



Eastlakes Shopping Centre Modification 4

Modifications to Mixed Use Development

Section 75W Modification Assessment
(MP09_0146 MOD 4)

June 2020



Published by the NSW Department of Planning, Industry and Environment

dpie.nsw.gov.au

Cover image: Proposed South Site as viewed from corner of Evans Avenue and Racecourse Place

Source: Fjmt Studio

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Glossary

Abbreviation	Definition
ADG	Apartment Design Guide
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Council	Bayside Council
Department	Department of Planning, Industry and Environment
DPI	Department of Primary Industries, DPIE
EESG	Environment, Energy and Science Group, DPIE
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FSR	Floor Space Ratio
GFA	Gross Floor Area
Heritage	Heritage NSW, Department of Premier and Cabinet
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
RtS	Response to Submissions
SEARs	Planning Secretary's Environmental Assessment Requirements
SRtS	Supplementary Response to Submissions
Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
TfNSW	Transport for NSW

Executive Summary

This report is an assessment of a request to modify the project approval for the redevelopment of the Eastlakes Shopping Centre (MP09_0154), in the Bayside local government area. The shopping centre is the area's local centre, providing important day to day goods and services to the local Eastlakes community.

The modification request seeks to redesign the development on the South Site and make design refinements to the development on the North Site. Key changes to the South Site include:

- increase building height from 2 to 8 storeys above 1 level podium to 4 to 10 storeys above 2 levels podium (increase maximum building height by 9 metres (m) to 42 m)
- increase total gross floor area (GFA) by 9,650m² (to 60,469m²)
- increase dwelling numbers by 65 (to 490)
- increase non-residential GFA by 4,692 m² (to 19,283 m²).

The modification request is accompanied by a public benefit offer of approximately \$4.65m, which includes:

- up to \$100,000 for public domain upgrades surrounding the site, with the extent to be agreed by Council
- up to \$1.55m for upgrades to community facilities and public spaces at Eastlakes
- an affordable housing contribution (10% of the total number of additional apartments in this modification, estimated to be equivalent to approx. \$3m).

The request has been lodged by the Trustee for Stateland East Unit Trust (the Proponent) under section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The modification request was publicly exhibited, with notifications sent to adjoining landholders, Bayside Council and relevant State agencies. The Department received a total of 88 submissions, comprising submissions from five State agencies, one from Council and 82 submissions from the general public, of which 76 objected to the proposal. The key issues raised in submissions included the proposed building heights and character of the area, impacts to roads and traffic, public transport impacts, noise and amenity impacts.

The Department met with Council on 16 May 2018 and again on site on 6 March 2020 to discuss the proposal. Council provided an update on local strategic planning for the area and explained the built form and demographic context of the site. Council also expressed concerns about the scope of the modification (rather than a new application), affordable housing, public benefits and the built form character.

In response to concerns raised by the community, Council, Department and Government Architect NSW (GANSW), the proposal was amended to reduce its height and scale to address concerns relating to visual, amenity, shadowing and traffic impacts. Key changes included:

- split the western building into two smaller buildings (Buildings D and J)

- reduce the maximum height by 3 to 4 storeys (to 42 m)
- further setback the upper levels of Building J to the south
- reduce proposed additional apartments by 111 (from 176 to 65)
- reduce proposal additional residential GFA by 8,674 m² (from 13,632m² to 4,958m²)
- provide additional retail and commercial tenancies on ground and level 1 to provide additional services for the local community (increasing retail / commercial GFA by 3,324 m² (from 1,704m² to 5,028m²)
- reducing loading dock hours (from 24 hours to 5am – 10pm)
- increase activation along the southern podium façade along Barber Avenue, by providing additional active land uses, windows and landscaping
- reduce the basement size and car parking by 153 spaces (from 377 to 224).

The GANSW subsequently confirmed that the revised scheme responded to its comments and raised no further concerns with the scale of the proposal.

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act, and carefully considered the issues raised in submissions and the Proponent's response to those issues. Key issues considered in the assessment are the strategic context, scale, built form and traffic and transport impacts.

The proposal is consistent with the directions and actions of the Greater Sydney Regional Plan and the Eastern City District Plan, including the '30-minute city' and the site has sufficient capacity to accommodate the increase in housing without resulting in adverse impacts on the surrounding area. In this regard, the proposal has strategic merit as it provides additional housing, jobs and services within:

- the local centre, providing additional goods and services in an appropriate location for investment and growth
- the Eastern Economic Corridor, which is recognised to accommodate a high concentration of jobs and key to the State's economic growth
- good access to Sydney's CBD and other employment locations.

The bulk and scale of the proposal was significantly reduced in responses to submissions, including a 3 to 4 storey height reduction adjacent to Eastlakes Reserve. The site is large enough to support the scale of the revised proposal, including building heights up to 12 storeys (including the podium) without adverse amenity impacts to the surrounding area.

The site is also well suited to provide an increase in density, due to its location in a local centre with access to public transport, as well as the excellent access to retail services and childcare, reducing the need for occupants to travel from the site. The proposal will not result in any adverse impacts for traffic generation and the local road network will continue to operate at acceptable levels.

When compared to the approved development, the proposal results in the following improvements:

- the number of buildings above the podium is reduced from 5 to 4
- buildings on the site's edges are further setback above the podium to provide a better scale transition to adjoining residential properties and improve privacy, overshadowing and view impacts

- solar access to the Eastlakes Reserve is improved, with the reserve receiving full sun after 10 am at midwinter
- additional retail and commercial services are provided to support the local area
- internal residential amenity is improved with larger units and balcony sizes resulting in improved compliance with residential amenity standards
- the proposal includes a new public benefit offer of approximately \$4.65m, which includes approximately 10% of the additional apartments being affordable housing.

However, the Department has also recommended conditions to further refine the proposal and address adverse impacts, including:

- reduction in the size of roof level plant to further reduce the visual impacts of the proposal
- reduction in the podium footprint to increase footpath widths and provide greater landscaping on Barber Avenue
- improved landscaping adjacent to the eastern entrance of the North Site and on the podium
- protection of trees proposed for removal and pruning within the Eastlakes Reserve
- restriction on loading operations before 7am to minimise potential sleep disturbance
- requirements for the loading dock doors to be shut when not in use to reduce potential noise impacts
- integration of wind mitigation measures, as recommended in the Proponent's wind assessment
- not approving proposed operating hours, to ensure operating times and impacts are assessed by Council having regard to specific noise and amenity impacts from the tenant
- not approving proposed pylon sign locations, to ensure the visual impacts of the signs are assessed by Council having regard to the context, design and illumination of the signs.

Based on the above, the Department is satisfied that the proposed development can be approved, subject to the recommended conditions.

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1 Introduction

This report provides the NSW Department of Planning, Industry and Environment's (the Department's) assessment of an application to modify the project approval (MP 09_0146) for a mixed-use development at the Eastlakes Shopping Centre, Eastlakes.

The application seeks to modify the project approval, as follows:

- redesign the shopping centre development on the South Site, including:
 - increase the number of basement parking levels (from 2 to 4)
 - provide part additional level of retail / commercial floor space in the podium, changes to podium layout and podium footprint
 - increase building height (from 2 to 8 storeys above podium to 4 to 10 storeys above podium)
 - redesign communal open space and public domain areas
- design refinements to the approved development on the North Site, including:
 - changes to the external appearance of Buildings 1 and 1A
 - internal layout changes to apartments and retail areas
 - modifications to podium and ground level landscaping
- increase the gross floor area (GFA) from 50,819m² to 60,469m² (additional 9,650m²)
- increase in dwellings from 425 to 490 (additional 65 dwellings)
- changes to the operating hours of the shopping centre and loading dock operations.

The request has been lodged by the Trustees for Stateland East Unit Trust (the Proponent) under section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.1 The site

The site is the Eastlakes Shopping Centre in the suburb of Eastlakes, approximately six kilometres (km) south of the Sydney CBD, within the Bayside local government area (**Figure 1**). The site comprises two parcels of land separated by Evans Avenue, known as the North and South Sites (**Figure 2**).

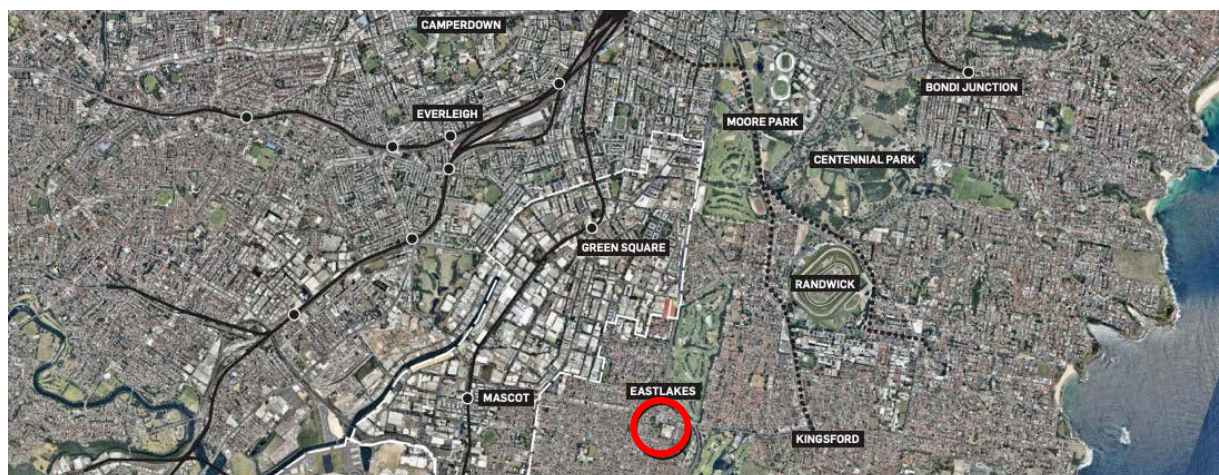


Figure 1 | Regional Context (Source: Proponent's RtS)

The North Site has frontages to Gardeners Road to the north, Evans Avenue to the south and adjoins residential flat buildings to the east and west (**Figure 2**). It previously accommodated a car park servicing the Eastlakes Shopping Centre and a row of single storey shops along the northern boundary. Construction of a new mixed use development, under this approval, has commenced on the North Site.

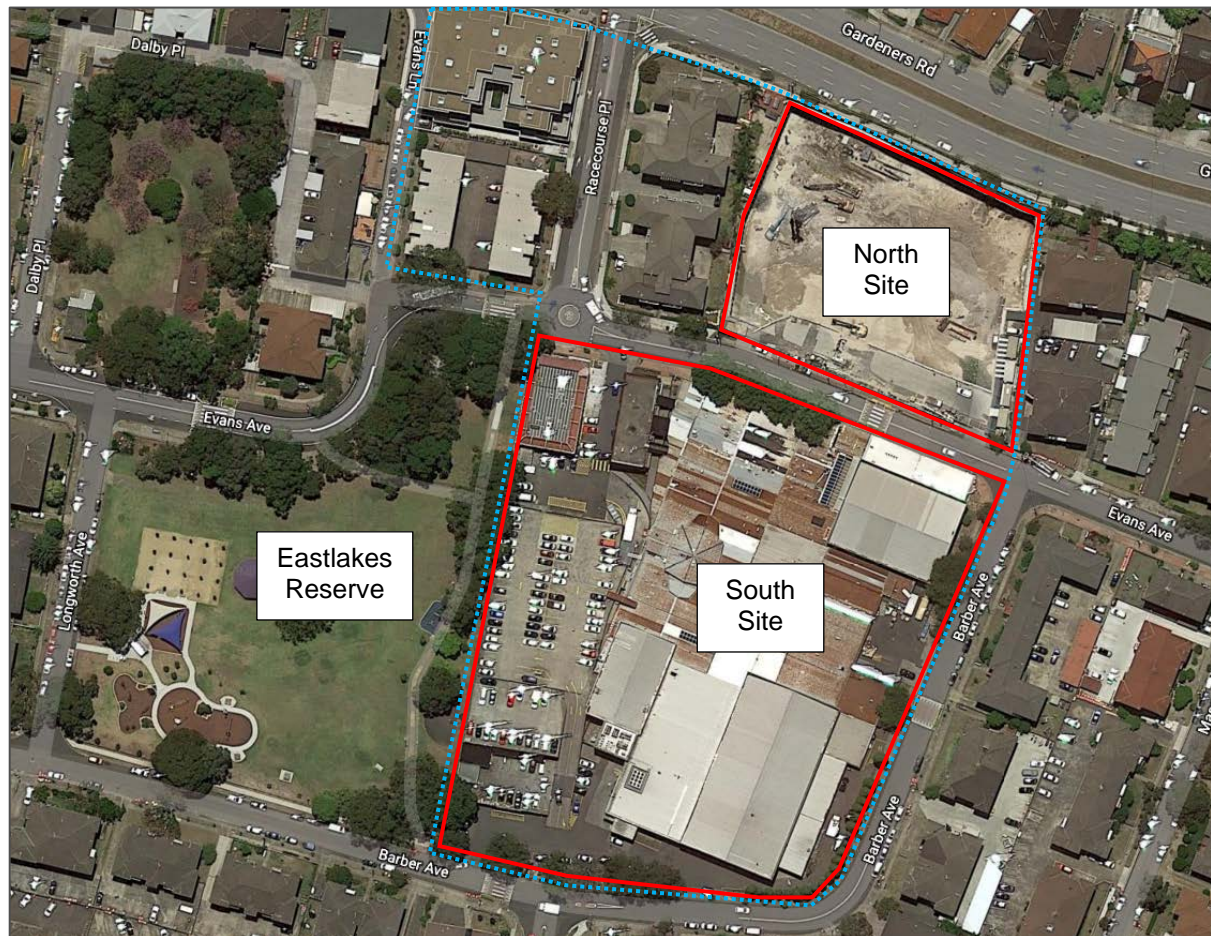


Figure 2 | Subject site (shown red) and Eastlakes local centre (shown blue) (Source: Google Earth)

The South Site has frontages to Evans Avenue to the north, Barber Avenue to the east and south, and the Eastlakes Reserve to the west. It accommodates the single storey shopping centre and car parking. Vehicular access to the car parking is from the south (Barber Avenue) and the north (Evans Avenue). Servicing and the delivery dock is accessed via Barber Avenue to the south of the site.

While the site is not served by a train station, it is well served by buses on Gardeners Road, which provide access to Mascot Station and the Sydney CBD.

1.2 The surrounding area

The site makes up the majority of the Eastlakes local centre (**Figure 2**). Other sites within the centre include a recent five storey mixed use development on the corner of Gardeners Road and Racecourse Place, and two other sites (adjacent to the North Site) comprising three storey residential flat buildings.

Immediately west of the South Site is the Eastlakes Reserve. The reserve was recently upgraded and includes a playground and BBQ facilities (**Figure 3**). The surrounding area is generally characterised

by 3 and 4 storey residential flat buildings constructed in the late 1960s and early 1970s (**Figures 4 and 5**).

The surrounding area also contains several taller buildings, including 9 to 10 storey public housing developments located on Malony and Florence Streets (**Figure 6 and 7**).



Figure 3 | Eastlakes Reserve (Source: Google Earth)



Figure 4 | Typical residential flat buildings on Barber Avenue opposite the site (Source: Google Earth)



Figure 5 | Residential flat buildings on Barber Avenue opposite the Reserve (Source: Google Earth)



Figure 6 | 9 to 10 storey residential flat buildings at 16 Maloney Street (left) and 1 Florence Street (right) (Source: Proponent's RtS)

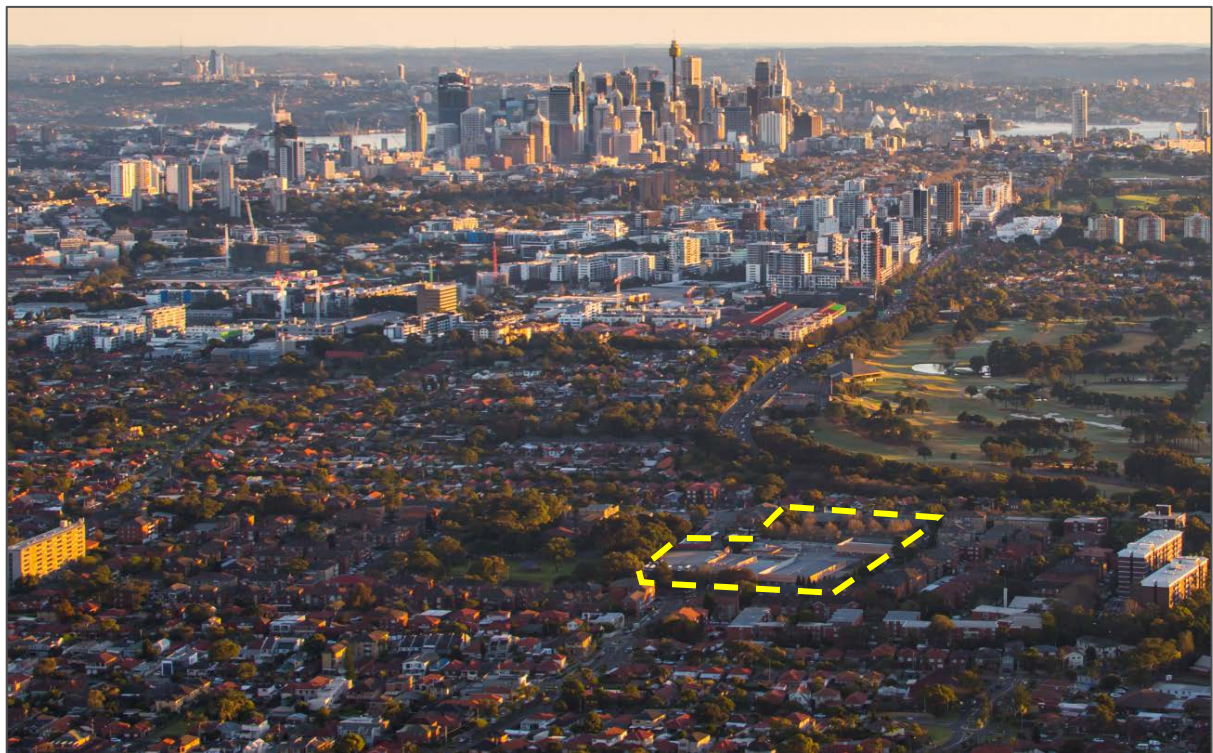


Figure 7 | Subject site in its wider context, with the CBD in the background, Green Square in the midground and taller buildings of 1 Florence Street and 16 Maloney Street to the left and right of the site (shown in yellow) (Source: Proponent's RtS)

1.3 Approval history

On 19 September 2013, the then Planning Assessment Commission granted project approval (MP09_0146) on the site for:

- demolition of all existing buildings
- construction of a mixed use development, with buildings of between 2 - 6 storeys above podiums with a taller component (at RL 48.7 equivalent to approximately 8 storeys above the podium level) at the corner of Evans Avenue and Racecourse Place
- maximum ground floor retail and community floor space of 14,404m²

- maximum 405 residential apartments with a maximum GFA of 34,636m²
- 916 basement car parking spaces over two levels
- associated landscaping, infrastructure, stormwater and utility works and stratum subdivision.

The approval has been modified on three occasions (**Table 1**).

Table 1 | Summary of Modifications

Mod No.	Summary of Modifications	Approval Authority	Type	Status
MOD 1	Changes to the North Site, including changes to Building 1B, ground level retail areas, basement parking arrangements and landscaping and street trees.	Independent Planning Commission (Commission)	S75W	Approved 28 June 2018
MOD 2	Change to condition to allow vehicles up to 19 m long to access the site during construction.	Department	S75W	Approved 19 Dec 2017
MOD 3	Modification to permit the removal of four street trees and replace with six new trees.	Department	S75W	Approved 14 March 2018

The approved development is shown in **Figures 8 to 15**.



Figure 8 | Site layout as originally approved prior to MOD 1 (Source: MP09_0146 approved plans)

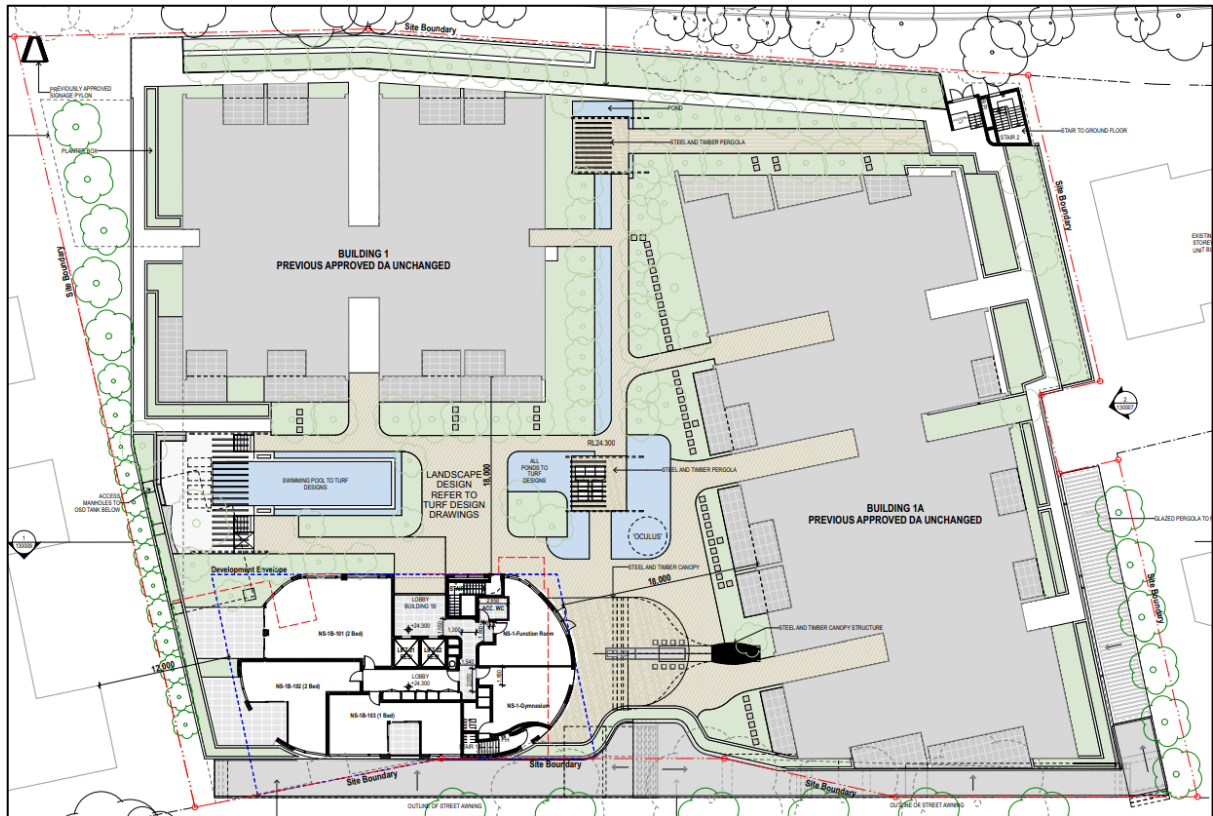


Figure 9 | North Site layout approved by MOD 1 (Source: MP09_0146 MOD 1 approved plans)

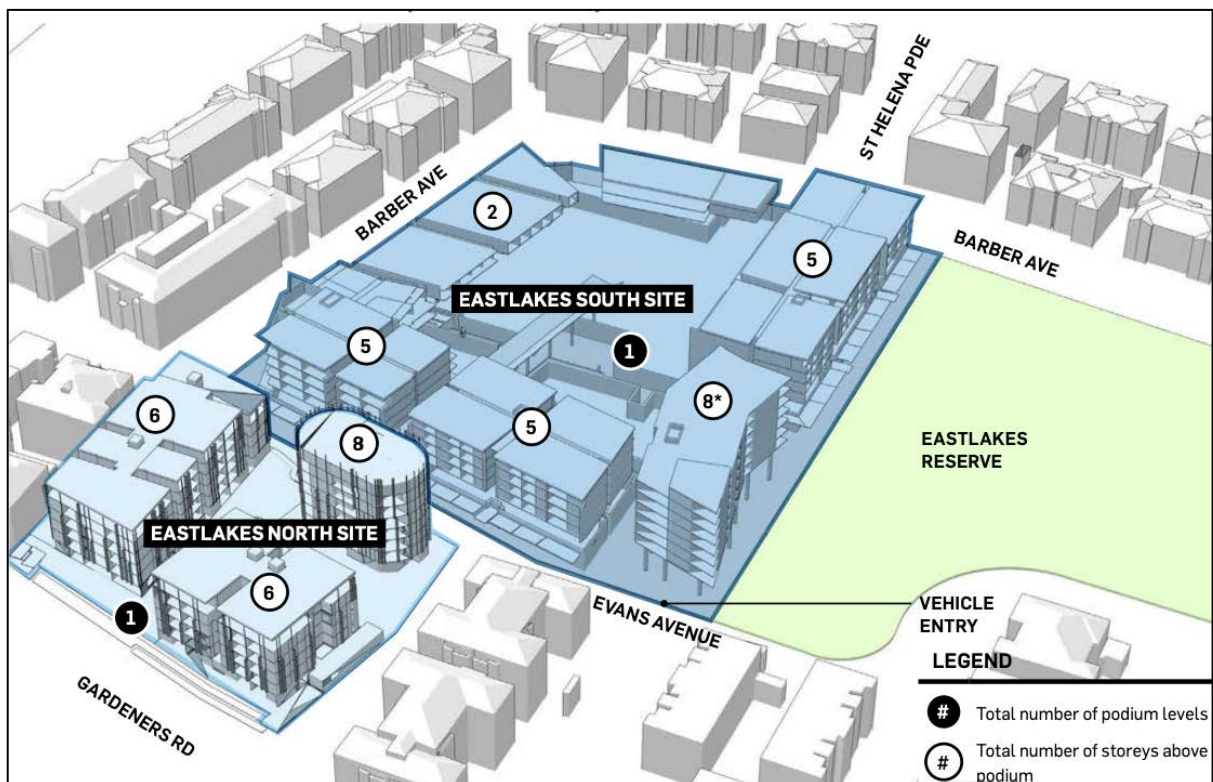


Figure 10 | Perspective image of approved building massing / layout (Source: Proponent's RtS)



Figure 11 | Visualisation of approved development: main entrance to South Site on Evans Avenue (Source: MP09_0146 RtS)



Figure 12 | Visualisation of approved development: western elevation of South Site facing Eastlakes Reserve (Source: MP09_0146 RtS)



Figure 13 | Visualisation of approved development: north-western corner of South Site (Source: MP09_0146 RtS)



Figure 14 | Visualisation of approved development: North Site as viewed from Evans Avenue
(Source: MP09_0146 MOD 1 Application Documents)

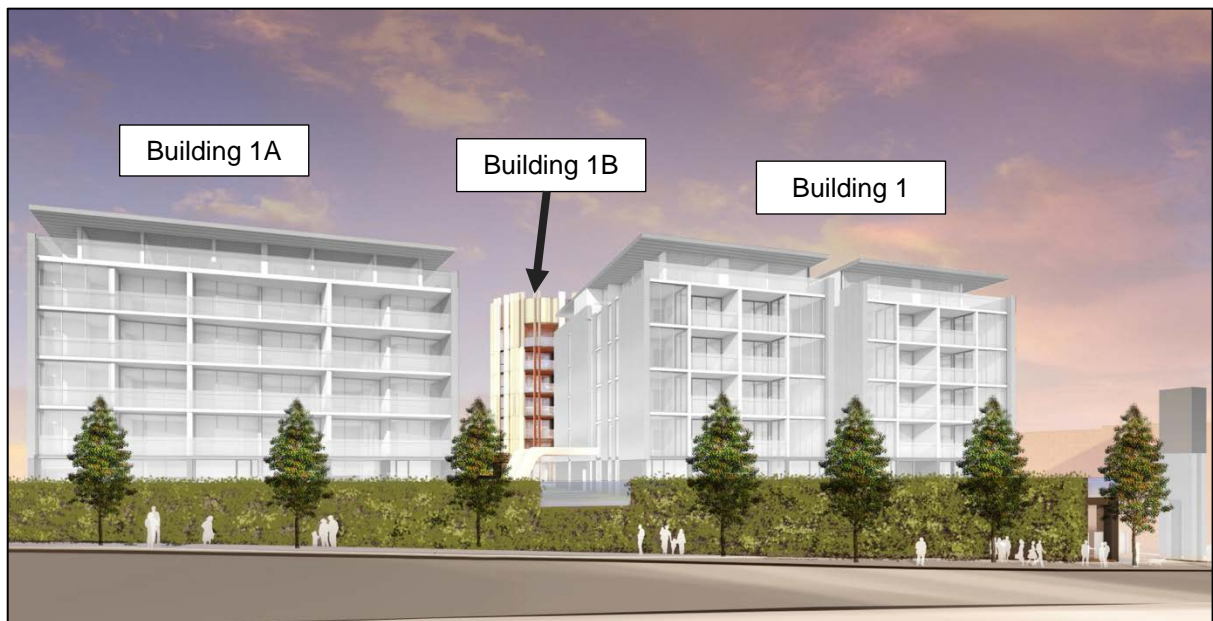


Figure 15 | Visualisation of approved development: North Site as viewed from Gardeners Road (note: front boundary landscaping has been revised) (Source: MP09_0146 MOD 1 Application Documents)

2 Proposed modification

2.1 Initial modification request

The section 75W modification request (MP09_0146 MOD 4) as initially lodged sought approval to redesign the shopping centre development on the South Site, including:

- increase the number of basement parking levels from 2 to 3 and number of parking spaces from 980 spaces to 1,357 (additional 377 spaces)
- provide an additional level of retail / commercial floor space in the podium, changes to podium layout and podium footprint
- redesign and increase the height of residential buildings from 2 to 8 (equivalent) storeys above the podium (33 m) to 4 to 14 storeys above the podium (55 m)
- redesign communal open space and public domain areas
- increase the GFA from 50,819m² to 66,155m² (additional 15,336m²)
- increase in dwellings from 425 to 601 (additional 176 dwellings)
- permit 24 hour loading dock and waste collection operations, and establish shopping centre operating hours.

2.2 Amended proposal

Following notification of the request, the Proponent submitted a Response to Submissions (RtS) and a further Supplementary Response to Submissions (SRtS) which amended the proposal (**Section 4.4**).

The RtS and SRtS reduced the scale of the proposed modifications to the South Site, resulting in a development that would:

- increase the number of basement parking levels from 2 to 4 and number of parking spaces from 980 spaces to 1,204 (additional 224 spaces)
- provide an additional part level of retail / commercial floor space in the podium, change podium layout and footprint
- redesign and increase the height of residential buildings from 2 to 8 (equivalent) storeys above the podium (33 m) to 4 to 10 storeys above the podium (42 m)
- redesign communal open space and public domain areas
- increase the GFA from 50,819m² to 60,469m² (additional 9,650m²)
- increase in dwellings from 425 to 490 (additional 65 dwellings)
- permit loading dock and waste collection operations between 5 am and 10 pm and establish shopping centre operating hours.

The RtS also included design changes to the North Site including:

- changes to floor plans of apartments in Buildings 1 and 1A and ground floor of Building 1B
- changes to basement layout and carparking
- changes to rooftop plant services and lift overruns

- changes to façade design of Buildings 1 and 1A
- amendments to the podium and ground level landscape design
- changes to the approved hours for the shopping centre and loading dock.

The key components of the modification request (as revised in the RtS and SRtS) are provided in **Table 2** and shown in **Figures 16 to 24**.

Table 2 | Main components of the modification request

Aspect	Project approval	Proposed modification
Floor Space (GFA)	Total site: 50,819m ² including: <ul style="list-style-type: none"> • 36,228m² residential GFA • 14,591m² retail / community GFA FSR of 2.11:1 South site: 35,743m ² including: <ul style="list-style-type: none"> • 11,082m² retail / community GFA • 24,661m² residential GFA North site: 15,075m ² including: <ul style="list-style-type: none"> • 3,508m² retail GFA • 11,556m² residential GFA 	Total site: 60,469m ² including: <ul style="list-style-type: none"> • 41,186m² residential GFA • 19,283m² retail / community / commercial / medical / childcare / leisure GFA FSR of 2.51:1 South site: 45,423m ² including: <ul style="list-style-type: none"> • 15,826m² retail / commercial GFA • 29,597m² residential GFA North site: 15,046m ² including: <ul style="list-style-type: none"> • 3,457m² retail GFA • 11,589m² residential GFA
Number of Dwellings	Total Site: 425 dwellings <ul style="list-style-type: none"> • South Site: 292 dwellings • North Site: 133 dwellings Dwelling Mix: <ul style="list-style-type: none"> • Studio units 2% • 1 Bedroom 51% • 2 Bedroom 44% • 3 Bedroom 3% • 4 Bedroom <1% 	Total Site: 490 dwellings <ul style="list-style-type: none"> • South Site: 357 dwellings • North Site: 133 dwellings Dwelling Mix: <ul style="list-style-type: none"> • Studio units 6% • 1 Bedroom 42% • 2 Bedroom 40% • 3 Bedroom 11% • 4 Bedroom 0%
Built form	South Site: <ul style="list-style-type: none"> • 1 storey podium • 2 to 7 storeys above podium North Site: <ul style="list-style-type: none"> • 5 to 8 storeys above 1 podium level 	South Site: <ul style="list-style-type: none"> • 1 - 2 storey podium • 4 to 10 storeys above podium North Site: <ul style="list-style-type: none"> • 5 to 8 storeys above 1 podium level
Basement Parking	Total site: 980 spaces over 2-3 levels South site: 700 spaces over 2 basement levels including:	Total site: 1,204 spaces over 2-4 levels South site: 916 spaces over 4 basement levels including

	<ul style="list-style-type: none"> • 404 commercial and residential visitor spaces • 296 residential spaces • 12 motorbike spaces <p>North site: 280 spaces over 3 basement levels including:</p> <ul style="list-style-type: none"> • 136 commercial and residential visitor spaces • 144 residential spaces • 7 motorcycle spaces 	<ul style="list-style-type: none"> • 516 commercial and residential visitor spaces • 400 residential spaces • 16 motorbike spaces <p>North site: 288 spaces over 3 basement levels including:</p> <ul style="list-style-type: none"> • 138 commercial and residential visitor spaces • 150 residential spaces • 20 motorcycle spaces
Operating Hours	Trading hours: Not Specified Loading Dock: 7 am to 9 pm Waste Collection: 7 am to 5 pm	Trading hours: 6 am to 10 pm Loading Dock: 5 am to 10 pm Waste Collection: 5 am to 10 pm
Signage	Pylon sign with solid base on Gardeners Road frontage	Introduction of two additional pylon signage zones
Public Benefit Offer	Nil	<ul style="list-style-type: none"> • \$1.65m public space upgrades • \$3m affordable housing contribution

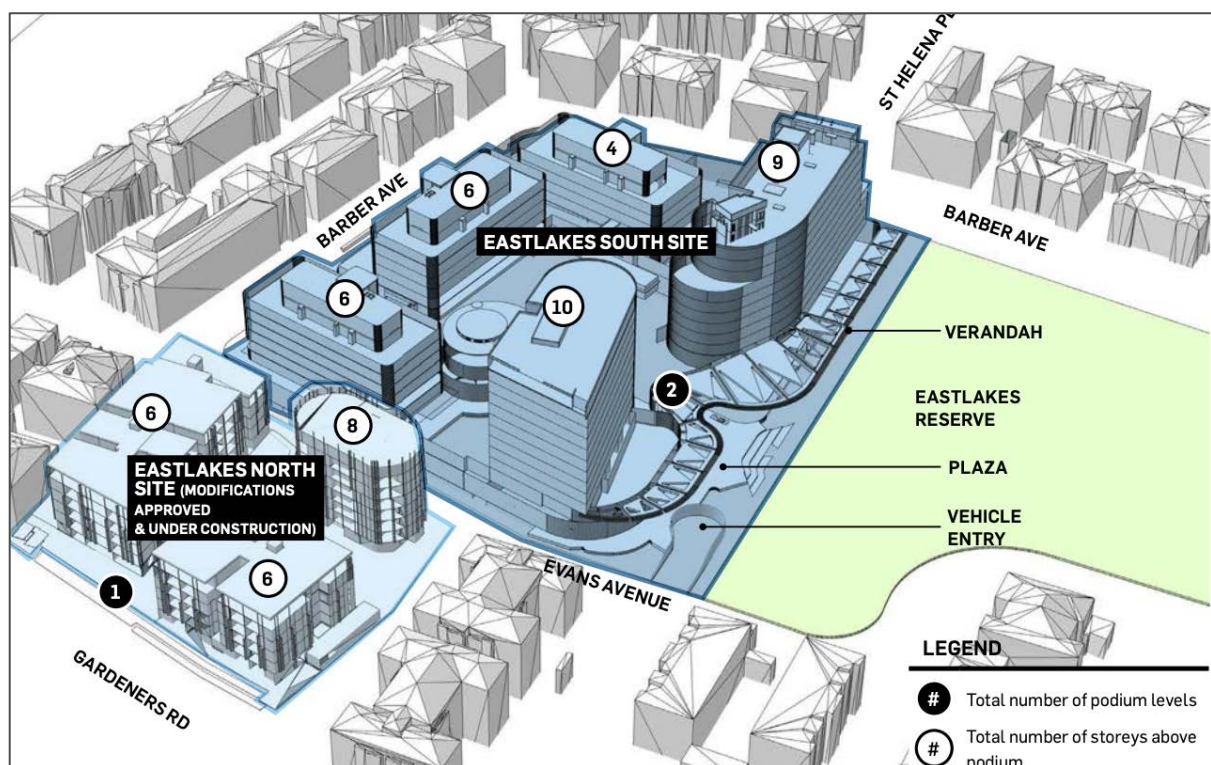


Figure 16 | Perspective image of proposed building massing / layout (Source: Proponent's RtS)

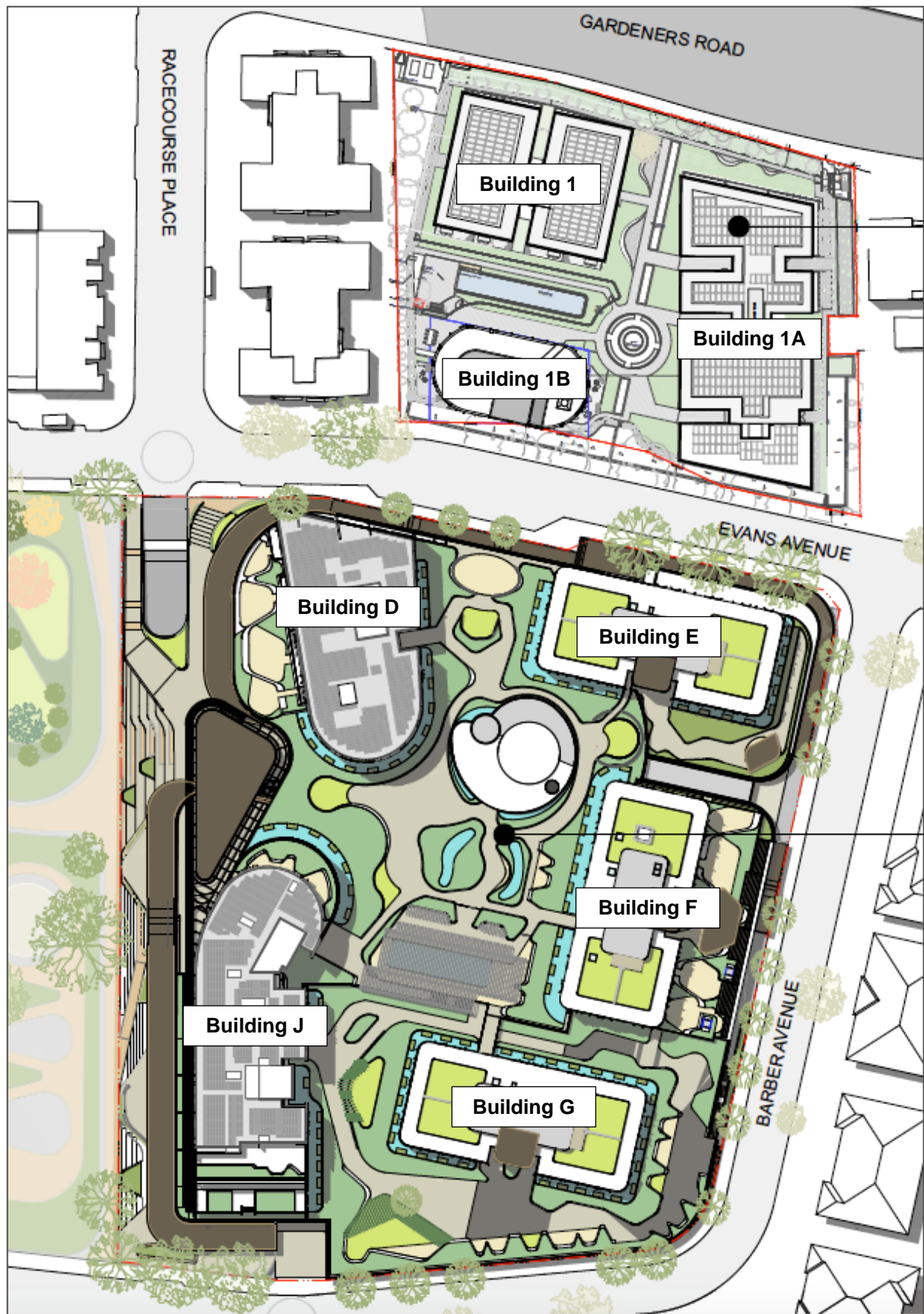


Figure 17 | Proposed site layout (Source: Proponent's SRtS)



Figure 18 | Proposed South Site development as viewed from corner to Racecourse Place and Evans Avenue (Source: Proponent's RtS)

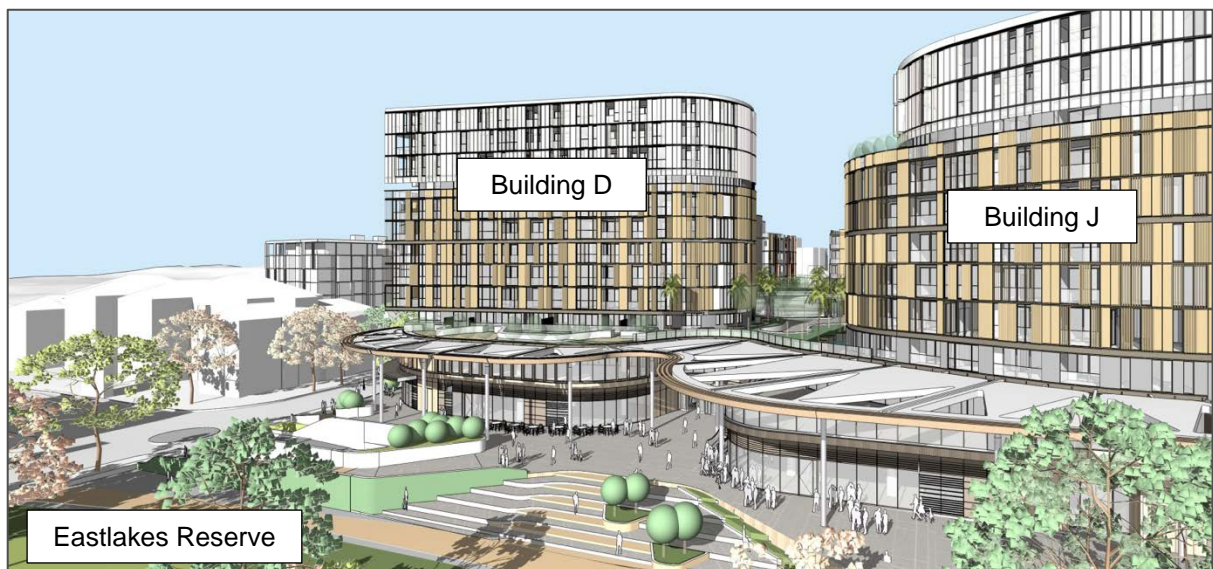


Figure 19 | Proposed South Site development as viewed from Eastlakes Reserve (Source: Proponent's RtS)

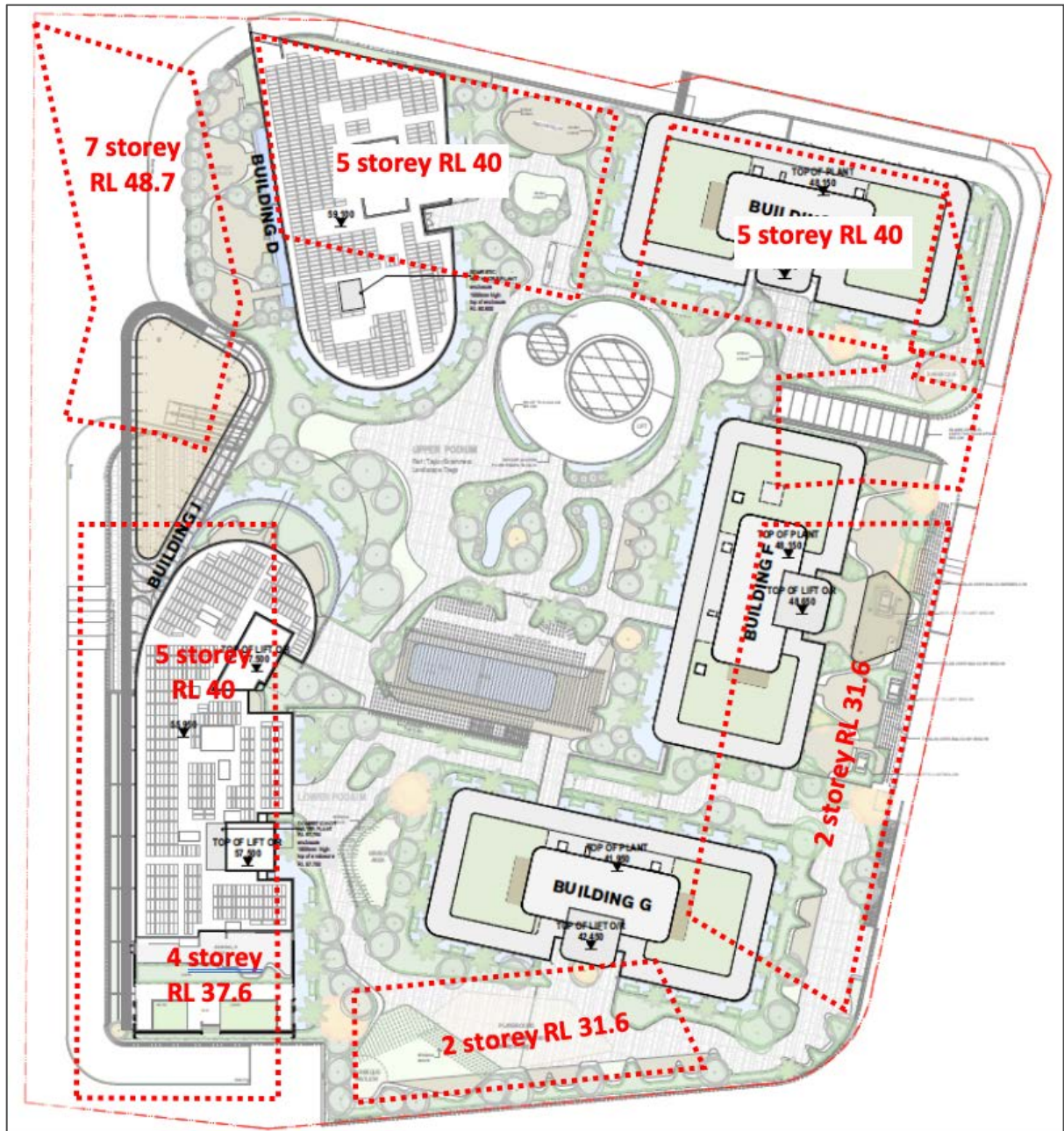


Figure 20 | Proposed South Site podium layout with footprints of approved residential buildings outlined in red (Base image source: Proponent's RtS)

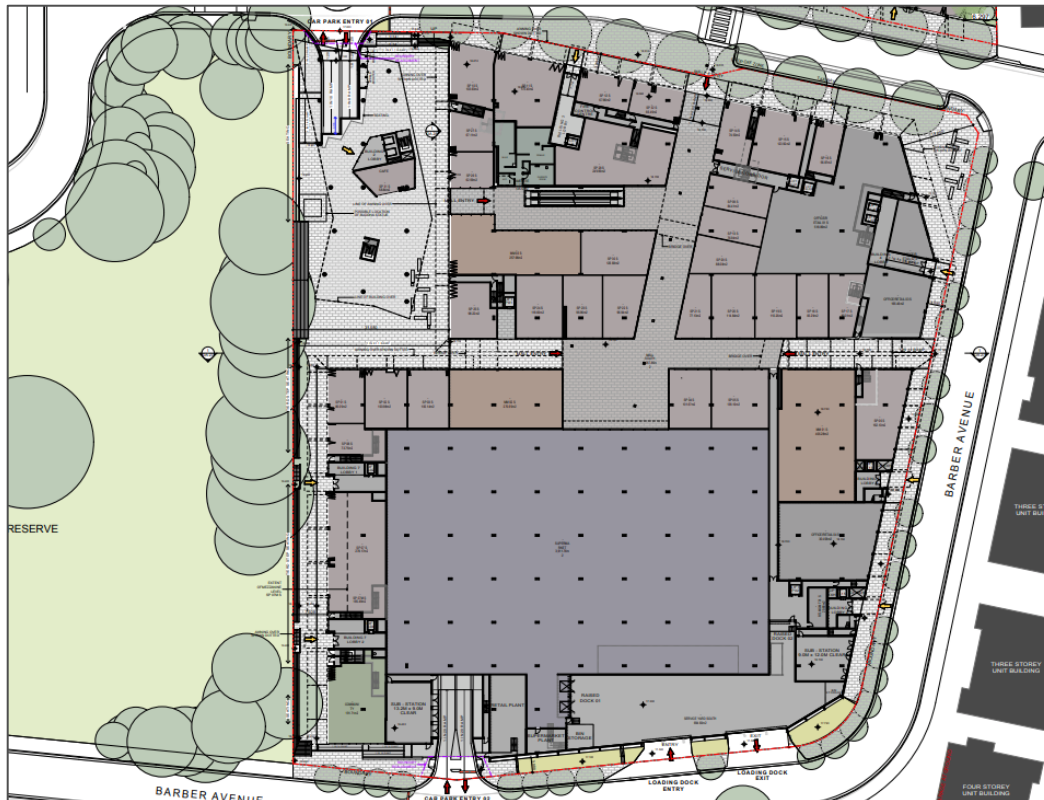


Figure 21 | Approved South Site ground floor retail layout (source: Approved Plans MP09_0146)

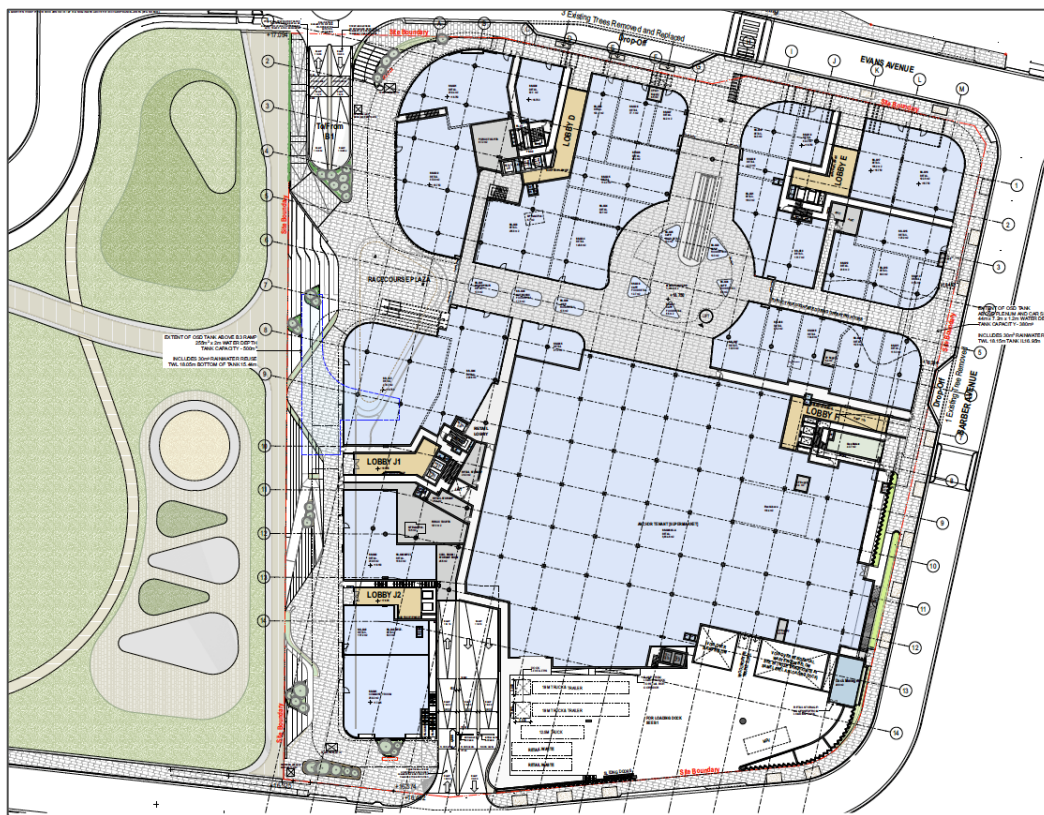


Figure 22 | Proposed South Site ground floor retail layout (source: SRtS)



Figure 23 | Proposed North Site as viewed from Evans Avenue (source: SRtS)



Figure 24 | Proposed North Site as viewed from Gardeners Road (source: SRtS)

3 Strategic context

The Department considered the strategic context of the development in its assessment of the original application. The assessment found that while the development represented a substantial departure from Council's height and FSR controls, the project was supported on strategic planning grounds, noting that:

- it is consistent with the aims of the then Draft Metropolitan Strategy to deliver an increased in housing provision and encourage growth in all centres within the Global Economic Corridor (now called the Eastern Economic Corridor, a corridor from Macquarie Park to Sydney Airport recognised as providing a high concentration of jobs and connectivity, and key to the State's economic growth)
- the site is well located, being a centre within the Global Economic Corridor and in close proximity to major employment centres including the Sydney CBD (6km); Green Square (2 km); Sydney Airport (2.5 km); Port Botany (5 km) and the Randwick Health and Education Centre (2.5 km)
- it is a local centre and will provide excellent retail services, including two supermarkets to service the needs of the increased residential density and contribute to goals of building liveable centres.

The Department has reviewed the proposed modification against current regional and local strategic planning directions and is satisfied that it continues to be consistent with these directions, as follows.

Greater Sydney Region Plan

The modification is consistent with key objectives of the Greater Sydney Region Plan as:

- it delivers an additional 65 new dwellings and therefore make a positive contribution to increasing housing supply (objective 10)
- it is accompanied by an offer to make a \$3m contribution to affordable housing and therefore will improve the supply of affordable housing (objective 11)
- it is well located to enhance productivity outcomes and reduce reliance on private vehicles as it co-locates residential uses with retail, commercial services and child care in a local centre to serve the needs of residents, and it is located within the Eastern Economic Corridor (as well as within close proximity to a number of large employment centres as described above (objectives 14 and 15)
- it delivers additional commercial floor space (4,692 m²) beyond that already approved, contributing investment and business activity within the local centre (objective 22).

Eastern City District Plan

For the same reasons as outlined above, the proposal also meets key planning priorities of the Eastern City District Plan, including:

- providing housing supply, choice and affordability, with access to jobs, services and public transport (Priority E5)
- creating and renewing local centres (Priority E6)
- growing a stronger and more competitive CBD by promoting growth within the Eastern Economic Corridor (Priority E7).

Transport for NSW's Future Transport Strategy 2056

The proposal is consistent with the Future Transport Strategy as it delivers new dwellings in a local centre with excellent access to retail and commercial services. While the site is adequately served by bus services (**Section 6.5**), the Future Transport Strategy identifies a range of initiatives and

investigations which would significantly improve transport and access to the centre in the medium to long term.

Future Bayside: Local Strategic Planning Statement

Council's new local strategic planning statement (LSPS) was approved by the Greater Sydney Commission and adopted by Council in March 2020.

The LSPS notes that the Department requires an additional 28,000 new dwellings within the Bayside LGA by 2036 to accommodate increased population demand. While 3,500 new dwellings are planned in identified urban renewal precincts, the LSPS acknowledges that additional areas will be required to meet the housing needs by 2036. The proposed modification will make a positive contribution to the provision of housing within the locality.

The LSPS also notes that the LGA includes 10 local centres, including the Eastlakes local centre (**Section 1**). These centres are identified as focal points for their neighbourhood, providing residents with access to goods and services, community infrastructure and transport close to where they live. They are an important part of the '30-minute city' and deliver mixed use, walkable, cycle friendly centres and neighbourhoods with appropriate infrastructure that supports walking and cycling for everyday trips.

Local and neighbourhood centres also have an important role in providing local employment. The proposed development will contribute to the provision of services and revitalisation of the centre, and the proposed increase in commercial floorspace will increase investment and jobs within the centre.

The proposal is therefore consistent several key planning priorities in the LSPS, including to support sustainable housing growth by concentrating high density urban growth close to centres (Planning Priority B6) and to grow investment, business opportunities and jobs in local centres (Planning Priority B15).

Draft Eastlakes Town Centre Masterplan

In July 2019 Council exhibited the Draft Eastlakes Town Centre Masterplan. The Draft Masterplan examined the potential for redevelopment in the street blocks surrounding the shopping site and Eastlakes Reserve. It acknowledges that currently:

- there has been little redevelopment within the centre since the 1960s and the current built forms across the centre contribute to the outdated feel of the centre
- there is a significant lack of street tree planting and 'softscape' throughout the centre and the quality of the existing public open space requires improvement
- the public domain (footpaths, wayfinding, lighting, street trees) is in need of major renewal, and there is a poor interface between the shopping centre site and adjoining public domain of Eastlakes Reserve and Barber Avenue
- there is a lack of focus on pedestrian prioritisation and equitable access within the town centre and a need to improve public transport and pedestrian safety
- the current LEP controls do not incentivise any regeneration of the local centre, and the draft masterplan explored two options to increase these controls.

Despite recognising the need to change current controls to encourage revitalisation of the centre, the Draft Masterplan did not recommend changes to development standards in the short term as there were too many factors that would limit development potential. These included the high number of strata titled lots within the area (that are difficult to amalgamate), ownership of some sites by

government and institutions (that may not wish to redevelop), height limits created by the Sydney Airport Obstacle Limitation Surface (OLS) and the depth of the ground water table and flooding impacts (that would impact basement car parking).

Instead, the Draft Masterplan recommends improvements to the area that will set the foundation for a future review of controls and uplift once the supporting infrastructure is in place (**Figure 25**). Recommendations include public domain improvements to improve access, amenity, quality of open space, street tree and 'softscape' improvements.

Council has not advised when further action will be taken towards adopting and implementing the Masterplan.

The Department has considered the Draft Masterplan and considers that the proposed development aligns with the final outcomes sought by the draft plan. Specifically, it will:

- improve the public domain by providing a coherent footpath upgrade around the site, including lighting and street tree provision, improving pedestrian access and walkability within the centre
- substantially improve active frontages and the interface of the shopping centre with the surrounding area, including integration with Eastlakes Reserve, improving amenity and function of the Reserve
- provide significant s7.11 developer contributions, and in addition is accompanied by a public benefit offer which includes public domain upgrades adjoining the site and an additional monetary contribution up to \$1,550,000 which can be used to upgrade public spaces in close proximity to the site, enabling Council to fund a number of other public domain improvements to the Eastlakes locality that are considered necessary for establishing a foundation for future development uplift.

The proposal is also not subject to the same constraints that Council considers may limit other development sites in the area. It is not subject to strata title or government ownership, it can be developed to comply with OLS limits and it is able to provide 4 levels of basement parking without unacceptable impacts to ground water or flooding impacts.

The development will also contribute to improving the current 'outdated feel' of the centre and create a new vibrant and attractive centre that complements improvements to the Reserve and may act as a catalyst to encourage the type of development uplift the masterplan recognises as necessary to incentivise revitalisation of the centre.

The Department therefore concludes that the proposed development aligns with and contributes to achieving both the short-term outcomes for public domain improvements recommended by the masterplan and the long term vision for the centre.



Figure 25 | Draft Eastlakes Town Centre Masterplan (Source: Bayside Council)

4 Statutory context

4.1 Modification of the Minister's Approval

The project was originally approved under Part 3A of the EP&A Act. This means the project satisfied the definition of a 'transitional Part 3A project' under clause 2(1) Schedule 2 to the Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017 (STOP Regulation), which came into effect on 1 March 2018.

Under the ST&OP Regulation, the power to modify transitional Part 3A projects under section 75W of the Act, as in force immediately before its repeal on 1 October 2011 is being wound up. However, as the request for this modification was made before the 'cut-off date' of 1 March 2018, the Part 3A provisions and specifically the power under section 75W to modify the approval continue to apply to and in respect of the project (clause 3 and 3BA of Schedule 2 to the ST&OP Regulation). Consequently, the assessment of this request is required to be prepared in accordance with the requirements of Part 3A and associated regulations. The Minister (or his delegate) may approve or disapprove the carrying out of the project under section 75W of the EP&A Act.

The Department is satisfied the proposed changes are within the scope of section 75W of the EP&A Act, and do not constitute a new application.

4.2 Approval authority

The Minister for Planning and Public Spaces is the approval authority for the modification request. However, the Group Deputy Secretary, Planning and Assessment, may determine the request, under delegation dated 9 March 2020, as:

- a political disclosure statement has not been received, and
- more than 50 unique submissions were received from the public objecting to the proposal.

4.3 Secretary's Environmental Assessment Requirements

On 8 May 2018, the Secretary notified the Proponent of the Environmental Assessment Requirements (SEARs) for the section 75W modification request. The Department has reviewed the modification request against the SEARs and is satisfied that it adequately provides the information required in the SEARs to enable the assessment and determination of the request.

4.4 Relevant matters for consideration

The following matters are relevant to the consideration of the modification request:

- relevant environmental planning instruments (EPIs)
- objects of the EP&A Act
- Ecologically Sustainable Development
- Environmental Planning and Assessment Regulation 2000.

4.4.1 Environmental Planning Instruments (EPIs)

The Department conducted a comprehensive assessment of the project against the relevant EPIs in its original assessment of MP09_0146. However, since the application was approved, there have been a number of changes to these EPIs.

The Department has therefore considered the proposal against the relevant EPIs that currently apply to the proposal (**Appendix E**), including:

- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)
- State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017
- State Environmental Planning Policy No. 55 - Remediation of Land
- Draft State Environmental Planning Policy (Remediation of Land)
- State Environmental Planning Policy (Building Sustainability Index) 2004 (BASIX SEPP)
- State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)
- State Environmental Planning Policy No 65 (Design Quality of Residential Apartment Development) (SEPP 65)
- Botany Bay Local Environmental Plan 2013
- Draft Bayside Local Environmental Plan 2020.

The proposal satisfactory complies with these EPIs, but notes:

- insufficient information was provided to assess the proposed additional pylon signs against SEPP 64 (**Section 6.10**)
- there are minor variations to the guidance under SEPP 65, but these variations are acceptable (**Sections 6.6 and 6.8**)
- height and floor space controls under Council's LEPs, noting these do not apply to the assessment (**Section 6.1**).

4.4.2 Objects of the EP&A Act

The objects of the EP&A Act are the underpinning principles upon which the assessment is conducted. The statutory powers in the EP&A Act (such as the power to grant approval) are to be understood as powers to advance the objects of the legislation, and limits on those powers are set by reference to those objects. Therefore, in making an assessment the objects should be considered to the extent they are relevant.

Consideration of the Objects of the EP&A Act, as they relate to the proposed modification, is provided at **Table 3**.

Table 3 | Response to the objects of section 1.3 of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The proposal redevelops an existing urban site close to services and public transport. The proposal would not impact on any natural or artificial resources, agricultural land or natural areas. The proposal seeks to maximise the use of the site and provides a public benefit, including a neighbourhood centre,

construction and operational jobs, developer and affordable housing contributions and broader economic benefits related to jobs a new commercial centre and upgraded facilities.

(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	The proposal includes measures to facilitate ESD (Section 4.4.3).
(c) to promote the orderly and economic use and development of land	The proposal involves the orderly and economic use of land through the redevelopment of an existing local centre. The proposal will facilitate the development of the site for commercial and retail purposes, consistent with the objectives of the zoning and the expansion of residential uses on site, with good access to services and public transport.
(d) to promote the delivery and maintenance of affordable housing	The proposal includes an offer for a contribution towards the provision of affordable housing (Section 6.4).
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The project involves redevelopment of an already developed site and will not adversely impact on any native animals and plants, including threatened species, populations and ecological communities, and their habitats.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	The modification would not affect heritage values, noting the site is not heritage listed, nor are any adjoining sites.
(g) to promote good design and amenity of the built environment	The Department considers the proposal would not result in unacceptable built form impacts. The impact of the proposal with respect to design and amenity and its relationship to the surrounding built environment is discussed in Sections 6.1 to 6.4 .
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	The proposal is supported by detailed reports, which conclude the development is capable of meeting relevant construction standards. As discussed at Sections 6.6, 6.8 and Appendix D , the residential accommodation is considered to provide appropriate internal amenity standards in the Apartment Design Guide.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	The Department publicly exhibited the modification request, which included consultation with Council, State agencies and the public (Section 5) and consideration of their responses (Section 6).
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the application as outlined in Section 5 .

4.4.3 Ecologically Sustainable Development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The proposal has incorporated ESD initiatives and sustainability measures including:

- adoption of best practice energy and water conservation measures
- optimisation of the site's orientation to maximise solar access
- water efficient fixtures
- harvesting and re-use of rainwater
- high thermal performance walls and façade system
- energy efficient lights, cooling and heating systems
- incorporation of natural ventilation
- installation of photovoltaic panels.

The Department has considered the project in relation to the ESD principles. The Precautionary and Inter-generational Equity Principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the project. Overall, the proposal is generally consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

4.4.4 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the relevant requirements for Notification and Fees have been complied with.

5 Engagement

5.1 Department's engagement

The Department publicly exhibited the modification request for 30 days between 1 and 30 November 2018. It placed advertisements in the Southern Courier, Sydney Morning Herald and the Daily Telegraph and made the request publicly available on the Department's website. The Department also notified Council, relevant State agencies and wrote to adjoining residents and landholders, inviting submissions in response to the modification request.

The Department also met with Council on 16 May 2018 and again on site on 6 March 2020 to discuss the proposal. Council provided an update on local strategic planning for the area and explained the built form and demographic context of the site. Council also expressed concerns about the scope of the modification (rather than a new application), affordable housing, public benefits and the built form character.

5.2 Summary of submissions

During the exhibition period, the Department received 88 submissions on the proposal, including submissions from Council, five State agencies and 82 members of the community (**Table 3**).

Of the 82 public submissions, one supports the proposal, 76 object to the proposal and five provided comments only. Two of the submissions (objections) were unique form letters, received from 80 members of the community. 90% of public submissions are from the local community (**Table 4**).

A summary of the submissions is provided in **Tables 3 to 7** below, and a link to the full copy of the submissions is provided in **Appendix A**.

Table 3 | Summary of Public Authority Submissions

Submitter	Number	Position
Public Authority		
Bayside Council	1	Object
Transport for NSW (including former RMS)	1	Advice
Sydney Airport	1	Object
Civil Aviation Authority	1	Object
Ausgrid	1	Advice
Sydney Water	1	Advice
Total Agency submissions	6	

Table 4 | Summary of Community Submissions

Submitter	Number	Position
Community Members		
< 5 km	68	Object
	2	Support
	4	Comment
5–100 km	6	Object
	1	Comment
Unknown location	1	Object
TOTAL	82	

5.3 Key issues raised in submissions

Table 5 provides a summary of key issues raised by Council and State agencies. **Table 6** provides a breakdown of the key issues raised in public submissions.

Table 5 | Summary of public authority submissions to the Modification Report exhibition

Council

Council objects to the proposal, raising the following concerns:

- the scale of the development is inconsistent with existing planning controls and relevant planning strategies
- the proposal is premature as it is prior to a strategic planning review being undertaken for Eastlakes
- the height and scale will result in adverse outcomes for local character, amenity, traffic and pedestrian movements, and park interface
- insufficient car parking and poor connections to public transport
- Council seeks a public benefit offer of approximately 50% of the value uplift.

Civil Aviation and Safety Authority (CASA)

CASA objects to the proposal, as the building infringes on the prescribed airspace for Sydney Airport and will present an unacceptable impact on the safety of air transport operations.

Sydney Airport

Sydney Airport objects to the proposal, as the proposed height of 74m AHD adversely impacts on air service procedures at Sydney Airport. The maximum achievable height is 60.6m AHD.

TfNSW (Roads and Maritime Services) (TfNSW (RMS))

TfNSW (RMS) commented that the Traffic and Transport Assessment (TTA) is inadequate.

TfNSW

TfNSW provided the following comments:

- plans should be updated to show bicycle parking and end of trip facilities
- the construction traffic management plan (CTMP) should address truck movements and bus services.

Sydney Water

Sydney Water recommended implementation of standard conditions.

Ausgrid

Ausgrid noted the Proponent's undertaking in relation to service connection and had no further comment.

Table 6 | Issues raised in public submissions to the Modification exhibition

Issue	% of Submissions
Traffic	76
Building Height	59
Insufficient Public Transport	38
Noise	32
Shadowing	28
Density / Population Increase	22
Area Character	18
Views	12
Insufficient Parking	12
Insufficient Infrastructure	12
Crime and Safety	7
Social and affordable Housing	2
Pollution from traffic	2

The one submission in support of the proposal, mentioned the convenience of the land uses.

5.4 Response to Submissions (RtS)

Following exhibition, the Department placed copies of all submissions received on its website and requested the Proponent provide a response to the issues raised in the submissions.

On 14 October 2019, the Proponent provided a Response to Submissions (RtS) (**Appendix A**).

The RtS included modifications to the South Site and additional information to address concerns raised during the exhibition, including:

- division of Building D-J into two separate buildings and reduction in height by 3 – 4 storeys to a maximum height of RL 60.6 (42 m)
- associated reduction in additional apartments by 107 (from 176 to 69 additional apartments) and reduction in additional residential GFA by 8,604 m² (from 13,632m² to 5,028m²)
- amendments to the ground level / level 1 layout to include additional retail and commercial tenancies, consolidation of commercial tenancies to the northern end of Level 1
- associated increase in additional retail / commercial GFA by 3,324 m² (from 1,704m² to 5,028m²)
- additional land uses, windows and landscaping to the southern podium façade, to increase activation and improve the appearance of 'back of house' areas on Barber Avenue
- changes to the levels of the western podium terrace and inclusion of a ramped access, to improve access and the development's relationship to the Eastlakes Reserve
- reduction in basement footprint, addition of a fourth basement level and reduction in additional car parking by 153 spaces (from 377 to 224)
- change loading dock hours (from 24 hours as originally sought to 5am – 10pm).

In the RtS, the Proponent also made the following amendments as a result of design development:

South Site:

- increase the size of roof top plant on Buildings E, F and G
- add a resident's library on Level 2
- include two 5m pylon signage zones on the South Site.

North Site:

- changes to façade design and materials for the podium, Buildings 1 and 1A
- changes to floor plans and layouts of apartments in Buildings 1 and 1A
- relocation of function room and gymnasium in Building 1B
- minor changes to basement layout and carparking
- changes to rooftop plant services and lift overruns
- amendments to the podium landscape design and the landscaping on the eastern, northern and western frontages
- changes to the approved hours for the shopping centre, loading dock and waste removal operations consistent with that sought for the South Site.

The RtS was made publicly available on the Department website, referred to the relevant public authorities and notified to those who made submissions during the exhibition, between 25 November

and 9 December 2019. An additional 24 submissions were received including three public authority submissions and 21 public submissions.

A summary of the issues raised in the public authority submissions is provided at **Table 7** and copies of the submissions may be viewed at **Appendix A**.

Table 7 | Summary of public authority submissions to the Modification Report exhibition

Council

Council reiterated concerns raised in previous objection, noting:

- the Draft Eastlakes Local Town Centre Masterplan had been exhibited and does not currently recommend changes to existing controls
- it is negotiating with the Proponent on the public benefit offer.

CASA / Sydney Airport

CASA / Sydney Airport advised that obstacle lighting is required for Building D which would infringe the inner horizontal surface by 9.64m.

TfNSW (RMS)

TfNSW (RMS) advised the proposal will result in a negative impact to the future performance of the Gardeners Road / Racecourse Place intersection and mitigation measures should be included to ensure the safety and efficiency of the intersection.

Public

21 public submissions were received, of which two supported the modification and 19 objected. Key issues raised in submissions included:

- building height (81% of submissions)
- traffic (76%)
- noise (57%)
- tree removal (48%)
- overshadowing (33%)
- impacts to infrastructure (24%)
- adequacy of public transport (14%).

5.5 Supplementary Response to Submissions (SRtS)

The Department reviewed the RtS, including the changes to the North Site not proposed in the original application, and identified several issues to be addressed on the North Site and several outstanding issues on the South Site.

On 9 April 2020, the Proponent provided a Supplementary Response to Submissions (SRtS) (**Appendix A**), which included the following modifications:

- further changes to floor plans and layouts of apartments in Buildings 1 and 1A, to improve internal residential amenity (North Site)
- changes to the podium landscape design and landscaping on the eastern, northern and western frontages, to address concerns in relation to landscape screening at the site edges (North Site)
- removal of four units from the southern end of the upper level of Building J, to reduce the bulk and scale at the southern end of the building and improve the scale relationship to the south (South Site)
- reduce the size of the roof plant / lift overrun on Buildings E, F and G (South Site)
- revise the podium landscaping to include wind mitigation (South Site).

Council reviewed the SRtS and advised the amendments are still insufficient to address the fundamental strategic and statutory planning issues previously identified by Council.

TFNSW (RMS) noted the Proponent proposes to upgrade the intersection of Gardeners Road and Racecourse Place. It advised it has no objection to the works and has recommended a condition to require the Proponent to make a separate application under the Roads Act for the works. It also recommended preparation of a detailed CTMP.

5.6 Advice from the Government Architect NSW

GANSW and the State Design Review Panel (SDRP) provided advice on the proposal before it was lodged.

GANSW reviewed the modification once it was lodged. It noted that, while changes have been made in response to earlier advice (such as the inclusion of pedestrian linkages, alignment of Buildings E and F and podium lift access), primary concerns relating to the size of the development and length and scale of the 14-storey building fronting Eastlakes Reserve had not been addressed.

GANSW advised that the significant increase in height, bulk and scale, apartment numbers and parking will negatively impact on the streetscape, suburban context and traffic, and the modification is not matched by significant public benefit. The SDRP made recommendations to reduce the height and scale of the towers to reduce overshadowing, visual and traffic impacts. It also made recommendations on the design of the 'back of house' podium design on Barber Avenue, and balancing the commercial benefits with public benefits.

Following the revisions to the scale and form of the proposal in the RtS, GANSW advised that the Proponent has adequately responded to previous comments by GANSW and SDRP and raised no further concerns with the bulk and scale of the development.

6 Assessment

The Department has considered the Modification Report, the issues raised in submissions and the Proponent's RtS and SRtS in its assessment of the proposal. The key issues associated with the proposed modification are:

South Site:

- bulk and scale
 - statutory and strategic context
 - character impacts
 - built form and urban design
 - amenity impacts to neighbours and the park
- traffic, transport and parking
- internal amenity.

North Site:

- external design changes
- internal amenity.

Each of these issues is discussed in the following sections. Other matters are discussed in **Section 6.9** of this report.

6.1 Bulk and scale: statutory and strategic context

The approved development exceeds the height and FSR controls in Council's LEP, and the proposed modification results in a further exceedance of these controls (**Table 8**). However, as a result of changes in response to concerns raised by the Department and the GANSW about the bulk and scale of the proposal, the GFA, FSR and height originally proposed is significantly reduced in the SRtS proposal.

Table 8 | Approved and proposed FSR and building height.

Measure	BLEP 2013 Controls	Approved Development	Modification as lodged	Modification as revised
GFA		50,819	66,154	60,469
FSR	1.5:1	2.11:1	2.75:1	2.51:1
Building Height	14 metres	33 metres	55 metres	42 metres

Council's key concern is that the variation represents a significant change to the approval and therefore should be assessed following on a comprehensive review of the planning controls and strategic planning framework.

Council considers the application is premature and should not be supported until more detailed studies and analysis have been undertaken. It also notes that the Greater Sydney Region Plan and the Eastern City District Plan recognise that the management of local centres is best considered at a local level, led by Councils. Council advises it is undertaking a comprehensive LEP and DCP review that will determine the future management of local centres, such as Eastlakes, and that this will be informed by:

- the Bayside Local Strategic Planning Statement (adopted in March 2020)
- other strategic studies to inform the development of centres in the LGA, such as a housing strategy and retail / economic studies (not yet been finalised)
- the Eastlakes Local Town Centre Master Plan process (the Draft masterplan was exhibited in 2019 but has not yet been adopted).

The Department acknowledges the original application was approved under the provisions of the former Part 3A of the EP&A Act and as such, the LEP controls do not apply to the development. The height and scale of the original development was supported in 2013 based on strategic planning objectives to encourage housing provision and growth in centres and because the site was capable of supporting the scale and built form (**Section 3**).

While Part 3A has been repealed, this modification application is required to be assessed and determined under the former provisions of Part 3A. Under those provisions there is no statutory basis to require strategic studies to support amendments to the LEP and DCP controls before determination of the application, as these do not apply to the proposal.

As with the original application, the Department has considered the proposed modification against current state, regional and local strategic planning objectives, including Council's Local Strategic Planning Statement and the Draft Eastlakes Local Town Centre Master Plan (**Section 3**). The Department is satisfied that the proposal aligns with current applicable strategic planning objectives, which seek to promote development of local centres and housing provision, and aligns with the draft short term and long term goals for the Eastlakes Centre.

The Department therefore supports the modification on strategic planning grounds. The following sections of this report consider the visual impacts of the changes to the built form, amenity impacts to neighbours and the locality, and impacts on traffic and transport. This concludes that the site is capable of accommodating an increase in the scale without unacceptable impacts. In addition, the GANSW advised that its earlier concerns about visual impacts and the scale of the development have been addressed in the revised proposal.

6.2 Bulk and scale: character impacts

A key concern raised in public submissions was that the proposed building heights are out of character with the surrounding area.

Council raised a similar concern with the proposed building heights, noting they were inconsistent with the established character of Eastlakes, which predominantly comprises 3 – 4 storey walk-up residential flat buildings.

The Proponent significantly reduced the scale of the proposal in the RtS by 3 to 4 storeys (**Section 5.4**) and provided an assessment of the revised scheme within its visual context. It acknowledged the

proposal would be more visible within the surrounding area, but suggests that the scale of development is appropriate given that:

- the shopping centre is the 'central or focal point' of the locality, and the massing will positively mark the location of the centre providing key wayfinding and legibility markers
- the locality is characterised by a mix of building forms, including larger towers, and thus the proposal does not conflict with the existing surrounding context
- density and height are consistent with Council's draft Eastlakes Master Plan which identifies potential for building heights of 8-9 storeys for sites immediately surrounding the subject site, stepping down in height towards the edge of the centre. On this basis, the shopping centre (which was not included in the height study) could be expected to support greater building heights than the envisaged adjoining 8-9 storey surrounding development
- the proposal strategically locates the taller buildings to the west to define and frame the park edge and away from any residential interface to the south and east
- the View Impact Assessment (VIA) submitted with the RtS demonstrates that when viewed from a distance, the proposed built form, although visible, fits within the other buildings in the skyline.

The VIA shows that, while more dominant in the locality than the approved development when viewed from most vantage points, the proposed changes will sit comfortably within the surrounding skyline. This is because they would be viewed in the background of other elements, including other approved buildings on the site, rooflines of surrounding developments and trees. Trees would partially screen and soften the building mass from most vantage points (**Figure 26**).

GANSW and SDRP initially raised concerns with the scale of the development, including the impact of the building heights on the streetscape and suburban context. However, the proposal was amended in the RtS to reduce building massing and building heights. Following these revisions, the GANSW advised that its earlier concerns were adequately addressed and raised no further concerns with the visual impact or the scale of the proposal.

The Department agrees with Council and public submissions that the proposed development is different to the surrounding 3 storey flat building character. However, the site has a different land use zoning and function as a local centre and is therefore appropriate that it has a different form to the surrounding residential zoned land. The approved development, which includes buildings up to 8 storeys above the retail podium, was designed to be the focal point of the local area and to present as markedly different from surrounding residential development.

The proposed modification, with buildings up to 10 storeys above the podium, does not fundamentally change the nature of the approved development in that it still delivers a new retail shopping centre at the ground floor level with residential apartment buildings above the podium, and continues to be a focal point of the local area (**Figure 26**).

Proposed buildings E, F and G, located on the east of the site and at 4 to 6 storeys above the podium, are within the range of other approved buildings on the North and South Sites (**Figure 27**). These buildings do not substantially change the overall character of the development when viewed from the wider area.

When viewed from within close proximity to the site, these buildings are materially taller than the approved buildings in this location. However, the additional setback of these buildings from the site's edges above the podium provides a better scale transition to adjoining residential properties and improves privacy, overshadowing and view impacts, when compared to the approved development.

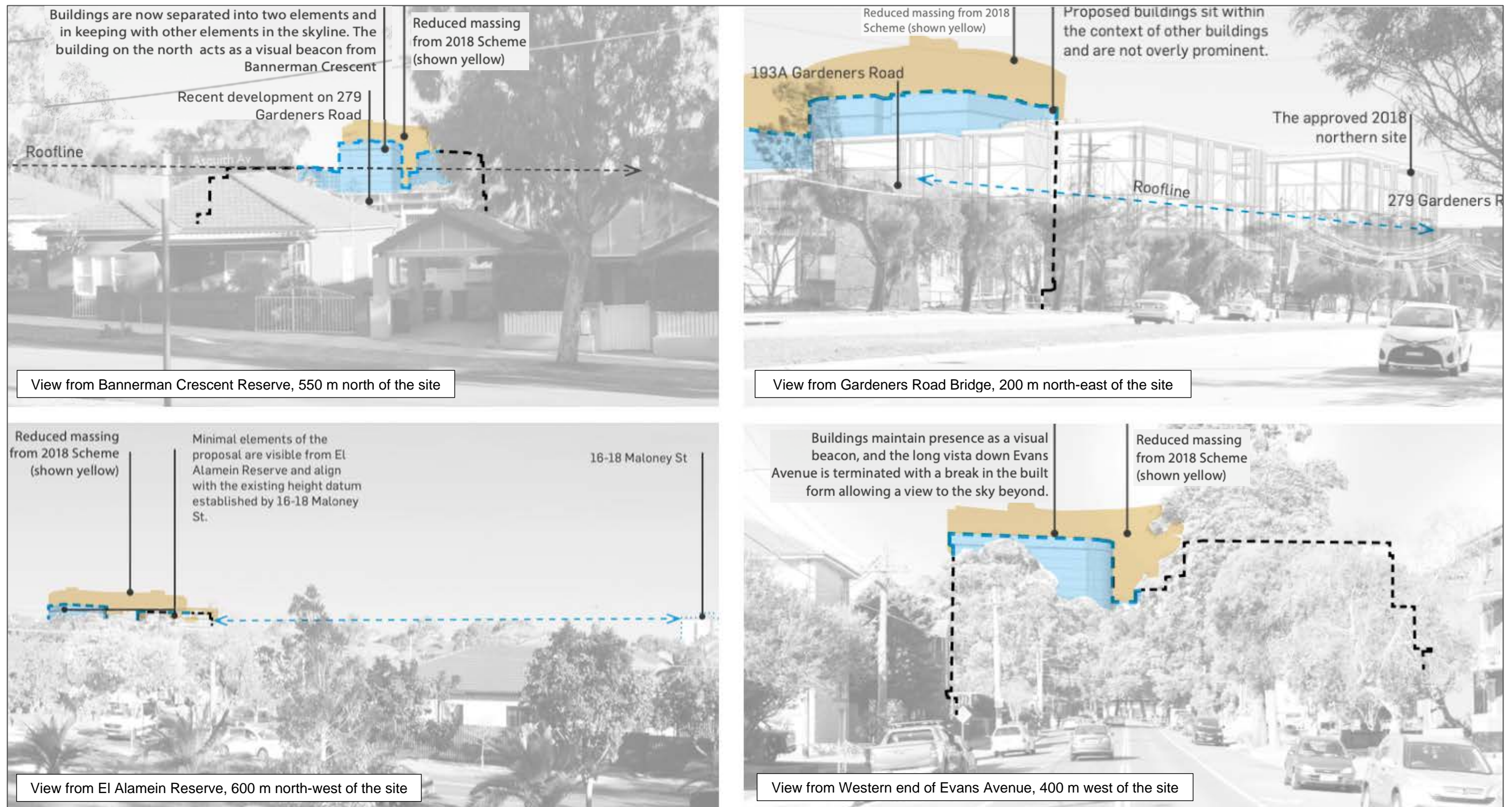


Figure 26 | Extract from Visual Context Report showing examples of the visual impact of the proposed RtS scheme from various locations (in blue) compared to the modification as lodged (in orange) (Base Image Source: Proponents RtS)

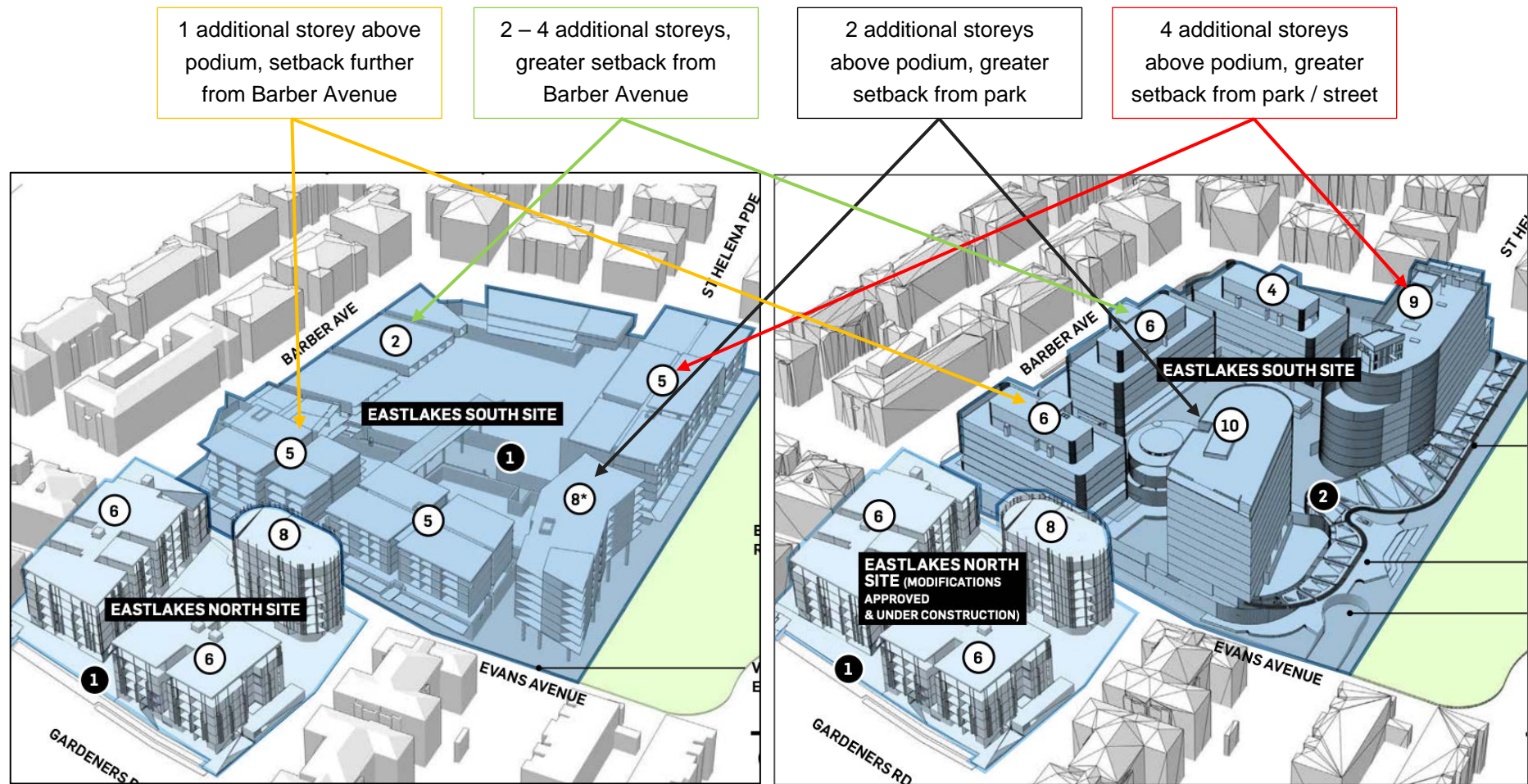


Figure 27 | Comparison of approved (left) and proposed (right) built forms (Base Image Source: Proponents RtS)

Buildings D and J, located on the west side of the site, are 2 to 3 storeys taller than the maximum height of the approved development. The additional height of these buildings increases the visibility of the site within the surrounding area and therefore has the biggest impact of any changes on the character of the area. However, the VIA demonstrates that from most vantage points these buildings would sit comfortably within the surrounding skyline (**Figure 26**). In addition, the proposed height is appropriate for the character of a town centre location, in close proximity to the Sydney CBD and within the Economic Corridor where growth is encouraged.

The building heights were also reduced in the RtS by 3 to 4 storeys, reducing the visual impacts of these buildings (**Figure 26**). The Department considers that the reduction in height and scale in the RtS and SRtS responds appropriately to concerns raised in submissions about the impact of the proposal on the character of the area.

6.3 Bulk and scale: Built form and urban design

The proposal includes significant changes to the built form and design of buildings on the South Site, including:

- an increase in podium height (from 1 storey to part 1 / part 2 storeys) and changes to the podium floorplate
- a reduction in the number of residential buildings from 6 to 5, a reduction in the overall residential floorplates and relocating buildings away from the podium edge
- an increase in the height of the residential buildings from 2 to 8 storeys above the podium (maximum height 33 metres) to 4 to 10 storeys above podium (maximum height 42 metres)
- redesign of building façade, materials, finishes and overall appearance.

The Department has considered the design and impact of these residential buildings, and the changes to the podium and its interface with the surrounding public domain below.

Western Buildings: Buildings D and J

The modification initially proposed a long 14 storey building over a 2 storey podium along the entire western frontage of the site adjacent to Eastlakes Reserve (**Figure 28**). In response to concerns raised in submissions, by the local community, Department and the GANSW, the proposal was amended in the RtS to provide two separate buildings and reduce the building height by 3 to 4 storeys (**Figure 29**).

The SRtS further amended the proposal by reducing upper level building massing at the southern end of Building J (**Figure 29**).

The proposed building facades have a strong horizontal emphasis and include prefinished cladding panels in a range of colours as well as aluminium framed glazing and glass balustrading. Stronger colours are used on the lower elements of the façade, while the upper levels include perforated white metal cladding to create a lightweight appearance to the top of the buildings.

Together, Buildings D and J are the two main landmark buildings for the site, being highly visible and providing a very distinctive architectural character. The proposed buildings are 9 to 10 storeys above a 2 storey podium (**Figure 30**), being 3 to 4 storeys taller than the approved development (**Figure 31**). However, the proposed buildings are setback further from the Reserve and from Barber Avenue compared to the approved development (**Figure 32**) and in the case of Building D, setback by 27m.



Figure 28 | Initial modification request as viewed from corner of Evans Avenue and Racecourse Place (Source: Modification Application)



Figure 29 | Proposed RtS amended scheme development as viewed from Eastlakes Reserve (Source: Proponents RtS)

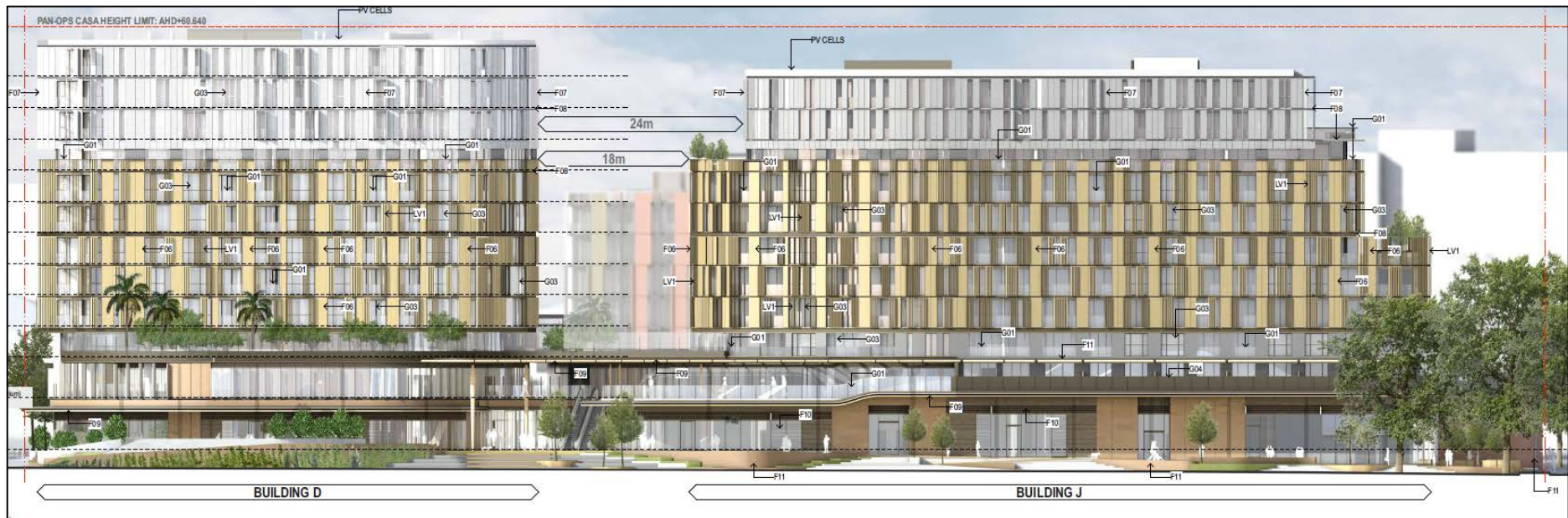


Figure 30 | Eastlakes Reserve (western) elevation of proposed development (Source: Proponent's SRtS)



Figure 31 | Eastlakes Reserve (western) elevation of approved development (Source: Approved Plans)

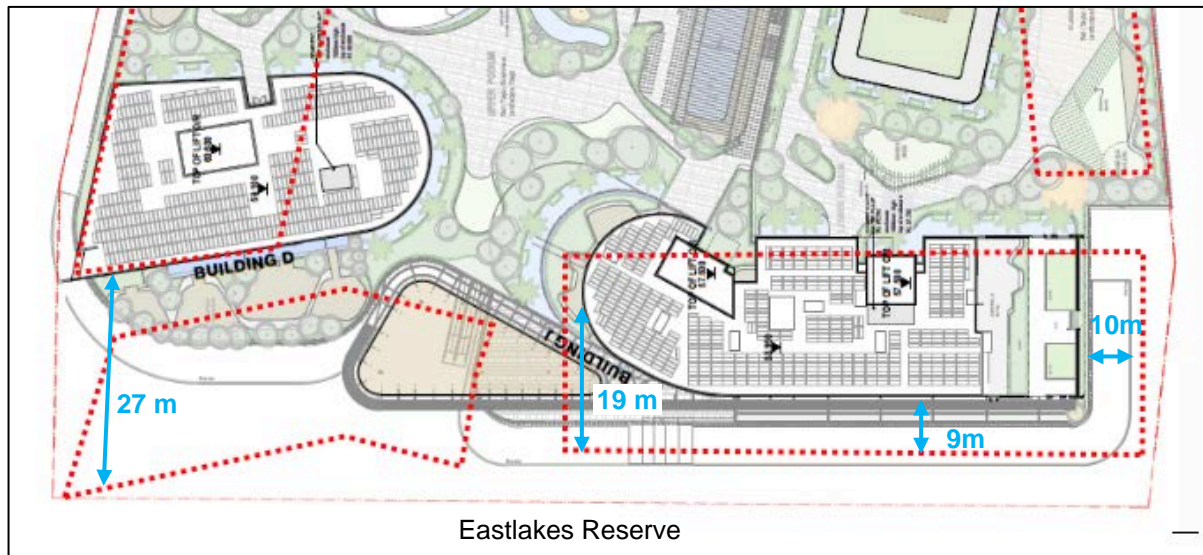


Figure 32 | Site plan of proposed development showing approved residential building envelopes in red (Base image source: Proponent's SRtS)

When viewed from the Reserve, the buildings are visible, but present a high-quality architectural appearance that would provide a clear landmark character to the town centre location while clearly enclosing, defining and activating the boundary with the Reserve.

The Reserve visually separates the site from surrounding development, and therefore enables taller buildings on this part of the site without the visual transition issues that may arise at other locations.

Further, despite the increase in building heights, the proposed setbacks provide an increased sense of openness to the Reserve compared to the approved development. This allows greater emphasis on the public open areas of the podium terrace and interface of these areas with the Reserve and improves solar access to the Reserve (**Section 6.4**). Therefore, despite the increased height, the modification provides a better outcome for the transition and interface with the Reserve.

When viewed from Evans Avenue, Building D is substantially taller than the approved buildings. However, this is an appropriate location for additional building height, as the building is at the geographical centre of the Eastlakes commercial zone.

While this additional height will have some visual impacts to the existing residential units on Evans Avenue, the Department is satisfied that these visual impacts are offset by a reduction in building mass on either side of Building D. In particular, deletion of mass to the west will improve the outlook for residents at 16 Evans Avenue towards Eastlakes Reserve (**Figure 33**).

To mitigate the visual impacts of Building J as viewed from the south of the site, including the approach to the site on St Helena Parade, and on Barber Avenue, the building massing has been stepped. The proposed building presents as a 5 storey façade to the south onto Barber Avenue, which is similar in height to the approved building (**Figure 34**). However, above this it is setback from Barber Avenue further than the approved building and set back further still at the upper levels from Barber Avenue (**Figure 34**).

The proposed stepping of the building mass, together with the lightweight upper level finishes, ensures that the upper levels will not present as overly dominant visual elements within the immediate

streetscape. The Department is therefore satisfied that the proposal provides an appropriate transition in scale to the adjoining residential area.

Overall, Buildings D and J present a high-quality architectural appearance with a positive impact on the character of the town centre, while also ensuring an appropriate transition in scale to the surrounding area.

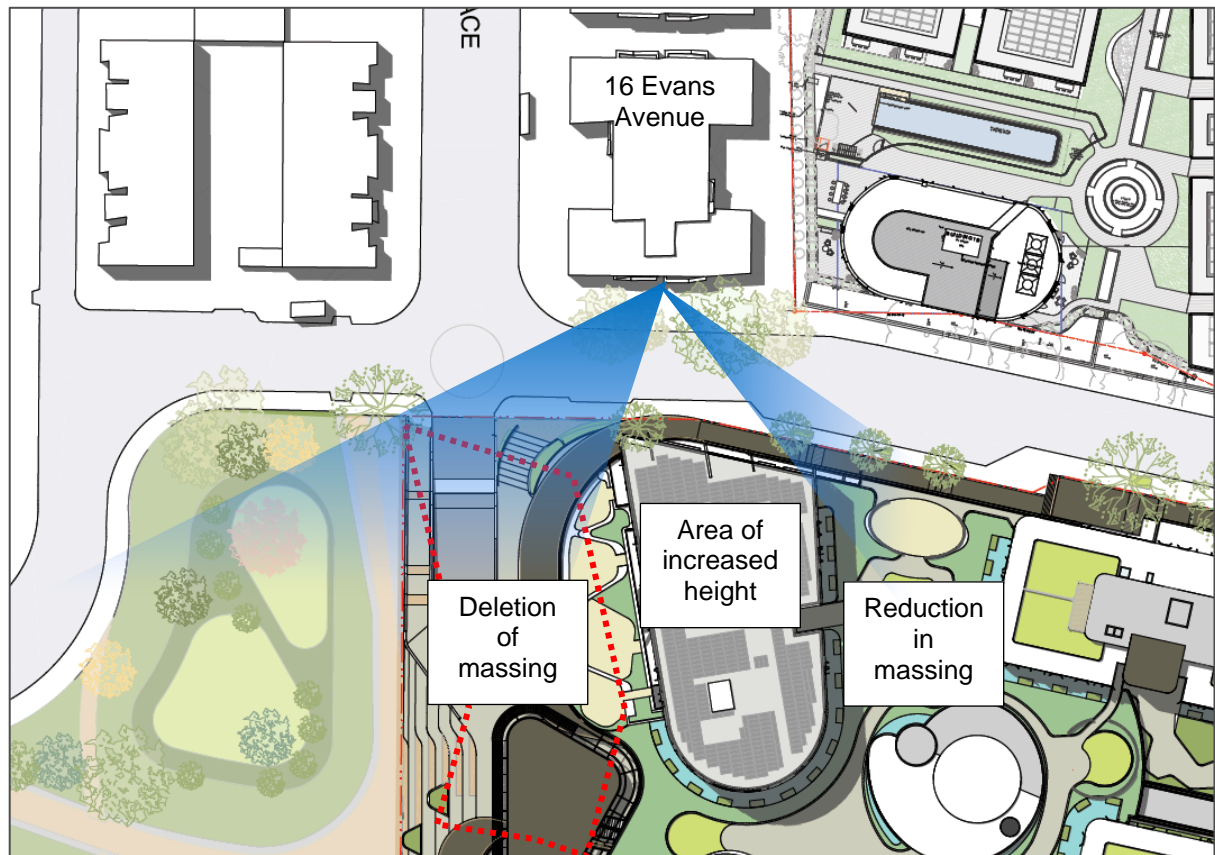


Figure 30 | Outlook from 16 Evans Avenue: impacts of increased building height are offset by other areas of reduced / deleted massing (shown blue) (Base image source: Proponent's RtS)

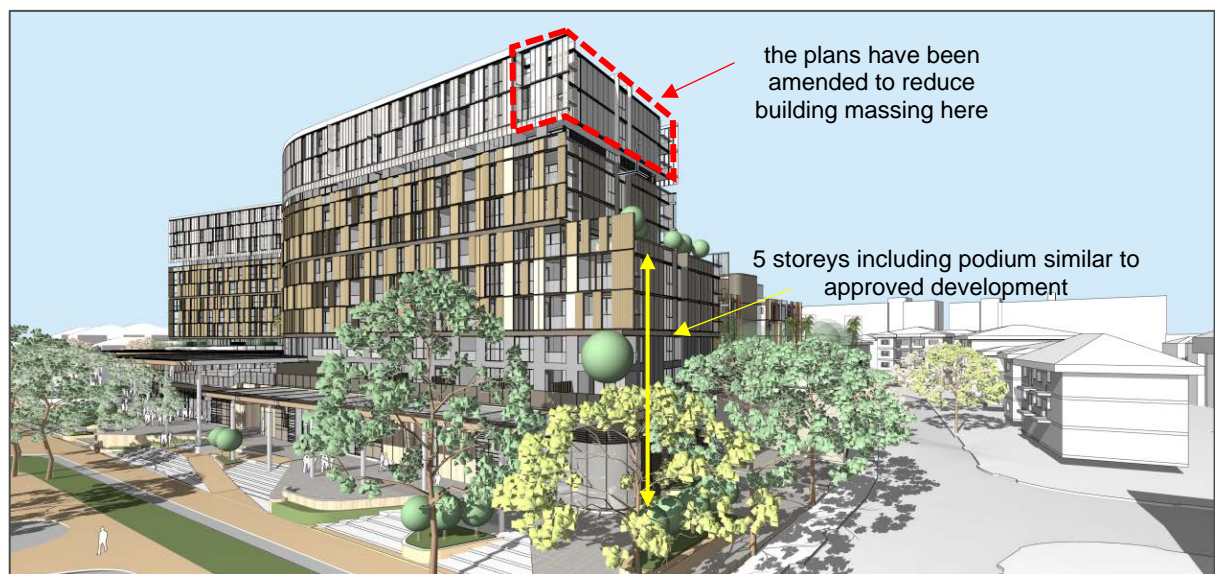


Figure 31 | Building J as viewed from Barber Avenue: (Base image source: Proponent's RtS)

Eastern Buildings: Buildings E, F and G

Proposed Buildings E, F and G are of a similar scale and design to provide a unified and coherent appearance to the eastern side of the South Site.

The proposed buildings are taller (4 to 6 storeys in scale) than the approved development (2 to 5 storeys in scale) (**Figures 35 to 38**). However, other than the lowest level of Building F, which would be built to the podium edge (**Figure 37**), the proposed buildings are setback from the podium (**Figure 39**), resulting in a reduction in the built form height at the Barber Avenue street edge compared to the approved development, creating a more human scale and openness to the immediate streetscape.

Proposed podium level landscaping within the setbacks also softens and partially screens views of the buildings from Barber Avenue, further reducing the prominence of the buildings from the street.

Further, the modified proposal includes a greater level of gaps in the building massing, allowing the buildings to present as individual elements separated by areas of landscaping and views to the sky, rather than presenting long street wall edges to the site.

The building facades include a variety of finishes, such as fins and panelled cladding walls and colours (including bronze, terracotta, copper) as well as aluminium framed glazing and glass balustrading. The proposed finishes present as complementary to the approved and proposed finishes on the North Site and will ensure a unified urban design approach to the town centre.

The proposed roof plant and roof stairwell element is unusually large for the scale of the buildings, and unnecessarily adds to building height and creates a dominant visual element at the roof level. The height and footprint of the roof plant areas were substantially increased in the RtS. While the Proponent subsequently reduced the footprint of the plant rooms in the SRtS, the Department considers the height of the rooms should be reduced to a single storey consistent with the original proposal. A condition has been recommended accordingly.

Subject to this modification, the Department considers that Buildings E, F and G incorporate a high-quality architectural design that will provide visual interest, variety and distinguish the site as a town centre without creating overbearing visual impacts on the streetscape or adjoining residential zone.

The Department considers that concerns raised by the GANSW, Council, the community and Department with the proposed scale of the development, its built form and amenity outcomes, have been adequately addressed, by breaking up the massing of Building D – J, the significant height reduction in building (of 3 to 4 storeys) and setting back the upper levels from the south. The visual impacts of the roof plant on Buildings E, F and G will also be improved by a condition requiring the plant be reduced in height.



Figure 32 | Approved development as viewed from Corner of Barber Avenue and Evans Street showing built forms to street edge (Source: Original Application RtS)



Figure 33 | Proposed development as viewed from Corner of Barber Avenue and Evans Street showing built forms setback from street edge. Image is from the original modification application and some minor elements have been subsequently amended (Source: Proponents modification documents)

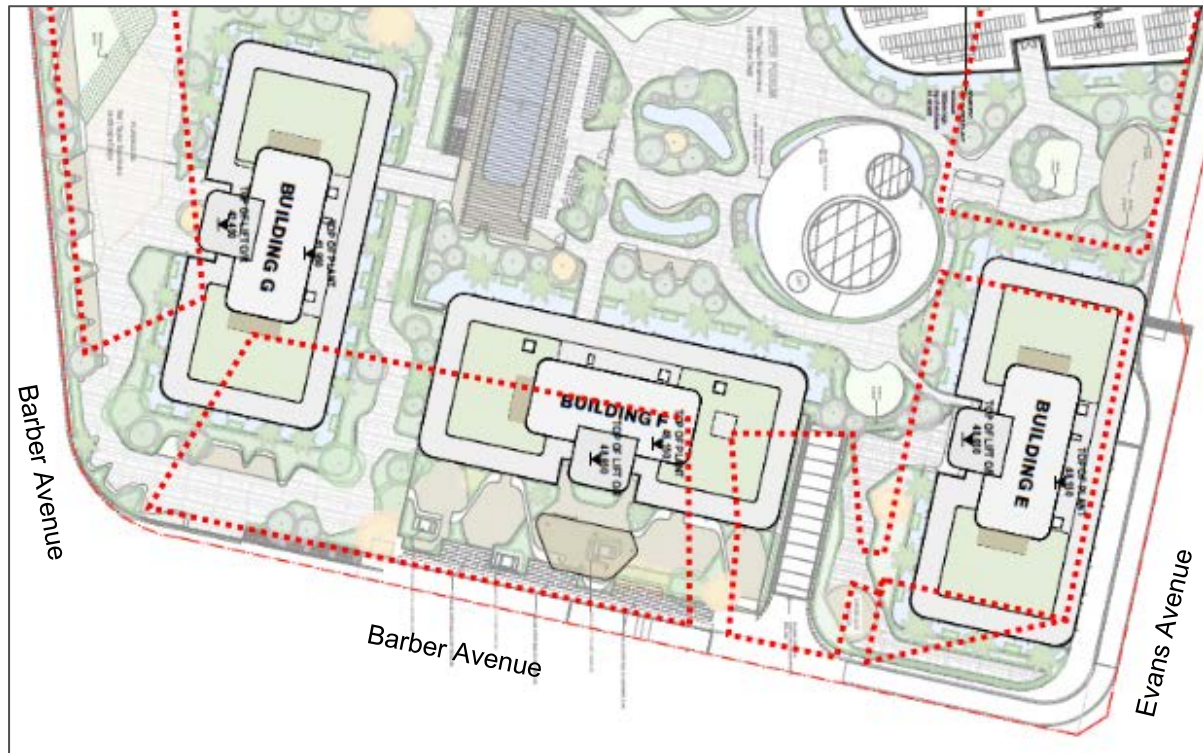


Figure 36 | Site Plan of Proposed Development showing approved residential building envelopes in red (Base image source: Proponent's SRTS)

Podium Levels and Public Domain Interface

When viewed from outside the site, key changes at the podium levels and the interface with the surrounding public domain include:

- changes to the design of the podium level façade and awnings to match the style of the North Site retail façade and complement the proposed revised residential building materials
- additional commercial podium level in the north-western part of the site, providing a stronger commercial interface with Evans Avenue and Eastlakes Reserve
- a reduction in the extent of openings / active façade on Barber Avenue
- changes to the podium floorplate that would reduce footpath widths on Evans Avenue and Barber Avenue, but improve footpath widths and public domain areas adjacent to Building J
- changes to public domain tree removal
- changes to the design and layout of the western podium terrace and interface with Eastlakes Reserve.

Façade design and street activation

The proposed changes to the design of the podium facades, awnings, and the incorporation of the additional commercial level is considered appropriate as they have positive outcomes for the visual character of the local centre. Overall activation to Evans Avenue and Eastlakes Reserve will be increased, which is a positive outcome to these public domain areas.

However, the GANSW and Department raised concern that the 'back of house' facilities and loading dock along Barber Avenue on the eastern and southern site boundaries are excessive and

recommended this area be redesigned to minimise its impact on the streetscape and the amenity of the surrounding residents.

In response, the Proponent included external design changes including a window to the loading dock office, potential for public artwork along the southern façade, and narrow landscape planters adjacent to the eastern façade on Barber Avenue to soften the impact of the walls (**Figures 40 to 41**).

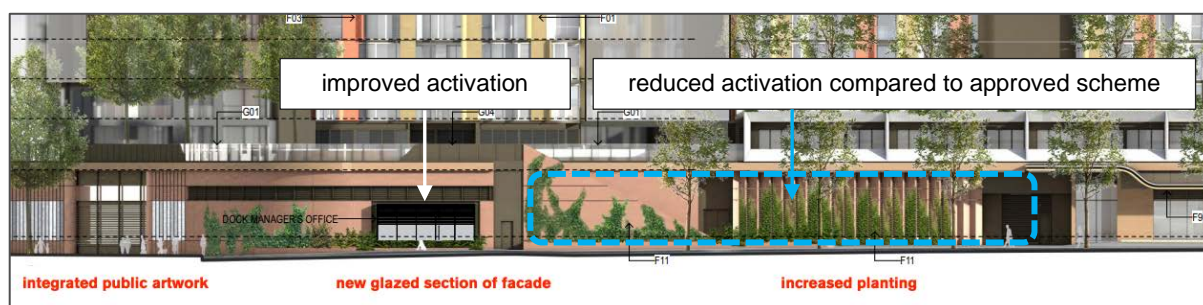


Figure 37 | Southern end of western elevation facing Barber Avenue showing proposed treatments to minimise impacts of blank / inactive facades (Base image source: Proponent's RtS)



Figure 38 | Proposed treatments to eastern elevation on Barber Avenue (Base image source: Proponent's RtS)

The GANSW advised that the treatments were an improvement on earlier iterations.

The Department considers that while the level of activation is reduced by the modification, the landscape planters along the eastern elevation will visually soften this elevation and positively contribute to the amenity of the public domain and streetscape.

The Proponent advised the southern façade will be activated by public artwork. While public artwork or an interesting façade design is supported, landscape plantings should be provided to further visually soften the large expanse of blank walls. The Department notes the approved development incorporated green walls as well as 3 to 5m deep landscape planters along the southern podium façade to provide an attractive finish to the back of house loading areas. These have been removed in the proposed modification. To ensure the building responds appropriately to the public domain, the Department

recommends that planters (even if slightly narrower than the approved planters) should be reinstated along this façade and a condition has been recommended accordingly.

Podium footprint and footpaths / public domain area

The proposed changes to the podium footprint reduces the size of the public footpath at the north-east corner of the site on Evans Avenue and Barber Avenue. Wide footpaths were specifically included in the original approval to enable outdoor dining and gathering, noting this part of the site is important to the local community as a meeting place. Despite the reduction in the footpath widths, the proposal still provides a 5 to 6m wide footpath in this area, which is adequate to provide a high level of amenity along the main retail frontages, as well as opportunities for outdoor dining and street tree planting.

This reduction in width is also offset by an increase in the outdoor terrace areas adjacent to Building J, fronting Eastlakes Reserve, which will provide improved opportunities for outdoor dining and community gathering with a better amenity.

The proposal increases the podium footprint along the southern parts of the Barber Avenue frontages, resulting in a reduction in footpath widths / public domain in this location (**Figure 42**). As described above, landscape planters should be reinstated in this location to improve the amenity of the public domain, which may further affect footpath widths.

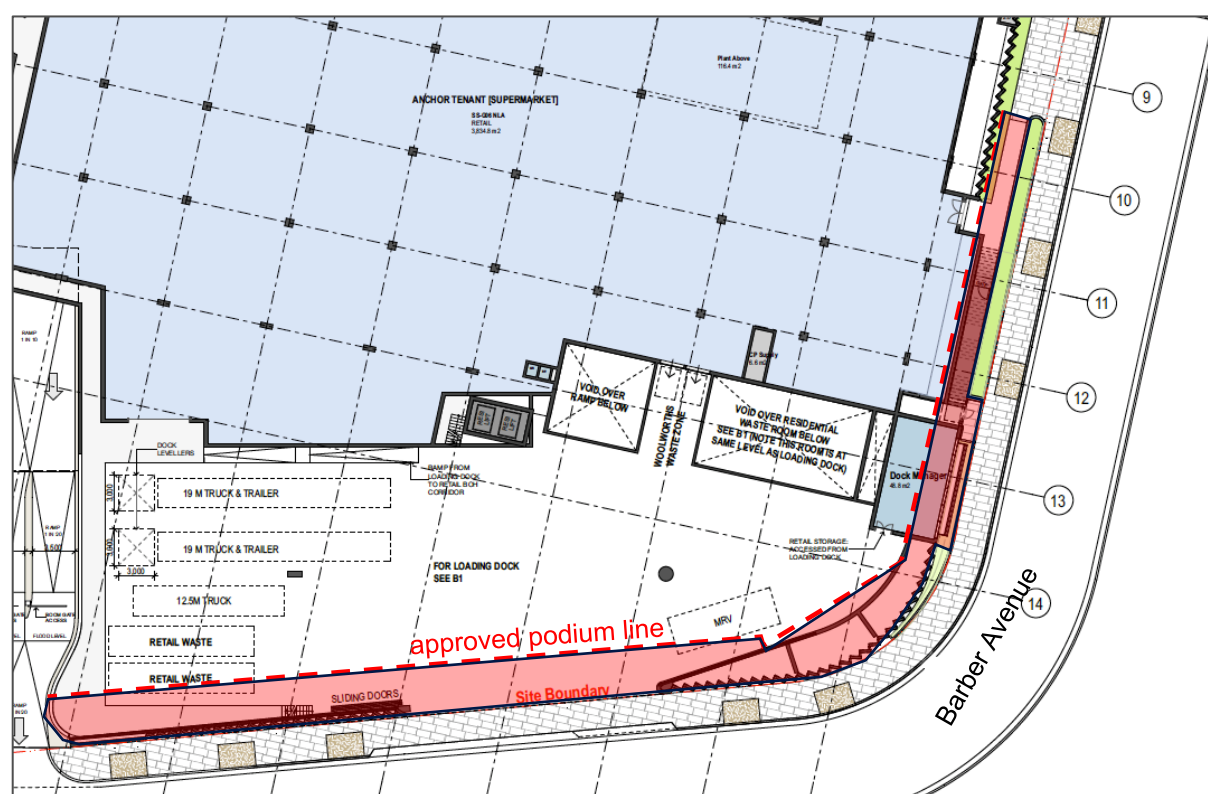


Figure 39 | Ground level plan at south-east corner of the site with the change to the podium line / public domain area on Barber Avenue shown in red (Base image source: Proponent's SRtS)

The proposed narrow footpaths in this area is inconsistent with the objectives of the local centre zoning to encourage walking and is inconsistent with the strategic planning objectives of the Draft Masterplan. Under these objectives, the site should incorporate improvements to the pedestrian network, improvements to the public domain and improved street tree planting.

To improve pedestrian amenity and walkability of the centre, the Department recommends that the podium be redesigned to provide street trees in accordance with Council requirements, a 2 m wide unobstructed pedestrian path and a landscape planter adjacent to the southern façade that would add to the amenity of the public domain and soften the visual impacts of the back of house façade design. The Department considers this is likely to result in a podium line somewhere between the approved and the proposed facade line.

Subject to these conditions, and existing conditions requiring approval of detailed landscaping and public domain plans, the Department is satisfied the proposal could deliver high quality footpaths and public domain areas adjacent to the site.

Street trees and trees in the Eastlakes Reserve

The approval allows the removal and replacement of most existing street trees, but protects some mature trees on Barber Avenue which add to the amenity of the centre. The approval also protects all existing trees in Eastlakes Reserve.

The proposal seeks to remove five additional street trees in Barber Avenue and two trees within Eastlakes Reserve.

Public submissions raised concerns with the tree removal. While all the affected trees are on Council's land, it did not raise concerns with the proposed tree removal.

The Department notes that the street trees proposed to be removed from Barbour Avenue are already shown to be removed on the approved landscape plans and are therefore not protected under the approval. Furthermore, the existing approval (Condition B3) requires an amended public domain plan, prepared in consultation with Council, to increase the provision of street trees and landscaping surrounding the site over and above that shown in the approved plans. This was included so that the approved development would provide high quality public domain areas, with tree and landscape planting that would more than offset the approved removal of existing street trees.

The proposal seeks to remove two trees in the Eastlakes Reserve, which are protected under the existing approval. The trees proposed for removal include a 15m tall Casuarina, approximately 2.5m from the site boundary, and a 16m tall Eucalypt, 1m from the boundary. The Proponent also seeks approval to prune the canopy of three additional trees within the reserve.

The request is accompanied by an Arborist report to support the tree removal and pruning. The Arborist report advises the tree canopy requires pruning to ensure it does not conflict with the façade or awnings of the proposed development, and in the case of the two trees to be removed, the pruning would be so extensive it would affect the health and longevity of the trees. The Arborist report identifies the Casuarina as medium landscape significance and retention value and the Eucalypt as having a high landscape significance and retention value.

The Department notes that the building façades are set back from the site boundary by at least 12m. The Department also notes that subsequent to the Arborist report, the western awnings were reduced in size and setback back further from the site boundary in response to the wind assessment. The revised awning arrangement would not interfere with the canopy of the trees in Eastlakes Reserve.

Noting the importance of the tree canopy to the character and amenity of the Reserve, the landscape significance and retention value of the Eucalypt and Casuarina and the location of the building and awnings setback from the site boundary, the Department does not support the proposed tree removal

and pruning in the Reserve. No changes are therefore proposed to the existing condition which protects the trees in Eastlakes Reserve.

Western podium terrace

As with the approved development (**Figure 43**), the proposed modification includes a large terrace area on the western side of the site, which serves as an extension of Eastlakes Reserve, a public gathering space and to enable outdoor dining. The design of the space was amended in the RtS to address concerns with disabled access and integration with the levels of the Reserve (**Figure 44**).



Figure 40 | Approved terrace and interface with Reserve (note some minor amendments were made to the terrace design since the image was produced (Source: Original Application RtS)



Figure 41 | Proposed arrangement of terrace and interface with Reserve (Source: Proponents RtS)

The Department considers the proposed modification results in a positive outcome for the western terrace. Access for all people is incorporated into the design and the proposal provides a more gradual transition in levels between the site and the Reserve. Activation is increased by the provision of two retail / commercial levels, ample space is still provided for outdoor dining and gathering, and the increased setback of building bulk associated with the residential buildings creates a more open and public feel to the space.

6.4 South Site: Amenity impacts to neighbours and the public domain

Public submissions raised concerns about potential amenity impacts to neighbouring properties and the public domain. Key concerns related to solar access to adjoining properties and to the Eastlakes Reserve, view impacts and privacy. These are considered below.

Solar access to Eastlakes Reserve

Public submissions raised concerns that additional building height would overshadow the Eastlakes Reserve. While the proposed buildings on the South Site are higher than the approved buildings, the buildings are located further away from the boundary with Eastlakes Reserve. Therefore, resulting in an overall reduction in overshadowing of the reserve compared to the approved development (**Figure 45**). This shows that the entire reserve continues to receive excellent solar access, being in full sun all day after 10 am midwinter (being the most affected day of the year).

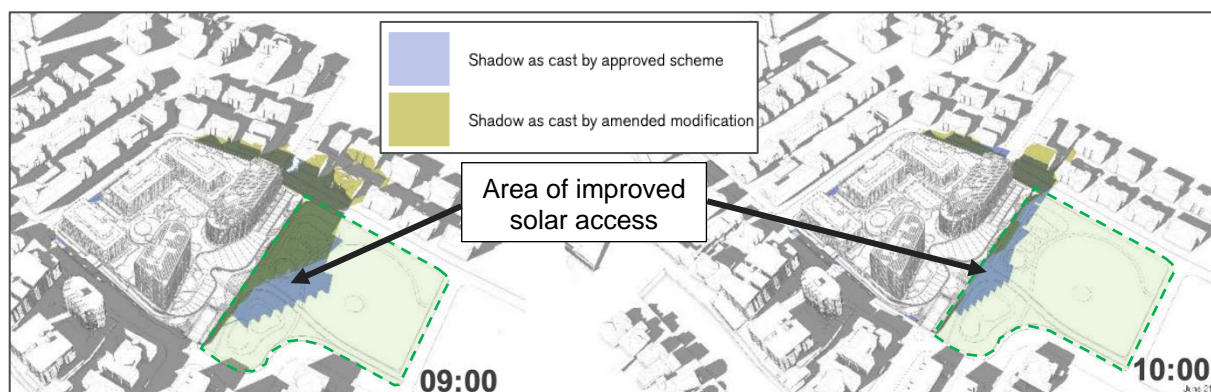


Figure 42 | Shadow Impacts to Eastlakes Reserve at 9.00 am and 10.00 am midwinter (Source: Proponent's RTS)

Solar access to Barber Avenue buildings

Public submissions also raised concerns that the additional building height would result in further overshadowing of neighbouring properties. The Apartment Design Guide (ADG) under SEPP 65 recommends at least 70% of apartments in a building should receive a minimum of two hours of direct solar access at midwinter.

While the modification results in some additional shadows cast on the residential flat buildings on Barber Avenue to the south and east of the site, shadow diagrams demonstrate that all affected buildings would continue to receive in excess of 2 hours of solar access at midwinter, with most facades receiving well in excess of this requirement. This is demonstrated on the solar heat mapping image at **Figure 46**, with the red showing those properties receiving more than 5 hours sunlight and the blue less than 2 hours.

The small sections of the facades or side elevations that would receive less than 2 hours of sunlight, shown in blue on **Figure 46**, would be overshadowed to a similar extent from surrounding existing buildings or the approved development.

The Department is therefore satisfied that the proposed modification would not result in unacceptable additional overshadowing impacts to surrounding premises.

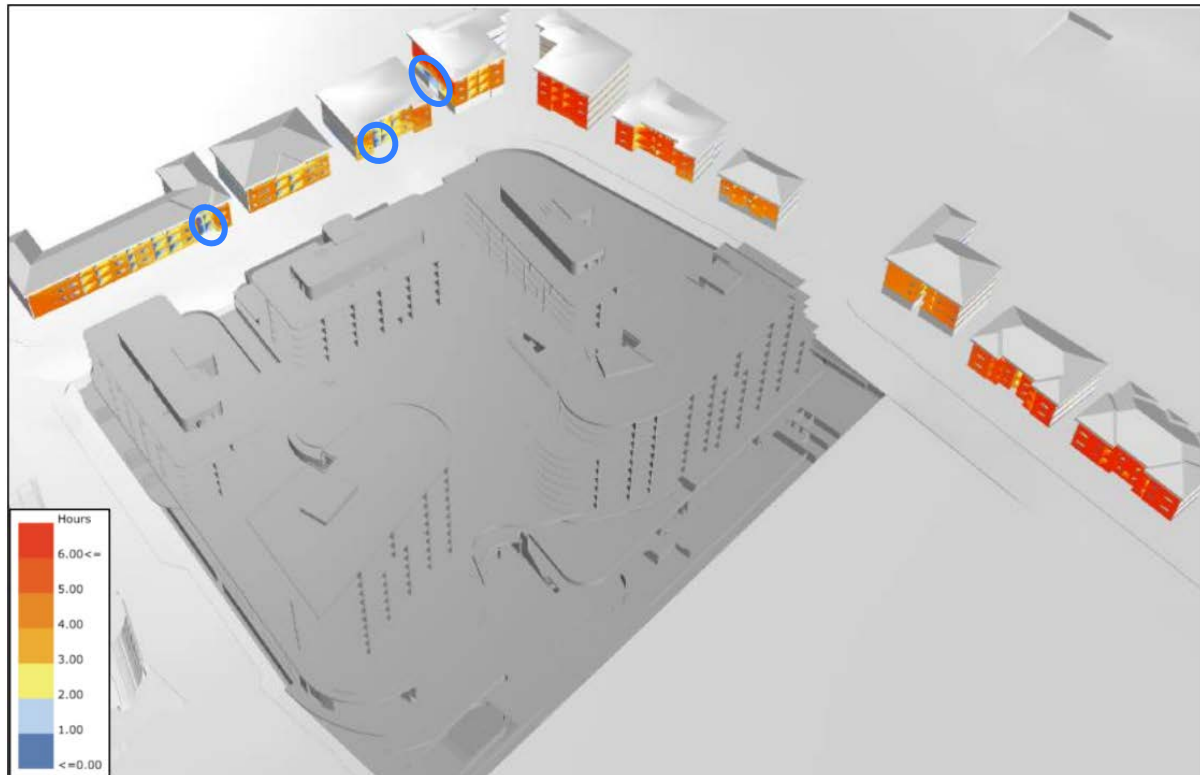


Figure 43 | Direct solar access retained to neighbouring properties at midwinter (Source: Proponent's RTS)

Views loss impacts

The majority of public submissions raised concerns that the proposal may result in adverse view impacts.

However, as adjoining sites will not have views over the subject site once the approved development is built, the proposed increase in building height would not result in any additional view loss impacts compared to the approved development.

Privacy impacts

Some public submissions also raised concern with the potential for privacy impacts from the modification.

As the residential buildings are located further away from the site edges and the proposal does not reduce building separation to any neighbours, the Department is satisfied no adverse privacy impacts would arise from the modification.

6.5 South Site: traffic, transport and parking

Submissions raised concerns about traffic generation, insufficient onsite parking and an overreliance on public transport services, which are already operating at capacity.

Traffic generation and impacts

Traffic generation was the key issue raised in public submissions. Most submitters noted that the streets surrounding the site are already heavily congested and the proposal will further deteriorate the operation of the local road network with associated impacts for traffic safety.

The modification request was accompanied by a traffic and transport assessment (TTA) which considered the impacts of the proposal on the surrounding road network. The TTA was updated with the RtS to address concerns raised by the Department and TfNSW (RMS), and to account for the change in the scope of the modification (from 176 additional units to 65 additional units).

The TTA estimates that the proposed modification results in approximately 60 additional vehicle movements (two-way) during the AM and PM weekday peak hours compared to the approved development, and around 20 additional vehicle movements during the Saturday midday peak. Modelling of the intersections at Racecourse Place and Evans Avenue (roundabout) and Racecourse Place and Gardeners Road (signalised intersection) have also been provided. The modelling shows that following full development of the site, the roundabout would operate at levels of service (LOS) A – B, representing a good level of service. The modelling also shows that the signalised intersection would operate at an overall LOS B, also a good level of service.

However, TfNSW (RMS) noted that the proposal results in a negative impact on the future performance of the signalised intersection, particularly the right turn lane from Gardeners Road into Racecourse Place. In response, the Proponent advised that it could extend the length of the right turn lane on Gardeners Road by 10 metres (**Figure 47**).

TFNSW (RMS) advised it does not object and has recommended a condition to require the Proponent to make a separate application under the Roads Act for the works. It did not raise any further concerns with the operation of the intersection.

Council did not raise any specific concerns with traffic impacts of the proposal or the operation of the local road network.

The Department has considered the traffic impacts of the proposal. The Department acknowledges residents' concerns and notes that while other roads and intersections will operate at satisfactory levels, the signalised intersection has mixed levels of service. Modelling demonstrates that under the approved development the intersection will operate at a good level of service (LOS B), but the approach leg from Racecourse Place would operate at LOS D (satisfactory, but near capacity) during peak hours. Queue lengths may exceed 120 metres and it may take more than one cycle of the lights to clear the queue.

The modelling also shows the proposed modification would only result in a modest increase in traffic generation compared to the approved development, equivalent to one additional two-way vehicle movement in the surrounding streets every minute during peak times. The modelling shows that this would have negligible impacts on the performance of the signalised intersection, resulting in no material change to queue lengths, delays or levels of service on the Racecourse Avenue approach.

The Department also notes TfNSW (RMS) concerns with the right turn lane from Gardeners Road onto Racecourse Place. The modelling demonstrates that this lane would operate at satisfactory levels (LOS C) during peak hours following development on the site. However, the 35 metre lane has limited capacity and any variations in the modelling or material growth in background traffic results in the capacity being exceeded and one of the adjacent through lanes being blocked, with significant adverse consequences for traffic flow on a major arterial road.

Based on the advice of TfNSW (RMS), the proposal to extend the length of the lane would satisfactorily mitigate traffic impacts arising from increased right turn movements associated with the modification. Conditions have been recommended to ensure delivery of the intersection upgrade.

On this basis, the Department is satisfied the proposed modification will not result in any further unacceptable impacts for the operation of the road network or materially impact on traffic safety, when compared to the approved development.

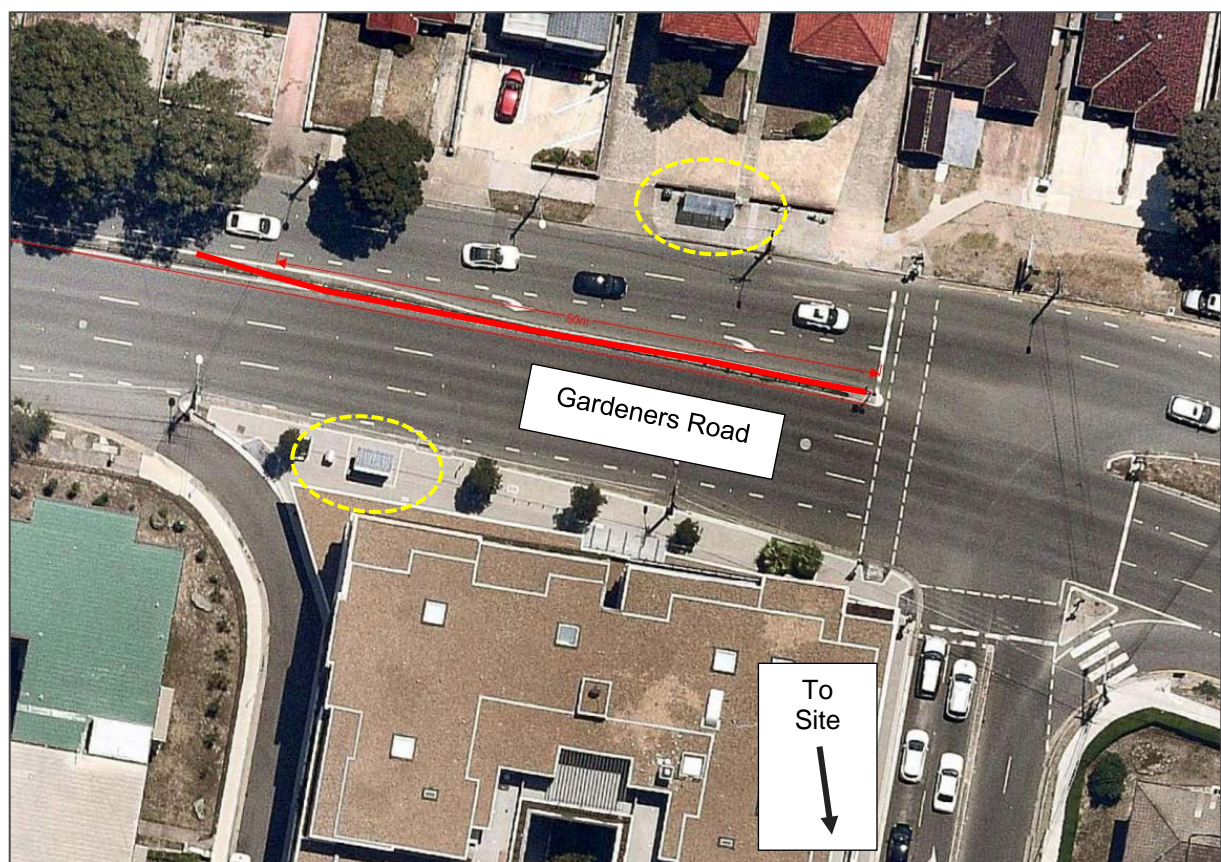


Figure 44 | Proposed lengthening of right turn lane of Gardeners Road (shown red) and location of bus stops (shown yellow) (Base image source: Proponent's SRTS)

Public Transport

The site is serviced by several bus routes, providing connections to the Sydney CBD, Redfern, Eastgardens, Sans Souci, Chatswood, Kingsford, Mascot and Burwood. Bus stops are located outside the site on Evans Avenue and Racecourse Place and high frequency services depart from Gardeners Road, 140 metres from the South Site (**Figure 47**).

Public submissions raised concerns that the additional population results in adverse impacts to existing public transport services which are already overcrowded.

Council raised concerns that the Eastlakes Shopping Centre has limited access to public transport and therefore may not be well placed to support a substantial increase in density. It also noted that the application did not identify necessary transport upgrades required to support the proposal, or how these would be funded. It suggested that 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 and to ensure public transport is a desirable option for residents and workers. It also noted that improvements to pedestrian amenity to the bus stops have not been identified in the application.

In its RtS, the Proponent amended the modification proposal, reducing the number of additional dwellings, from 176 additional dwellings as originally proposed to 65 new dwellings. It also provided an analysis of the likely impacts to public transport. The revised TTA demonstrates that the proposed modification results in an increase of 24 trips by bus in the AM peak hour and 30 trips by bus in the PM peak hour. As these trips are spread over the 16 buses per hour in the peak periods, this represents an increase of 1 or 2 passengers per bus. The TTA advises this is not noticeable in the daily variation of demand for bus services. Given the relatively small change in demand, the Proponent considers there is no nexus between the increased demand for bus stop facilities and the need to upgrade those facilities. Nevertheless, the Proponent has made a public benefit offer to provide \$1,550,000, which Council may use to improve the public domain around the site, including upgrades to bus stops or footpaths.

The Proponent also notes that Sydney Buses has advised that bus routes in the area will be reviewed in the future given the completion of the light rail, which is located 1.5 km to the east of the site and opened in April this year. The opening of the light rail may result in a change in travel patterns to the CBD with passengers having a choice between a trip by bus or by bus and light rail. Sydney Buses advised that this could result in more trips in each direction along Gardeners Road rather than in the current peak direction, thus increasing capacity.

The Department notes that The Greater Sydney Region Plan advocates a '30-minute city' in which everyone will have access to jobs and services within 30 minutes by public transport. Therefore, the proposal, which provides additional density in locations that can access major centres with public transport, is supported in strategic planning terms.

While Eastlakes is not a major centre, it does have access to public transport services which provide access to major centres within 30 minutes. In particular, bus route 343 is a high frequency bus service, departing every 5 minutes during peak periods and providing connections to Central Station within 23 to 26 minutes during peak hour, as well as connections to the other parts of the CBD in just over 30 minutes. The recent opening of the light rail is also likely to provide additional options for public transport, noting it is a 4 minute bus trip from Eastlakes to Kingsford and an 18 minute light rail trip from Kingsford to Central Station with services continuing to other parts of the city. The site is also in close proximity to other employment hubs, including the Airport and Mascot.

The Department therefore considers the site is adequately well serviced by public transport and can support additional density in line with the objectives of The Greater Sydney Region Plan. As discussed in **Section 3**, additional density is also supported on the basis of the co-location of residential uses with excellent access to retail services, including two supermarkets, commercial services and childcare, providing local jobs and reducing the need for occupants to travel from the site.

The Department also agrees with the Proponent that an additional 1 – 2 persons per bus service would not result in a direct requirement for upgrades to the nearby bus stops or upgrades to the associated

footpaths. The Department notes that the city bound bus stop and associated footpath area was recently upgraded as a result of the redevelopment of the adjoining site (**Figure 48**). Further, Council will receive development contributions, in accordance with its contribution plan, to fund footpath upgrades in the local area, in addition to the public benefit offer from the Proponent.

While the Department acknowledges resident's concerns that the existing bus services are overcrowded, TfNSW have advised that public transport services are monitored on an ongoing basis to enable capacity issues to be addressed as additional population moves into the area or to account for other changes in services, such as the new Light Rail.



Figure 45 | Bus stop and footpath upgrade outside 279 Gardeners Road (Base image source: Google Earth)

Sustainable Transport

Council raised a concern that the application, including an initial public benefit offer, did not identify how it would enhance or improve the local active transport network or connections to sustainable transport choices.

Rather than identify specific upgrades, the Proponent provided an amended public benefit offer which included \$1,550,000 which Council may use to improve the public domain around the site, and which may include upgrades to the local active transport network.

As discussed in **Section 6.3**, the Department considers that, subject to conditions to improve footpaths, the proposed development makes a positive contribution to active transport by improving the walkability and pedestrian amenity of the Eastlakes local centre, including upgrades to footpaths on Evans Avenue and Barber Avenue, and through-site connections and connections to Eastlakes Reserve.

Council has not identified any specific upgrades required to improve the local active transport network and is still developing its Bike Plan, Transport Strategy and the Eastlakes Masterplan. Given the existing proposed upgrades, and public benefit offer for Council to allocate funding to improvements once it has

finalised these strategies, the proposal makes an appropriate contribution and does not generate a requirement for additional measures to improve active transport.

The application also encourages sustainable transport by providing bicycle parking and end of trip facilities for staff and visitors and basement storage for resident bicycles. The proposed bicycle parking is appropriate for staff and residents, but to further encourage active transport use by the community, additional at grade parking could be provided near site entrances. This is because customers accessing the site by bike may be reluctant to enter the basement carpark and would be more likely to use at grade parking at the site entrances.

There is ample space within the western site entry terrace adjacent to Eastlakes Reserve for the provision of at grade bicycle parking. A condition has been recommended requiring provision of bike racks in this location. The Department considers this would result in an improvement for active transport compared to the existing approval which does not include any at-grade cycle parking on the south site.

Parking provision

The proposal seeks to increase basement car parking on the South Site from 700 spaces to 916 to accommodate the additional parking demand created by the modified proposal.

Public submissions raised concerns that insufficient on-site parking is provided, resulting in additional parking on the surrounding streets. Council and public submissions noted that residential parking rates are less than those set out in Council's DCP. Council advised that reduced parking rates cannot be justified on the basis of good access to public transport, as it considers the site is not well serviced by public transport.

Residential and retail parking rates were established by the original approval and the Proponent is not seeking to amend those rates. Proposed parking rates for the additional uses on the site (commercial, medical, childcare) are based on Council's DCP or the RMS guidelines, as follows:

Rate	Number	Required
studio / 1 BR: 1 space	192	192
2 BR: 1 space	124	124
3+ BR: 2 spaces	41	82
Visitor: 1 space / 5 dwellings	257 dwellings	72
Retail / Leisure: 3.5 spaces /100 m ² GLA	10,007 m ²	350
Childcare: 1 space / 2 staff	15 staff	8
1 space / 5 children	75 children	15
1 pick up per 20 children		4
Commercial: 1 space /40m ² GFA	1883 m ²	47
Medical: 1 space / 25 m ² GFA	500m ²	20
Total		914

Retail and residential parking rates are similar to those in Council's DCP, except that the DCP recommends 2 spaces be provided for each 2 bedroom unit and retail spaces be provided at the rate of 4 spaces per 100 m² of GFA. Parking was considered at the time of the original assessment, and the Department was satisfied that the proposed rates would adequately cater for the expected parking demand. Council's traffic consultant at that time also concurred with the methodology used to assess carparking demand and supply. These approved rates remain adequate for the proposed modification, as the additional uplift will require commensurate additional car parking provision.

The proposed rates for the childcare and commercial uses are consistent with Council's DCP and therefore are considered to accurately reflect likely parking demand.

While Council's DCP recommends that medical centres provide parking at the rate of 3 spaces per consulting room, the number of consulting rooms is not yet known, and therefore the Proponent has advised it has adopted the RMS rate of 1 space per 25 m of GFA.

Noting that the proposal provides two additional spaces to that required above (916 instead of 914), the Department is satisfied that the modified development will provide sufficient parking to cater for the additional demand created by the modification and therefore would not result in any unacceptable consequences for on-street parking in the surrounding locality.

The Department also notes parking rates have not been reduced on the basis that the site is well serviced by public transport, but rather proposed rates reflect expected demand established at the time of the original approval or demand identified by Council and RMS recommendations.

6.6 South Site: Internal Amenity

Building and Apartment Amenity

As the proposed modification includes a complete redesign of the residential buildings on the South Site the application has been reassessed against the current requirements of SEPP 65 and the ADG.

The Proponent has submitted design reports with the RtS (**Appendix A**), which provides a detailed analysis of the proposal's compliance with the design criteria and design guidance of the ADG. The Department has also assessed the application against the ADG (**Appendix E**) and considers the modified proposal meets the majority of the ADG guidelines, with a few minor inconsistencies as discussed below.

Apartments on the South Site meet or exceed all key internal amenity parameters established by SEPP 65 and the ADG, including:

- good levels of solar access to 75% of all apartments mid-winter (minimum 70% recommended)
- no apartments receive nil solar access in mid-winter (maximum 15% recommended)
- natural cross-ventilation achieved to 63% of apartments (minimum 60% recommended)
- minimum recommended apartment size and balcony size achieved for all apartments
- internal storage provided in accordance with ADG requirements
- acoustic and visual privacy achieved by meeting building separation requirements.

While the design includes some minor variations to the ADG requirements, the variations are acceptable and the development still delivers good levels of internal amenity. Variations relate to first

floor ceiling heights, distance of kitchens from windows and number of units to a circulation core / lift, as discussed below. The proposal also does not provide soil depths at the podium level consistent with the ADG, which is discussed under 'landscaping and communal open space' below.

First floor ceiling heights

The ADG recommends that ceiling heights at ground and first floor levels should be 3.3m to enable flexibility of use. The ground floor retail area has a ceiling height of about 4.8m and the first floor commercial areas have a ceiling height of about 3.6m. However, some residential dwellings on the first floor level do not achieve a ceiling height of 3.3m. Due to the additional floor thickness to separate these residential units from the retail space below, a reduced floor to ceiling height of 2.7m is achieved, which is consistent with ADG recommendations in other levels.

The Department considers the 2.7m ceiling height is acceptable as it meets the amenity standard applicable to all other levels of residential development and enables increased acoustic and fire separation from the retail area below, without unduly increasing overall podium heights.

Depth of Kitchens

The ADG recommends that in open plan layouts, the maximum habitable room depth (from a window to the back of a kitchen) should be 8m. Two apartments on each level (Apartment 4 in Building D and Apartment 6 In Building J1) are inconsistent with this control at between 8.4m and 8.6m (**Figure 49**). The variations are minor (at approximately 0.5m) and the units still achieve excellent levels of internal amenity, noting the affected units are generously sized and all enjoy very high levels of solar access.

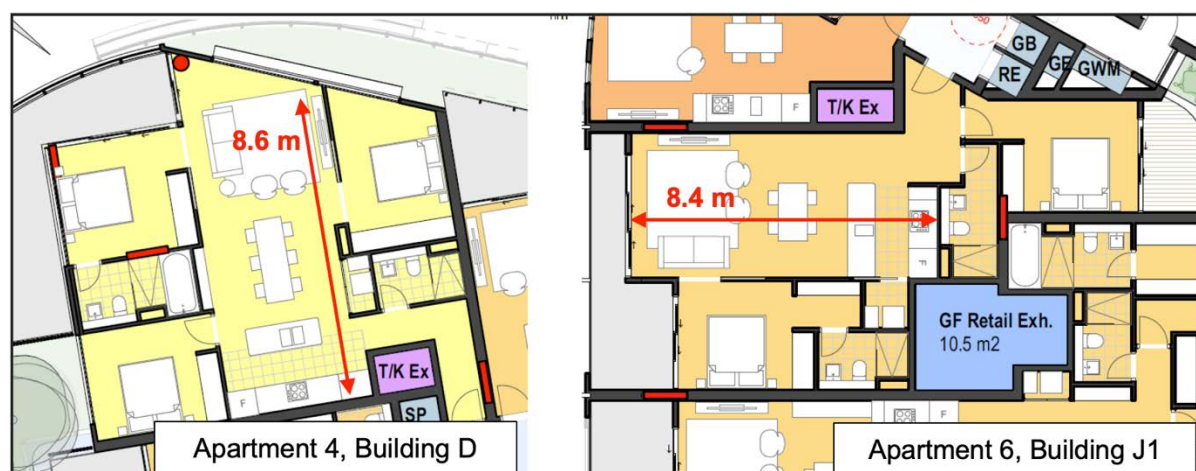


Figure 46 | Internal floor plan layout of two apartments showing room depth to the back of a kitchen (Base image source: Proponent's SRtS)

Circulation cores

The ADG recommends a maximum of 8 apartments be provide off a circulation core per floor, and for buildings 10 or more storeys in height, the maximum number of units that can share a lift should not exceed 40.

Other than the northern core in Building J, all buildings have more than 8 units per floor / core. The number of units per core ranges from 9 to 11. However, the proposal still complies with ADG design guidance, which provides that where 8 apartments to a core is exceeded, no more than 12 apartments

should be provided off a circulation core. All cores provide good levels of internal amenity with generous circulation space and windows for light and ventilation.

Building D has 10 residential storeys and provides 50 units to a lift, exceeding the maximum recommendation of 40 units to a lift, resulting in potential longer wait times for lifts. It would be possible to redesign one of the units adjacent to the core to provide an additional lift, but a similar outcome for residential amenity also could be achieved by installing high speed / high efficiency lifts in the building to reduce wait times. The Department therefore recommends a condition requiring that an additional lift be provided or the Proponent demonstrates the speed and waiting times of the two lifts would achieve industry best practice recommendations.

Subject to this condition the amenity outcomes sought by the ADG would be achieved.

Landscaping and Communal Open Space Amenity

In addition to the internal amenity of the apartments, the proposal incorporates a high quality communal open space area (7,856 m²) on the two podium levels, equivalent to 44% of the site area (**Figure 50**). The quantity of communal open space exceeds ADG recommendations (minimum 25% of the site area) and is an improvement compared to the approved development (which provided just over 5,000m²). The additional landscaping is achieved due to a reduction in building footprints.

The modification also results in improvements to the quality of the communal areas. Different spaces are provided on the podium providing options for seating and recreation. A range of groundcovers, shrubs and trees, including three canopy trees (16m – 18m) provide shade, amenity and improved outlook. The revised building arrangement also means that, rather than being surrounded on all sides by buildings, parts of the open space have access to the edge of the site, resulting in improved outlook and solar access while edge plantings and screens also minimise overlooking of nearby premises.

However, the Department is concerned that the podium does not incorporate adequate soil depth to support the proposed trees. Landscape plans show large areas of soft landscaping that have a soil depth of 0.6m, which is sufficient for the growth of shrubs. However, the ADG recommends that trees have soil depths of between 0.8 and 1.2m, depending on the tree height.

To ensure trees grow to their expected mature height and to ensure the ongoing health and longevity of the trees, the Department recommends the landscape plans be updated to show the soil depth at the base of each proposed tree and confirm that soil depth and volume comply with the recommendations of the ADG. Any variations will need to be supported by an arborist report outlining the reasons for the variation and confirming that the proposed soil depth and volume is sufficient to ensure the growth and long term health of the tree.



Figure 47 | Upper podium level landscaping arrangements (Base image source: Proponent's SRtS)

6.7 North Site: External Changes and Urban Design

Key external changes to the North Site visible from the adjoining public domain and adjoining properties include:

- changes to the external design of Buildings 1 and 1A, including:
 - changes to façade detailing and treatments, such as additional vertical louvres to match Building 1B and break up the massing of blank walls
 - changes to roof design including addition of roof plant, lift overrun and roof services
 - revisions to some balcony locations and revisions openings to reflect revised internal floorplan changes
- minor changes to retail awnings
- minor changes to Gardeners Road frontage landscape design arrangements

- changes to landscaping adjacent to the eastern retail entrance.

The proposed changes to the design of Buildings 1 and 1A (as can be seen by comparing **Figures 51** and **52**) are appropriate and provide a greater level of consistency with the design of the podium and Building 1B (as updated in MOD 1). The revisions to the roof design, balcony locations and openings are minor and have no adverse impacts, as are the minor changes to the retail awning arrangements. No concerns were raised in submissions with regard to these changes.



Figure 48 | Approved Gardeners Road frontage of Buildings 1 and 1A (note some minor amendments were made to the design since the image was produced and setback landscaping was amended in MOD 1 (Source: Original Application RtS)



Figure 49 | Proposed Gardeners Road frontage of Buildings 1 and 1A and showing stepped landscaping arrangements (Source: Proponents SRtS)



Figure 50 | Proposed North Site development as viewed from Evans Avenue (Source: Proponents RtS)

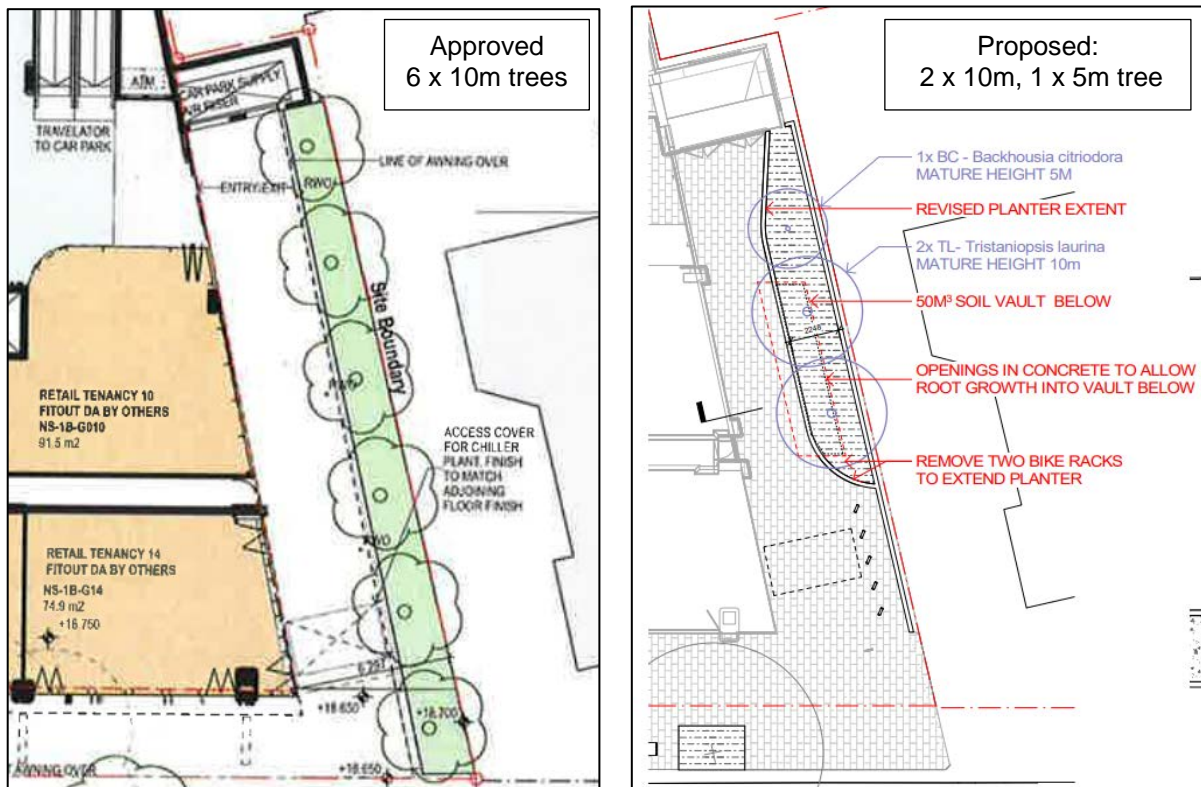


Figure 51 | Ground floor / landscape arrangements adjacent to North Site eastern retail entry, showing approved (left) and proposed (right) (Source: MOD 1 approved Plans and Proponents SRtS)

Proposed changes to landscaping adjacent to the eastern retail entrance include a relocation of the boundary wall, change to planter size and depth of soil, and a reduction in the number of trees provided within the setback (from six medium sized trees as approved to either four small trees or two medium trees and one small tree) (**Figures 53 and 54**). As a dense landscaped green edge in this part of the

site was considered important in the assessment and determination of the original application and in the assessment of MOD 1, the Department requested the plans be amended so that the quantum and quality of landscaping would not change. The Proponent responded that the amount of landscaping is constrained by a service access hatch to the chiller plant below, the desire to provide bike parking in this location and access to additional plant area now proposed to be provided in the laneway.

The design of the Gardeners Road frontage was considered in detail in MOD 1 when it was proposed to amend the design from a deep soil sloped landscape frontage to a stepped planting arrangement over the podium level. The modification was supported subject to changes to ensure tree plantings are be supported across the entire frontage and the boundary walls are be of a pedestrian scale.

The proposed modification makes minor adjustments to the design of the landscape terraces, including an additional small terraced level at the western end of the elevation. The landscape plans were amended in the SRtS to address concerns that the modified arrangements do not provide appropriate soil depth to support trees and shrubs as approved. The Department is satisfied the revised scheme enables appropriate setback planting, generally consistent with the arrangement approved in MOD 1.

The modification results in a small reduction in visual amenity for the adjoining residential property at 18 Evans Avenue, as it provides less landscape screening to soften visual impacts of the development.

The Department considers it is possible to slightly extend the planter to provide two medium and two small trees without adversely impacting access to plant and still provide some bike parking. A condition has been recommended accordingly. Subject to this condition, the Department considers landscaping has been maximised within the context of the other site constraints.

6.8 North Site: Internal Amenity

The modification includes changes to the internal floor plan layouts of Buildings 1 and 1A and the podium landscape arrangements. A change is also proposed at the ground floor level of Building 1B. Changes include revisions to the internal floor plans of each unit with some associated adjustments to unit sizes, balcony sizes and in some cases, external changes to 'flip' the location of balconies and remove or add associated windows. The plans were updated with the SRtS to address adverse amenity concerns raised by the Department with respect to non-compliances with the ADG.

The Proponent submitted a design report with the SRtS (**Appendix A**), which provides a detailed analysis of the proposal's compliance with the design criteria and design guidance of the ADG. The Department has also assessed the application against the ADG (**Appendix E**) and the modified proposal meets the majority of the ADG requirements, with a few minor inconsistencies in relation to balcony size and depth of apartments.

51 of the 133 apartments on the North Site do not meet the minimum recommended size for balconies under the ADG, which recommends that balconies be between 4m² and 12m² depending on the number of bedrooms. Some of the proposed balconies fall short of the minimum recommended size by up to 2.1m² and one studio unit does not contain any balcony.

However, the Department notes that the approved development was not required to meet the minimum requirements of the ADG for balconies, as the project was approved before the ADG was published. Overall, balcony sizes have increased under the modification and the proposal results in a much greater

level of compliance with the ADG recommendations for balcony sizes as compared to the approved development and an overall greater level of residential amenity.

The ADG also recommends that the maximum habitable room depth from a window to the back of a kitchen should be 8m. 27 of the 133 apartments on the North Site do not comply with this and have depths of up to 9m to 9.4m. In some cases the internal layouts have not materially changed from the approved plans, and in other cases the non-compliance arises due to a change in the floor plans to create a more efficient layout. In either case, the Department considers that despite the non-compliance, the modified development would provide good levels of internal amenity. Affected units all have generous internal spaces and generous windows and openings to provide good light and ventilation.

The revisions to the floor plans result in a number of improvements to overall internal amenity. For example, the proposal now incorporates additional internal storage within each unit, previously not provided, overall unit sizes and compliance with ADG recommendations for unit sizes have increased and overall balcony sizes have also increased. The Department is therefore satisfied the modification would improve internal amenity overall.

Changes to podium landscaping mostly relates to design refinements and minor changes to layout and amenities. The overall provision of communal open space is not materially affected, and the podium landscape arrangements retain good levels of amenity for future residents.

6.9 Noise Impacts and Operating Hours

Noise was a key concern raised in public submissions. Concerns related to both the proposed 24 hour operation of the loading docks, with associated truck noise, and general noise impacts due to the increased traffic movement and activity in the area.

In response to the submissions, the Proponent no longer proposes 24 hour loading dock operations. Instead, loading docks including waste collection are proposed to operate 5am to 10pm daily. This represents an increase in the approved hours of 7am to 9pm for the loading dock and 7am to 5pm Monday to Saturday for waste collection.

The modification also seeks to establish shopping centre trading (operating) hours of 6am to 10pm. The existing approval does establish any trading hours, as it was intended that separate approval would be sought for the fit-out and use of the centre.

The Proponent advised that the extended loading hours are sought to meet the operational needs of the future tenants and to be consistent with the operation of other shopping centres. The Proponent submitted acoustic assessments with the RtS, demonstrating:

- the loading dock operations would not result in any unacceptable change to daytime traffic noise impacts or daytime noise impacts generally
- subject to acoustic treatments to the loading docks and roller shutters, the noise from inside the loading docks can be mitigated and would not result in unacceptable impacts during the extended hours
- the proposed extended hours of the loading docks results in additional truck and traffic noise on the surrounding streets, which result in additional potential sleep disturbance impacts during 5am to 7am (within the more restrictive 'night time period').

Operating hours for the loading dock and garbage collection were established by the then Planning Assessment Commission in its determination of the original application. The Commission considered that the enclosed loading dock should be able to extend its operating hours, to reduce traffic conflict during shopping centre operating hours.

The Department considers that a further extension of loading hours may be supported for the same reasons, but only where the additional hours does not result in unacceptable noise impacts. However, the additional vehicle movements on the surrounding streets during the 5am to 7am 'night time period' are not supported due to the adverse impacts on sleep disturbance for surrounding residents. The Department therefore recommends that loading dock operations (including waste collection) be restricted to 7am to 10pm daily.

A number of existing conditions assist with controlling noise impacts from the loading docks during these times, including:

- recommendations of the acoustic consultant to be incorporated into the plans
- all vehicles to enter and leave in a forward direction
- roller doors on the southern loading dock be closed at all times, except when vehicles enter or leave
- noise from inside the loading dock not be audible from residential apartments prior to 7am
- no queuing of trucks outside the site at any time
- preparation of a loading dock management plan to control truck movements
- establishment of noise criteria and controls for all site generated activities, with acoustic certification prior to occupation that recommended criteria will be met
- noise monitoring following commencement of operations to ensure acoustic levels are achieved.

These conditions, including the additional measures recommended in the various acoustic assessments, will ensure that noise from inside the loading docks during the extended hours to 10pm and additional waste collection hours are effectively managed to not cause additional disturbance to residents.

In terms of shopping centre trading (operating) hours, the acoustic assessments concluded that it is difficult to assess the impacts of the proposed trading hours, as the exact use of each commercial tenancy is unknown. The assessments recommend that acoustic impacts be assessed at the time of each individual development applications for the occupancy of each tenancy.

The Department does not support the proposed general trading hours for the Centre at this stage. Noting the conclusion of the acoustic assessment, the Department is concerned the proposed trading hours will result in adverse acoustic impacts on the surrounding area, from traffic and operation of shops, restaurants and cafes that open on to the public domain, in the early morning and late evening. However, the exact acoustic impacts cannot be assessed until the occupant is identified. The trading hours are therefore not approved and a matter for the assessment of future development applications.

6.10 Other issues

Issue	Consideration	Recommendation
Wind Impacts	<p>Public submissions raised concerns that the increased height results in adverse wind impacts.</p> <p>The SRtS was accompanied by a detailed wind impact assessment, which included wind tunnel modelling.</p> <p>The assessment recommended additional measures on the South Site to ensure the proposal achieves acceptable pedestrian safety and comfort within and surrounding the site. This included additional screens, redesign of awnings, additional planter boxes and landscaping, and changes to façade treatments. Most of these measures are shown on the updated plans submitted with the SRtS.</p> <p>The assessment concludes that, subject to the inclusion of these measures, all outdoor areas within and around the development will be suitable for their intended use.</p> <p>The Department is satisfied that, subject to the inclusion of the recommendations of the assessment, the proposal will not result in any unacceptable wind impacts on the public domain adjoining the site and would result in good levels of amenity within the site.</p>	<p>Conditions are recommended to ensure all ameliorative measures recommended in the wind report are incorporated into the final construction of the building.</p>
Developer Contributions	<p>Existing conditions require the payment of developer contributions in accordance with s7.11 of the EP&A Act. This applies to the approved development and the modification.</p> <p>The proposal seeks to stage the payment of the contributions and defer payment of contributions for the North Site to the fit-out stage (rather than the building construction stage).</p> <p>The Department notes that the modification introduces construction staging, which allows the staged payment of developer contributions. However, consistent with Council's Contributions Plan, any deferral of contributions should be agreed by Council as it affects Council's ability to deliver public infrastructure upgrades.</p>	<p>The Department recommends the existing condition be modified to clarify that payments of contributions may be deferred, where agreed by Council.</p>
Public Benefit Offer	<p>In terms of delivering a public benefit, the approved development provided:</p> <ul style="list-style-type: none"> improvements to footpaths adjacent to the site 	<p>The Department recommends a new condition, requiring a planning agreement be prepared, publicly exhibited and executed in accordance with the public benefit offer dated 11</p>

- new roadworks (roundabout on the corner of Barber Avenue and St Helena Parade)
- a publicly accessible terrace area (adjacent to Eastlakes Reserve)
- a community room (for Council or community groups).

October 2019, but only if Council accepts the terms of the offer within 6 months of approval of this modification.

In addition to payment of s7.11 developer contributions, the modification request is accompanied by an offer to enter into a planning agreement to provide additional public benefit. The offer includes:

- public domain upgrades surrounding the site (extent to be agreed with Council) capped to \$100,000
- up to \$1.55m for upgrades to community facilities and public spaces at Eastlakes
- affordable housing contribution (10% of the total number of additional apartments proposed in this modification, estimated to be equivalent to approx. \$3m).

Submissions noted that some of the proposed public benefits are already required to be provided as part of the existing approval and are therefore not an additional public benefit.

Council advised that it has commissioned a valuation which indicates a higher offer may be warranted and is currently in discussions with the Proponent.

The Department notes that some of the public domain upgrades surrounding the site are already required through the existing approval. However, the extent of these upgrades is for Council to agree.

The Department therefore considers that the public benefit offer, in addition to paying the required s7.11 contribution, is reasonable and commensurate to the uplift from the proposed modification.

Infrastructure

Several public submissions raised concerns that there is a lack of infrastructure to support the density. In addition to traffic and transport infrastructure (**Section 6.3**), submissions mentioned parks, sporting facilities, schools, hospitals, internet access and electricity.

The Proponent is required to pay developer contributions to Council to provide new local infrastructure and has made a public benefit offer to improve the local public domain (discussed above).

Sydney Water and Ausgrid did not raise concerns with servicing the site.

No additional conditions or measures are required.

The Department is satisfied that developer contributions will ensure appropriate local infrastructure is provided to accommodate the additional demand generated by the proposed development.

Signage	<p>The modification proposes two pylon signage zones on the South Site to accommodate pylon signs up to 5m in height.</p> <p>While the location of the signage zones is indicated on the plans, the application does not include elevations of the signage zones or details of their future design or illumination. The Proponent advises the detailed design of the signs would be subject to future DAs with Bayside Council.</p> <p>It appears that both signs may interfere with awnings and therefore likely to be reduced in size or relocated. However, without elevations, it is not possible to make an accurate assessment.</p> <p>The Department considers that insufficient information has been provided to enable the Department to determine if the size or location of the signs could have an adverse impact on the character of the area or if they would be appropriate in the context of their setting. As a proper assessment cannot be made under of SEPP 64, it is considered that the signage zones should not be approved at this stage.</p> <p>However, this would not prevent the Proponent from lodging a DA for the proposed signs, allowing Council to assess the height and location of the signs in conjunction with the proposed signage design, illumination and character of the area, as required by SEPP 64.</p>	<p>It is recommended that the additional signage zones not be approved at this stage.</p>
Changes to retail and commercial land uses	<p>The proposal seeks to increase the retail and community floor space across the site, as well as introduce commercial and other uses within the additional podium level on the South Site. The proposed changes include additional retail and community floor space and new commercial floor space, childcare space, a medical centre and leisure use.</p> <p>The Proponent has advised that the fit out and use of the childcare centre will be subject to a separate development application to Council.</p>	<p>The Department recommends a condition to clarify that the fit out and use of the childcare centre, leisure use and medical centre requires separate approval, to ensure any specific impacts of the proposed use and operation is adequately assessed.</p>

The Department is supportive of the proposed changes to the retail and commercial area, as the changes would:

- be consistent with zone objectives 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 and encourage employment opportunities in accessible locations
- strengthen the role of the local centre consistent with key regional and local strategic planning objectives (**Section 3**)
- provide additional services to meet the needs of the future residential population on the site and the surrounding area.

Aviation Safety

Public submissions raised concerns that the proposal would result in unacceptable impacts for aviation safety.

A condition is recommended requiring obstacle lighting in accordance with the recommendations.

CASA and Sydney Airport also initially objected to the modification as the building heights infringed on the prescribed airspace for Sydney Airport.

The Proponent subsequently amended the proposed building heights to comply with CASA and Sydney Airports maximum allowable height of 60.6m AHD, which CASA and Sydney Airport have approved, subject to providing obstacle lighting.

Based on the advice from CASA and Sydney Airport, the Department is satisfied the proposal would not result in unacceptable aviation safety impacts, subject to the recommended condition.

Geotechnical and Groundwater

The proposed modification includes additional excavation on the South Site to accommodate additional levels of basement parking (2 to 4 levels)

No additional conditions or measures are recommended.

The geotechnical engineers that provided the assessment of the geotechnical impacts on the original application have advised that the proposed development is similar to that envisaged in their initial assessment and that in principal the recommendations are still generally suitable for the current application. During the detailed design stages of the works, further geotechnical subsurface investigations will be required to provide specific geotechnical recommendations for the current proposed development.

Existing conditions of consent require compliance with the geotechnical report, as well as further geotechnical

advice and measures to protect adjoining properties, further detailed investigations of groundwater contamination, salinity and acid sulfate soils.

The Department is therefore satisfied geotechnical and ground water issues are satisfactorily dealt with by the conditions of consent and the modification does not result in any additional geotechnical concerns.

Construction Impacts	<p>TfNSW recommended the preparation of a detailed construction traffic management plan (CTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control. Some public submissions also raised concerns about construction traffic.</p> <p>An existing condition of approval requires the provision of a CTMP. The Department is satisfied that existing conditions would appropriately ensure construction impacts are mitigated.</p>	<p>Minor modifications are recommended to the condition requiring a CTMP to ensure it addresses current TfNSW requirements.</p>
Social & Economic Impacts and Affordable Housing	<p>Concerns were raised in public submissions that the development will have an impact on social and affordable housing.</p> <p>Council advised that given the socio-economic profile of the Eastlakes suburb, it is premature to intensify development of the centre without the preparation of the appropriate socio-economic studies to inform the centres growth and renewal.</p> <p>The Department considers the development will have positive social and economic benefits for the locality and would not result in adverse consequences for the provision of affordable housing, noting that:</p> <ul style="list-style-type: none"> the site does not currently contain housing, so it will not result in the loss of any housing or displacement of any existing residents it increases housing supply, which in turn puts downward pressure on housing prices it is accompanied by an offer for a contribution to affordable housing it results in substantial investment in and revitalisation of the local area, increased provision of local services and increased local employment opportunities, all of which would have positive social and economic benefits for the locality. 	<p>No additional conditions or measures are recommended</p>
Crime and Safety	<p>Several public submissions raised concerns that the proposal results in crime and safety issues in the area.</p>	<p>No additional conditions required.</p>

Additional information was provided to address concerns raised by the Department and GANSW regarding the design of the entry ramp from Racecourse Place to ensure the potential for pedestrian and vehicle conflict is minimised.

The Department is satisfied the proposed vehicular access and pedestrian arrangements will not result in any additional safety impacts compared to the development as approved.

The Department also considers that the development results in improved safety outcomes for the area with additional activation and natural surveillance of the public domain.

Furthermore, existing conditions of approval require surveillance, lighting, territorial reinforcement, space / activity management and access control, as well as flood lighting and CCTV for all recessed and entry areas.

Construction Staging	<p>It is proposed to introduce construction staging and enable construction certificates and occupation certificates to be obtained independently.</p> <p>The Department is satisfied no adverse impacts would arise from the construction staging.</p>	<p>A standard condition of approval has been recommended to facilitate the staging of construction.</p>
Discharge of Conditions: North site	<p>The Proponent has requested conditions B2, B5 and B6 be deleted as they have been satisfied by the amended plans. The conditions relate to required design modifications and landscape modifications on the North Site.</p> <p>Appendix D provides an assessment of the satisfaction of the conditions. The assessment finds that while parts of the conditions have been satisfied by the updated plans submitted with this modification request, other parts of the conditions have not yet been satisfied and further amendments to the plans and the landscape plans are still required.</p>	<p>Recommend Conditions B2, B5 and B6 be amended to remove those parts addressed through the modified design.</p>
Provision of Community Space	<p>A community space was identified on the approved plans and Condition A8 requires the dedication of the space to Council. A similar space is shown on the proposed plans, but the Proponent seeks to delete the condition requiring dedication as it is superseded by the public benefit offer.</p> <p>The Department notes the revised public benefit offer, dated 11 October 2019, does not include the</p>	<p>Condition A8 is recommended to be retained.</p>

community space. Further, there is no guarantee the offer will be accepted by Council. The Department therefore considers Condition A8 be retained.

**Gardeners
Road
Electricity
Lines**

The existing approval requires the ‘undergrounding’ of all utilities, including power lines in the road reserves adjacent to the site. The Proponent seeks to delete this requirement on the Gardeners Road frontage, as it requires private poles adjacent to neighbours sites to enable new service connections, which could cause anxiety for neighbouring residents and potentially impact remaining healthy street trees on this frontage.

Ausgrid have advised the Proponent that there is no technical requirement to underground the services and Council have not raised any concerns with the proposed change.

The Department considers the proposed modification can be supported, noting that visual impacts of the power lines was not an issue in the assessment of the original application, and the modification would be consistent with the approach taken on other recent development on Gardeners Road which was not required to underground the adjacent powerlines.

Recommend conditions be amended to remove the requirement to underground powerlines on Gardeners Road.

**North site
ventilation
exhausts**

Amended plans for the North Site appear to include exhaust grills in the eastern elevation adjacent to the boundary with 18 Evans Avenue and 293 Gardeners Road. The Proponent hasn’t advised that it is seeking this change and the purpose of these grills is unclear.

The Department is concerned that these grills have the potential to result in unassessed impacts to the adjoining premises, such as adverse air and noise pollution.

The Department recommends a condition prohibiting exhaust vents or grills in elevations that have the potential to discharge air or noise onto adjoining residential properties.

7 Evaluation

The Department has assessed the proposed modification in accordance with the relevant requirements of the EP&A Act. The Department has carefully considered the issues raised in the submissions and the response to those issues provided by the Proponent and is satisfied the impacts have been satisfactorily addressed by the proposal or through the Departments recommended conditions.

The Department considers the proposal has strategic merit as it provides additional housing, jobs and services within a local centre located within the Economic corridor and with good access to the CBD and other employment locations. The proposal is consistent with the directions and actions of the Greater Sydney Regional Plan and the Eastern City District Plan, including the '30-minute city' and the site has sufficient capacity to accommodate the increase in housing without resulting in adverse impacts on the surrounding area.

Key issues considered in the assessment of the proposal are scale, built form and traffic and transport impacts.

Following advice from GANSW and the Department, the Proponent significantly reduced the scale of the proposed modification to ensure built forms and proposed density would not result in adverse visual impacts, unacceptable overshadowing or amenity impacts or material traffic impacts. GANSW has confirmed the Proponent has responded to its concern and GANSW has not raised any concerns with the scale of the revised scheme.

The Department has carefully considered the proposed built forms and is satisfied the site is large enough to support the scale of the proposed development, including heights up to 12 storeys (including 2 storey podium) which clearly mark the local centre. Smaller scales at the site edges adjoining the residential zones create a scale transition to the adjoining residential properties and ensure the proposal would not result in any adverse impacts in terms of privacy, shadowing or view impacts. The proposal also results in improved outcomes for solar access to the adjoining Eastlakes Reserve, compared to the approved development.

The site was also found to be well suited for the increased density, due to its location in a local centre with access to public transport and retail services and childcare, reducing the need for occupants to travel from the site. The Department notes that despite the increase in density, the additional traffic generation can be accommodated on the local road network, which will continue to operate at acceptable levels.

The Department is satisfied that other issues, including public domain and footpath impacts, landscape design, internal amenity provision, noise impacts, wind impacts, tree removal, and public benefit outcomes, will not adversely impact the surrounding area and/or can be adequately addressed through recommended conditions.

The Department concludes the impacts of the proposal are acceptable and can be appropriately mitigated through the recommended conditions. Consequently, the Department considers the modification request is approvable, subject to conditions as outlined in **Appendix C**.

8 Recommendation

It is recommended that the Group Deputy Secretary, Planning and Assessment, as delegate of the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **determines** that the application MP09_0146 MOD 4 falls within the scope of s75W of the EP&A Act
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to approve the modification
- **modifies** the project approval MP09_0146
- **signs** the attached Modification of Minister's Approval (**Appendix C**).

Recommended by:



Brendon Roberts
Acting Director
Regional Assessments

Recommended by:



Anthea Sargeant
Executive Director
Regions, Industry and Key Sites

9 Determination

The recommendation is **Adopted** by:



Marcus Ray

Group Deputy Secretary
Planning and Assessment

as delegate of the Minister for Planning and Public Spaces

18/05/2020

Appendices

Appendix A – List of referenced documents

1. Modification Report

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

2. Submissions

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

3. Response to Submissions

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

4. Supplementary Response to Submissions

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

Appendix B – Environmental Assessment

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

Appendix C – Instrument of Approval of Modification

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

Appendix D – Assessment of satisfaction of conditions B2, B5 and B6

The Proponent has requested conditions B2, B5 and B6 be deleted on the basis that they have been satisfied by the amended plans. The following provides an assessment of the satisfaction of the conditions

Condition	Consideration
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B2: Design Modifications

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

- (a) The podium at the western end of the Gardeners Road frontage above the service entry doors shall have a height of no more than 3 metres and is to be non-trafficable. The trafficable area of the podium is to be setback consistent with the main podium line on this frontage. A planter shall be provided within the non-trafficable area.
 - (b) Amended plans showing RLs and amended elevations demonstrating the eastern podium wall adjacent to 293 Gardeners Road would have a maximum height of 2.99 metres and a stepped landscaping arrangement consistent with the plans approved prior to Modification 1.
 - (c) The awning over the eastern entrance to the north site is to be reduced in size so that it would not extend into the future tree canopy of the boundary landscaping.
- (a) Do not support discharge: although the roof is non-trafficable and setback as required, plans indicate the height is significantly greater than 3 metres, resulting in unacceptable streetscape impacts.
 - (b) Satisfied: Recommend deletion of this part of condition
 - (c) Do not support discharge: line of awning is shown on architectural plans as encroaching into the tree canopy area

B5 Amended Landscape Plan

Amended landscape documentation is to be submitted and approved by the Secretary prior to the issue of a Construction Certificate for aboveground works. The landscape plans approved in Condition A2 shall be amended to include the following:

- (a) One additional canopy tree on the northern site to a mature height of 18 metres be provided to the podium communal open space areas
 - (b) Dense shrub and tree landscaping along the entire western edge of the northern podium to prevent this area being trafficable and to reduce overlooking towards 16 Evans Avenue
 - (c) Sufficient landscape details, sections and specifications are to be provided to detail planter wall finishes, podium planter construction, pavements, finishes, amenity lighting and so on.
 - (d) Six replacement street trees are to be provided along the northern side of Evans Avenue. The replacement street trees are to be either Platanus x Aceritolia (London Plane Tree) or Corymbia Maculate (Spotted Gum), in accordance with the City of Botany Bay Street Tree Master Plan 2014. A qualified Landscape Architect shall decide which species is the most appropriate replacement street tree, in consultation with Council
 - (e) Six replacement street trees are to be provided along the southern side of Gardeners Road. The replacement street trees are to be in accordance with the City of Botany Bay Street Tree Master Plan 2014. A qualified Landscape Architect shall decide which species is the most appropriate replacement street tree, in consultation with Council.
- (a) Satisfied: one 18 metre tree is included in amended landscape plans. Recommend deletion of this part of the condition
 - (b) Don't support discharge: while some shrub planting has been provided along the upper western edge of the podium, 'dense shrub and tree planting' has not been provided as envisaged by the condition. The Department considers the width of the planters need to be increased and further tree planting provided to meet the intention of the condition.
 - (c) Satisfied, but as further amended plans are still required, it is considered that this condition should remain to ensure an appropriate level of detail is provided in future plans
 - (d) Satisfied, London Plane trees included on plans. Recommend deletion of condition part
 - (e) Satisfied, Quandong trees included on plans. Recommend deletion of condition part
 - (f) Satisfied, amended plans provided which achieve satisfaction of the intention of the condition

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

B6 Privacy Screening

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

Can be deleted. Revised plans have resolved building separation and privacy issues.

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

Satisfied. Details of privacy screening included in amended plans. Recommend deletion of condition part

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

Not satisfied. Although a small section at the western end of the roof terrace is non-trafficable it would still be possible to stand at the western edge of the roof and look directly into no 16 Evans Avenue. A larger non-trafficable area is therefore required.

Appendix E – Statutory considerations

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with the relevant public authorities about certain development during the assessment process.

The Department has consulted and considered comments from relevant public authorities (Section 5 and 6 of the report). The Department has included suitable conditions in the recommended conditions of consent.

State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017

The Education SEPP commenced on 1 September 2017 and aims to simplify and standardise the approval process for child-care centres, schools, TAFEs and universities while minimising impacts on surrounding areas and improving the quality of the facilities.

Clause 23 requires that consideration be given to the applicable provisions of the Child Care Planning Guidelines (the Guidelines) as they apply to the proposed Childcare Centre. The Proponent proposes to prepare a separate DA for the fitout and use of the childcare centre. However, it has given detailed consideration to the Guidelines in Appendix I of the SRTS. The Department is satisfied that the proposal has been designed in accordance with the Guidelines and would be capable of providing generous and well-designed indoor and outdoor spaces to meet the children's needs. The Department is also satisfied the proposal is capable of full compliance with all controls and requirements of the Guidelines, subject to final detailed design as part of a future DA for fitout and use of the centre. A condition has been recommended to require a separate DA for fitout and use.

State Environmental Planning Policy No. 55 - Remediation of Land

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The Department considered potential contamination issues in the assessment of the original application and concluded that the site could be made suitable for the proposed development subject to conditions requiring further investigations following demolition and remediation and validation prior to the issue of a Construction Certificate. The Department is satisfied that the modified proposal would not raise any additional issues with regard to contamination and that existing conditions of consent would ensure contamination is appropriately addressed.

Draft State Environmental Planning Policy (Remediation of Land)

The Draft Remediation SEPP will retain the overarching objective of SEPP 55 promoting the remediation of contaminated land to reduce the risk of potential harm to human health or the environment.

The Department is satisfied that the modified proposal would not raise any additional issues with regard to contamination objectives of the Draft Remediation SEPP.

State Environmental Planning Policy (Building Sustainability Index) 2004 (BASIX SEPP)

The BASIX SEPP aims to deliver equitable, effective water and greenhouse gas reductions across the state. BASIX applies to all residential dwelling types and is part of the development application process in NSW.

The modification is acceptable with regards to BASIX as it is supported by amended BASIX certificate assessments for each building demonstrating the requirements of the SEPP are satisfied.

State Environmental Planning Policy No. 64 – Advertising and Signage (SEPP 64)

SEPP 64 applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

The modification includes two pylon signage zones on the South Site that could accommodate pylon signs up to 5 metres in height. However, it is considered that insufficient information has been provided to enable an assessment against SEPP 64 and the signage zones have therefore been recommended to be excluded from the approval. Refer to discussion in **Section 6.9**.

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

The proposed modification includes substantial changes to building design, massing and internal layouts on the south site and material changes to external finishes and internal unit layouts on the North Site.

The Proponent has submitted design reports for each site, stating the modifications would be consistent with the design quality principles and objectives of the Apartment Design Guide (ADG). The Department considers the modified proposals meet the majority of these recommendations, with consideration given to the criteria relevant to the proposed amendments in **Table 1**. The inconsistencies are discussed in **Sections 6.4 and 6.8** and are considered acceptable.

Table 1 | Consideration of the relevant provisions of the Apartment Design Guide under SEPP 65

ADG – Relevant Criteria	Proposal	Complies
3D Communal and Public Open Space	<u>South Site</u>	
<ul style="list-style-type: none">Communal Open Space has a minimum area equal to 25% of the site area.50% of communal open space has direct sunlight for at least 2 hours midwinter.	<ul style="list-style-type: none">Communal open space = 44% of site areaSolar access available to communal open space for more than 2 hours mid-winter.	yes
	<u>North Site</u>	

	<ul style="list-style-type: none"> No change. 	
3F Visual Privacy	<p><u>South Site</u></p> <ul style="list-style-type: none"> Building separation distances vary from 12 metres to 24 metres and comply with ADG requirements. <p><u>North Site</u></p> <ul style="list-style-type: none"> No change. 	yes
4A Solar and Daylight Access	<p><u>South Site</u></p> <ul style="list-style-type: none"> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space. Minimum of 70% of apartments' living rooms and private open spaces receive 2hrs direct sunlight between 9 am -3 pm in mid-winter in the Sydney Metropolitan Area. Maximum of 15% of apartments have no direct sunlight between 9 am - 3 pm in mid-winter. Daylight access is maximised where sunlight is limited. Design incorporates shading and glare control, particularly for warmer months. <p><u>North Site</u></p> <ul style="list-style-type: none"> 75% of apartments will receive at least 2 hours of solar access between 9am and 3pm. 0% of apartments would have no solar access between 9am and 3pm. Balconies and sun shading including operable screens, and louvres extend to shade summer sun, but allow winter sun to penetrate living areas. No material change to solar access. 	yes
4B Natural Ventilation	<p><u>South Site</u></p> <ul style="list-style-type: none"> At least 60% of apartments are naturally cross ventilated Overall depth of a cross over or cross-through apartment is to not exceed 18 metres glass line to glass line <p><u>North Site</u></p> <ul style="list-style-type: none"> 63% of apartments will be naturally cross- ventilated. Maximum depth is 17.5 m. No material change to ventilation or building depth. 	yes
4C Ceiling Heights	<p><u>South Site</u></p> <p>Measured from finished floor level to finished ceiling level, minimum ceiling heights are:</p> <ul style="list-style-type: none"> Habitable rooms 2.7 m Non-habitable rooms 2.4 m. Ground and first floor 3.3m <p><u>North Site</u></p> <ul style="list-style-type: none"> All habitable rooms have a minimum ceiling height of 2.7m. All non-habitable rooms have a minimum ceiling height of 2.4m Ground floor retail has a ceiling height of 4.8 m First floor commercial premises have a ceiling height of 3.6 m First floor residential premises have a ceiling height of 2.7m. This is considered appropriate: refer to discussion in Section 6.4. 	<p>yes</p> <p>yes</p> <p>yes</p> <p>yes</p> <p>no</p>

	<ul style="list-style-type: none"> No change. 	
4D Apartment Size and Layout	<p><u>South Site</u></p> <ul style="list-style-type: none"> All apartments comply with the minimum required internal areas. yes All habitable rooms have windows which represent more than 10% of the area of the room). yes Most apartments comply with the 8m to back of the kitchen rule of thumb. There are minor variations for two units on each level (D204 - D1104 and J1206 – J11006) have a depth of 8.4 to 8.6 metres. This is considered acceptable: refer to discussion in Section 6.4. partial All apartments comply with the minimum ADG bedroom sizes and minimum ADG living room widths yes <p><u>North Site:</u></p> <ul style="list-style-type: none"> All apartments comply with the minimum required internal areas. yes All habitable rooms have windows which represent more than 10% of the area of the room). yes 27 of the 133 apartments do not comply with the 8m to back of the kitchen rule of thumb and have depths of up to 9.0 to 9.4 metres. This is considered acceptable: refer to discussion in Section 6.7 partial All apartments comply with the minimum ADG bedroom sizes and minimum ADG living room widths. yes 	
4E Private Open Space and Balconies	<p><u>South Site:</u></p> <ul style="list-style-type: none"> All balconies and open space satisfy ADG requirements yes <p><u>North Site:</u></p> <ul style="list-style-type: none"> 51 out of the 133 apartments would not meet the minimum recommendations of the ADG for balcony size. However, in almost all cases balcony sizes have increased and the overall level of compliance with the ADG has increased. Refer to discussion in Section 6.7. partial 	
4F Common Circulation Space	<p><u>South Site:</u></p> <p>Some aspects comply: yes</p> <ul style="list-style-type: none"> Building J1: 6 apartments / core Building J2 has 10 residential storeys and has 36 units to a lift. 	

	<p>However, the proposal also results in some minor variations:</p> <ul style="list-style-type: none"> • Building D: 10 apartments / core • Building E: 9 apartments / core • Building F: 9 apartments / core • Building G: 9 apartments / core • Building J2: 11 apartments / core • Building D has 10 residential storeys and has 50 units to a lift <p>The variations are considered acceptable: Refer to discussion in Section 6.4.</p> <p><u>North Site:</u></p> <ul style="list-style-type: none"> • No material changes. 	no
<p>4G Storage</p> <ul style="list-style-type: none"> • Studios 4m³. • 1 bedroom 6m³. • 2 bedroom 8m³. • 3 bedroom 10m³. <p>In addition to kitchens, bathrooms and bedrooms</p> <ul style="list-style-type: none"> • At least 50% of the required storage is to be provided within the apartment 	<p><u>South Site:</u></p> <ul style="list-style-type: none"> • Apartments and basement areas are provided with storage as required by the ADG. <p><u>North Site:</u></p> <ul style="list-style-type: none"> • Storage is improved under the modification as the proposal incorporates internal storage to the apartments, in addition to the approved basement level storage as required by the ADG. 	yes
<p>4K Apartment Mix</p> <ul style="list-style-type: none"> • Provision of a range of apartment types and sizes. • Apartment mix is distributed to suitable locations within the building. 	<ul style="list-style-type: none"> • Dwelling mix would be improved by the modification and is proposed as follows: <ul style="list-style-type: none"> ○ Studio units 6% ○ 1 Bedroom 42% ○ 2 Bedroom 40% ○ 3 Bedroom 11% • The Apartment mix is distributed throughout the development. 	yes
<p>4M Facades</p> <ul style="list-style-type: none"> • Building facades provide visual interest along the street while respecting the character of the local area. • Building functions are expressed by the façade. 	<ul style="list-style-type: none"> • The proposal will continue to achieve a high standard of architectural design and will positively contribute to the precinct. • Facade design is further discussed in Section 6. 	yes
<p>4N Roof Design</p> <ul style="list-style-type: none"> • Roof treatments are integrated into the building design • Opportunities to use roof space for residential accommodation or open space are maximised 	<p><u>South Site:</u></p> <ul style="list-style-type: none"> • Roof treatments integrate with the building design. • Buildings E, F and G incorporate private open space on the roof 	yes

<ul style="list-style-type: none"> Roof design incorporates sustainability features. 	<ul style="list-style-type: none"> Buildings D and J incorporate photovoltaic arrays on the roof <p><u>North Site:</u></p> <ul style="list-style-type: none"> Minor changes to lift overruns otherwise no significant changes proposed to the roof design. 	
4P Planting on structures	<p><u>South Site:</u></p> <ul style="list-style-type: none"> Raised planters are included to provide soil depth for planting of shrubs and ground covers. A condition is recommended to ensure appropriate soil depths are provided to support tree planting: refer to discussion in Section 6.3. <p><u>North Site:</u></p> <ul style="list-style-type: none"> No material change. 	<p>partial</p> <p>yes</p>
4Q Universal design	<ul style="list-style-type: none"> The proposal remains capable of complying with the requirements for universal design, as all apartments are of a size and layout that allows for flexible use and design and therefore can accommodate a range of lifestyle needs. 	yes
4U Energy Efficiency	<ul style="list-style-type: none"> The Department considers the modifications acceptable as they are supported by amended BASIX Certificate assessments demonstrating the requirements of the SEPP are satisfied. The buildings and their individual apartments have been orientated to achieve sufficient solar access, as discussed in Section 4A of this table. 	yes
4V Water management and conservation	<ul style="list-style-type: none"> The development will continue to meet BASIX water targets. Urban stormwater will be treated Floor levels are designed having regard to flood levels and are consistent with approved levels. 	yes
4W Waste management	<ul style="list-style-type: none"> Waste management facilities are included in the basement / loading areas where they will not result in adverse impacts. 	

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- Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents
 - Domestic waste is minimised by providing convenient source separation and recycling.
 - Separate bins allow for normal residential waste to be sorted. yes
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Botany Local Environmental Plan 2013 (BLEP 2013)

The site is zoned pursuant to BLEP 2013. BLEP 2013 aims to recognise the importance of the area as a gateway to Sydney given its proximity to the airport, encourages sustainable economic growth and development and to create a highly liveable urban place.

The Department has consulted with Council throughout the assessment process and has considered all relevant provisions of the BLEP 2013 and those matters raised by Council in its assessment of the development (refer to **Section 5**). Consideration of the relevant clauses of the BLEP 2013 is provided in **Table B3**.

BLEP 2013	Department Comment/Assessment
2.3 Zone Objectives and Landuse Table	<p>The site is zoned B2 Local Centre. The proposed additional uses on the site (Commercial remises, Entertainment facilities, Medical centres and Child care facilities) are all permissible with consent on the site.</p> <p>The objectives of the zone are to:</p> <ul style="list-style-type: none"> • 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 <p>The proposed modification is considered to result in improved outcomes for the zone objectives as the proposal increases the range of uses on the site and provides additional employment opportunities on the site. The proposal also encourages walking and cycling and does not adversely impact on public transport patronage.</p>
4.3 Height of Buildings	<p>A building height of 14 metres applies to the site under the LEP. The proposed modification would increase the extent of the existing approved non-compliance with the control. Refer to discussions in Sections 6.1 - 6.4</p>

4.4 Floor Space Ratio	An FSR control of 1.5:1 applies to the site under the LEP. The proposed modification would increase the extent of the existing approved non-compliance with the control. Refer to discussions in Sections 6.1 – 6.4
6.2 Earthworks	<p>The proposed modification includes additional excavation to accommodate additional levels of basement parking. The application is accompanied by a geotechnical report: refer to discussion in Section 6.9.</p> <p>The Department is satisfied the proposed additional earthworks would not result in any material impacts beyond those already assessed and approved as part of the original application.</p>
6.3 Stormwater	Updated stormwater management plans are provided with the modification. However, overall the proposal does not result in any material changes to stormwater management as compared to the approved development.
6.8 Airspace Operations	In accordance with the requirements of the clause, the Department has consulted with CASA and Sydney Airport. Refer to discussion in Sections 5 and 6.9 .
6.9 Aircraft Noise	The proposal would result in an increase in the number of people affected by aircraft noise. In order to comply with relevant aircraft noise intrusion criteria the proposal includes acoustic insulation listed in Table 19 of the Acoustic Assessment prepared by Pulse Acoustic Consultancy. Subject to appropriate insulation, the Department is satisfied that aircraft noise would be mitigated and would not preclude the proposed modification.
6.15 Active Street Frontages	The proposed modification retains active street frontages on Evans Avenue as required by the LEP.

Draft Bayside Local Environmental Plan 2020

The Draft Bayside LEP was publicly exhibited from 8 April 2020 to 18 May 2020. The purpose of the LEP is to amalgamate the three LEPS which currently apply in the LGA. It does not seek to introduce substantive change to planning controls in the area and the controls in the Draft LEP are generally consistent with the existing controls in the current applicable instruments. There is no change to the proposed zoning, height, or FSR controls applicable to the Eastlakes site. The Department is satisfied the Draft Bayside LEP 2020 does not give rise to any additional planning assessment considerations.