that a new comprehensive LEP is currently under preparation, which will include socio-economic study and housing strategy, together with the local strategic planning statements as required under section 3.9 of EP&A Act, to provide the necessary evidence base to inform the growth and renewal of the Eastlakes local centre.

Assessment Requirements:

Council seeks to ensure that the SEARs require the proponent to clearly demonstrate the proposals consistency with the Government Architect's Policy *Better Placed* and the principles for local centres and housing strategies contained in Planning Priority E6 of the Eastern City District Plan.

• **Future Transport 2056 (FT2056)**

Assessment Requirements:

Council's Transport Planner has requested that the SEARs require the proponent to address the following:

Ensure ready access to public transport (both commuter routes to employment centres, and local amenity-based routes)

- *High quality public transport facilities, ie. appropriate upgraded shelters and interchanges provided at high-demand or accessibility required locations.*

How it will provide well-designed active transport facilities to and from the town centre

- *FT2056 emphasises physically separated cycle corridors that connect new development to schools and major employment centres (ie. UNSW/ Eastgardens/ Sydney Airport/ Port Botany)*
- *Ensure it incorporates a streetscape (spaces/ areas) to promote people walking and cycling locally – wide footpaths and seating in plaza*
- *Include wayfinding signage and directions, clear and easily readable*
- *Will nearby golf clubs be accessible from town centre via a safe pedestrian path?*

Incorporate mandatory car share space allocation and electric vehicle charging areas into DA's – parking provisions (to be updated into due course in Bayside LEP) – 1 car share space per 50 residential spaces mandatory in several neighbouring councils.

Ready access to green/ open space as detailed in the NSW Government Architects Draft Strategy 'Greener Spaces' Strategy

Apply "movement" and 'place' approach to match road function, ie. control traffic volume and speed in town centres to ensure better places and communities.

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

Clause 28 (2) (c) of SEPP 65 requires a consent authority to take into consideration the Apartment Design Guide (ADG).

Apartment Design Guide:

Part 1 – Identifying the context

Guidance for identifying the context is provided in Part 1 of the ADG:

"... the importance of understanding the context, setting, local character, size and configuration of a development site. It is to be used primarily during the design stage of a development and during the strategic planning process when preparing planning controls."

The current planning controls in the *Botany Bay Local Environmental Plan 2013* (Botany LEP 2013) are based on a strategic planning process undertaken when the *Botany Bay Local Environmental Plan 1995* was replaced by the standard instrument Botany LEP 2013. The controls proposed in MOD 4 are not based on a strategic planning process informed by studies and consultation with the community and government stakeholders.

Part 1B - Local character and context:

Guidance for determining local character and context, including desired future character, is provided in Part 1B of the ADG:

Desired future character:

"The desired future character can vary from preserving the existing look and feel of an area to establishing a completely new character based on different uses, street patterns, subdivisions, densities and typologies."

Establishing the desired future character is determined through the strategic planning process in consultation with the community, industry and other key stakeholders. Understanding the context during this process is crucial to support change and determine appropriate building types and planning controls."

Currently the desired future character for the 'Eastlakes Precinct', in which the Eastlakes Shopping Centre is located, is detailed in the Botany DCP 2013. As noted previously in this response, neither Council nor the community has undertaken a

strategic planning process to update the desired future character for the Eastlakes local centre and inform an appropriate planning framework for the growth and renewal of the centre.

Planning circular PS 18-001 Stepping up planning and designing for better places: respecting and enhancing local character (PS 18-001)

Additional guidance for establishing desired future character is provided in PS 18-001:

“Good planning should ensure all places share a future desired character and once this has been established the planning framework can be used to guide the degree of change needed to achieve that vision.”

As noted previously in this response, neither Council nor the community has undertaken a strategic planning process to establish a desired future character for Eastlakes to inform an appropriate planning framework for the growth and renewal of the centre.

Assessment Requirements:

Council notes that a new comprehensive LEP is being prepared, which will involve community and government stakeholders to update the desired future character for the Eastlakes local centre.

Council seeks to ensure that the SEARs require the proponent to demonstrate the proposals consistency with Part 1B of the ADG, in particular:

- i. Demonstrate how the proposal is consistent with the community's, industry and other key stakeholders vision for the Eastlakes local centre.

• Botany Bay Local Environmental Plan (Botany LEP 2013)

The subject site is zoned as B2 – Local Centre under the Botany LEP 2013. The objectives of the zone are as follows:

- *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.*
- *To encourage employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling.*

The total gross floor area is proposed to be increased from the approved 49,040sqm to 71,815sqm with 52,561.4sqm of residential floor area (gross) and 19,253.7sqm of commercial floor area (gross). Based on Council's calculations, approximately 73% of the total gross floor area will be dedicated to residential development with a residential to commercial land use ratio of 2.73:1. This is inconsistent with the objectives of the B2 – Local Centre zone.

The objective of the zone is to provide a range of services (i.e. retail, business, community) to support the local area and community. Council does not consider the intensification of housing as the primary function/ role of a B2 – Local Centre zone.

Council does not oppose residential development on the subject site; however, a balanced approach must be adopted to accurately reflect the intent and purpose of a B2 Local Centre zone.

Assessment Requirements:

Council seeks to ensure that the SEARs require the proponent to clearly demonstrate the proposals consistency with the objectives of the B2 – Local Centre zone.

- **Botany Bay Planning Strategy 2031 (Strategy 2031)**

Chapter 2: Strengths and Challenges

Urban character and amenity:

“.....The Eastern centres (including Eastlakes) of the LGA, though not as affected by aircraft noise, are poorly serviced by efficient public transport. Eastlakes has a high proportion of strata-titled subdivision in the core area within the centre and poor centre configuration. Additional development potential may be created in the medium term following investment in public transport, site assembly and public domain upgrades.”

Eastlakes largely comprises 3-4 storey walk-up residential flat buildings and many of these buildings have been established since the 1970s. It is unlikely that these buildings will be subject to future redevelopment since they are strata title subdivided. Re-development of Eastlakes should be subject to a strategic planning process involving community and government agency consultation to ensure good public transport connections, explore ways to avoid isolating or compromising the ability to redevelop adjacent sites and establish a community vision for Eastlakes (refer also to comments under the sub-heading ‘Place-based planning’ under the heading ‘Greater Sydney Region Plan’, above).

Open Space

Strategy 2031 found that whilst the former Botany LGA has a relatively high open space provision, access for the wider public is often alienated, resulting in an overall undersupply of open space (37 ha of open space and 11 ha for active sports (Botany Bay Open Space & Recreation Needs Analysis 2012)).

The need for open space is predicted to worsen as the population increases within the LGA. Population predictions in the 2016 Section 94 Plan predicted a population growth of 1255 persons per year, however a review of current Development Applications and Planning Proposals suggests a growth of 5,378 per year until 2022. Open space provision per 1000 residents is predicted to fall from 2.41 ha/ thousand residents in 2016 to 1.5 ha per thousand residents by 2021.

The existing Eastlakes local centre is characterised by high density housing with the majority of open space being provided by a number of pocket parks. It is evident that the proposed modification, which significantly increases residential population in the local centre, relies on the adjoining Eastlakes reserve to service the open space needs of the intended residents and visitors to the shopping centre.

Council is in the process of preparing the new LEP which will be informed by an Open Space and Recreation Needs Analysis to inform how equitable access to open space for the Eastlakes local centre and broader Bayside LGA is to be provided and managed.

Chapter 3: Managing Growth in the Eastern Centres:

Strategy 2031 notes the following in relation to the growth and renewal of Eastlakes local centre:

“More comprehensive redevelopment and renewal at Eastlakes will depend on a major reconfiguration of the subdivision and relationship between retail and residential units.”

“Further intensification at Eastlakes depends on a coordinated and managed approach to renewal, future investment in public transport connections and improvement of the poor configuration of the centre. Conflicts between trucks servicing the shopping centre and neighbouring residential areas, poor public domain and the significant surrounding strata-titled residential apartments are major challenges for renewal.”

“Enhancement of public transport should be considered as part of a comprehensive Transport Management Plan which capitalises on opportunities to extend public transport corridors in adjoining LGAs”

Council is currently preparing a new comprehensive LEP. Council is commissioning an Open Space and Recreation Needs Analysis to inform open space provisions; and community consultation undertaken to establish a community vision for Eastlakes local centre.

Assessment Requirements:

Council seeks to ensure that the SEARs require the proponent to demonstrate how the proposal will:

- i) avoid isolating the development potential of adjacent sites;
- ii) provide for adequate open space given the existing identified shortfall; and
- iii) be consistent with a shared vision for the Eastlakes local centre that has been informed by the community, industry and other key stakeholders.

4. Urban design and built form

Item 4 of the draft SEARs requires the Modification Request (MR) to consider the proposal's consistency with the existing and desired future character of the area in the context of:

- *Development standards in the Botany Bay LEP 2013*

In relation to building height, the height of buildings map in Botany LEP 2013 stipulates a height of 14 metres for the site. A specific building height was not provided, however, a review of the plans indicates that a building height of 12 storeys above a 3-storey podium is proposed – equating to a building height of approximately 45 metres. Introducing a building of this height is not consistent with the overall/ established character of Eastlakes of 3-4 storey walk-up residential flat buildings.

In relation to FSR, the proposal to increase FSR from the approved 2.04:1 to 3:1 is considered a significant overdevelopment of the site given that the Botany LEP 2013 stipulates an FSR of 1.5:1.

- *The broader strategic planning framework and consideration of access to public transport*

The context of the proposal in the broader strategic planning framework is noted under heading 1, above. In relation to access to public transport, Strategy 2031 – Managing Growth in the Eastern Centres notes the importance of access to public transport in any strategy to grow the Eastlakes local centre:

“Enhancement of public transport should be considered as part of a comprehensive Transport Management Plan which capitalises on opportunities to extend public transport corridors in adjoining LGAs”

As noted elsewhere, Council is in the process of preparing the new LEP which will be informed by Transport studies that will take into consideration the transport strategies of adjoining LGAs.

- *Existing surrounding development, with detailed envelope/ height and contextual studies (including 16 Maloney and 1 Florence Street) undertaken to ensure the proposal integrates with the local environment and the planning vision for Eastlakes.”*

The ‘planning vision’ for the Eastlakes local centre is currently determined by the adopted strategic planning framework, namely, Strategy 2031 and the Botany LEP 2013. In this context, the proposed modification is inconsistent with the ‘planning vision’ for the Eastlakes local centre.

Council notes that a strategic planning process is currently being undertaken in preparation of the new comprehensive LEP that will include supporting studies.

Assessment Requirements:

Council seeks to ensure that the SEARs require the proponent to demonstrate how the proposal is consistent with:

- i. The desired future character of the Eastlakes local centre.

Council’s Urban Designer requests that the SEARs require the proponent to address the following

1) Strategic Planning Objectives

- a) *The draft SEARs provides an extensive list of requirements that should be addressed for the section 75W. In addition to the draft SEARs Council would request that the following information be provided as a part of the Modification Request:*
 - i) *In lieu of no broader strategic framework being available for the Eastlakes local centre it is integral that a comprehensive Urban Context Report is provided as part of the submission. The Eastern City District Plan, Planning Priority E6 - Creating and renewing great places and local centres, and respecting the*

District's heritage places emphasis on evidence-based assessments and a place-based approach to planning for local centres. The proposal pre-empts an outcome that has not been derived from a holistic planning approach.

- ii) In addition to the above the Urban Context Report should demonstrate that the modified scheme aligns with the objectives of Better Placed – an integrated design policy for the built environment for NSW (2017), 2.6.1 Design Objectives for NSW. This should be used as an indicator to ensuring that any development of the Local Centre is derived from place-based planning approach.*
- iii) The Eastern City District Plan, Planning Priority E17- Increasing Urban Tree Canopy Cover and Delivering Green Grid Connections outlines key objectives in achieving a connected natural landscape that caters for and connects communities. The Modification Request will need to provide an open space and recreation needs analysis identifying the needs and requirements of the Eastlakes community now and into the future, as well as any opportunities to deliver the Green Grid. The intensification of residential density and commercial uses within Eastlakes will require increased amenity and an understanding of the opportunities to address this will need to be provided within the Urban Context Report.*
- iv) With reference to the above, the needs analysis should also identify the future role of Eastlakes Reserve in catering for the increased density in the Eastlakes local centre. Currently Eastlakes Reserve provides passive function and open space amenity for the current population. The Modification Request should outline the role of the Reserve based on the findings of the needs analysis and the opportunities identified in the Urban Context Report. Upgrades to Eastlakes Reserve should be subject to a landscape master plan approach.*

2) Urban Design Comments

- a) The following comments relate to the Modification Request's architectural drawings that have been made available and the section 75W Request:*
 - i) The draft SEARs require that height, scale and density of the proposed development is informed by detailed urban analysis and consideration of impacts on the surrounding context. As stated above this would be expected to be derived from an evidence-based assessment and place-based planning approach following the objectives of the Eastern City District Plan. The following comments are in response to the height, scale and density of the Modification Request;*
 - (1) The modification seeks an increase of 4,849.7m² retail and community space and an increase of 17,925.4m² in residential GFA. This has led to significant increases in height and density of the proposal. Not only does this change the interface with the surrounding residential areas and the Eastlakes Reserve, this significant increase of density will place pressure on the Town Centre to cater for an increase in population without any strategic planning in place to*

guide and implement upgrades to the Local Centre that could better facilitate the Modification Request. The capacity for the existing open space network, the public transport network and infrastructure to deal with such growth requires a holistic and strategic approach in line with the objectives of the Eastern City District Plan, Planning Priority E6 - Creating and renewing great places and local centres, and respecting the District's heritage to ensure that substantial growth does not inhibit its functionality and role of the Local Centre.

(2) 4.3 Benefits of the Modification states that revision "significantly improved public domain interface and increased activation of ground floor shopping centre particularly with Eastlakes Reserve as well as Evans Avenue and Barber Avenue". It is requested that detailed sections along Barber Avenue (both Eastern and Southern interfaces) are provided illustrating setbacks and the built form and public domain interface including the surrounding context.

ii) The draft SEARs require that design quality is addressed through consideration of massing, building envelope setback, building articulation, interface with public domain and integration with the street level. Whilst some of this information is yet to be provided, the architectural drawings show that the modification is substantially different to the approved proposal. Assessing against the current information the bulk, scale and architectural design does not respond to its contextual positioning or attempt to address this through any place-based response to the locality. As mentioned above, the proposal pre-empts an outcome that has not been derived from a holistic planning approach or Council endorsed strategy.

iii) Further information as listed in the draft SEARs under Key Issues 4. Urban Design and Built Form will need to be provided in order to make a thorough assessment of the Modification Request.

8. Public domain/ open space

Whilst the former Botany LGA has a relatively high open space provision, access for the wider public is often alienated, resulting in an undersupply of open space. Eastlakes local centre is characterised by high density housing with the majority of open space being provided by a number of pocket parks. It is evident that the proposed modification which significantly increases residential population relies on the adjoining Eastlakes reserve to service the open space needs of the intended residents and visitors to the shopping centre.

Council is in the process of preparing the new LEP which will be informed by an Open Space and Recreation Needs Analysis which will inform how equitable access to open space for the Eastlakes local centre and broader Bayside LGA is to be provided and managed.

Assessment Requirements:

Council seeks to ensure that the SEARs require the proponent to demonstrate how the proposal meets the open space and recreation needs of the existing residents of the Eastlakes given the identified shortfall of accessible open space across the LGA.

9. Transport and accessibility

The proponents' request for SEARs states that the total number of car parking spaces for the development, as modified, is 1776.

The conditions of determination attached to the original approval, require the provision of car parking to be provided at the following rates:

- 1 space per studio/ 1 bedroom/ 2 bedroom unit
- 2 spaces per 3 bedroom/ 4 bedroom unit
- 1 visitor space per 5 residential units
- 3.5 spaces per 100m² of gross lettable retail area.

The proponents request does not provide a breakdown of dwelling mix or the amount of gross lettable retail area. Accordingly, it is not possible for Council to calculate whether sufficient car parking is provided.

However, whilst it is noted that the draft SEARs states that *"the Department supports suppressed car parking in areas with good access to services and transport"*, part 8.1 of the Botany DCP 2013 notes the following about the Existing Local Character for the Eastlakes Character Precinct which should be taken into consideration when determining the amount of car parking to be provided:

"The function of the road network within and around Eastlakes however is congested due to significant on-street parking, especially within the high density residential area surrounding the Eastlakes Shopping Centre. The parking issue is the result of the lack of off-street parking provided within the residential flat buildings that were constructed in the period 1960 - 1970."

Assessment Requirements:

Given the reliance on on-street car parking by existing residents of Eastlakes, Council seeks to ensure that the SEARs require the proponent to demonstrate how on-street car parking will be managed given that the DPE intends to support 'suppressed car parking'.

If you require further clarification, please do not hesitate to contact Council's Urban Planner, Howard Taylor, on 9562 1663 or via email: howard.taylor@bayside.nsw.gov.au

Yours faithfully


Clare Harley
Manager Strategic Planning

Secretary's Environmental Assessment Requirements

Application number	MP 09_0146 (MOD 4)
Project	Modification to the project approval to modify the southern site, including redesign of the podium, revised building envelopes, increased building height above podium and additional levels of basement parking.
Location	Eastlakes Shopping Centre, Gardeners Road, Eastlakes
Proponent	Crown Group
Date issued	8 May 2018
Key issues	<p>The Modification Request (MR) must address the following specific matters:</p> <p>1. Relevant EPIs, policies and guidelines to be addressed</p> <p>The MR shall address the statutory provisions applying to the site contained in all relevant environmental planning instruments (EPIs), including:</p> <ul style="list-style-type: none"> • State Environmental Planning Policy (Infrastructure) 2007 • State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy No. 64 – Advertising and Signage • State Environmental Planning Policy No. 55 – Remediation of Land • Botany Bay Local Environmental Plan 2013 • <i>Airports Act 1996</i> (Cth) and the <i>Airports (Protection of Airspace) Regulations 1996</i> (Cth). <p>The MR shall also address relevant planning provisions, goals and strategic planning objectives in the following:</p> <ul style="list-style-type: none"> • NSW State Priorities • NSW 2021 (State Plan) • A Metropolis of Three Cities – The Greater Sydney Region Plan 2018 • Eastern City District Plan • Future Transport 2056 Strategy • Draft Architecture and Design Policy for NSW • Guide to Traffic Generating Developments • NSW Planning Guidelines for Walking and Cycling • Better Placed – an integrated design policy for the built environment of NSW • Crime Prevention Through Environmental Design (CPTED) Principles • Development Near Real Corridors and Busy Roads – Interim Guideline • SEPP 65 Apartment Design Guide • Interim Construction Noise Guidelines • Botany Bay Planning Strategy 2031 • City of Botany Bay Development Control Plan 2013. <p>In particular, the MR shall demonstrate how the proposal is consistent with:</p> <ul style="list-style-type: none"> • The relevant objectives of the Greater Sydney Region Plan, and how the proposal is consistent with the community, local businesses, residents, State and local governments and other stakeholders' shared vision for the Eastlakes local centre • the Government Architect's policy, Better Placed, and the principles for local centres and housing strategies contained in Planning Priority E6 of the Eastern

City District Plan

- the objectives of the B2 — Local Centre Zone within the Botany Bay Local Environmental Plan (LEP) 2013.

2. Comparison with the project approval (MP 09_0146) (as modified)

The MR shall:

- provide a comparative assessment of the proposed modification against the approved scheme (qualitative and quantitative), including comparison plans clearly identifying the proposed amendments in plan and elevation, and provide a rationale for the amendments, and an analysis of benefits / impacts, including measures to mitigate any potential impacts
- outline and justify any proposed changes to the existing conditions of approval and provide an updated Statement of Commitments.

3. Pre-submission consultation statement

The MR shall describe the pre-submission consultation and community engagement process, issues raised and how the proposed development has been amended in response to these issues. A short explanation should be provided where amendments have not been made to address an issue.

4. Urban design, built form and open space

The MR shall:

- consider the proposal's consistency with the existing and desired future character of the area in the context of the:
 - development standards with the Botany Bay LEP 2013
 - broader strategic planning framework and consideration of access to public transport
 - existing surrounding development, with detailed envelope/height and contextual studies (including N:16 Maloney and N:1 Florence Street) undertaken to ensure the proposal integrates with the local environment and the planning vision for Eastlakes
- ensure the height, scale and density of the proposed development is informed by a detailed urban design analysis and consideration of impacts on surrounding development, including visual and solar impacts on nearby properties and public domain areas
- assess the visual impacts of the proposal from key vantage points and surrounding areas
- address the design quality with specific consideration of the massing, building envelope setback, building articulation, landscape concepts, maximisation of street activation, safety by design, design of, and integration with, the street level and surrounding public domain
- ensure the design minimises grade separation and basement protrusions above ground level
- outline the design review process, including any review by the NSW State Design Review Panel, leading to the modified design
- provide a design excellence strategy, including a design review process throughout the planning process, for the detailed design and subsequent delivery of the development, which demonstrates how design excellence will be achieved, in consultation with the Government Architect NSW
- demonstrate how the proposal will avoid isolating the development potential of adjacent sites
- provide a comprehensive Urban Context Report demonstrating that the modified scheme aligns with the design objectives of Better Placed — an integrated design policy for the built environment for NSW (2017).

5. Amenity Impacts

- The MR shall assess the potential amenity impacts associated with the proposal in terms of overshadowing, privacy and view loss.

6. Public benefit, contributions and/or Voluntary Planning Agreement

The MR shall:

- address the provision of public benefit, services and infrastructure in consultation with key stakeholders, including Bayside Council, local community groups and other relevant agencies, in consideration of a public benefit offer commensurate with the scope of the proposal and which reflects the needs of the community
- provide details of any Voluntary Planning Agreements, or other legally binding instrument proposed to facilitate this development as agreed between relevant public authorities and the proponent.

7. Internal residential amenity

The MR shall:

- address the design principles of SEPP 65 – Design Quality of Residential Apartment Development, and provide a detailed assessment against the Apartment Design Guide (ADG), including justification for any non-compliance
- demonstrate how the proposal is consistent with Part 1B of the ADG, in particular the community's, industry and other key stakeholders' vision for the Eastlakes local centre.

8. Public domain / open space

The MR shall:

- provide an open space and recreation needs analysis identifying the needs and requirements of the Eastlakes community, now and into the future, as well as any opportunities to deliver the Green Grid. The needs analysis should identify the future role of Eastlakes Reserve to cater for increased density in the Eastlakes local centre
- demonstrate how the proposal meets the open space and recreation needs of the existing residents of the Eastlakes, given the identified shortfall of accessible open space across the LGA
- detail any changes to the function and character of the various private, communal and public areas associated with the proposed modification. Changes to pedestrian circulation and linkages between each of these spaces should also be described and assessed
- detail any changes to the public domain interface and any changes to public domain improvements
- demonstrate how the design of proposed structures and the treatment of public domain and open spaces will:
 - maximise safety and security in accordance with the Crime Prevention Through Environmental Design (CPTED) principles
 - ensure access for people with disabilities
 - minimise potential for vehicle, bicycle and pedestrian conflicts.

9. Transport and accessibility

The MR shall include an updated traffic and transport assessment taking into account any changes to:

- current daily and peak hour vehicle, public transport, pedestrian and bicycle movements, and existing and proposed traffic and transport facilities provided on the surrounding road network
- details of estimated total daily and peak hour trips likely to be generated by the proposed development, including vehicle, public transport, pedestrian and bicycle trips

- existing and future performance of key intersections (including AM and PM peak periods for all weekdays and both weekend days) providing access to the site, and any upgrades (roads/intersections) required as a result of the development, supported by appropriate modelling and analysis
- cumulative impacts of traffic volumes from the proposal, together with existing and approved developments in the area and potential conflict with traffic movements generated by existing uses
- appropriate provision, design and location of on-site bicycle parking, and how bicycle provision will be integrated with the existing bicycle network
- justification for the proposed number of car parking spaces and details of how on-street car parking will be managed, noting the Department supports suppressed car parking in areas with good access to services and transport
- details of service vehicle movements and site access arrangements, including vehicle type
- measures for residents and visitors to make sustainable transport choices, including measures to:
 - improve public transport use and accessibility (in particular given the site's location in relation to public transport opportunities)
 - incorporate a streetscape to promote people walking and cycling locally (wide footpaths, wayfinding signage) and high quality public transport facilities (shelters and interchanges).
- integrate with existing pedestrian and bicycle linkages within the area
- implement a new or revised location specific sustainable travel plan
- demonstrate that both the right turn bay and left turn slip lane on Gardeners Road into Racecourse Place will not be affected
- prepare an updated construction traffic management plan (CTMP) to ensure construction traffic is appropriately managed and the proposed construction works will not affect the WestConnex construction.

10. Noise and Vibration Assessment

An updated acoustic assessment shall be undertaken to identify potential noise conflicts, cumulative impacts and management strategies, to inform and support the proposed land uses. The assessment shall address noise and vibration impacts and provide detail of how these impacts will be managed and ameliorated during construction and operation of the development.

11. Ecologically Sustainable Development (ESD)

The MR shall:

- identify how best practice ESD principles will be incorporated in the design of the development and include innovative and best practice proposals for environmental building performance.

12. Drainage and Water Management

The MR shall:

- address any proposed changes to groundwater management as a result of additional excavation, including identifying groundwater issues, potential degradation to the groundwater source, impacts on groundwater resources and contingency measures to remediate, reduce or manage potential impacts
- address any proposed changes to stormwater management
- provide information on any changes to sewage management arrangements.

	<p>13. Utilities</p> <p>The MR shall:</p> <ul style="list-style-type: none"> • document consultation with relevant agencies on the existing capacity and requirements of the development to provide utilities • set the potential for the proposal to impact on any water, stormwater or wastewater infrastructure. • determine service demands following servicing investigations and demonstrate that satisfactory arrangements for drinking water, wastewater and recycled water (if required) services have been made. • Consult with Sydney Water to ensure that the proposed development does not adversely impact on any existing water, wastewater or stormwater mains, or other Sydney Water asset, including any easement or property. • ensure satisfactory steps/measures have been taken to protect existing stormwater assets. <p>14. Staging</p> <p>The MR must include details of any proposed changes to staging of the development.</p> <p>15. Obstacle Limitation Height</p> <p>The MR shall provide evidence of consultation with the Sydney Airport Corporation regarding compliance with the Obstacle Limitation Height requirements and that any additional approval or agreements required from the Sydney Airport Corporation. The Proponent shall also refer the proposal to the Federal Department of Infrastructure & Regional Development & Cities for a determination.</p>
<p>Plans and Documents</p>	<p>The MR must include all relevant plans, architectural drawings, diagrams and relevant documentation including:</p> <ul style="list-style-type: none"> • a table identifying the section of the MR where each component of the SEARS is addressed • locality / context plan and site analysis plan • site survey plan, showing existing levels, location and height of existing and adjacent structures/buildings • locality / context plan • architectural drawings (to a usable scale at A3) • plans, elevations, sections and photomontages clearly showing the proposed amendments compared to the current approval • building envelopes showing the relationship with proposed and existing buildings in the locality • schedule of proposed gross floor area per land use • shadow diagrams • wind impact assessment • acoustic report • assessment against SEPP 65 and the Apartment Design Guide; • ESD statement • Design and access statement • Urban context report • pre-submission consultation statement • traffic and parking assessment • visual and view impact analysis and photomontages • public domain plans, including a landscape master plan • new or updated geotechnical report • new or updated contamination report

	<ul style="list-style-type: none"> • updated management plans including: construction management plan, including a construction traffic management plan, construction noise and vibration management plan, construction waste management plan and cumulative impact of construction activities on other nearby sites • contributions framework • revised Statement of Commitments • quantity surveyor report, prepared by a qualified quantity surveyor, providing: <ul style="list-style-type: none"> ○ a detailed calculation of the capital investment value (CIV) (as defined in clause 3 of the EP&A Regulation 2000) of the proposal, including details of all assumptions and components from which the CIV calculation is derived ○ an estimate of the jobs that will be created by the future development during the construction and operational phases of the development ○ certification that the information provided is accurate at the date of preparation.
Consultation	During the preparation of the MR, you are required to consult with the relevant local, State or Commonwealth Government authorities, including Bayside Council and Sydney Airport, utilities and service providers, RMS and TfNSW, and the local community.

23 August 2017

Our Ref: F10/47

Contact: Howard Taylor 9366 3709

Natasha Harras
Team Leader – Modification Assessments
NSW Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Harras

RE: MP 09_0146 MOD 1 – EAST LAKES SHOPPING CENTRE

Thank you for your letter received 8 August 2017 regarding the proposed modification to the Eastlakes Shopping Centre, Eastlakes (DPE Ref: MP 09_0146 MOD 1).

The proposal seeks approval to make changes to the Northern site, including:

- Extend the footprint of the retail podium to the Northern (Gardeners Road) boundary;
- Modify the design of Building 1B, including increase in height of the building (from three storeys to eight storeys);
- Increase overall site floor space from 49,040 sqm to 59,856 sqm;
- Change podium and ground level landscaping, including removal of five trees;
- Increase on-site parking by seven spaces; and
- Make internal modifications to basement and ground floor levels.

Following a review of the information forwarded to Council, a response has been formulated below, to provide further information for your consideration. The response includes some of the pertinent issues associated with both the proposal and the site.

Botany Bay Planning Strategy 2031

The Botany Bay Planning Strategy 2031 (BBPS 2031) recognises the potential role that the Eastern centre of Eastlakes plays in the provision of residential and employment growth.

However, BBPS 2031 notes the following in relation to Eastlakes:

“...The Eastern centres (including Eastlakes) of the LGA, though not as affected by aircraft noise, are poorly serviced by efficient public transport. Eastlakes has a high proportion of strata-titled subdivision in the core area within the centre and poor centre configuration. Additional development potential may be created in the medium term following investment in public transport, site assembly and public domain upgrades.”

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DX 4108 Maroubra Junction

Rockdale Customer Service Centre

444-446 Princes Highway
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Telephone Interpreter Services - 131 450

Τηλεφωνικές Υπηρεσίες Διερμηνέων

بخدمه الترجمة الهاتفية

電話傳譯服務處

Служба за преведување по телефон

In this regard, it is noted that no master plan has been prepared or endorsed by Council for Eastlakes Town Centre or the wider Eastlakes locality, which would otherwise guide any increase in development density (with appropriate LEP controls). In the absence of such master planning for the Town Centre and immediate locality, Council cannot be supportive of further substantial intensification beyond the previous Part 3A approval. The preparation of a Master Plan would provide opportunities for stakeholder participation during its preparation, including consultation with relevant government agencies, in accordance with the relevant provisions of the EP&A Act.

Building Height, Floor Space Ratio & Site Overdevelopment

The Modification Request represents a significant change to the original application lodged under the former Part 3A provisions of the Environmental Planning & Assessment Act, 1979 (EP&A Act). The previously approved Part 3A application included a maximum building height of 3 storeys and an increase in floor space at the site to maximum 49,040 sqm. The proposed modification now seeks a major increase in height to eight storeys and increase in floor space to 59,856 sqm.

This represents a substantial increase, particularly for a modification to an application for development. In terms of planning legislation it is not considered a modification when an additional five storeys and 10,816 sqm of floor space are being sought. Council contends that this new proposal should be considered a new application.

It is unclear as to where the additional floorspace is to be accommodated. Council would appreciate clarification of this issue and an opportunity for further comment on receipt of the information.

The Botany Bay Local Environmental Plan 2013 (BBLEP 2013) currently includes the following zoning and development standards for the subject land:

- Zone: B2 Local Centre
- Height Of Building: 14 metres
- Floor Space Ratio: 1.5:1

When considering the applicable provisions of the BBLEP 2013, the original proposal of three storeys represents a more appropriate planning outcome for the site, and the broader locality, which predominantly comprises three and four storey walk ups. Introducing a building of eight storeys in height is out of character with the locality, and without master planning to date, could result in a range of adhoc planning outcomes for the broader locality.

The site comprises an area of approximately 24,053 sqm. The Modification Request proposes an increase of almost 11,000 sqm, which will result in 59,856 sqm of Gross Floor Area. This represents an FSR of 2.49:1. This is significantly higher than the current FSR of 1.5:1 that applies to the site under the BBLEP 2013. The information submitted as part of the Modification Request provides no justification for this substantial increase in FSR. Coupled with the proposed significant increase in building height, it is clear when observing the relevant development standards of the BBLEP 2013 that the proposal would result in significant overdevelopment of the site.

Consequently the Modification Request is not 'minor' in nature, as described in the Modification Report prepared by Urbis. If the development were to be approved in the form set out in the Modification Request - particularly when comprising such a deviation from the original Part 3A approval - Council's development standards for the locality would come under immediate pressure

to be amended. Such an approval by the NSW government outside the scope of Council's LEP controls could result in unnecessary and premature reviews of development standards in the locality, and elsewhere in the Bayside LGA.

The proposed modification to the current approval should not prevail over the development standards of the Botany Bay Local Environmental Plan 2013, which is the instrument that informs the community's expectations about site development and planning outcomes, and the indicator of changes to planning outcomes. It is less than five years since the commencement of the BBLEP 2013, and no master planning has been undertaken to review the zoning and development standards that have applied to the site and broader locality since its inception. Therefore, the Modification Application should not be supported as it is inconsistent with the previously tested and endorsed planning controls.

LEC Determination [2015] NSWLEC 12

Approval has previously been granted by the NSW Land & Environment Court (LEC) for a maximum building height of approximately 30 metres at the site, which exceeds the maximum height of building of 16 metres identified for the site under the BBLEP 2013. Similarly, the FSR of 2.039:1 approved under that LEC determination significantly exceeds the permissible FSR of 1.5:1 for the subject site. Council's development standards have not been amended to respond to the LEC determination. It is noted that there has been no additional studies or master planning undertaken by Council, in consultation with stakeholders, to inform an appropriate long term vision, development densities and development standards in the locality.

The modification now seeks to further increase the FSR to 2.49:1, which, if approved, will almost double the applicable FSR for the site. It is noted that the increase in FSR is for the purposes of residential accommodation, further increasing the imbalance of land use toward residential in a Local Centre, where the primary function is retail.

SEPP 65 – Apartment Design Guide

It is noted that the proposed modification to Building B1 would result in non-compliance with the building separation distance required by the Apartment Design Guide (ADG). Consideration should be given to either a revised building design to achieve compliance; or the inclusion of adequate mitigation measures in the design to ensure that the amenity of adjoining residential development is not unreasonably impacted.

Amenity impacts

The proposed changes in height will have a significant impact on the amenity of Evans Avenue. An Active Street Frontage applies to Evans Avenue under the Botany Bay Local Environmental Plan 2013. The potential for an active street frontage along Evans Avenue will be compromised when this area is overshadowed for most of the day during winter. Reference is made to the overshadowing diagrams (Sheet no S75W 130012) which indicate that both the Northern and Southern sides of Evans Avenue will be overshadowed for most of the day during winter.

Botany Bay Development Control Plan 2013

Apartment design

All 3-bedroom apartments in Building B1 are to demonstrate compliance with *Part 4C.4.2 - Family Friendly Apartment Buildings* of the Botany Bay Development Control Plan 2013 (BBDCP 2013).

Traffic, Access & Car-parking

The modification seeks approval for an additional twenty-one apartments and an increase of 467 sqm of Gross Floor Area (GFA). (It is noted that approximately 11000sqm of additional floorspace is sought however, the number of apartments, car parking spaces and identified amount of retail floorspace does not equate to that figure. As previously noted in this submission Council seeks clarification of this issue so it can make fully informed comment). The following additional car parking would be required under the BBDCP 2013:

Use	No of apartments / GLA	Car parking rate	Car parking required
Studio/ 1 bedroom	8	1 space/ studio or one (1) bedroom dwelling.	8
2 & 3 bedroom	13	2 spaces / two (2) or more bedrooms dwelling.	26
Visitor spaces		1 per 5 apartments	4
GLA	467m ²	6 per 100m ² of GLA*	28
Total			66

*RTA Guide to Traffic Generating Developments - Version 2.2 (RTA Guide)

The modified proposal provides for an additional seven spaces to that of the Part 3A approval, resulting in a shortfall of 59 spaces from the amount of car parking required by the BBDCP 2013 and the RTA Guide. Council does not support such a substantial shortfall in car parking, especially when considering that the site is a Local Centre that experiences traffic movements well beyond that of a residential area.

The Environmental Assessment Report (EAR) states that the approved development and modification will rely upon public transport at Gardeners Road to service the shortfall in car parking provision. In their submission in relation to the original proposal, Sydney Buses stated that:

"...These services (i.e. Route 301, 303 and 343) are already operating at capacity during the AM peak period. Any additional patronage growth would require additional trips to be funded by Transport for NSW. The consideration and cost implications of adding additional trips to cater for patronage growth should be discussed with the Transport for NSW Bus Planning Group."

Given that bus services are already operating at capacity in the locality, the argument to justify a reduction in car parking provision by the availability of public transport is not supported. A shortfall of 59 car parking spaces is a substantial shortfall, given that public transport services are already at capacity. The modification is not supported on this basis alone.

Due to the intensity of existing development as noted above, adjoining local roads currently experience significant traffic congestion and pedestrian/ vehicular conflict. An increase in the FSR from 2.039:1 to 2.49:1 will place further pressure on the existing road network, introduce traffic safety risks and greater conflicts between vehicles and pedestrian/cyclists.

Given the likely increase in traffic and demand for public transport, the proponent and DPE need to ensure that there is sufficient capacity in the road network and bus services, to cater for the proposed development.

Voluntary Planning Agreement

If Council was the Relevant Planning Authority (RPA) for a proposed development of this scale, it would be expected that the applicant would discuss the possibility of a Voluntary Planning Agreement (VPA) to support the proposal. A VPA for this site could deliver significant public benefits to the community, and could include elements like open space and recreation improvements, and upgrades to pedestrian and cyclist networks in the locality. Council is unaware if DPE have discussed any proposed community benefits to be delivered by the original Part 3A approval, as Council is not the RPA in this instance. Should any intensification sought under the Modification Application be realised through an approval by DPE, the community benefits to be delivered should be commensurate with the intensification of development proposed.

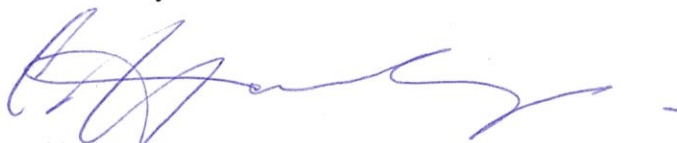
Conclusion

The Modification Request will have a detrimental impact on the active street frontage along Evans Avenue, comprising activity and passive surveillance in the vicinity of the site. An approval for a building height of 8 storeys and FSR of 2.49:1 would set an unwelcome precedent for similar developments in the locality, further undermining the planning controls that have been endorsed by Council and DPE under the BBLEP 2013. Council recommends that DPE rejects the Modification Request, given these fundamental issues which have broader planning implications.

The preparation of a Master Plan and, potentially, a Planning Proposal would provide opportunity for broader stakeholder participation, rather than approving modifications to an already controversial development within a single site in Eastlakes Local Centre. Approval of the Modification Request is likely to create further community concern and create a situation where a single site outcome is used to leverage additional development opportunities beyond the current planning controls of the BBLEP 2013.

If you have any queries over the matters raised in this submission, please do not hesitate to contact Council's Project Officer, Howard Taylor, on 9366 3709 or at howard.taylor@bayside.nsw.gov.au.

Yours sincerely



Clare Harley
Manager Strategic Planning

Appendix B

16 December 2019

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

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

Dear Emma,

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

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

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

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

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

Yours faithfully,



Clare Harley
Manager Strategic Planning

Attached:
Council Resolution
Council Submission

Postal address

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ABN 80 690 785 443

Bayside Customer Service Centres

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

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8.8 Renew our Libraries Phase 2

RESOLUTION

Minute 2019/266

Resolved on the motion of Councillors Rapisardi and McDougall

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

8.9 Eastlakes Shopping Centre MOD 4 - Amended proposal

RESOLUTION

Minute 2019/267

Resolved on the motion of Councillors Morrissey and Curry

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

Council endorsed submission dated 12th December 2018

Strategic Planning

General

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

Greater Sydney Region Plan

Objective 12 – Great places that bring people together

Objective 22 – Investment in business activity in centres

Eastern City District Plan

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

Proponents Response to Submissions and Preferred Project Report (RtS)

The response in the proponents RtS is noted.

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

Council Comment

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

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

and

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

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

Future Transport Strategy 2056

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

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

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

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

Botany Bay Planning Strategy 2031

- Managing Growth in the Eastern Centres Objectives and Action

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

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

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

Design objectives:

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

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

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

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

Section 3.9 - Local strategic planning statements of councils

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

- identifying the context
- local character and context

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

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

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

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

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

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

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

respecting and enhancing local character

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

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

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

Botany Bay LEP 2013

- Land zoning

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

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

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

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

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

- Building height

not specifically responded to Practice Note 11-002

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

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

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

- Floor space ratio

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

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

- NSW LEC Planning Principle:
Zones

Botany Bay DCP 2013

- Car parking

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

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

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

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

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

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

Calculation:

32 x studio = 32 x 1 = 32

209 x 1-bed = 209 x 1 = 209

201 x 2-bed = 201 x 2 = 402

52 x 3-bed = 52 x 2 = 104

1 space per 5 dwellings = 494/ 5 = 99

(19,283/ 100) x 6 = 1157

Other considerations

State Design Review Panel

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

Urban Design

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

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

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

The response in the proponents RtS is noted.

The response in the proponents RtS is noted.

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

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

Transport

The response in the proponents RtS is noted.

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

Open Space and Recreation

The response in the proponents RtS is noted.

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

Offer of public benefit

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

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