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SYDNEY NSW 2000**

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23 March 2020

Mr Brendon Roberts
A/ Director Regional Assessments
Department of Planning, Industry and Environment
4 Parramatta Square, 12 Darcy Street
Parramatta NSW 2150

Dear Brendon,

MOD 4 - EASTLAKES SHOPPING CENTRE - RESPONSE TO KEY ISSUES

1. INTRODUCTION

This letter has been prepared by Urbis on behalf of Crown Group (**Proponent**). The purpose of this letter is to set out the Proponent's response to the queries raised by the Department of Planning, Industry and Environment (**DPIE**) in a Key Issues Letter dated 7 January 2020 and other matters raised by State Government authorities.

On the 3 March 2020, the Proponent issued a partial response to DPIE outlining the way in which they intended to respond to the queries raised in relation to the North Site. On the 11 March 2020, DPIE issued 'without prejudice' feedback in relation to the eastern elevation and Gardeners Road planters and compliance with the ADG. This feedback has been incorporated and addressed as part of this consolidated response package.

A range of documents have been prepared to support the response to DPIE's queries. These include:

North Site

- **Appendix A** – Amended Architectural Plans prepared by FJMT Studio.
- **Appendix B** – Design Report and ADG Compliance Schedule prepared by FJMT Studio.
- **Appendix C** – Amended Landscape Plans prepared by Turf Design Studio.
- **Appendix D** – Car Park Compliance Statement prepared by Colston Budd Rogers & Kafes.
- **Appendix E** – Amended Stratum Subdivision Plans prepared by LTS Lockley.

South Site

- **Appendix F** – Amended Architectural Plans prepared by FJMT Studio.
- **Appendix G** – Updated Landscape and Public Domain Plans prepared by James Taylor and Associates.
- **Appendix H** – Wind Report prepared by Arup.
- **Appendix I** – Child Care Guideline Assessment prepared by Urbis & FJMT Studio.
- **Appendix J** – BASIX Certificate prepared by WSP.

- **Appendix K** – Car Park Compliance Statement prepared by Colston Budd Rogers & Kafes.
- **Appendix L** – Response to TfNSW Submission by Colston Budd Rogers & Kafes.
- **Appendix M** – Updated Civil Drawings prepared by Van Der Meer Consulting.
- **Appendix N** – Footpath Comparison Drawings prepared by FJMT.

Note: the Wind Report and BASIX Certificate (Appendix H and J) are currently being finalised and will be issued to DPIE separately. Notwithstanding, the consultants have been working collaboratively and the recommendations of these investigations have been coordinated with the architectural and landscape design of the south site.



2. RESPONSE TO ISSUES RAISED


2.1. NORTH SITE

The following Table sets out the Proponent's response to the matters raised by DPIE in relation to the North Site.

Table 1 Response to DPIE Key Issues for North Site

Key Issue	Response
1. Provide an Architects Design Report for the north site identifying and justifying all changes to the building design, including façade changes.	<p>An Architectural Design Report has been prepared and is submitted at Appendix B. In summary, the changes broadly comprise:</p> <ul style="list-style-type: none"> - Improvements to vertical transport by adding a lift to building 1 and extending the lift to the top floor of building 1A - Documentation of roof plant and services that was previously missing from the approved plans - Re-orienting stair cores to improve affected apartment layouts - Improvements to the apartment amenity by changes to apartment layout - Flipping balconies to increase separation to neighbour - Adding dedicated storage space into apartment layouts - Addition of façade vertical louvers to match building 1B and break up blank walls - Re-location of the function room and gymnasium in Building 1B - Some window changes associated with replanning noted above - Slab position in the slots moved in or out to balance GFA
2. Noting that the proposal results in changes to apartments on the north site, the Department requests a full assessment against relevant provisions of SEPP 65 and the associated Apartment Design Guide (ADG). This is to include detailed justification of any	<p>FJMT Studio prepared an assessment of the revised apartments against the ADG (refer to ADG Compliance Schedule submitted at Appendix B).</p>

Key Issue	Response
<p>variations from the ADG, especially where the approved development currently complies.</p>	
<p>3. The Department requests that the podium and landscape design be reviewed and reconsidered to address the following issues:</p>	
<p>3.1 The increase in podium wall heights results in adverse visual and amenity impacts for neighbouring premises. The podium wall heights on the eastern and western elevations should remain as currently approved.</p>	<p>Eastern Elevation</p> <p>Condition B2(b) of the consent requires the eastern podium wall adjacent to 293 Gardeners Road to have a maximum height of 2.99 metres and a stepped landscaped arrangement consistent with the plans approved prior to MOD 1.</p> <p>MOD 4 proposes a maximum podium wall height of 2.99m, and a stepped landscaped planter generally consistent with the approved plans prior to MOD 1. A comparison between the approved plans discharged with Condition B2 and MOD 4 is provided in the figures below.</p> <p>FIGURE 1 – APPROVED EASTERN ELEVATION PRIOR TO MOD 1</p>  <p>FIGURE 2 – MOD 4 PROPOSED EASTERN ELEVATION</p> 

Key Issue	Response
<p>3.1.1 In relation to the planters on the northern part of the elevation, we are concerned that the reduction in the planter width and depth are inconsistent with that prior to Mod 1 as required by Condition B2, and the change (with smaller trees) results in adverse outcome for the adjoining</p>	<p>FIGURE 3 – MOD 4 VIEW OF ELEVATION FROM 3D MODEL</p>  <p>Western Elevation</p> <p>No change is proposed to the height of the western boundary wall apart from the provision of a wind mitigation / privacy screen adjacent to the pool area.</p> <p>The wall was introduced as a wind mitigation measure in accordance with the stamped landscape plan in the original approval. In particular, Drawing LA03 Rev C includes the following notation: “windscreen as per VIPAC report”. This is consistent with the recommendations contained in the Wind Effect Statement prepared by VIPAC and dated 1 May 2012 which recommends the provision of a >1.5m high windscreen along the western elevation podium.</p> <p>The provision of the screen also assists in providing privacy to the residents of the development and the adjoining neighbours at 18 Evans Avenue.</p> <p>The screen was approved as part of MOD 1 but was setback from the podium edge. It is proposed to amend the design in MOD 4 by setting the screen in board of the podium edge consistent with the MOD 1 design and provision of landscaping along the full length of the podium to assist in screening. This change is shown in the amended Architectural and Landscape Plans submitted at Appendix A and Appendix C respectively.</p> <p>Planting along the northern part of the eastern elevation has been increased as far as practical. The soil depth able to be accommodated in this location is 730mm which is able to support the following trees:</p> <ul style="list-style-type: none"> • 1 x Tuckeroo Tree – mature height of 12m • 3 x Lemon Myrtle Trees – mature height of 5m.

Key Issue	Response
<p>premises. This should be reviewed to retain a soil depth of at least 1 metre or advice provided by an arborist that the design can support trees with a mature height of at least 10 metres.</p>	<p>This combination of large and smaller trees allows for both lower level screening and an upper level canopy. In our view, this multi levelled approach is preferable in terms of screening rather than relying on an upper canopy alone.</p>
<p>3.2 The elevated area adjacent to the western edge of the podium results in an increased wall height and/or potential privacy impacts. Any elevated podium areas should be centrally located on the podium.</p>	<p>The elevated podium area remains in the same location as the approved design under MOD 1. The elevated portion of the pool area reaches a maximum height of FFL 25.9m, which is generally consistent with the approved height at RL 25.8m.</p>
<p>3.3 The provision of a dense landscape green edge at the eastern entrance to the site from Evans Avenue was important in the assessment and determination of the original application and in the assessment of MOD 1. The plans should be amended so that the quantum and quality of landscaping will not change in this location.</p> <p>At the laneway entrance, Option 1 is our preference, although the planter must extend to the street and bicycle racks relocated.</p>	<p>As part of detailed design and coordination with the early work site contractors, it has become apparent that due to the basement extent and the below ground conditions, the deep soil available between the basement wall and the boundary is not sufficient to provide soil volumes for the specified (and approved) trees along the eastern elevation.</p> <p>The early works excavation found the site soil to be soft beach sand that required restraint at all times to prevent collapse. Sheet piling was required along the eastern boundary to prevent collapse to the neighbouring driveway. It was also discovered the driveway itself has not been constructed on a concrete subbase and the edge at the property boundary is unsupported. It is also disturbed by the tree roots that have grown to lift the paving surface.</p> <p>It has also been determined as part of the detailed design process that due to the narrow driveway, a kerb needs to be introduced adjacent to the boundary wall to prevent vehicles impacting the boundary wall. Therefore, due to the existing ground conditions, the design of the neighbour's driveway and the need to construct a concrete kerb, reinstating the planter on the eastern side of the wall is not feasible.</p> <p>Notwithstanding, Turf Design Studio have prepared two design options in an effort to increase landscaping along this boundary while balancing the constraints described above. The options include:</p> <ul style="list-style-type: none"> - Option 1 (soil vault below) – 1 x small tree of mature height of 5m and 2 x medium trees with mature height of 10m. - Option 2 – 4 x small trees of mature height of 5m. <p>The project team advises that Option 1 best addresses the constraints of the as built condition and the design intent for dense landscaping at the eastern entrance. This design provides 86m³ of soil volume at the eastern entrance which is sufficient for two 10m high trees (35m³ each) and one 5m high tree (9m³) as identified in the ADG.</p> <p>Although the two medium sized trees in the alternative design are fewer than the six small trees shown in the MOD 1 submission this is</p>

Key Issue

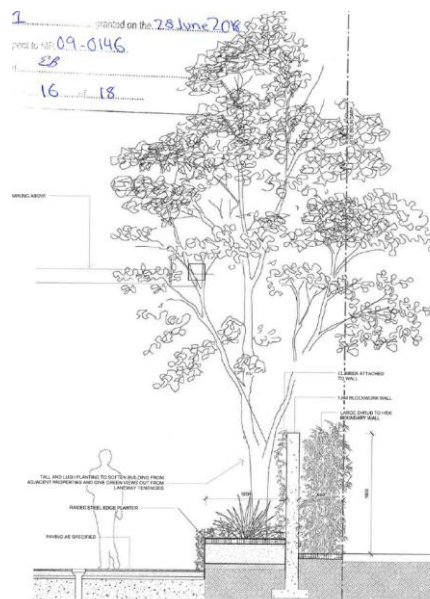
Response

considered a reasonable reduction given that a species with a larger mature height have been selected.

DPIE provided preliminary feedback which suggested they also preferred Option 1 but requested the planter extend to the street and bike racks relocated. The proposal has sought to extend the planter to the street as far as possible. However, it is noted that a service access hatch to the chiller plant below exists in the eastern laneway which restricts the planter proceeding beyond the point shown in the plans to ensure access and working area is maintained. It is further noted that this location is the most optimal for bicycle parking on the north site and there are no other viable options to locate bicycle parking apart from Evans Avenue and the basement which is considered to result in a poor accessibility and public domain outcome.

A comparison between the approved eastern elevation and the two options for consideration are illustrated below and in the Landscape Plans submitted at **Appendix C**.

FIGURE 4 – APPROVED EASTERN PLANTER



Key Issue

Response

FIGURE 5 – PROPOSED OPTION 1 EASTERN PLANTER (SOIL VAULT)

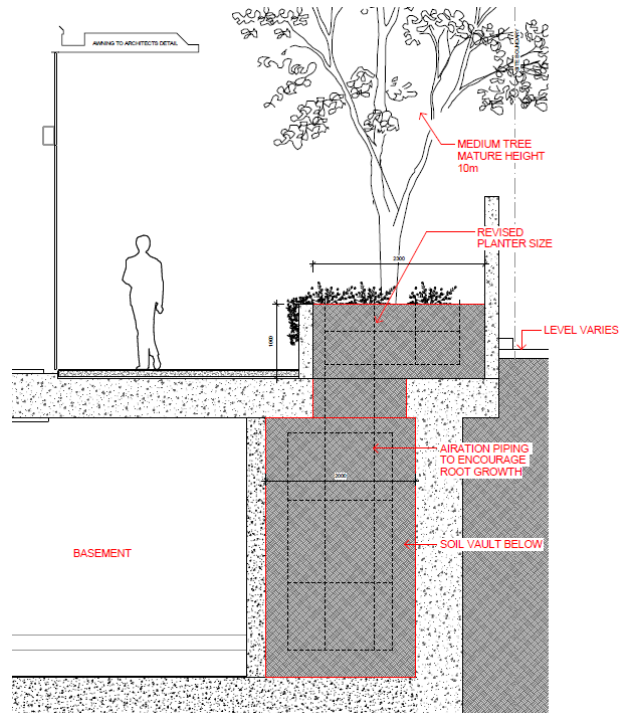
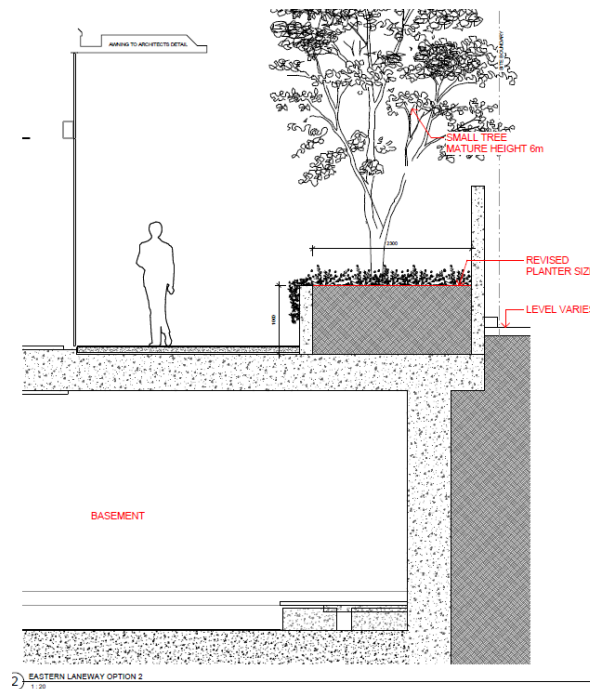


FIGURE 6 – PROPOSED OPTION 2 EASTERN PLANTER

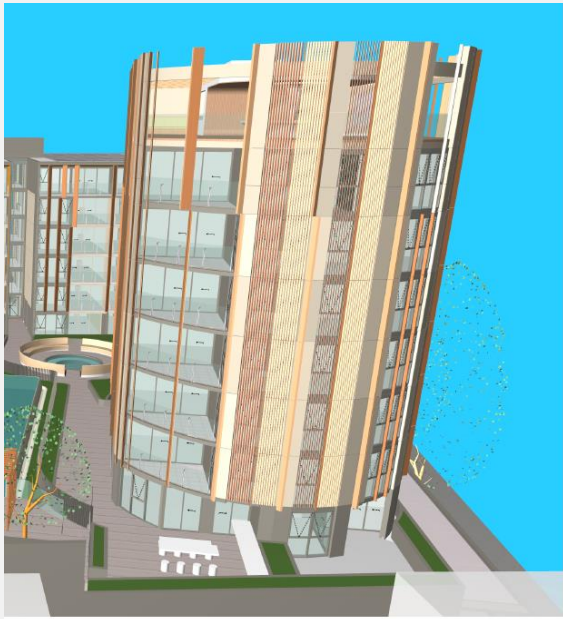



Key Issue	Response
<p>3.4 The planters along the Gardeners Road frontage appear too narrow and will not provide adequate space for tree and shrub planting consistent with the approval of MOD 1, resulting in adverse outcomes for the streetscape. Plans should be amended to ensure a similar or better landscaping outcome compared with the approved scheme, including trees to a mature height of at least 10 metres along the eastern half of the frontage, an upper level of planters with a mature height of at least 5 metres along the western half of the frontage and a lower level of plantings to a height of at least 1.8 metres along the lower half of the western end of the frontage.</p> <p>3.4.1 •While the sections show smaller walls and indicate a maximum height of 1.8 m as required, we do not agree with the advice in the letter that the minimum height at the boundary must be adjusted to 1.8 metres for security and safety - it is essential that the maximum height not exceed 1.8 metres as previously agreed during the assessment of Mod 1.</p> <p>3.4.2 tree planting should extend across the front of the entire building, which includes reinstating the tree planting on the western most edge of the frontage. If tree planting can't be provided to the upper level planters at this location, the lower level planters must be redesigned to support tree planting instead.</p> <p>3.4.3 further detail is required to show how the proposed three tier arrangement would work to provide a landscaped green edge, particularly at the lowest level</p>	<p>In response to DPIE's issues, modifications are proposed to the design of the Gardeners Road planter and are illustrated in the Landscape Plans prepared by Turf Design Studio and submitted at Appendix C.</p> <p>In summary, the planter along Gardeners Road has been modified to contain sufficient soil volume for five trees with a mature height of 10m at the eastern end and five trees with a mature height of 5m along the western end. This has been achieved by increasing the depth of the planter box to provide soil volume for trees in accordance with the ADG.</p> <p>By lowering the base of the upper northern planter and with the connection of soil volumes, shrubs in the lower planter now have additional soil volume that will facilitate growth of 1.8m plantings.</p> <p>This was an error in the preliminary response submitted to DPIE. The landscape drawings showed a maximum wall height of 1.8m along Gardeners Road which is the maximum wall height proposed along this elevation. An option was being investigated to increase the wall height for safety and security reasons and to increase soil depths, but this was option was not pursued as the Applicant decided to proceed with the approach documented which achieves the required soil depths by lowering of the base of the planters. The incorrect references have been subsequently removed from this letter.</p> <p>Tree planting has now been provided along the majority of the northern frontage. This has been achieved by lowering the base of the upper level planter to achieve five x 5m trees and ten x 10m trees in accordance with the ADG soil volume guidelines. Where soil volume is not sufficient for tree planting, six shrubs to a mature height of 3m have been provided. Shrubs with a mature height of 2m have also been provided on the lower level planter.</p> <p>A detail of the shallow depth lower planter has now been provided (refer Appendix C). To ensure plant growth is sustained the lower level planter soil volume will be connected to the adjacent larger planter via seep holes as shown in the detail. These seep holes will allow moisture to come through into the lower planter and will allow roots access to the</p>

Key Issue	Response
adjoining the footpath. The drawings show planters overhanging the edge and the lowest tier at the street edge with a soil depth of 150mm, but it is unclear how this would be achieved and if this would be sufficient to support and sustain plant growth.	larger soil volume. The plant species - Jasmine has been selected for its hardiness.
3.5 The Department does not agree that Conditions B2 and B5 can be deleted as the following matters have not been addressed / adequately justified:	
B2(a) area above service entry doors has not been amended	<p>The podium at the western end of the Gardeners Road frontage above the service entry doors has been amended to a maximum height of 3 metres and is to be non-trafficable. The trafficable area of the podium is setback consistent with the main podium line on this frontage. A planter is provided within the non-trafficable area.</p> <p>These design modifications are illustrated in the Architectural and Landscape Plan submitted at Appendix A and Appendix C respectively.</p>
B2(c) awning over eastern entrance not reduced as per condition	<p>The awning over the eastern entrance has been reduced so that it does not extend into the future tree canopy as illustrated in the amended Architectural and Landscape Plans submitted at Appendix A and C.</p> <p>With the reduction in width of the eastern awning, the geometry will be adjusted to connect to the awning along Evans Avenue to provide for continuous weather protection. This change is illustrated on the Architectural Plans at Appendix A.</p>
B5(a) canopy tree provision – further information on tree heights is required (see below)	Noted. Mature tree heights are illustrated on the Landscape Plans submitted at Appendix C .
B5(b) dense shrub and tree planting along the western edge of the podium has not been provided	<p>A deep soil area has been provided along the entire western boundary at ground level. This area has tree and shrub planting that will provide privacy and amenity to neighbouring properties.</p> <p>At podium level, the entire western edge of the podium has a planter with shrub plantings up to a mature height of 1m. This is illustrated on the Architectural and Landscape Plans submitted at Appendix A and Appendix C respectively.</p>
B5(d) further information is required to demonstrate the trees have been chosen in consultation with Council	Crown Group has been in consultation with Bayside Council's public domain team since 2018. Crown Group held a meeting with Council on the 20th November 2018 specifically to discuss the public domain works and the design submission requirements. From that meeting Council advised the acceptable species for the replacement trees and the London Plane tree was subsequently documented. A public domain package was submitted to Council on the 18th December 2018 and

Key Issue	Response
	<p>resubmitted in December 2019. Council provided approval for the package in February 2020.</p> <p>A copy of the Bayside Council stamped public domain plans can be provided to DPIE on request.</p> <p>Street trees along Gardeners road have been specified in accordance with the Council Street Tree Masterplan.</p>
<p>B5(e) further information on replacement replanting is to be provided. The Department notes that trees marked 'EE' indicating potentially new trees are actually existing trees being retained.</p>	<p>There are 7 existing street trees along Gardeners Road. The proposed design seeks to retain all existing street trees and plant 13 new trees to provide a continuous green edge. The tree species were selected in consultation with Council and as per the Street Tree Masterplan.</p>
<p>B5(f) lowering the base of the planter has not been achieved.</p>	<p>As discussed in response to Item 3.4 above, by lowering the base of the upper northern planter and with the connection of soil volumes, shrubs in the lower planter now have additional soil volume that will facilitate growth of 1.8m plantings.</p> <p>Refer to Landscape Plans submitted at Appendix C for further information.</p>
<p>3.6 The following information should be provided on the landscape plans:</p> <ul style="list-style-type: none"> o The mature height of all proposed trees o The total areas of the various soil depths and a direct comparison with that of the approved scheme 	<p>The mature height of all proposed trees is illustrated on the drawings. A comprehensive set of drawings (include a schedule of trees and maturity height) is provided at Appendix C.</p> <p>A soil depth/ planting area comparison has been prepared by Turf Design Studio and is submitted at Appendix C. The comparison illustrates the following:</p> <ul style="list-style-type: none"> • Original approved planting area – 1,251sqm • MOD 1 approved planting area – 1,640sqm • MOD 4 proposed planting area - 1,445sqm
<p>3.7 The Department notes that the existing approval requires 11 street trees to be retained on Gardeners Road. However, the proposal seeks to remove all but six of these. Provide an assessment of the trees that have been removed, including confirmation under which approval these have been removed, and incorporate</p>	<p>According to the 2012 site survey, there were 22 existing trees along Gardeners Road. In 2017, the number of trees was reduced 12 which we understand was a result of footpath upgrade works.</p> <p>According to the latest 2019 survey, there are 7 trees remaining along this frontage. The proposal seeks to retain all 7 trees and plant a further 13 new trees to provide a continuous green edge.</p>

Key Issue	Response
<p>appropriate additional replacement planting in the landscape plan to compensate. Clearly indicate trees for removal / removed and new tree planting on the plan.</p>	
<p>3.8 Provide further information and justification for not providing underground power lines on Gardeners Road, including consideration of any impacts or benefits, impacts for street tree provision and growth, and reasoning for the requirements for large power poles to be placed in adjoining properties.</p>	<p>Ausgrid's (& Energy NSW) design standards for new or renewed overhead service connections requires private poles be installed within circa 1m of the customers boundary and on the common boundary between neighbours (where shared). Direct connections from the distribution mains to the house eve point is no longer accepted. Refer to websites noted below</p> <p>https://energy.nsw.gov.au/sites/default/files/2018-09/Service-and-Installation-Rules-of-NSW-July-2018.pdf</p> <p>https://www.ausgrid.com.au/-/media/Documents/ASP/Design/ES1-Premises-Connection-Requirements.pdf</p> <p>Ausgrid advised Northrop (the appointed design consultant) that the introduction of the new overhead mains in front of the customers which they didn't have before may bring anxiety into the area. Ausgrid also noted that confirmation from all residents that they agree to have their services changed and for the construction of the poles on their properties will be required to be obtained prior to the undergrounding works proceeding.</p> <p>Residents located on the northern side of Gardeners Road will suffer services changes and poles in their front yards because of the undergrounding works on the southern side. There will be a perception that the Crown development results in an improved outlook while theirs is compromised. There is no technical reason that it cannot remain as per the existing situation.</p> <p>It is further noted that the undergrounding of the services along Gardeners Road is likely to further impact the existing street trees that remain, as evidenced in the 2012 footpath works that resulted in the removal of 10 existing street trees. The street trees that remain along this frontage are currently in good, healthy condition.</p>
<p>4 The proposal seeks to delete the second part of Condition B6 as the revised plans have addressed the requirements of the condition. Further information is required to demonstrate that the roof design and window screening on Building 1B would prevent overlooking of 16 Evans Avenue.</p>	<p>Fjmt Studio have prepared the following view renders to demonstrate how the vertical louvers to relevant bedroom windows and outdoor spaces documented on the architectural plans achieve the objectives of then condition.</p>

Key Issue	Response
	<p data-bbox="651 418 1401 448">FIGURE 7 – EXTERNAL VIEW OF PROPOSED FAÇADE LOUVERS</p>  <p data-bbox="651 1115 1393 1144">FIGURE 8 – INTERNAL VIEW OF PROPOSED FAÇADE LOUVERS</p> 
<p data-bbox="240 1809 598 1998">5 Provide updated car parking plans to ensure compliance with A2890 / recommendations of compliance check by CBHK, and confirm the resultant car parking numbers.</p>	<p data-bbox="651 1809 1422 1870">A review of the revised car park has been undertaken by CBR&K and is attached at Appendix D.</p> <p data-bbox="651 1895 1422 2016">The proposal includes the provision of 150 residential car parking spaces, 135 retail and residential visitor spaces (note: one space was removed relative to what was documented in the PPR/RtS due to turning path) and 20 motorcycle spaces. Compared to the approval, this</p>

Key Issue	Response
	represents an increase of 6 residential spaces and 10 motorcycle spaces.
6.1 Section 1.5.2 of the RTS notes there is no change to the approved building envelopes on the North Site. However, roof level / plant changes make a material difference to the building envelopes. In particular, the top level of Building 1A has been extended to the south to provide an additional lift lobby area and lift to the top floor, but this is not shown on the plans or described.	<p>The extension of the lift to the top of Building 1A and the provision of rooftop plant and services will be clouded and notated as a modification on the architectural plans. This will be submitted as part of the comprehensive response package.</p> <p>At the time of the original project approval, Rice Daubney (previous architects) had not developed the detailed services requirements of the scheme to confidently allow for the roof mounted services to be illustrated. Fjmt have developed a detailed proposal which seeks to sensitively screen views of the roof mounted plant equipment from both side and elevated views from future taller developments in proximity.</p>
6.2 Table 9 of the report, the Schedules on drawing S75W130024 and description of the changes on plans SK190814-01 to SK190814-06 include a number of inconsistencies. Review the proposed plans against the approved plans (approved by discharge of Condition B2) at each level, and confirm the nature and justification for each change.	A Design Report has been prepared and is submitted at Appendix B . The Design Report includes a description and justification of all changes proposed.

2.2. SOUTH SITE

The following Table sets out the Proponent's response to the matters raised by DPIE in relation to the South Site.

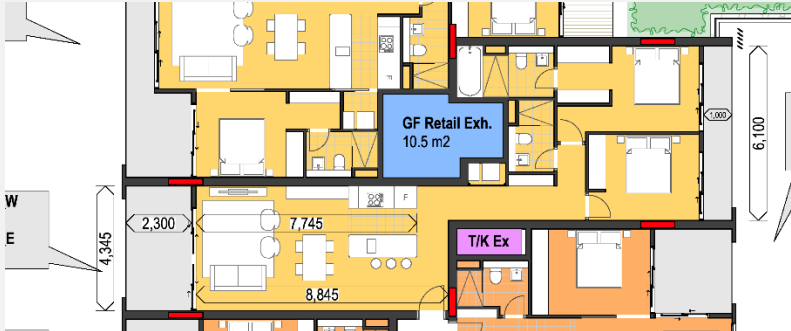
Table 2 Response to DPIE Key Issues for South Site

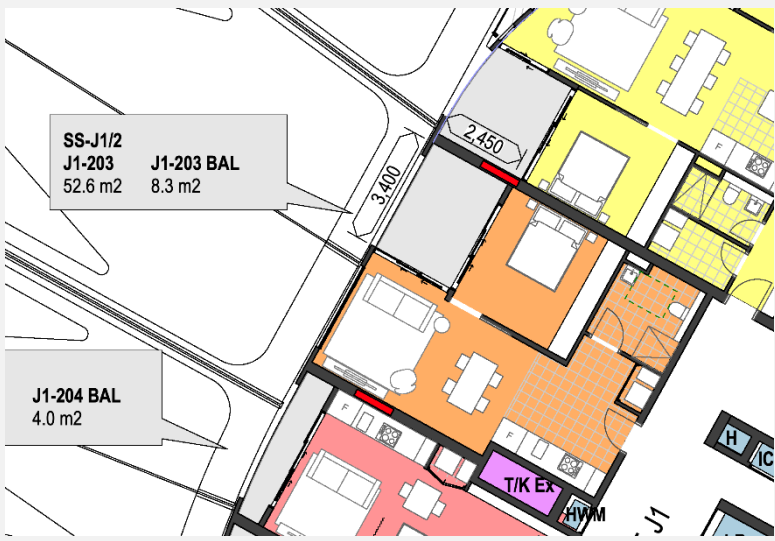
Key Issue	Response
7. The following changes should be considered to reduce building mass and scale:	
7.1 Reduce the size of the top two levels of Building J (southern end) to provide a better scale relationship to properties to the south. This would involve removing 2.5 units and the corridor space south of the lift core. A landscaped roof terrace, similar	The bulk and scale of Building J has been reduced at the southern end by removing two 1-bedroom apartments per floor from Core J2 on Levels 9 and 10.

Key Issue	Response
<p>to that at the northern end of the building, could be provided.</p>	<p>Consequently, the 2 Bedroom through apartment on the south of Levels 9 and 10 has become a 3 Bedroom through apartment. The apartment on Level 9 has access to a large rooftop terrace. The new apartment mix for the development is:</p> <ul style="list-style-type: none"> - 9% Studios, - 45% 1 Bed, - 35% 2 Bed, - 11% 3 Bed. <p>To achieve improved building massing and presentation, it is also proposed to relocate Core J2 towards the north by the width of one 1 Bedroom apartment. This has resulted in improved apartment layouts on Level 1 as well as the relocation of the podium lobby for Core J2. Refer to the amended Architectural Drawings submitted at Appendix F for further details.</p>
<p>7.2 The roof plant / lift overrun areas on Buildings E, F and G have been substantially enlarged in the RTS scheme and are considered to be excessive and overly dominant when viewed from a distance. Roof plant should be substantially reduced, such as on Buildings J and D, and where necessary, relocated plant to the basement.</p>	<p>Further building services advice has been obtained which indicated that smaller plant room sizes can be accommodated while achieving the services requirements.</p> <p>The reduction in plant rooms sizes has meant that the stair access to private rooftop courtyards from the apartments below are now outside of the footprint of the plant rooms. To address this issue, the proposal includes a pergola like enclosure with timber slats for these stair access points - at a height of around 2200mm high in elevation. The intent is for these enclosures to resemble small structures in the private courtyards and appear as a separate element to the plant rooms, thereby reducing the overall perceived bulk on the rooftops of Buildings E, F and G.</p> <p>The revised rooftop plant and stair enclosure design is illustrated in the amended Architectural Plans submitted at Appendix F.</p> <p>The following figure extracts illustrate the changes to the rooftop design.</p>

Key Issue	Response
	<p data-bbox="619 421 1278 450">FIGURE 9 – ROOFTOP PLANT PREVIOUS VS PROPOSED</p>  <p data-bbox="619 987 1289 1016">FIGURE 10 – VIEW OF BUILDING E PROPOSED ROOFTOP</p> 
<p data-bbox="240 1601 595 1928">8. The Department considers that the public benefit to be delivered by the proposal should be reviewed and expanded. This should consider opportunities in consultation with Council to provide improvements to Eastlakes Reserve.</p>	<p data-bbox="619 1601 1417 1704">The Proponent has made a series of attempts to consult with Bayside Council to discuss the Public Benefit Offer to no avail. It is understood that DPIE are intending on facilitating a meeting between the two parties.</p>

Key Issue	Response
<p>9. The Department therefore requires wind modelling of the south site, with consideration given to the wind impacts of the modification on the public domain surrounding the site, publicly accessible areas at ground level and common open space and outdoor child care areas at the podium levels. Where amelioration measures are recommended as a result of the testing, these should be shown on the revised plans.</p>	<p>An updated wind assessment has been prepared by Arup is submitted at Appendix H (<i>note: this is to be provided to DPIE separately</i>). The recommendations of the wind report have been incorporated into the Architectural and Landscape Plans (refer Appendix G and Appendix H respectively).</p>
<p>10. The Department requests that the proposed landscape plans provide further detail, including:</p>	
<p>10.1 details of the location of all species, pot sizes and height at maturity</p>	<p>An updated landscape package has been prepared by Taylor Brammer Landscape Architects and is submitted at Appendix G.</p> <p>Detailed planting plans and a planting schedule have been prepared which nominate planting species, height, spread, size and quantity of all trees and shrubs proposed throughout the development.</p>
<p>10.2 details of soil depths and confirmation that the planters can support the proposed tree plantings</p>	<p>Soil depth diagrams and sections have been prepared. In addition, a statement has also been prepared by Taylor Brammer which confirms that the “<i>the soil volumes and plant species proposed for the project are appropriate and will result in a sustainable outcome</i>”. Refer to Appendix G for further details.</p>
<p>10.3 landscaping in accordance with the recommendations of the wind assessment (see above)</p>	<p>All recommendations of the wind assessment have been coordinated with the Landscape Drawings.</p>
<p>10.4 details of finishes and materials</p>	<p>A materials plan and schedule has been prepared – refer to Appendix G for further details.</p>
<p>10.5 details of proposed water features and demonstrate compliance with relevant safety requirements.</p>	<p>Typical section details of the proposed water features have been prepared - refer Drawing 34 submitted at Appendix G.</p>

Key Issue	Response
<p>10.6 The Department also requests the requirements of Conditions B3, B4 and B5(a) (as originally approved) be incorporated into the landscape plan where possible.</p>	<p>Conditions B3, B4 and B5 are prior to Construction Certificate conditions. It is noted that these details will be incorporated as part of the detailed CC drawings. Notwithstanding, these conditions have been reviewed and coordinated with the landscape drawings (where applicable to the level of detail included at this stage of the process).</p> <p>It is noted that Condition B5(a) referencing the requirement for 2 canopy trees to the podium communal open space area was deleted as part of MOD 1.</p>
<p>11. Further consideration should be given to the design of apartments against the requirements of the ADG, including:</p>	
<p>11.1 Apartment 03 J2 - consider balcony depth directly accessible from living area and depth of room from window</p>	<p>This Apartment has become Apartment 02 following the changes that were made to the southern end of Building J.</p> <p>Apartment 02 is a 2-bedroom apartment with balconies on either side of the apartment. The primary balcony is accessed from the living area, it measures 4345mm wide by 2300mm deep with an area of 10sqm. This is compliant with the ADG. The secondary balcony is accessed from the two bedrooms and measures 6100mm wide by 1000mm deep. This achieves the minimum balcony width requirement for contribution to balcony area, which for this apartment, exceeds the minimum required 10sqm private open space area.</p> <p>From the back of the kitchen to the glazing line measures less than 8m, and to the back wall measures more than 8m. However, the area that exceeds the 8m distance is the entry area and is not considered to form part of the combined living, dining and kitchen area. This apartment is therefore consistent with the ADG design criteria.</p> <p>The following Figure extract illustrates the above-mentioned dimensions.</p> <p>FIGURE 11 – APARTMENT 02 J2</p> 

Key Issue	Response
<p>11.2 Apartment 03 J1 - consider balcony depth.</p>	<p>This is an adaptable 1 Bedroom apartment, its balcony measures 3400mm wide by 2450mm deep with a balcony area of 8.3sqm. This is compliant with the ADG. Therefore, no change is warranted.</p> <p>The following Figure extract illustrates the above-mentioned dimensions.</p> <p>FIGURE 12 – APARTMENT 03 J1</p> 
<p>12. Further consideration should be given to the design of the entry / exit of the Evans Avenue roundabout to reduce any potential vehicle / pedestrian conflict, including:</p> <p>12.1 treatments to slow vehicles exiting the site and indicate to drivers the need to beware of pedestrians</p> <p>12.2 revising the architectural plans, which indicate a kerb, landscape treatment and footpath that would interfere with the functioning of the roundabout.</p> <p>13. Quantify and provide an assessment of any changes to footpath widths around the site. In particular, reconsider the reduced width on Evans Avenue, noting footpath widths were increased as part of the</p>	<p>12. Further consideration should be given to the design of the entry / exit of the Evans Avenue roundabout to reduce any potential vehicle / pedestrian conflict, including:</p> <p>The Architectural Plans (refer Appendix F) have been revised to incorporate a note regarding the installation of possible future traffic controls at the Evans Avenue vehicle entry/ exit to manage any potential conflict with pedestrians.</p> <p>The Architectural Plans (refer Appendix F) have been revised to ensure kerb and landscaping doesn't interfere with the functioning of the roundabout.</p> <p>The changes have been coordinated with the civil drawings that are submitted at Appendix M.</p> <p>Public Domain Comparison Drawings have been prepared by Fjmt and are submitted at Appendix N.</p> <p>It demonstrates the following public domain provision within the property boundary and excludes driveways and public domain covered by building overhead:</p> <ul style="list-style-type: none"> - Approved Public Domain Area – 2,969sqm

Key Issue	Response
<p>original assessment process to improve amenity in this area.</p>	<ul style="list-style-type: none"> - Proposed Public Domain Area –3,371sqm <p>The proposed scheme creates a harmonious interface between Eastlakes Reserve and the western edge of the podium. This area is will have an important role as the focal point amongst the public domain offerings in this project. The relationship at this western boundary has evolved and improved significantly compared to the approved scheme and supports the natural pedestrian desire lines in this area.</p> <p>In the southwest corner of the site, the site is at-grade with the existing footpath. This enhances the footpath amenity in this location and provides a seamless and equitable transition/ access from the public domain.</p> <p>Further, the proposal includes a covered public thoroughfare, that is activated by food and beverage retail - "eat street" which is connected to Barber Avenue.</p> <p>Overall it is submitted that on balance the proposed public domain offerings improve the amenity and quality of the development and surrounding areas, when compared with the approved Rice Daubney scheme's specific areas of footpath widening on Evans Avenue and south eastern portion of the site. .</p>
<p>14. Provide an assessment of the revised location and layout of the Childcare Centre against the requirement of the Education SEPP and the Child Care Planning Guideline. The assessment should demonstrate that, subject to further details at future DA, the centre is capable of compliance.</p>	<p>It is intended that a separate DA will be lodged for the use and fit-out of the childcare centre. Notwithstanding, an assessment against the Education SEPP and Child Care Guidelines has been undertaken and is submitted at Appendix I, to demonstrate the designed area is capable of satisfying the requirements for a childcare centre.</p>
<p>15. Provide updated car parking plans to ensure compliance with A2890 / recommendations of compliance check by CBHK, and confirm the resultant car parking numbers.</p>	<p>A review of the revised car park has been undertaken by CBR&K and is attached at Appendix K.</p> <p>A revised Area Schedule has been prepared (refer Appendix F) and confirms the parking provision to be as follows:</p> <ul style="list-style-type: none"> - Retail – 338 spaces - Residential – 400 spaces - Visitors – 72 spaces - Commercial – 47 spaces

Key Issue	Response
<p>16. The SEARs require consideration of the principles of local centres and housing strategies contained in Planning Priority E6 of the Eastern City District Plan, however this has not been provided.</p>	<ul style="list-style-type: none"> - Childcare – 27 spaces - Medical – 20 spaces - Leisure – 12 spaces <p>Total – 916 spaces</p> <p>This is consistent with the parking provision noted in the RtS / PPR Report and is therefore in accordance with the parking requirements required under the Project Approval.</p> <p>Planning Priority E6 encourages creating and renewing great places and local centres and respecting the District’s heritage.</p> <p>PLACE BASED PLANNING PRINCIPLES</p> <p>The Eastern City District Plan identifies place based planning principles for centres. An assessment against these principles is provided as follows:</p> <p><u>Provide public realm and open space focus</u></p> <p>The Urban Context Report prepared by Urbis found that that the public domain experience around the Eastlakes shopping centre and immediately surrounding medium density residential housing area is relatively poor when compared with the low density residential areas beyond.</p> <p>Key findings were:</p> <ul style="list-style-type: none"> - An unattractive elevation frontage appearance of the shopping centre to Evans Reserve and the adjacent residential properties - Poorly defined amenity in the front of medium density residential lots which is ambiguous and has no designed purpose - Lack of communal private amenity provision - Lack of tree canopy. <p>In response, the following outcomes are proposed for the site with regards to place making opportunities:</p> <ul style="list-style-type: none"> - Positively activate the park frontage with an ‘urban veranda’ experience including elevated seating area and food and beverage fronted stores opening out to the space that will extend the hours of passive surveillance. The proposal improves the interface and connection of the site with the public domain and provides greater opportunity for social gathering, recreation and casual dining relative to the existing situation and Project Approval.

Key Issue	Response
	<ul style="list-style-type: none"> - Celebrate the park entrance with a pocket plaza and elevated awning that marks the arrival and assists with legibility and wayfinding. - Manage existing topographical changes through amphitheatre steps that double as event seating and casual resting place and provision of ramps for accessible access. At the south western end, the levels have been dropped so they are level with the park to enable easy transition and integration between the two uses. - Provide elevated private amenity on the park edge maximising access to green vistas. - Create a central outdoor space above podium as a focus for residential amenity beyond the park frontage. - Extend active frontages around to Barber Avenue through the creation of a vibrant 'eat street'. <p><u>Deliver transit-oriented development and co-locate facilities and social infrastructure</u></p> <p>Eastlakes is located only a five minute walk from high-frequency regional bus route stop on Gardeners Road which is identified as a city-serving transport corridor in the District Plan. TfNSW has identified planned improvements along this network to meet growing demand.</p> <p>This high-frequency bus route provides local connections to district and regional mass transit services which are located nearby being the Kingsford light rail terminus, and Mascot and Green Square train stations.</p> <p><u>Provide, increase or improve local infrastructure and open space</u></p> <p>Opportunities for improvements to local infrastructure and public open space can be delivered through the Public Benefit Offer that accompanies the proposal. DPIE will facilitate further discussions with Bayside Council regarding the PBO terms.</p> <p><u>Improve walking, cycling and public transport connections, including through the Greater Sydney Green Grid</u></p> <p>Eastlakes is located in Sydney's inner south, an area with relatively flat topography which offers good potential for active transport links. The surrounding street network generally provides frequent and permeable connections via the local streets to the park and shops. In addition, there are existing established on and off road cycle networks in proximity of the site including the Gardeners Road off-road cycle route, the road local network to the south of Gardeners Road is identified as on-road</p>

Key Issue	Response
	<p>environment moderate difficulty and the cycleway along Southern Cross Drive is identified as on-road environment high difficulty.</p> <p>Improvements to these networks have been identified through the Principal Bike Bicycle Network and Sydney Regional Bike Network, which will provide high quality, high priority cycling routes across Greater Sydney and specifically within 10km of the Harbour CBD.</p> <p>Furthermore, the Eastern City District Plan identifies the Mill Stream and Botany Wetlands Open Space Corridor Green Grid Priority Project which will provide a significant opportunity for improved north-south access and cross-district access from Botany Bay and Sydney Airport through The Australian, Lakes, Eastlakes and Bonnie Doon golf courses to Centennial Park.</p> <p><u>Protect or expand retail and/or commercial floor space</u></p> <p>The proposed modification includes 15,826sqm of non-residential floor space. This represents an increase relative to the existing and approved provision of non-residential floor space.</p> <p><u>Protect or expand employment opportunities</u></p> <p>The site forms part of the global economic corridor and is highly accessible to around 505,000 existing jobs by car, 320,000 existing jobs by public transport and 6,877 existing jobs by foot within 20-30 minutes. The proposal will also provide opportunities for new local jobs during the construction and operational stages. The Eastern City District Plan identifies that an additional 190,900 jobs are to be accommodated within the Eastern City District by 2036 and there will be pressures for areas such as Eastlakes to locate housing, services and amenities within 30 min to these centres.</p> <p><u>Integrate and support arts and creative enterprise and expression</u></p> <p>Not directly applicable but there may be opportunities to integrate creative enterprises into the shopping centre.</p> <p><u>Support the night-time economy</u></p> <p>The proposal seeks approval for ground floor retail uses that will include food and beverage tenants. These uses will activate the shopping centre and broader local centre and contribute toward the night-time economy as well as improve safety via greater level of casual surveillance of people in the public domain.</p>

Key Issue	Response
	<p><u>Augment arts provide community facilities and services, arts and cultural facilities</u></p> <p>The scheme proposes a community facility in the south west corner of the site. The PBO also proposes upgrades to community facilities and public spaces within a 2km radius of the site.</p> <p><u>Conserve and interpret heritage values</u></p> <p>Not applicable.</p> <p><u>Accommodate local festivals, celebrations, temporary and interim uses</u></p> <p>The Shopping Centre and outdoor plaza spaces have the potential to host local festivals, celebrations, temporary and interim uses.</p> <p><u>Increase residential development in, or within walkable distance of, the centre</u></p> <p>The site is already the focal point of the Eastlakes Local Centre. The Urban Context Report prepared by Urbis has assessed the site against the Eastern City District Plan criteria for accommodating housing in two key locations being urban renewal and local infill development areas. Investigations into Eastlakes alignment with the locational criteria identified for both urban renewal opportunities and local infill development reveals that Eastlakes presents an opportunity to accommodate additional housing capacity. It concludes that this opportunity has already been acknowledged within the 2009 Botany Council study, the 2013 Major Project Approval and the recent Modification Approval on the north site (refer to Urban Context Report for further information).</p> <p><u>Provide parking that is adaptable to future uses and takes account of access to public transport, walking and cycling connections</u></p> <p>All car parking is proposed at basement level. Car parking is provided in accordance with the site-specific rates developed for the site as per condition B31 of the Project Approval.</p> <p><u>HOUSING PRINCIPLES</u></p> <p>Planning Priority E6 goes on to discuss that 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. Councils will need to consider which centres will be appropriate to accommodate additional housing as part of their housing strategy.</p>

Key Issue	Response
	<p>An understanding of the identity, character, size, land use mix, function, catchment and potential of each local centre and the local centres hierarchy will inform housing strategies. The Plan states that additional residential development within a five-minute walk of a centre focused on local transport, will help to create walkable local centres. However, housing should not compromise a centre's primary role to provide goods and services, and the opportunity for the centre's employment function to grow and change over time.</p> <p>In the absence of any local strategic planning studies at the time of lodging MOD 4, an Urban Context Report was prepared which assesses the role and function, public realm and place making opportunities and urban form of the Local Centre which guided the current MOD 4 scheme. The Analysis also assessed the site against the Eastern City District Plan locational criteria for accommodating additional housing which concluded that Eastlakes presents an excellent opportunity to accommodate additional housing as it generally meets the criteria developed by the Plan. While the proposal seeks to moderately increase residential floor space at the site, it also proposes to increase the quantum of non-residential floor space relative to the existing and approved situation ensuring the sites role as the focal point of the Local Centre is not diminished. Reference should be made to the Urban Context Report for further information.</p> <p>Bayside Council prepared and exhibited their <i>draft Local Strategic Planning Statement</i> in September 2019. The Proposal is highly consistent with the draft LSPS, including the following notable Actions:</p> <p>Action 6.5 - Higher density development opportunities will be investigated having regard to the locational criteria identified below:</p> <ul style="list-style-type: none"> - Accessible to jobs and services. - Near railway lines and other public transport services to achieve the aspiration of a 30-minute city. - Pleasant to walk around, with services and shops within a reasonable walking distance. - Near significant infrastructure investment which creates opportunities for housing redevelopment. - Have access to open space, recreational facilities and community facilities, either existing or planned. <p>As discussed within this letter and in the material previously lodged, the site and proposal is highly consistent with this criteria.</p>

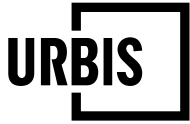
Key Issue	Response
	<p>The LSPS discusses that the Local Housing Strategy will investigate opportunities for growth in centres. Bayside Council is currently preparing a Local Housing Strategy however, to inform the preparation of the LSPS, Bayside Council commissioned SGS Economics to prepare a <i>Housing Strategy Background Paper</i>. The Paper identified locations in Bayside which have good access to parks, transport and shopping where there may be opportunities for more housing, which ultimately identified Eastlakes as one of those potential locations – which is also consistent with our findings.</p> <p>Action 1.3 - <i>Council will consider proposed Transport Infrastructure planned and under investigation outlined in Table 3 in all land use and asset planning decisions.</i></p> <p>Action 6.8 - <i>Ensure that current land use planning does not jeopardise future opportunities for residential growth associated with visionary transport corridors.</i></p> <p>Action 12.7 & 15.6 - <i>Advocate for increased bus routes and frequency of services to those centres and suburbs that are less well serviced and provide more east west links</i></p> <p>The proposed redevelopment of the Eastlakes Shopping Centre has the capacity to influence infrastructure provision within the area. While the proposed redevelopment doesn't generate the need for improved or new public transport infrastructure, the proposal could act as a catalyst for the state government to bring forward transport planning in this area.</p> <p>Improved transport infrastructure will also improve the desirability of Eastlakes a suburb and will be a key factor that influences broader rejuvenation – delivering on the aims of Bayside Council's <i>draft Eastlakes Master Plan</i>.</p> <p>Action 8.1 - <i>Prepare an affordable housing policy to meet the requirements of the Eastern City District Plan in relation to affordable rental housing and the different mechanisms Council will use to address this need.</i></p> <p>The Public Benefit Offer puts forward a commitment to an Affordable Housing Contribution equivalent to 10% of the total number of additional apartments proposed in MOD 4. This contribution will assist with the lack of affordable housing across Sydney Metropolitan area and Bayside.</p>

Key Issue	Response
	<p>Action 9.5 - 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.</p> <p>Bayside Council prepared and exhibited the <i>Draft Eastlakes Master Plan</i> in July 2019. Reference should be made to section 1.6 of the RtS and PPR Report which discusses the way in which the proposal aligns with the future aspirations of the Local Centre.</p> <p>Action 15.1 – Align land use, infrastructure and transport plans to deliver a 30 minute city</p> <p>The site is strategically located within close proximity to several key strategic centres, trade gateways and education and health precincts including, but not limited to, Sydney Airport (2.5 km), Green Square-Mascot (2 km), Sydney CBD (6 km), and Randwick (2.5 km).</p> <p>The site is also located within proximity to these centres by public transport via local bus services which provide links to the Sydney CBD, key Strategic Centres as well as regional transport modes including Kingsford Light Rail Station (1.5km), Mascot Train Station (2.6 km) and Green Square Train Station (3 km).</p> <p>The Eastern City District Plan and Future Transport Strategy 2056 also identifies a new City- Serving Transport Corridor immediately north of the site along Gardeners Road as well as a visionary Mass Train Link connecting Randwick via Eastlakes to Kogarah and further south beyond. The site will also benefit from a series of active transport initiatives.</p> <p>Mapping data shows the site is highly accessible to around 505,000 existing jobs by car, 320,000 existing jobs by public transport and 6,877 existing jobs by foot within 20-30 minutes, thereby delivering on the 30 minute city concept.</p>

3. SYDNEY AIRPORT

Controlled activity approval for the intrusion of the South Site buildings into the prescribed airspace for Sydney Airport to a maximum height of 60.64metres AHD was granted on the 25 February 2020 by the Department of Infrastructure, Transport, Regional Development and Communications. A series of conditions are imposed on the approval and will be complied with accordingly.

It is noted that an application for the construction crane(s) to infringe the OLS, like the building, will be lodged with Sydney Airport. This will be undertaken closer to construction commencing. This is consistent with Part B of the Project Approval which states that the Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities as relevant, including aviation authorities.



4. CONCLUSION

We trust this sets out a comprehensive response to the issues raised by DPIE and other State Government agencies in connection with the North and South Sites. Once you have had an opportunity to review the documentation provided, we suggest a teleconference is organised to confirm this closes out all matters relating to MOD 4 and will enable DPIE to finalise their assessment for determination.

Should you have any queries in the meantime, please do not hesitate to contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jessica Ford", written in a cursive style.

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