
Council Meeting

8/04/2020

Item No	8.2
Subject	Planning Proposal - 152 Bunnerong Road, Eastgardens
Report by	Michael McCabe, Director City Futures
File	S17/75

Summary

On 29th May 2017 a draft Planning Proposal was submitted to Bayside Council. The draft Planning Proposal requested Council initiate an amendment to the *Botany Bay Local Environmental Plan 2013* (Botany Bay LEP 2013) at 152 Bunnerong Road, Eastgardens, to amend the Height of Building (HOB) control to permit a maximum height of 34 metres and amend the Floor Space Ratio (FSR) control to permit a maximum FSR of 1.7:1.

On 21st March 2018 the proponent submitted to Council an addendum to the draft Planning Proposal, proposing a maximum FSR of 1.7:1 and a maximum HOB of 34 metres over the existing shopping centre; and a maximum HOB of 70 metres along the Bunnerong Road frontage of the site, from the intersection with Wentworth Avenue to the southern extent of the British American Tobacco Australia (BATA) site at Westfield Drive.

The proponent was requested to revise the addendum draft Planning Proposal and provide additional information / justification to address a number of matters. In summary:

- the scale and massing of potential built form outcomes at the Bunnerong Road and Wentworth Avenue frontages was unacceptable;
- the economic impacts of, and justification for, the proposed intensification of development in this location;
- the submitted Planning Risk Assessment had not adequately taken into consideration the increased height of buildings; and
- insufficient detail was provided in the submitted site specific Development Control Plan.

On 5 March 2019, a revised draft Planning Proposal was submitted to Council, proposing a maximum FSR of 1.85:1 and HOB controls of part-34 metres; part-40 metres and part-70 metres.

The proponent was requested to revise the addendum draft Planning Proposal and provide additional information/ justification to address several remaining concerns with the proposal, in summary:

- insufficient details of proposed improvements to the public domain and to pedestrian safety at Westfield Drive, adjoining the BATA site.
- unreasonable overshadowing of properties located on the southern side of Wentworth Avenue.
- insufficient detail contained in the submitted site specific Development Control Plan in key areas such as activation of the northern boundary of the site; height strategy; public domain improvements generally; landscaping; and built form controls.

- Inappropriate street wall heights.

Council staff conducted a series of workshops at Council offices, and on site with the proponent to resolve the abovementioned concerns.

On 23rd December 2019, a revised draft Planning Proposal 'Revised Planning Justification Report' dated December 2019 and prepared by Urbis (refer **Attachment 1**), including supporting documents, was submitted to Council, which is the subject of this report. The revised draft Planning Proposal proposes to amend the following the following provisions in the Botany Bay LEP 2013, in summary:

- Amend the Botany Bay LEP 2013 HOB to increase the maximum HOB from 25 metres to part-34 metres; part-40 metres and part-59 metres; and
- Amend the Botany Bay LEP 2013 FSR Map to increase the maximum FSR from 1:1 to 1.80:1.

The revised draft Planning Proposal would enable additional floor space on the site for the purposes of large floor plate commercial office space, and the revitalisation and upgrading of the existing shopping centre and bus interchange, which have not been significantly upgraded since the early 2000's. This is consistent with the strategic direction of the Eastern City District Plan, which seeks to strengthen the identified Eastgardens – Maroubra Junction Strategic Centre by reinforcing the centre's economic role.

The additional commercial office and retail uses together with the upgraded bus interchange and improvements to the public domain surrounding the site are also consistent with delivering the objectives of the B3 Commercial Core zone under the Botany Bay LEP 2013.

A merit assessment of the draft Planning Proposal by Council staff indicates that the proposed amendment to the Botany Bay LEP 2013 has strategic merit for the reasons outlined in this report, in particular:

- The proposed intensification of employment uses is consistent with the *Greater Sydney Region Plan* and *Eastern City District Plan*, in particular Objective 22 '*Investment and business activity in centres*' (Region Plan) and Planning Priority E11 '*Growing investment, business opportunities and jobs in strategic centres*' (District Plan)';
- The proposal is consistent with the objectives and detailed requirements of the Section 9.1 Directions in the *Environmental Planning and Assessment Act 1979* (EPAA) - in particular: *1.1 Business and Industrial Zones*; *3.4 Integrating Land Use and Transport* (subject to consultation with Transport for NSW (TfNSW) regarding the current and future capacity of public transport); and *7.1 Implementation of A Plan for Growing Sydney*;
- The proposal is consistent with the strategic directions and planning priorities contained in the Bayside Community Strategic Plan 2030 and the Bayside Local Strategic Planning Statement; and
- The proposal is consistent with the objectives of the B3 Commercial Core zone in the *Botany Bay LEP 2013*.

On 18th February 2020, the Planning Proposal was reported to the Bayside Local Planning Panel. The Bayside Local Planning Panel recommended further refinements of the built form

to ensure reasonable solar access can be provided to dwellings on the south side of Wentworth Avenue; and for the site-specific DCP to be updated to include:

- a
 - a landscape strategy with the provision of canopy trees;
 - public domain interfaces and active street frontages;
 - car park screening;
 - maximum building length, maximum footprint area, building depths and articulation;
 - pedestrian connections;
 - building separation;
 - a building height strategy; and
 - primary and secondary building setbacks.
- b Further refinement of the built form to ensure reasonable solar access is provided to dwellings located on the southern side of Wentworth Avenue.

The Panel also requested Council to facilitate joint discussions between Scentre Group and Karimbla Properties to resolve pedestrian safety and amenity at the site's northern interface.

The proponent has not made an offer to enter into a Voluntary Planning Agreement (VPA), however the proponent has indicated that they are agreeable to entering into a VPA with Council, subject to a Gateway determination being issued by Department of Planning, Industry and Environment (DPIE).

The proponent has outlined that the planning proposal will facilitate the following benefits:

- Improved lifestyle amenities and supporting the creation of new jobs.
- Upgrade of the bus interchange through expansion and improved amenity as detailed in the proposal.
- New publicly accessible plaza above the bus interchange, with landscaping, seating and activated by externalised retail.
- Improvements to the public domain along Bunnerong Road and Westfield Drive.
- Upgrade of adjacent road intersections as informed by traffic modelling included in the proposal.
- New employment opportunities for the community via provision of new format office space and additional retail, leisure and entertainment jobs.

On the 25th March 2020, the draft Planning Proposal was presented to the General Manager briefing of the Bayside Councillors. Further information was requested in relation to:

- *the amount of staff car parking proposed and whether this is paid or free; and*

The proponent has noted that staff car parking is provided at level 4 of the centre in a concessional, designated car parking area with a total capacity of approximately 700 spaces, controlled by license plate recognition. Based on data collected by the proponent, the provision is considered adequate to support current car parking, and the additional staff car parking resulting from the additional GFA. However, as noted

in the report, further details and refinement of car parking provision will be required at the Development Application (DA) stage.

- *how many additional car spaces are to be provided as a result in the increase in Gross Floor Area?*

It is understood that approximately 700 additional spaces (customers and staff) will be provided, being approximately a 20% increase. Further details about car parking provision will be required at the DA stage and required to be supported by a detailed traffic and transport assessment.

Officer Recommendation

- 1 That, pursuant to section 3.34 of the Environmental Planning and Assessment Act 1979 (EPAA), Council considers the recommendation of the Bayside Local Planning Panel from 18th February 2020 and forwards the draft Planning Proposal for land known as 152 Bunnerong Road, Eastgardens to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination.
- 2 That, pursuant to Clause 18 of the Environmental Planning and Assessment Regulation 2000, if a Gateway Determination is issued by DPIE, Council publicly exhibits the site-specific Development Control Plan (DCP) concurrently with the Planning Proposal for 28 days, subject to the following refinements being made to the site-specific DCP prior to exhibition:
 - a The draft DCP being updated to include further details and controls in relation to:
 - landscape strategy with the provision of canopy trees;
 - public domain interfaces and active street frontages;
 - car park screening;
 - maximum building length, maximum footprint area, building depths and articulation;
 - pedestrian connections;
 - building separation;
 - building height strategy; and
 - primary and secondary building setbacks.
 - b Further refinement of the built form to ensure reasonable solar access is provided to dwellings located on the southern side of Wentworth Avenue.
- 3 The Council invite the Scentre Group to enter into a Planning Agreement with Council to ensure public benefits are provided to the local community, in accordance with the provisions of the Environmental Planning and Assessment Act 1979.
- 4 That if a Gateway Determination is issued by DPIE, a further report be presented to

Council following the public exhibition period to demonstrate compliance with the Gateway Determination, and to provide details of any submissions received throughout that process.

Background

Applicant:

Urbis Pty Ltd. (ABN: 50105256228)

Directors:

- James Joseph Tuma
- Timothy Marshall Blythe
- Lisa Chung
- Michelle Tredenick
- Lloyd James Elliott
- Marcus Brace Conabere
- Matthew Fraser Cleary

Owners:

Eastgardens Pty Ltd. (ABN: 90002365326)

Directors:

- Robert Malcolm Goot
- Barry Hugh Roxborough Neil
- Monica Hannah Saunders-Weinberg
- Richard Amnon Mayer Weinberg
- Richard Anthony Longes
- Betty Ann Klimenko
- Warwick Martin Negus

Secretary:

- Timothy James Dodd

Parliv Pty Ltd (ACN: 056 002 558)

Directors:

- Peter Kenneth Allen
- Elliott Chaim Aaron Rusanow

Secretaries:

- Maureen Therese McGrath
- Paul Francis Giugni

Site Description:

The draft Planning Proposal relates to 152 Bunnerong Road, Eastgardens. Lots subject to the draft Planning Proposal are shown in **Table 1**:

Table 1: Lots subject to the draft Planning Proposal

Lot	DP	Address	Site area (sqm)	Current zoning
Part Lot 1	1058663	152 Bunnerong Road, Eastgardens	92,200	B3 Commercial Core

The site has a total area of approximately 92,200 sqm and is bounded by Westfield Drive to the north, which adjoins the BATA site; Banks Avenue to the west; Wentworth Avenue to the south; and Bunnerong Road to the east. A thick, red outline delineates the site in the aerial photograph at **Figure 1**.



Figure 1 – Aerial Photo of the Subject Site
 (Source: www.maps.six.nsw.gov.au)

Site Context:

The site is located at the northern extent of the Eastgardens suburb within the Bayside Local Government Area (Bayside LGA).

Bunnerong Road defines the eastern boundary of the site, which delineates the western extent of the Randwick Local Government Area (Randwick LGA) in this location. To the east of Bunnerong Road, opposite the subject site, existing development is characterised by predominantly low density residential development. Bonnie Doon Golf Course is situated west of the site, beyond Banks Avenue. The southern boundary of the site has frontage to Wentworth Avenue. Existing development to the south of Wentworth Avenue is characterised by low density residential development; and by public open space (Hensley Athletic Field) and to the south-west by light industrial development. The northern boundary of the site is defined by Westfield Drive and recently completed residential development within the directly adjoining BATA site to the north.

A number of major bus routes (including Nos 301, 302, 316, 317, 353, 400N, X92) currently service the site via the bus interchange located within the centre at the Bunnerong Road frontage. Current bus services provide access to the Sydney CBD, Bondi Junction, Mascot Station and La Perouse.

The original shopping centre was constructed in the 1980's, when the adjoining BATA site operated as a car manufacturing plant. The centre was constructed such that loading dock facilities were located at the northern side of the site along Westfield Drive, facing this industrial land use. Within the centre, large floor plate tenants with substantial length lease terms such as Coles are located along the northern side of the centre, in proximity to the loading docks. These large floor plates extend from the northern boundary to the central east-west spine of the centre. It is noted that the shopping centre has not been significantly upgraded since the early 2000's.

A site context map is provided at **Figure 2**.

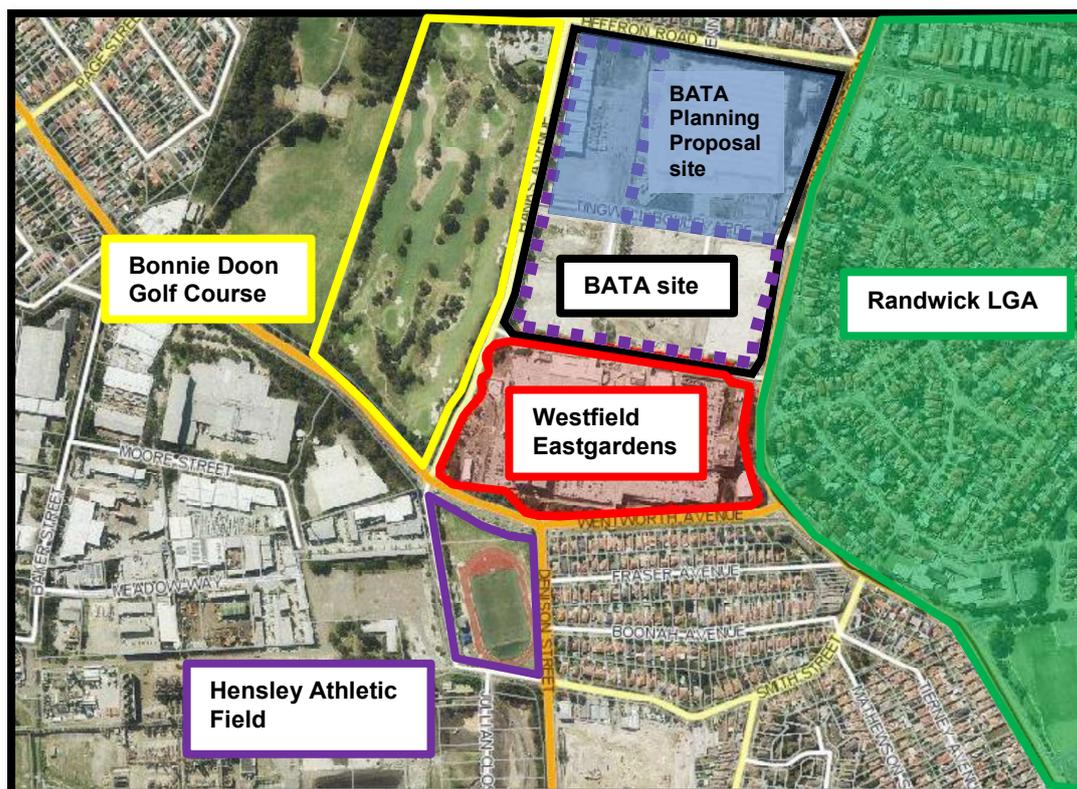


Figure 2: Site Context
 (Source: www.maps.six.nsw.gov.au)

- *BATA site*

On 21 June 2013, an amendment was made to the Botany Bay LEP 2013 to rezone (former) Lot 2 DP 1187428 of the former BATA site (shown bold black in **Figure 2**) from industrial to part-B4 Mixed Use (southern portion of the site) and part-R3 Medium Density Residential and to apply development standards for building height (part-11m, part-17m, part-28m, part-32m, part-39m and part-44m) and FSR (part-3:1 and part-1:1).

On 7 August 2015, the NSW Land and Environment Court (NSWLEC) approved a Concept Master Plan (Stage 1 consent) for Lot 2 (which forms part of the subject site and adjoins the subject site to the south), which included in the subdivision into seven urban lots, 2 open space lots and allocation of public roads (refer to **Figure 3** below). The Concept Master Plan contained approval for the development of 2,221 dwellings. Development consent has been granted for five of the seven urban blocks, totalling 1,739 dwellings. The two remaining urban blocks (UB1 and UB2) form part of the subject site and have not received development consent.

The approved Stage 1 Master Plan (dotted purple in **Figure 2**, above) contains building envelopes that deviate from the development standards of the Botany Bay LEP 2013. The approved building height ranges from 16.4m to 67.9m. The average FSR of the Master Plan area amounts to 2.20:1 (227,287m² GFA/ 103,425m² site area). Construction is currently underway.

Despite the Stage 1 Development Application (DA) approval, the height and FSR development standards have not been amended for the BATA site since the commencement of the Botany Bay LEP 2013.

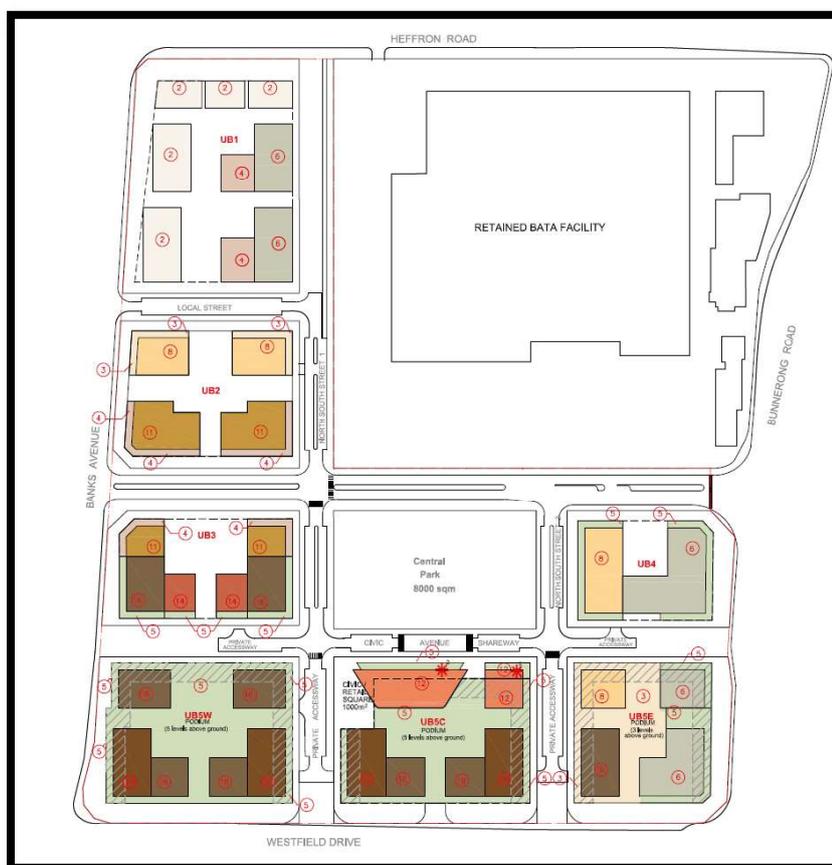


Figure 3 Approved Stage 1 Master Plan for Lot 2 of the BATA site (area shown dotted purple in **Figure 2**)

BATA 2 Planning Proposal

On the 22 November 2019, Amendment 8 to the Botany Bay LEP 2013 was notified in the Government Gazette and relates to the area identified as 'BATA Planning Proposal site' in **Figure 2**, above. The amendment updated the Botany Bay LEP 2013 as follows:

- Rezone the land from part IN1 General Industrial zone and part R3 Medium Density Residential zone to R4 High Density Residential zone;
- Amend the FSR control from 1:1 to 2.35:1;
- Amend the HOB control from part 32 metres, part 28 metres, part 22 metres, part 17 metres and part 11 metres, to part 16.6 metres (RL37.0), part 37 metres (RL60.0) and part 69 metres (RL91.0);
- Introduce a new clause that will require the preparation of a Development Control Plan for the site;
- Amend Schedule 1 Additional Permitted Uses of the Botany Bay LEP 2013 to permit 'commercial premises', 'recreation facility (indoor)' and 'serviced apartment' with development consent for the subject site; and

- Include a requirement that non-residential uses across the site must have a minimum total floor space of 5,000sqm.

A summary of the estimated dwelling numbers in the Stage 1 BATA and the dwellings potentiated by the recently approved amendments to the Botany LEP 2013 as part of Amendment No. 8 to the Botany Bay LEP 2013 is provided below:

- Stage 1 currently includes approval for 1,300sqm retail, 2,223 residential units and a 300sqm warehouse remaining (although it was initially approved with 5,000sqm retail).
- The current planning proposal absorbs two urban blocks from Stage 1, which included 376 residential units and two child-care centres and the remaining warehouse.
- The current planning proposal includes 5,000sqm retail, 2,015 residential units and two child-care centres.

This is an additional 1,639 residential units and 1,300sqm retail on the BATA site as a whole as a result of Amendment 8 to the Botany Bay LEP 2013.

The maximum building height map for the BATA site is shown in **Figure 4**:



Figure 4: BATA site – Height of Buildings Map
(Source: www.planningportal.nsw.gov.au)

As shown in the height of buildings map, above, building heights within the BATA site at the frontage with Bunnerong Road vary from 37 metres to 28 metres.

- *Botany Industrial Park and Denison Street Dangerous Goods Route*

The southern part of the subject site is within the 500 metre Botany Industrial Park (BIP) risk referral area and adjoins the Denison Street Dangerous Goods Route, which intersects with Wentworth Avenue at the sites southern boundary as shown in **Figure 5**:

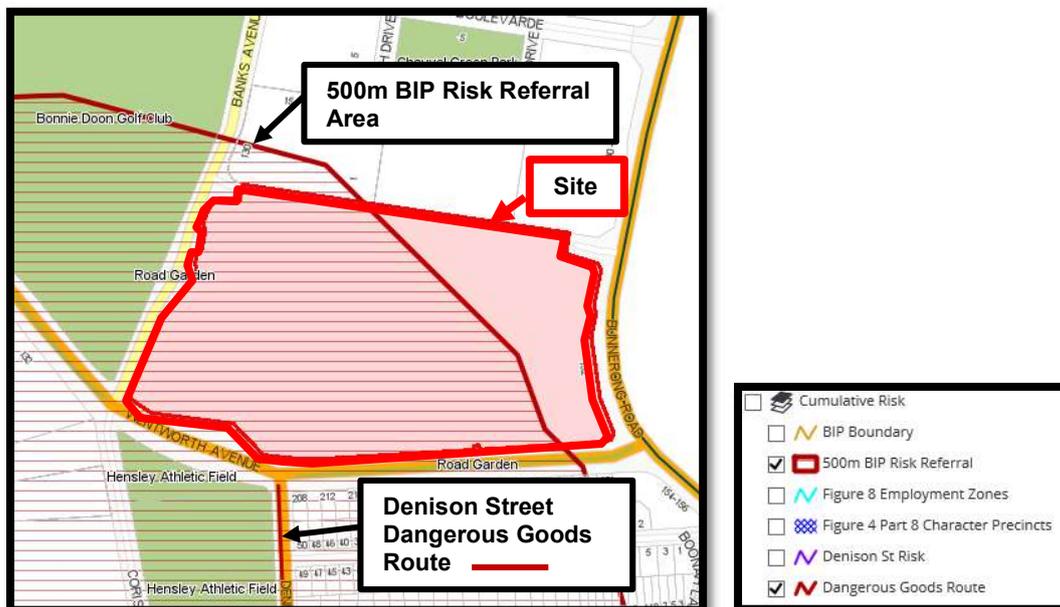


Figure 5: Denison Street Dangerous Goods Route and the 500m BIP Risk Referral Area
(Source: Bayside Council – Intramaps)

The proponent submitted a ‘Quantified Risk Assessment’ (**Attachment 2**) in support of the draft Planning Proposal. Refer to the heading ‘Risk Assessment’ for details in relation to risk assessment.

- *Eastgardens-Maroubra Junction Strategic Centre*

The site is located within the Eastgardens-Maroubra Junction strategic centre identified in the *Eastern City District Plan*. Maroubra Junction is located approximately 1 km to the east of the subject site as shown in **Figure 6**. For further details about the sites strategic context, refer to **Table 5**.

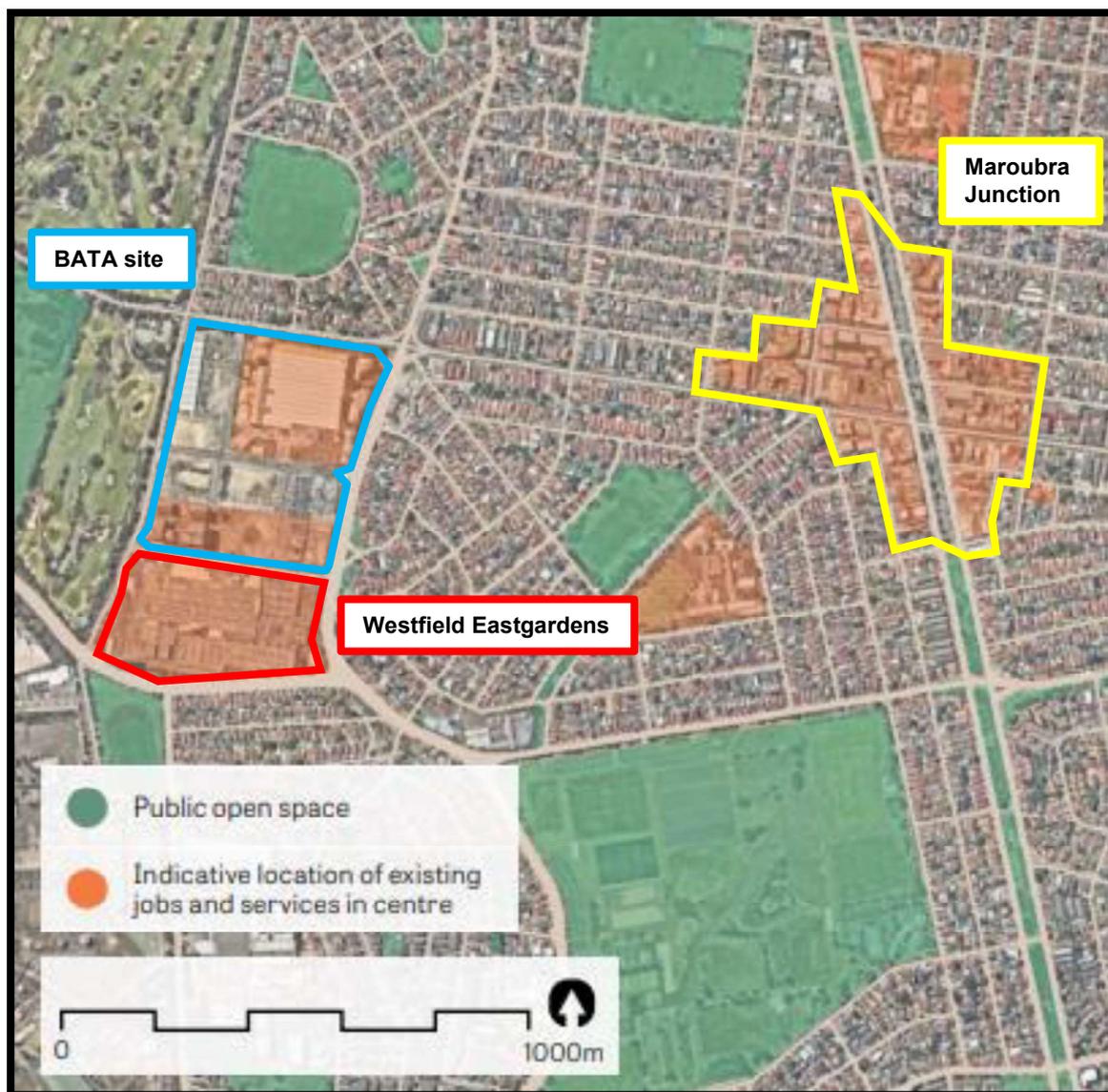


Figure 6: Eastgardens-Maroubra Junction Strategic Centre
(Source: Eastern City District Plan)

Existing Planning Controls:

The site is located at the interface of Bayside and Randwick City Council LGAs. Extracts from the Botany Bay LEP 2013 and *Randwick Local Environmental Plan 2012* (Randwick LEP 2012) are provided in **Figures 7-9**. The extracts include the site and immediately adjoining land.

Land use

The subject site is currently zoned B3 Commercial Core and is outlined in thick red in **Figure 7**. Land use zones surrounding the site comprise R4 High Density Residential to the north; R2 Low Density Residential and RE1 Public Recreation (Hensley Athletic Field) to the south; SP1 Recreation Facility (Outdoor) to the west (Bonnie Doon Golf Course); R2 Low Density Residential to the east; and IN2 Light Industrial to the south-west (refer to **Figure 7**).

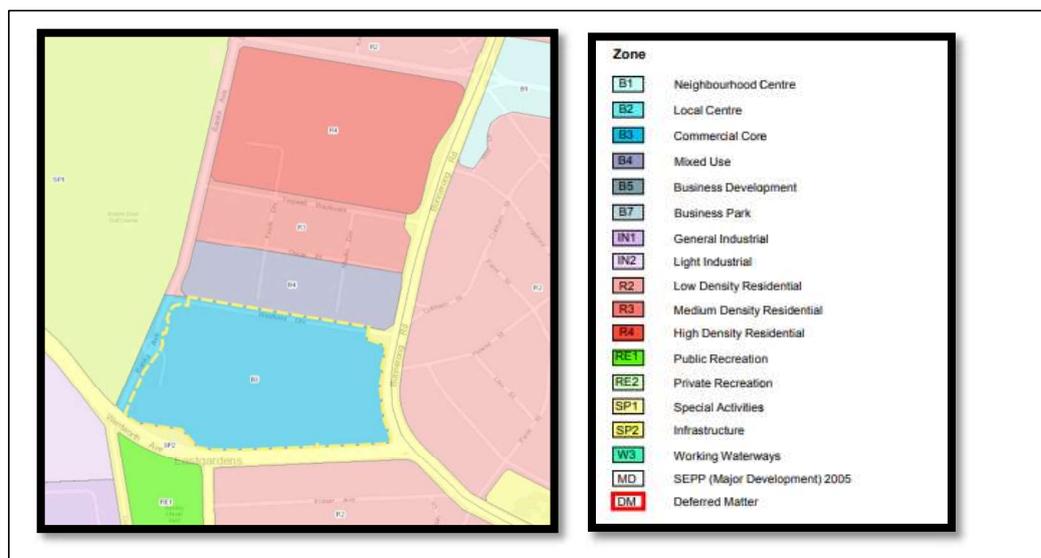


Figure 7 – Botany Bay LEP 2013 and Randwick LEP 2012 Zoning Map [Subject site: B3 – Commercial Core] (Source: www.planningportal.nsw.gov.au)

Height of Buildings

To the south and east of the site, development is characterised by low density residential dwellings with a maximum height of buildings of 8.5 metres (south of Wentworth Avenue), and 9.5 metres (east of Bunnerong Road within the Randwick LGA). Directly adjoining the site to the north, building heights vary between 11 metres and 69 metres under the NSW LEC approval for the BATA Stage 1 Master Plan approval, although these heights are not reflected on the Botany Bay LEP 2013 mapping as noted earlier. Refer to the extract of the Botany Bay LEP 2013 height of Buildings map in Figure 8.

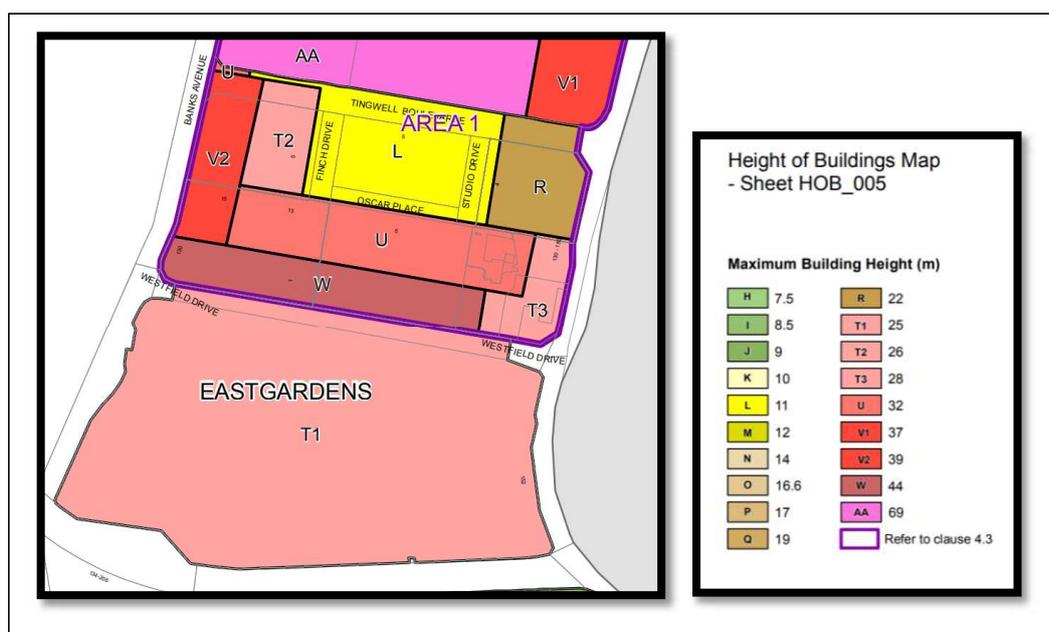


Figure 8 – Botany LEP 2013 Height of Buildings Map_HOB_005 [Subject site: T1 = 26 metres] (Source: www.legislation.nsw.gov.au)

Floor space ratio

To the south and east of the site, FSRs reflect the low density residential development character of the locality, being between 0.5:1 and 0.55:1. Directly adjoining the site to the north, the FSR varies between 1:1 and 3:1. Refer to the extract of the Botany Bay LEP 2013 FSR map in **Figure 9**.

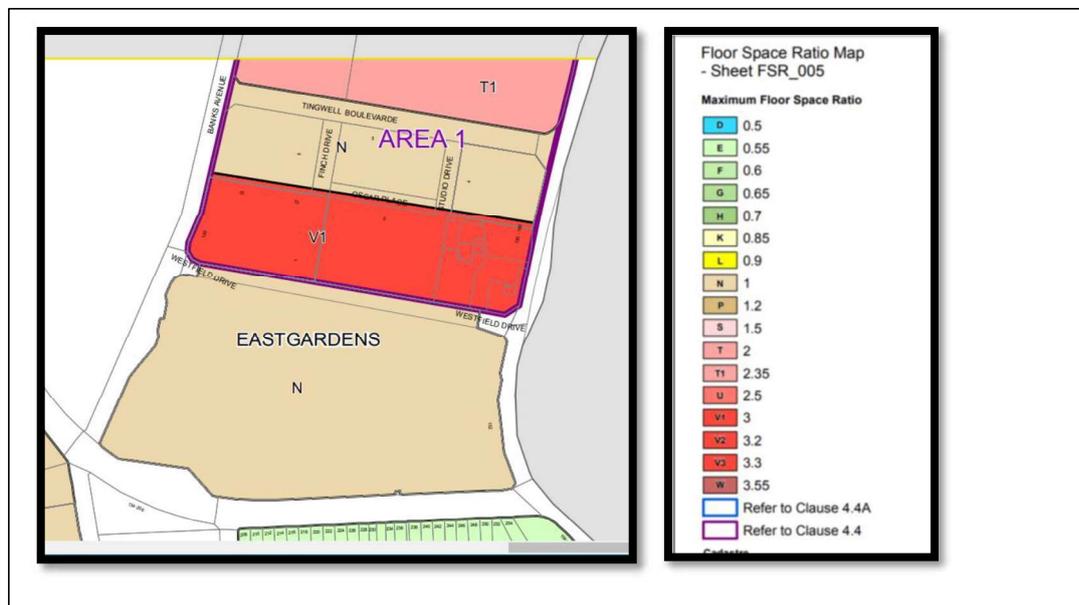


Figure 9 – Botany Bay LEP 2013 Floor Space Ratio Map [Subject site: 1:1]
(Source: www.planningportal.nsw.gov.au)

Report

Planning History

Under the previous *Botany Local Environmental Plan 1995* (Botany LEP 1995), the site was zoned 3(a) General Business. The equivalent (and current) zoning of B3 Commercial Core was adopted in the Botany Bay LEP 2013 when it commenced. A height of building of 25 metres and FSR of 1:1 apply to the site.

Development consent (DA14-123) approved a FSR of up to 1.087:1 for the site, equating to a total Gross Floor Area (GFA) of approximately 100,926m².

Draft Planning Proposal

On 29th May 2017 the proponent submitted a draft Planning Proposal to Bayside Council. The draft Planning Proposal requested that Council initiate an amendment to the Botany Bay LEP 2013 at 152 Bunnerong Road, Eastgardens, to amend the HOB control to permit a maximum height of 34 metres and amend the FSR control to permit a maximum FSR of 1.7:1.

On 21st March 2018 the proponent submitted to Council an addendum to the draft Planning Proposal, proposing a maximum FSR of 1.7:1 and a maximum HOB of 34 metres over the existing shopping centre, and a maximum HOB of 70 metres along the Bunnerong Road frontage of the site from the intersection with Wentworth Avenue to the southern extent of the BATA site at Westfield Drive.

The proponent was requested to revise the addendum draft Planning Proposal and provide additional information/ justification to address several significant concerns with the proposal:

- Scale and massing of potential built form outcomes at the interface of the site with Bunnerong Road;
- the economic impacts of, and justification for, the proposed intensification of development in this location;
- that the submitted Planning Risk Assessment had not adequately taken into consideration the increased height of buildings.
- insufficient detail contained in the submitted site specific Development Control Plan.

On March 5th 2019, a revised draft Planning Proposal was submitted to Council, proposing a maximum FSR of 1.85:1 and HOB controls of part-34 metres; part-40 metres and part-70 metres.

The proponent was requested to revise the addendum draft Planning Proposal and provide additional information / justification to address several remaining concerns with the proposal, in summary:

- insufficient details of proposed improvements to the public domain and to pedestrian safety at Westfield Drive, adjoining the BATA site.
- unreasonable overshadowing of properties located on the southern side of Wentworth Avenue.
- insufficient detail contained in the submitted site specific Development Control Plan in key areas such as activation of the northern boundary of the site; height strategy; public domain improvements generally; landscaping; and built form controls.
- Inappropriate street wall heights.

Council staff conducted a series of workshops at Council offices, and on site with the proponent to resolve the abovementioned concerns.

On 23rd December 2019, a revised draft Planning Proposal (refer **Attachment 1**) was submitted to Council and is the subject of this report. The revised draft Planning Proposal proposes to amend the following the following provisions in the Botany Bay LEP 2013, in summary:

- Amend the Botany Bay LEP 2013 HOB to increase the maximum HOB from 25 metres to part-34 metres; part-40 metres and part-59 metres; and
- Amend the Botany Bay LEP 2013 FSR Map to increase the maximum FSR from 1:1 to 1.80:1
- The amended height and FSR would facilitate an additional 37,500 sqm of retail GFA and 27,300 sqm of commercial office GFA.

The proposed LEP amendments are illustrated in **Figure 10**:

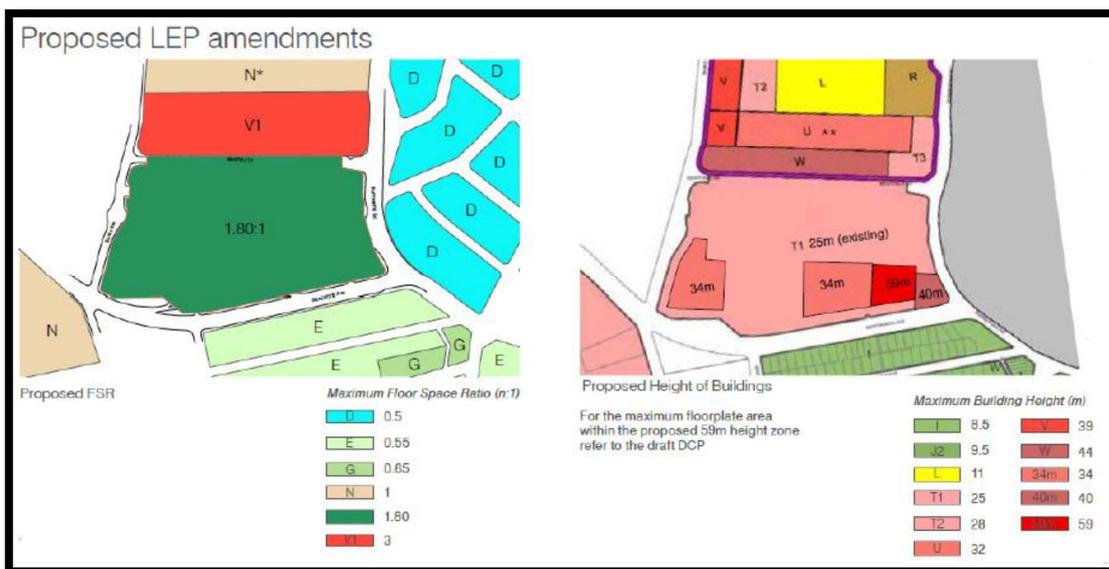


Figure 10: Proposed LEP amendments (Source: Architectus)

A comparison of the current and proposed zoning and development standards for the site, based on the provisions of the Botany Bay LEP 2013, is provided in **Table 2**:

Table 2: Existing and proposed zoning and development standards

Development standard	Existing	Proposed
Building height	25 metres	Part-34 metres; part-40 metres and part-59 metres
Floor space ratio	1:1	1.80:1
Zone	B3 Commercial Core	B3 Commercial Core

A summary of the intended outcomes of the draft Planning Proposal is provided below:

- Additional retail GFA of 37,500 sqm distributed over the existing shopping centre.
- Additional commercial office space GFA of 27,300 sqm including two new towers 59 metres and 40 metres in height ('A' and 'B', respectively, in **Figure 11**) and located at the corner of Bunnerong Road and Wentworth Avenue, noting that tower 'A' is situated within the existing shopping centre footprint whilst tower 'B' is a stand-alone building; and the refurbishment of an existing commercial office space ('C' in **Figure 11**), located over the main entrance to the shopping centre at the Bunnerong Road frontage of the site.

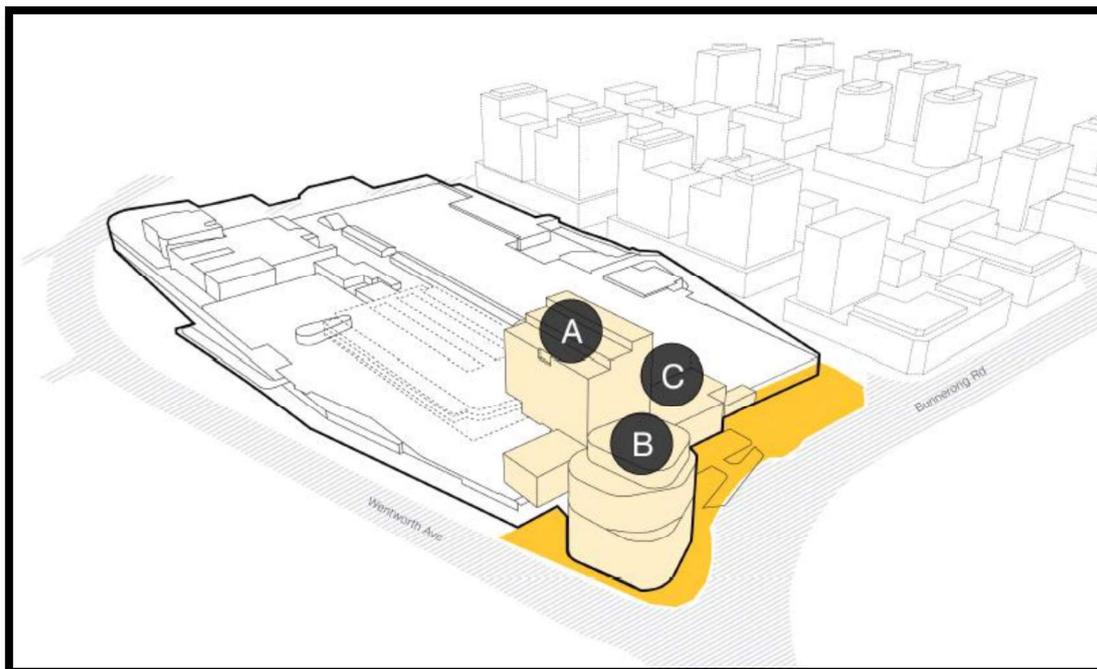


Figure 11: Commercial office arrangement
(Source: Urbis)

- Additional car parking, noting that the number of car parking spaces has not been determined at this stage.
- Upgrading of the existing bus interchange to include:
 - additional operating capacity and accommodation for larger design vehicles.
 - Enhanced bus waiting areas, pedestrian amenity and security.
 - Improved pedestrian connections with the shopping centre and new vertical transport to the proposed commercial towers.
 - Generally improved facilities for bus drivers.
- Improvements to the public domain surrounding the site, including:
 - a new public plaza at the main entrance to the site along the Bunnerong Road frontage, enveloping the upgraded bus interchange, as shown in **Figure 12**:

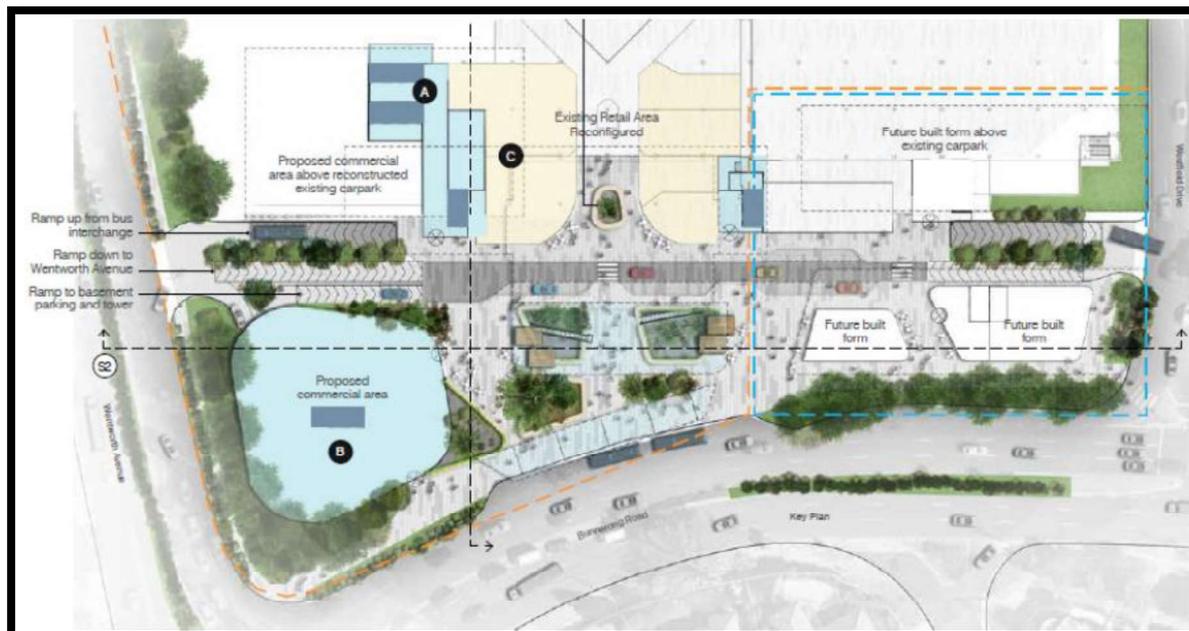


Figure 12: Proposed Bunnerong Road Public Plaza
(Source: Urbis)

- Other improvements to the sites interfaces with the public domain, in summary:
 - activation of the public domain via proposed outdoor dining areas and general greening at the western extent of the site
 - general greening of the southern interface, noting that general activation of this street frontage is discouraged due to its proximity to the intersection of the Denison Street dangerous goods route with Wentworth Avenue
 - traffic calming, tree and shrub plantings along Westfield Drive and urban design treatments to the northern elevation

Further details of the proposed public domain improvements are included in the 'Urban Context Report' prepared by Architectus and dated 19 December 2019 (**Attachment 3**) and 'Draft DCP – Part 9E Eastgardens Mixed-Use Centre' (**Attachment 4**) supporting the draft Planning Proposal.

Assessment of Draft Planning Proposal

Environmental Planning and Assessment Act 1979 (EPAA)

The DPIE's publication '*Planning Proposals - A Guide to Preparing Planning Proposals*' (guide) - issued under s3.33 (3) of the EPAA - provides guidance and information on the process for preparing Planning Proposals. The assessment of the submitted draft Planning Proposal by Council staff has been undertaken in accordance with the latest version of this guide (dated August 2016).

Section 9.1 Directions by the Minister

Section 9.1 Directions by the Minister (Section 9.1 directions) set out what a Relevant Planning Authority (RPA) must do if a s9.1 direction applies to a Planning Proposal, and provides details on how inconsistencies with the terms of a direction *may* be justified.

An assessment of the draft Planning Proposal against the applicable s9.1 directions is provided in **Table 3**.

Table 3: Draft Planning Proposal consistency with s9.1 directions issued on or after 1 July 2009 (updated 28 February 2019)

Ministerial Direction	Draft Planning Proposal consistency with direction	Consistent
1.1 Business and Industrial Zones	<p>What a RPA must do:</p> <p><i>A planning proposal must:</i></p> <p>(a) <i>give effect to the objectives of this direction,</i></p> <p><i>The objectives of this direction are to:</i></p> <p>(a) <i>encourage employment growth in suitable locations,</i> (b) <i>protect employment land in business and industrial zones, and</i> (c) <i>support the viability of identified centres.</i></p> <p>(b) <i>retain the areas and locations of existing business and industrial zones,</i></p> <p>(c) <i>not reduce the total potential floor space area for employment uses and related public services in business zones,</i></p> <p>(d) <i>not reduce the total potential floor space area for industrial uses in industrial zones, and</i></p> <p>(e) <i>ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.</i></p> <p>Comment: The draft Planning Proposal intends to retain the current zoning and increase the height of buildings and floor space ratio, enabling intensification of the existing shopping centre and commercial office development thereby supporting the viability of the centre.</p> <p>The 'Economic Impact Assessment' for the commercial office component of the draft Planning Proposal prepared by Colliers International and dated February 2019 (Attachment 5) states that the</p>	YES

Ministerial Direction	Draft Planning Proposal consistency with direction	Consistent
	<p>impact of the proposed office component of the draft Planning Proposal will have negligible impacts on existing office provision in the region and is not considered to negatively impact the viability of other identified centres in this regard, noting also that the submitted Economic Impact Assessment (EIA) addresses the addendum Planning Proposal, which was of greater scale than the iteration that is subject of this report. Further discussion about the EIA for the commercial component of the Planning Proposal is provided under the heading 'Economic Impact Assessments', below.</p> <p>In terms of the viability of retail within other identified centres, the 'Westfield Eastgardens Retail EIA – Response to RPS Peer Review' prepared by Urbis and dated 12 October 2018 (Attachment 6) notes that a significant number of trade area residents travel beyond Westfield Eastgardens, indicating an undersupply of retail floor space and that the expansion of the centre would provide additional retail floor space within the region to serve the local population. Further discussion about the EIA for the retail component of the Planning Proposal is provided under the heading 'Economic Impact Assessments', below.</p> <p>Consistency: No inconsistencies with the terms of the direction were identified.</p>	
<p>3.4 Integrating Land Use and Transport</p>	<p>What a RPA must do: <i>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and The Right Place for Business and Services – Planning Policy (DUAP 2001) (Guidelines).</i></p> <p>Comment: The guidelines note that best practice is achieved when: <i>'shopping centres, and entertainment and recreational facilities, are encouraged to locate in activity centres that are within an acceptable walking distance of public transport nodes.'</i></p> <p>The draft Planning Proposal seeks to revitalise and intensify an existing shopping centre, including the upgrade of the existing bus interchange at Bunnerong Road, which is serviced by several major bus routes.</p> <p>During the recent consideration of the adjoining BATA 2 Planning Proposal, Transport for NSW (TfNSW) responded to enquiries made by Council on current and projected public transport capacity in the locality, stating: <i>'Capacity, on-time running and other metrics regarding bus services provided by TfNSW are monitored. Such services are enhanced from time to time as resources permit via the annual Growth Service Programme. In the case of the South East Sydney area, a new bus network is being developed and will likely be implemented with the opening of the light rail service. Details of the new network will be made public prior to the opening of the new light rail service. The proposed land use changes by the Proponent and the likely implications for travel demand in this area at this location is being considered.'</i></p> <p>The comments provided by TfNSW in relation to network planning and service provision for the broader centre provide adequate assurance that the agency is aware of the planned growth of the centre and its likely impacts.</p>	<p>YES – subject to consultation with TfNSW</p>

Ministerial Direction	Draft Planning Proposal consistency with direction	Consistent
	<p>Should Council and the DPIE support the draft Planning Proposal, the proponent is to consult with TfNSW about the planned upgrade works to the existing bus interchange and to seek further assurance that the public transport bus network can support the anticipated increase in usage as a result of the draft Planning Proposal.</p> <p>Consistency: The proponent is to consult with TfNSW to address the potential inconsistency.</p>	
<p>3.5 Development Near Regulated Airports and Defence Airfields</p>	<p>What a RPA must do: <i>(4) In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must:</i></p> <p><i>(a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,</i></p> <p><i>(b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,</i></p> <p><i>(c) for land affected by the OLS:</i></p> <p><i>(i) prepare appropriate development standards, such as height, and</i></p> <p><i>(ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome</i></p> <p><i>(d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act.</i></p> <p>Comment: The direction applies because the draft Planning Proposal seeks to alter the height of buildings provision on land in the vicinity of a core regulated airport, namely, Sydney Airport.</p> <p>The site has an approximate Reduced Level (RL) of 21 metres, whilst the Obstacle Limitation Surface (OLS) prescribed for the site is 51m above Australian Height Datum (AHD).</p> <p>The draft Planning Proposal proposes a Height of Building of 70 metres equating to a RL for the highest part of the building envelope of approximately:</p> <ul style="list-style-type: none"> • 21 metres + 70 metres = 91 metres <p>The draft Planning Proposal would therefore exceed the prescribed OLS for the site.</p> <p>The proponent submitted an 'Aeronautical Impact Assessment, Westfield Eastgardens redevelopment' prepared by Strategic Airspace and dated 26 February 2019 (Attachment 7). The assessment concluded that:</p> <p><i>"there is no technical impediment to approval of the proposed development by the Commonwealth Department of Infrastructure and Regional Development and Cities (DIRDC)"</i></p> <p>Notwithstanding, permission from DIRDC is required under s3.34 of the EPAA as the proposal penetrates the prescribed OLS for the site.</p>	<p>YES – subject to consultation with DIRDC</p>

Ministerial Direction	Draft Planning Proposal consistency with direction	Consistent
	<p>Consistency: As the draft Planning Proposal would result in the penetration of the OLS, permission from DIRDC is required prior to community consultation pursuant to s3.34 of the EPAA, to determine consistency with the terms of the direction.</p>	
<p>4.1 Acid Sulfate Soils</p>	<p>What a RPA must do: The direction requires that a RPA must consider an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils.</p> <p>The Botany Bay LEP 2013 Acid Sulfate Soils Map identifies the site as affected by Class 5 acid sulfate soils.</p> <p>Consistency <i>A Planning Proposal may be inconsistent with the terms of the direction if the inconsistency is justified by a study prepared in support of the Planning Proposal.</i></p> <p>Comment: Clause 6.1 of the Botany Bay LEP 2013 requires an acid sulfate soils management plan at DA stage, before carrying out any development on the land. The inconsistency with this direction is therefore considered minor and justifiable.</p>	<p>NO Inconsistency justified.</p>
<p>7.1 Implementation of A Plan for Growing Sydney</p> <p>[Now superseded by: <i>The Greater Sydney Region Plan - A Metropolis of Three Cities</i>]</p>	<p>What a RPA must do: <i>Planning proposals shall be consistent with:</i></p> <p>(a) <i>the NSW Government's A Plan for Growing Sydney published in December 2014.</i></p> <p>Comment: <i>A Plan for Growing Sydney is the former regional plan for Greater Sydney. It was replaced by A Metropolis of Three Cities (Regional Plan) in March 2018. An assessment of the draft Planning Proposal against the objectives of the Region Plan is provided as follows:</i></p> <p>Objective 4 – Infrastructure use is optimised The intensification of the centre will support the use of existing public transport infrastructure and is therefore considered generally consistent with this objective.</p> <p>Objective 6 – Services and infrastructure meet communities changing needs The draft Planning Proposal seeks to intensify the B3 Commercial Core zone, which permits a range of uses including commercial services, commercial office space, medical centres, entertainment facilities and child care facilities integrated with a bus interchange located on a strategic bus corridor.</p> <p>Please refer to the response in Direction 3.4 <i>Integrating Land Use and Transport</i> above, which include comments from TfNSW regarding the timing of future network and service planning.</p> <p>However, whilst bus services are anticipated to be modified mid-2020, confirmation from TfNSW is to be obtained to ensure the surrounding bus infrastructure servicing the site is adequate.</p> <p>Objective 14 – A Metropolis of Three Cities - integrated land use and transport creates walkable and 30-minute cities</p>	<p>YES</p>

Ministerial Direction	Draft Planning Proposal consistency with direction	Consistent
	<p>This objective focuses locating land uses in locations with access to public transport to enable the delivery of a 30 minute city where residents can access the nearest centre, jobs and services.</p> <p>Westfield Eastgardens is part of an identified Strategic Centre, and is connected to other strategic centres via frequent public transport services. The draft Planning Proposal includes commercial office and retail floor space within walking distance of the adjoining BATA site and the broader residential areas surrounding the site.</p> <p>The proponent proposes public domain upgrades at the periphery of the site which will encourage walking and public transport use and these are detailed in the accompanying DCP.</p> <p>The Plan references the TfNSW <i>Future Transport Strategy 2056</i> which identifies the potential extension of a new train / mass transit corridor to Maroubra Junction in the next 10-20 years, however, this extension is not committed to (nor funded) at this time.</p> <p>The draft Planning Proposal is considered generally consistent with this objective.</p> <p>Objective 22 – Investment and business activity in centres The Plan identifies the site as being part of the Eastgardens-Maroubra Junction Strategic Centre. The proposal seeks to provide additional commercial floor space with large floor plates which are not generally available within the region, which will increase employment opportunities within the site and contribute to the establishment and growth of the strategic centre, as noted in the supporting EIAs at Attachments 5 and 6.</p> <p>Consistency: The draft Planning Proposal is considered consistent with overall intent of the Plan. No inconsistencies with the terms of the direction were identified.</p>	Consistent

State Environmental Planning Policies (SEPPs)

An assessment of the draft Planning Proposal against the relevant SEPPs is provided in **Table 4**.

Table 4: Relevant SEPPs

Name of SEPP	Compliance of Planning Proposal with SEPP	Complies Y/ N
<p><i>State Environmental Planning Policy (Infrastructure) 2007</i></p> <p>(Infrastructure SEPP)</p>	<p>The Infrastructure SEPP aims to facilitate the delivery of infrastructure across the State by identifying matters to be considered in the assessment of development adjacent to particular types of development.</p> <p>The site has a frontage to two classified roads, namely, Bunnerong Road and Wentworth Avenue. Should Council and the DPIE support the draft Planning Proposal, any future DA will be required to be referred to TfNSW for comment as the development is likely to constitute 'traffic generating development' as defined by the Infrastructure SEPP.</p> <p>In addition, any future DA will also be required to consider the publication '<i>Development Near Rail Corridors and Busy Roads – Interim Guideline.</i>' (Department of Planning, 2008).</p>	YES

There are no other SEPPs applicable to the draft Planning Proposal.

Sydney Regional Environmental Plans (SREPs)

There are no SREPs applicable to the draft Planning Proposal.

Strategic Planning Framework – Regional and District

Regional, Sub-Regional and District Plans and local strategies include outcomes and specific actions for a range of different matters including housing and employment targets, and identify regionally important natural resources, transport networks and social infrastructure.

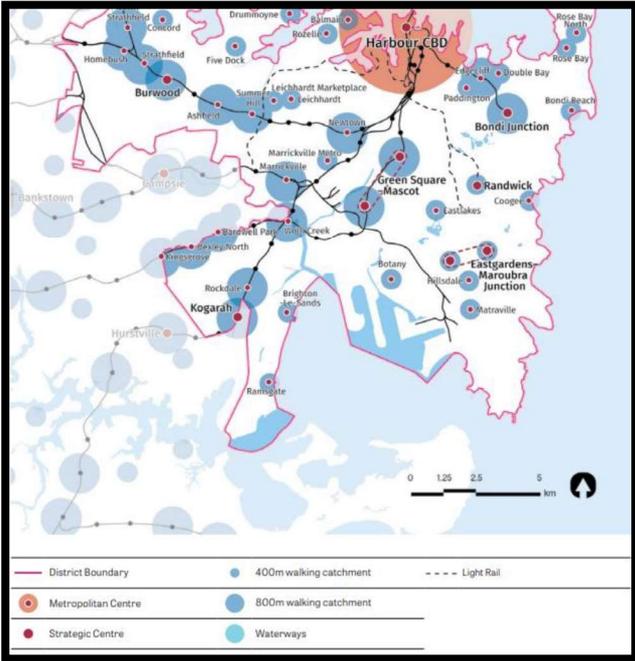
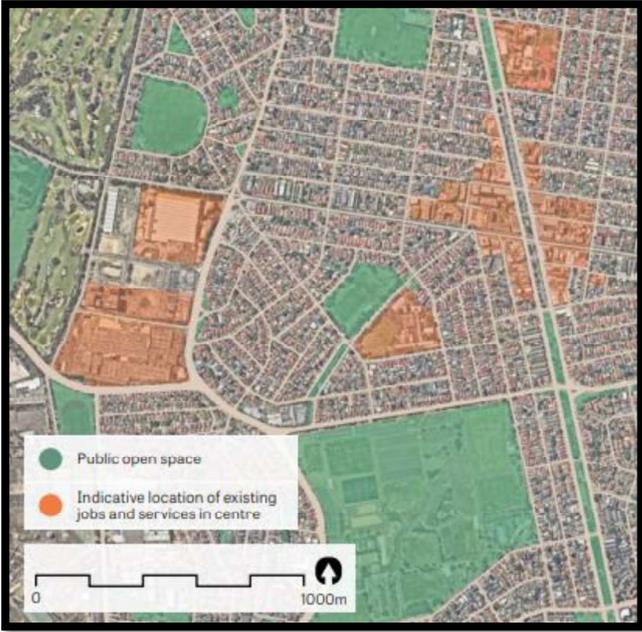
An assessment of the draft Planning Proposal's consistency with the relevant Regional and District strategic plans is provided in **Table 5**:

Table 5: Strategic Planning Framework – Regional and District

Name of Strategic Plan	Directions, priorities, objectives and actions	Draft Planning Proposal consistency with Strategic Plan	Consistency Y/ N
Regional Plans			
The Greater Sydney Region Plan – A Metropolis of Three Cities	Refer to the assessment at Table 3 .	Refer to the assessment at Table 3 .	YES
District Plans			
Eastern City District Plan (ECDP)	<p>E1 Planning for a city supported by infrastructure</p> <p>E3 Providing services and social infrastructure to meet people's changing needs</p>	<p>Comment: This priority requires that land use planning aligns with infrastructure planning.</p> <p>Several major bus routes currently service the site with bus stops located at the Bunnerong Road frontage of the site, which is proposed to be upgraded as part of the draft Planning Proposal.</p> <p>Please refer to the response in Direction 3.4 Integrating Land Use and Transport, above, which includes comments from TfNSW regarding the timing of future network and service planning.</p> <p>Comment: This priority encourages the provision of services and social infrastructure to meet the needs of future residents. The draft Planning Proposal states that the future development is to include childcare facilities, gyms and medical centres in order to meet future demand on such social infrastructure. The proposal also includes commercial floor space to</p>	YES

Name of Strategic Plan	Directions, priorities, objectives and actions	Draft Planning Proposal consistency with Strategic Plan	Consistency Y/ N
	<p>E4 Fostering healthy, creative, culturally rich and socially connected communities</p> <p>E6 Creating and renewing great places and local centres, and respecting the District's heritage</p> <p>E10 Delivering integrated land use and transport planning and a 30-minute city</p>	<p>support the provision of services to the region.</p> <p>Comment: The draft Planning Proposal seeks to provide an upgraded centre that will act as a focus for the community. Facilities such as gyms, a cinema and medical services will service the community within walking distance from where existing and future residents will live (e.g. adjoining BATA site).</p> <p>Comment: This priority aims to create places for future residents to support social connections and provide a community hub, as well as enhancing environmental heritage.</p> <p>The draft Planning Proposal outlines an indicative design for the site which includes new commercial office space with large floor plates; and public domain upgrades, including the upgraded bus interchange, an outdoor dining area at the western boundary and general improvements to the northern and southern boundaries.</p> <p>Comment: The draft Planning Proposal to intensify retail and commercial capacity at Westfield Eastgardens, part of the Eastgardens-Maroubra Junction Strategic Centre, is considered consistent with Planning Priority E10.</p> <p>The draft Planning Proposal will provide a significant increase in commercial floor space. The proponent states that census data indicates that 77.5% of working residents who reside in the former Botany LGA were engaged in workplaces outside the LGA which is relatively high compared to the average outcome for LGAs in Greater Sydney. The increase in commercial floor space with larger floor plates will assist in containing workers within the former Botany LGA reducing travel times.</p> <p>Several major bus routes (including route 301, 302, 307, 391, 392, 400, X92) currently service the site at the</p>	

Name of Strategic Plan	Directions, priorities, objectives and actions	Draft Planning Proposal consistency with Strategic Plan	Consistency Y/ N
	<p>E11 – Growing investment, business opportunities and jobs in strategic centres</p> <p>The ECDP states the following:</p> <p><i>“Research has shown that the Eastern City District will need to accommodate approximately 1.8 million square metres of additional retail floor space over the next 20 years. In addition, there will be significant demand for additional office floor space. Creating the opportunities to attract retail and office development requires growth in either existing or new centres.”</i></p>	<p>Westfield Eastgardens bus terminal, south-east of the site. Current bus services provide access to the city, Bondi Junction, Mascot station and La Perouse.</p> <p>Should Council and the DPIE support the draft Planning Proposal, referral to TfNSW would be required to ensure that the surrounding bus infrastructure can accommodate the anticipated increase in activity as a result of the draft Planning Proposal and increased residential density resulting from the recently approved adjoining BATA 2 Planning Proposal.</p> <p>Comment: The site is located within the Eastgardens-Maroubra Junction strategic centre identified in the ECDP, as shown in Figures 13 and 14.</p> <p>The ECDP highlights that opportunities exist for the centre to strengthen economic growth, leverage public transport connections and generate additional employment opportunities.</p> <p>The draft Planning Proposal includes 27,300 sqm of additional commercial floor space and 37,500 sqm GLA additional retail floor space which will generate significant employment opportunities (estimated: 1,100 operational retail jobs; 830 construction jobs and 2120 to 2625 operational commercial office jobs).</p> <p>The draft Planning Proposal is considered to satisfy the ‘actions’ to strengthen the Eastgardens-Maroubra Strategic Centre by:</p> <ul style="list-style-type: none"> • strengthening and reinforcing the economic role of the centre by potentiating a diverse mix of commercial and retail uses. • improving public transport connections through the upgrade of the bus interchange. 	

Name of Strategic Plan	Directions, priorities, objectives and actions	Draft Planning Proposal consistency with Strategic Plan	Consistency Y/ N
	 <p>Figure 13: Eastern City District - Centres (Source: Eastern City District Plan)</p>  <p>Figure 14: Location map of Eastgardens-Maroubra Junction (Source: Eastern City District Plan)</p> <p>Maroubra Junction is located with the Randwick City Council LGA. Council staff contacted the strategic planning department to determine whether Randwick City Council were preparing any studies / strategies for the Maroubra-Eastgardens corridor. At the time of the preparation of this report, Randwick City Council staff advised that no studies / strategies were under preparation or were available.</p>		
<p>Future Transport 2056</p>	<p>The Strategy identifies under the Greater Sydney Initiative</p>	<p>Given this is not a committed (nor funded) project, it is anticipated that</p>	<p>To be determined</p>

Name of Strategic Plan	Directions, priorities, objectives and actions	Draft Planning Proposal consistency with Strategic Plan	Consistency Y/ N
	for Investigation (10-20 years) Item 1 - Light Rail Extension to Maroubra Junction.	the site will be serviced by the surrounding bus network, users of the shopping centre and offices will be required to travel to Maroubra to access any light rail services and are unlikely to do so.	

Strategic Planning Framework – Local

Bayside Community Strategic Plan 2030

An assessment of the draft Planning Proposal's consistency with the following relevant themes and strategic directions contained in the Bayside Community Strategic Plan 2030 (Plan) is provided in **Table 6**:

Table 6: Bayside Community Strategic Plan 2030

Theme One – Bayside will be a vibrant place	How We Will Get There	Consistency
<ul style="list-style-type: none"> Strategic Direction – <i>Our places are people-focussed</i> 	<i>Local areas are activated with cafes, restaurants and cultural events</i>	The draft Planning Proposal proposes to activate the western extent of the site with outdoor dining and upgrade the existing bus interchange.
<ul style="list-style-type: none"> Strategic Direction – <i>Our places connect people</i> 	<i>Walking and cycling is easy in the City and is located in open space where possible</i>	The proponent has committed to public domain improvements that will encourage walking around the site.
<ul style="list-style-type: none"> Strategic Direction – <i>My place will be special to me</i> 	<i>Bayside will be a 30 minute City – residents work locally or work off-site – no-one has to travel for more than 30 minutes to work</i>	The provision of large floor plate commercial office space will provide office work opportunities for local residents as noted in the submitted Commercial EIA.
	<i>Traffic and parking issues are a thing of the past</i>	The proponent has committed to intersection upgrades in the vicinity of the site and proposes additional car parking to accommodate the growth of the centre.
Theme Two – In 2030 our people will be connected in a smart City	How We Will Get There	Consistency
<ul style="list-style-type: none"> Strategic Direction – <i>We benefit from technology</i> 	<i>Council engages with us and decision making is transparent and data driven</i>	The draft Planning Proposal will be publicly exhibited should a Gateway Determination be issued by the DPI&E.
Theme Three – In 2030 Bayside will be green, leafy and sustainable	How We Will Get There	Consistency
<ul style="list-style-type: none"> Strategic Direction – <i>We are prepared for climate</i> 	<i>Our streetscapes are green and welcoming</i>	The proponent has outlined public domain improvements, including

<i>change</i>		landscaping, to the periphery of the site as demonstrated in the submitted draft DCP and Urban Context Report.
Theme Four – In 2030 we will be a prosperous community	How We Will Get There	Consistency
<ul style="list-style-type: none"> Strategic Direction – Opportunities for economic development are recognised 	<i>Major employers support/partner with local small business</i>	The Economic Impact Assessment notes that the impact of the draft Planning Proposal on other centres is insignificant.

Draft Bayside Local Strategic Planning Statement

Recent amendments to the EPAA introduced the requirement for a LSPS to be prepared by Councils.

Council's LSPS sets the 20-year vision for the Bayside LGA, including identifying the special character and values to be preserved and how change will be managed.

The LSPS explains how council is implementing the planning priorities and actions in the relevant district plan in conjunction with their Community Strategic Plan.

The draft Planning Proposal is aligned with the following relevant Planning Priorities identified in the Bayside LSPS, as noted in **Table 7**, below:

Table 7: Draft Bayside Local Strategic Planning Statement

Bayside Planning Priority	Action	Draft Planning Proposal consistency
<i>2. Align land use planning with the delivery and management of assets by Bayside Council to support our community</i>	<i>Council will take a place based approach to land use and asset planning to ensure growth aligns with infrastructure provision</i>	The proponent has committed to intersection upgrades and public domain improvements at the periphery of the site.
<i>5. Foster healthy, creative, culturally rich and socially connected communities</i>	<i>Prioritise opportunities for people to walk, cycle and use public transport when planning for existing or future centres.</i>	Public domain improvements at the periphery of the site and an upgrade to the existing bus interchange are proposed.
<i>9. Manage and enhance the distinctive character of the LGA through good quality urban design, respect for existing character and enhancement of the public realm.</i>	<i>Council will encourage good built form outcomes through Design Excellence Competitions, Design Excellence Guidelines and Design Review Panel.</i>	Any future Development Applications will be required to demonstrate design excellence.
<i>12. Delivering an integrated land use and a 30-minute city</i>	<i>Ensure land-use planning aligns with existing and proposed transport corridors</i>	The centre is located on an existing bus transport corridor. TfNSW have noted that capacity is regularly reviewed.
<i>15. Deliver an integrated land use and transport planning 30-minute city.</i>	<i>Align land use, infrastructure and transport plans to deliver the 30-minute city.</i>	The proposal is consistent with this strategic direction given that the proposal intensifies an identified centre. The proposal is also consistent with the Ministerial direction in relation to

		Integrating Land Use and Transport (refer to Table 3).
16. Growing investment, business opportunities and jobs in Bayside's strategic centres.	Identify opportunities to strengthen the economic role of the Eastgardens – Maroubra Junction centre based on the Bayside Centres and Employment Land Strategy, with clear complementary roles for Eastgardens and Maroubra Junction.	The Planning Proposal proposes to intensify the existing Eastgardens strategic centre. The Economic Impact Assessments supporting the draft Planning Proposal have demonstrated that the proposed intensification will not unreasonably impact the role of other centres in the locality. Any strategy for the Eastgardens-Maroubra Junction corridor will be prepared in collaboration with Randwick City Council.
	Promote place making initiatives and walking and cycling connections to open space and the Green Grid including: b) Support the east-west link identified in Future Transport 2056 to connect Maroubra Junction with East Gardens and west to Mascot and Green Square and green space in both Bayside and Randwick LGAs.	Public domain improvements are proposed, encouraging walking around the centre and with broader connections.
21. Increase urban tree canopy cover and enhance green grid connections.	Finalise and implement the key findings of the review of Bayside's Environmental planning controls into Bayside LEP 2020 and Bayside DCP 2020 and associated technical specifications to improve urban tree canopy cover.	The draft DCP details of landscaping requirements at the sites periphery to be provided in any future Development Applications.

Botany Bay Planning Strategy 2031

- Chapter 3: Housing and Job Futures
Chapter 3 of the Strategy identified Eastgardens as an employment area and outlines a future direction of retail employment and future mixed-use town centre. The Strategy states the intent to:

“plan for a mixed-use centre in the long term (subject to the BATA site coming online and structure planning”).

As such, the draft Planning Proposal is generally consistent with this Chapter, as it proposes intensified commercial and retail uses on the site, compatible with the increase in residential development on the adjoining BATA site.

Local Plans

Botany Bay Local Environmental Plan 2013

Clause 2.1 Land Use Zones – B3 Commercial Core

The objectives for the B3 Commercial Core zone are:

- *To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.*
- *To encourage appropriate employment opportunities in accessible locations.*
- *To maximise public transport patronage and encourage walking and cycling*

Comment: The draft Planning Proposal does not seek to change the land use zone. The proposed amendments to FSR and building height development standards will enable additional capacity for retail, business, office, entertainment and community uses, and encourage additional employment. The improvements to the bus interchange also encourage public transport use and the public domain improvements will encourage walking in the vicinity of the centre.

The draft Planning Proposal is considered to be consistent with the B3 zone objectives.

Clause 4.3 Height of Buildings

The objectives of the Height of Buildings clause are:

- *to ensure that the built form of Botany Bay develops in a coordinated and cohesive manner,*

Comment: The proposed building height limits are generally compatible and appropriate given the context of the broader centre comprising the adjoining BATA site.

- *to ensure that taller buildings are appropriately located,*

Comment: The proposed building height and building envelope is consistent with the heights and built form of the adjoining BATA site. As an area for retail / commercial / entertainment uses, the proposed heights will enable increased employment densities and opportunities with good access to public transport.

- *to ensure that building height is consistent with the desired future character of an area,*

Comment: The desired future character of the area is articulated in part 8.8.2 of the Botany Bay DCP 2013. The draft Planning Proposal is consistent with the desired future character to maintain Westfield Eastgardens as a major shopping centre.

- *to minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development,*
- *to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities.*

Comment: The Urban Context Report at **Attachment 3** includes a View Impact Assessment (VIA). Assessment by Council staff determined that view impacts are considered to be reasonable and appropriate for the site's context.

However, in relation to solar access to existing development, the solar access study indicates that the proposed building envelope results in unreasonable overshadowing of a number of dwellings located on the southern side of Wentworth Avenue. Further refinement of the proposed building envelopes is required to demonstrate how this can be mitigated.

Clause 4.4 Floor Space Ratio

The objectives of the Floor Space Ratio clause are:

- *to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*

Comment: The proposed bulk and scale is considered generally compatible and appropriate given the context of the broader centre comprising the adjoining BATA site. The desired future character of the area is articulated in part 8.8.2 of the Botany Bay DCP 2013. The draft Planning Proposal is consistent with the desired future character to maintain Westfield Eastgardens as a major shopping centre.

- *to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing, and are not likely to undergo, a substantial transformation,*

Comment: The proposed floor space ratio will enable development that is complimentary with existing approved and proposed development on the adjoining BATA site.

- *to ensure that buildings do not adversely affect the streetscape, skyline or landscape when viewed from adjoining roads and other public places such as parks, and community facilities,*

Comment: The Urban Context Report and draft site specific DCP are considered to have adequately demonstrated that any future development can achieve consistency with the objective.

- *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*

Comment: The Urban Context Report and draft site specific DCP have adequately demonstrated that any future development can achieve consistency with the objective.

- *to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- *to facilitate development that contributes to the economic growth of Botany Bay.*

The proposed FSR is considered necessary and reasonable to facilitate a development that aligns with strategic direction to maintain Westfield Eastgardens as a major regional shopping centre. The proposal seeks to increase floor space ratio controls on the site to

enable increased employment density and job opportunities, which is considered in keeping with this objective.

Botany Bay Development Control Plan 2013 (Botany Bay DCP 2013)

The relevant sections of the Botany Bay DCP 2013 have been identified below, with responses included on how the draft Planning Proposal complies.

Part 8 Character Precincts

The site is within the Eastgardens Character Precinct. Section 8.8.2 of the Botany Bay DCP 2013 outlines Desired Future Character for this precinct and includes the following relevant considerations:

- *Function and Diversity*

- *Enhance the public domain and streetscapes within the Precinct.*
- *Maintain Eastgardens Westfield Shopping Centre as the major shopping centre providing goods and essential services for the region.*
- *Maintain and enhance the bus interchange facility at Eastgardens Westfield Shopping Centre to service bus routes connecting Eastgardens with the City, Bondi Junction, Burwood, Rockdale, Little Bay, Port Botany and La Perouse*

Comment: The draft Planning Proposal to enable intensification of the site will assist in maintaining Eastgardens Westfield Shopping Centre as the major shopping centre and includes commitments to upgrading the bus interchange and improvements to the public domain surrounding the site as detailed in the draft Site Specific DCP, 'Part 9E Eastgardens Mixed-use Centre' (draft Site Specific DCP, refer to **Attachment 5**).

Should the draft Planning Proposal be supported by Council and the DPIE, consultation will be required with RMS and TfNSW to determine the details of the proposed upgrades to the bus interchange.

- *Facilitate pedestrian and street access for any extensions/ additions/ alterations to Westfield Eastgardens.*

Comment: The draft Site Specific DCP details improvements to the site to reconfigure footpaths to facilitate equitable pedestrian movement around the site.

- *Public Domain and Environment*

- *Encourage landscaping and vegetation planting within both the public and private domain of the precinct.*
- *Facilitate landscaping and street plantings to complement the built form and create cohesiveness throughout the Precinct.*

- *Encourage landscaping to be incorporated within development and the site layout to soften the built form, promote pedestrian comfort and enhance the aesthetics of the neighbourhood.*

Comment: The draft Site Specific DCP, prepared in support of the draft Planning Proposal, details proposed public domain improvements, including landscaping and wayfinding, which can be addressed at the DA stage.

- **Solar Access**

- *Encourage buildings to maximise solar access to surrounding residential properties and to public and private open spaces*

- *Preserve solar access to adjoining properties*

Comment: The solar access study contained in the Urban Context Report indicates that the proposed building envelope results in unreasonable overshadowing of a number of dwellings located on the southern side of Wentworth Avenue. Further refinement of the proposed building envelopes is required to demonstrate how this can be mitigated.

- **Traffic and Access**

- *Encourage new development to have a minimal impact on traffic flow and demand for on street parking spaces.*

- *Encourage development to provide adequate on-site parking to assist in reducing traffic congestion on local road networks.*

Comment: The draft Planning Proposal proposes to contribute to intersection upgrades to assist in traffic flow, whilst additional car parking within the site is proposed. Final provision of car parking will be determined as part of any future Development Application(s).

- *Promote walking, cycling and a safe pedestrian environment in and around the Eastgardens Westfield Shopping Centre.*

Comment: The draft Planning Proposal is supported by a draft Site Specific DCP, which provides details of proposed improvements around Westfield Eastgardens to promote walking and cycling, accessibility and a safe pedestrian environment, noting that Westfield Shopping Centre is a legacy site designed primarily as a car-oriented shopping centre and that the centre's northern side, when constructed, faced the General Motors Pagewood Holden Assembly plant.

- **Views**

- *Retain existing views*

Comment: The Urban Context Report at **Attachment 3** includes a View Impact Assessment (VIA). Assessment by Council staff determined that view impacts are reasonable and appropriate for the site's context.

- *Risk*

- Recognise that development for 'residential intensification', 'sensitive use intensification', and development that will result in increased traffic volumes or access points onto Denison Street (being a designated Dangerous Goods Route) must consider a transport risk assessment report; and receive development concurrence for the application from the DPIE.

Comment: Refer to the heading 'Risk Assessment' for details in relation to risk assessment, which found that a satisfactory level of risk assessment has been performed at this stage of the draft Planning Proposal, which will be subject to further assessment by the Hazards Team at the DPIE should the Bayside Local Planning Panel and Council recommend that the draft Planning Proposal proceed to Gateway stage.

Other Considerations

Traffic Impact Assessment

On the 29th May 2017, in support of the draft Planning Proposal, the proponent submitted the 'Transport Review for Planning Proposal for Westfield Eastgardens' dated May 2017 prepared by Colston Budd Rogers and Kafes (Transport Review).

A peer review of the Transport Review was undertaken, which identified the need for cumulative traffic modelling to take into consideration the combined impacts of the adjoining BATA 2 Planning Proposal and approved BATA Stage 1, and for planned infrastructure upgrades for the land bounded by Wentworth Avenue, Bunnerong Road, Heffron Road and Banks Avenue. The planned infrastructure upgrades include:

- Wentworth Avenue / Banks Avenue / Corish Circle – additional turning lanes on the northern and eastern approaches
- Wentworth Avenue / Denison Street / Site Access – additional turning lanes on the eastern and western approaches and modification to site access
- Wentworth Avenue / Bunnerong Road - additional turning lane on the northern approach
- Bunnerong Road / Westfield Drive – additional turning lane on the northern approach

On 3rd February 2018, a meeting was held between Council officer's traffic consultant (Cardno), the proponent's traffic consultant (SLR) and representatives from RMS (now TfNSW). The purpose of the meeting was to brief RMS on the assumptions to be used for the cumulative traffic modelling prior to public exhibition, should Council and the DPIE support the draft Planning Proposal.

On the 21st March 2018, the proponent lodged an addendum to the original draft Planning Proposal, which was supported by an updated Traffic Assessment Report prepared by SLR. A peer review of the updated Traffic Assessment Report was conducted by Cardno, which considered the traffic modelling assumptions adopted by SLR appropriate for pre-Gateway submission.

On 5th March 2019, a revised draft Planning Proposal as described above was submitted, supported by the 'Revised Planning Proposal Transport Review' (Revised Transport Review) (**Attachment 8**) prepared by SLR Consulting Australia and dated 28 February 2019.

The Revised Transport Review addresses the cumulative impacts of the (revised) draft Planning Proposal, planned infrastructure upgrades committed to in the original Transport Review (noted above), and the adjoining BATA site including the 5000 sqm of non-residential development within the BATA site.

The peer review found that there are no traffic or transport issues that would preclude the draft Planning Proposal from proceeding, noting that the impact of the development is considered insignificant on the level of service (LOS) at nearby intersections. However, at the time of review, it was noted that the Revised Transport Review had not included the latest revision considered as part of the BATA 2 Planning Proposal and the diagrams for the intersection upgrades required more detail to determine whether the proposed upgrades are feasible. The peer review therefore recommends that the Revised Transport Review be updated to address these concerns and consultation with TfNSW undertaken at Gateway stage, should Council support the draft Planning Proposal.

In addition, the timing and delivery of the proposed infrastructure upgrades should be considered as part of any future DA for the site to ensure the surrounding intersections operate at an appropriate LOS in the future.

It is noted that the draft Planning Proposal lodged 23rd December 2019 and subject of this report proposes a lower floor space ratio than the previous iteration of the draft Planning Proposal. Accordingly, the Revised Transport Review and peer review recommendations are considered sufficient to address the current draft Planning Proposal at this stage.

During assessment of the Urban Context Report, concerns were raised about the pedestrian environment at the northern boundary. Since the centres construction, the adjoining BATA site has developed into a high density residential development, increasing the numbers of pedestrians crossing from the BATA site to Westfield Eastgardens via Westfield Drive. Council staff observed potential conflict between pedestrian movement, loading dock operations, and cars and buses travelling in excess of the 40km/h speed limit.

The proponent was therefore requested to consider improvements to pedestrian safety along Westfield Drive, including consideration of urban design treatments, wayfinding and fencing and in this regard have updated the draft DCP and provided the 'Addendum to Review of Transport Matters' prepared by SLR Consulting Australia dated 27 November 2019 (**Attachment 9**) to address pedestrian safety concerns at the northern boundary.

Council staff reviewed the Addendum to Review of Transport Matters, and raised concern that the suggested crossings would direct pedestrians toward the existing loading docks. Whilst fencing at the centre of Westfield Drive was suggested by Council staff, this would not be achievable due to trucks turning across the centre line of the road to access the existing loading docks. Fencing to the existing pathway at the northern side of Westfield Drive, together with signposting / wayfinding to encourage pedestrians to use the signalised crossings is preferred. It is recommended that the draft DCP be amended at Gateway stage to address this.

Public Transport

The proponent states that the draft Planning Proposal will enable upgrading of the existing bus interchange, however, no supporting information has been provided to the effect that TfNSW have been consulted in relation to whether bus infrastructure can service the cumulative impacts of the subject draft Planning Proposal and the adjoining BATA site, currently, and beyond mid-2020. These matters will need to be resolved at the Gateway determination stage should Council and the DPIE support the draft Planning Proposal.

Risk Assessment

The site is located within 500m of the Botany Industrial Park and is sited within the Denison Street Risk Study Area.

Accordingly, the proponent submitted a Quantified Risk Assessment (QRA) prepared by Systra Scott Lister in support of the draft Planning Proposal that was submitted to Council on 29th May 2017.

On the 21st March 2018, the proponent lodged an addendum to the original draft Planning Proposal, as described earlier in the report, however an updated PRA to reflect the addendum draft Planning Proposal was not submitted at that time.

A peer review of the PRA was conducted by Arriscar dated 2nd July 2018. The peer review provided several recommendations including that the PRA required updating to address the revised height of buildings proposed in the addendum draft Planning Proposal, and that consultation with the DPIE was recommended to attain an interpretation of incremental risk in societal risk assessments. A copy of the Arriscar peer review which includes all the recommendations made to Council is included as **Attachment 10**.

On the 5th March 2019, the proponent submitted a revised draft Planning Proposal, including a revised QRA prepared by Systra Scott Lister (**Attachment 2**). The revised QRA has addressed the recommendations of the Arriscar peer review, however, it is noted that whilst Systra Scott Lister had attempted to contact representatives from the DPIE to attain the interpretation as noted in the Arriscar peer review, the DPIEs Hazards Team advised that a review of the PRA would be conducted at post-Gateway stage should the draft Planning Proposal be recommended to proceed. The proponent noted that the QRA has taken a conservative interpretation in the absence of any specific engagement with the DPIE and noted that this is consistent with how other projects have been assessed by the DPIE.

It is noted that the draft Planning Proposal lodged 23rd December 2019 and subject of this report proposes a lower floor space ratio and reduced built form than the previous iteration of the Planning Proposal. Accordingly, the PRA submitted 5th March 2019 and peer review recommendations are considered sufficient to address the subject Planning Proposal at this stage.

Economic Impact Assessments

The proponent submitted Economic Impact Assessment (EIA) to address the impacts of the intensification of retail development proposed in the draft Planning Proposal lodged with Council on 29th May 2017.

Subsequently, an addendum draft Planning Proposal was lodged with Council on 21st March 2018, which proposed a significant additional component of commercial office space. Accordingly, separate EIAs were submitted to address the retail and commercial impacts of the draft addendum Planning Proposal, noting that the draft Planning Proposal lodged 23rd December 2019 and subject of this report proposes a lower floor space ratio than the addendum Planning Proposal lodged March 2018.

EIA - Commercial:

As noted above, the proponent submitted an Economic Impact Assessment (EIA) in relation to commercial demand in support of the addendum draft Planning Proposal, and was referred to an independent consultant for peer review.

The peer review raised concerns about the market need for the commercial office space on the scale proposed and the potential impact on supply and demand for commercial office space in the region.

On 5th March 2019, the proponent submitted a revised draft Planning Proposal, supported by a revised EIA addressing commercial demand, prepared by Colliers International* (**Attachment 5**). The revised EIA addressing commercial impacts states that there is a demand for large floor plate office space in the region and that the impact of the proposed commercial office component will have negligible impacts on existing office provision in the region as summarised below:

- the floor plate size (>1,000m²) will not be in direct competition with surrounding office supply which is comprised of predominately 50 to 200m² floor plates that typically provide professional services to local clients. Site amalgamation would be required to provide larger floor plates of the type proposed by the draft Planning Proposal.
- there is a demand for office space of approximately 35,000 to 44,000m² in the region.
- the proposed office space is consistent with the objectives of the B3 Commercial Core in contrast to the B2 Local Centre zoning of Maroubra Junction, which does not include offices as a land use within the core objectives of the zone.
- The intensification of commercial office space would provide opportunity for job creation within the centre and broader Bayside LGA, in alignment with the Eastern City District Plan.

* *Colliers International prepared the background document 'Sydney Office Market Research Report' (June 2014) and as such it is considered that the consultant has an in-depth knowledge of the Sydney commercial office market. A copy of the report is available in the 'Background Material' section of the Greater Sydney Commissions website:*

https://gsc-public-1.s3.amazonaws.com/s3fs-public/sydney_office_market_research_report_colliers_2014_06_0.pdf?SEZIWd9pECSIYYUp.qc_t2u90L7dCq7S

The EIA for commercial impacts estimates that the commercial office component will create approximately 2,120 to 2,625 operational jobs, which is consistent with Planning Priority E11 – *Growing investment, business opportunities and jobs in strategic centres* in the Eastern City District Plan.

Based on the above, the revised EIA for commercial impacts was considered to have adequately addressed the concerns raised in the peer review and the proposed amount of commercial floor space adequately justified.

EIA - Retail:

The peer review of the EIA for retail impacts undertaken by RPS raised concerns in relation to the contribution of local office workers; the adequacy of the market demand assessment; and retail impact assessment.

Urbis provided a response to the concerns raised in the RPS peer review in a letter dated 12 October 2018 (**Attachment 6**), which is summarised below:

- Treatment of local office workers

The peer review requested further analysis of the contribution of office workers to the retail potential of the centre. Urbis noted that the estimated worker expenditure is based on survey undertaken by Urbis across Australia.

Based on the survey data, a portion of office worker expenditure would be directed toward Westfield Eastgardens. In addition, the office expansion would also likely capture the expenditure of workers who live within the trade area who, based on credit card data collected by Westfield, would ordinarily travel beyond the trade area, which RPS review had not considered.

- Market demand assessment

RPS noted that the net need for the retail space had not been adequately demonstrated. The response prepared by Urbis provided a detailed assessment of the types of retail in the trade area and recorded spending patterns, noting that a significant number of trade area residents travel beyond Westfield Eastgardens, indicating an undersupply of retail floor space for discretionary expenditure and food catering in the locality. Urbis' response also noted that the peer review had not considered future growth within the trade area, which is expected to grow by 24% over the period 2017-2023 and that the expansion of the centre would accommodate the future demand from this growth.

- Retail impact assessment

RPS raised concerns about the adequacy of the assessment of trading impacts from the proposed expansion of Westfield Eastgardens on other centres.

Urbis responded with a further analysis of trading impacts on centres within the trade area. The analysis concluded that impacts on other centres are reasonable, being in the range of 1% to 3%, which is below the notional level of 10% where impacts become an issue.

Based on the above, the revised EIA for retail impacts was considered to have adequately addressed the concerns raised in the peer review.

Urban Design

On the 29th May 2017, the proponent submitted a draft Planning Proposal, which proposed a maximum building height of 34 metres across the centre and a FSR of 1.7:1. The draft

Planning Proposal was supported by a series of architectural plans, but was not supported by an urban design report.

On 21st March 2018 the proponent submitted to Council an addendum to the draft Planning Proposal, superseding the original Planning Proposal. The addendum Planning Proposal proposed a maximum FSR of 1.7:1 and maximum building envelopes of 34 metres height over the existing shopping centre, and 70 metres at the Bunnerong Road frontage, as shown shaded in light blue in **Figure 15**, below:



Figure 15: Proposed building envelope and footprint (Source: Woods Baggott Urban Context Report)

An independent peer review of the Urban Context Review supporting the addendum Planning Proposal was conducted by GM Urban Design and Architecture (GMU). The key concerns raised in the GMU peer review included, in summary:

- Justification for additional FSR and height to 70 metres
- Justification for the tower location
- Interface areas and streetscape response
- Street wall heights
- Setbacks
- Amenity impact to adjoining residents, in particular, solar access
- Inadequate information in the DCP, particularly in relation to controls for built form and public domain improvements

On 5th March 2019, the proponent lodged a revised draft Planning Proposal as illustrated in Figure 16, which proposed a 70 metre building envelope for an office tower ('1'); a 40 metre high building envelope ('3') and a future masterplan building envelope 70 metres high ('4'):

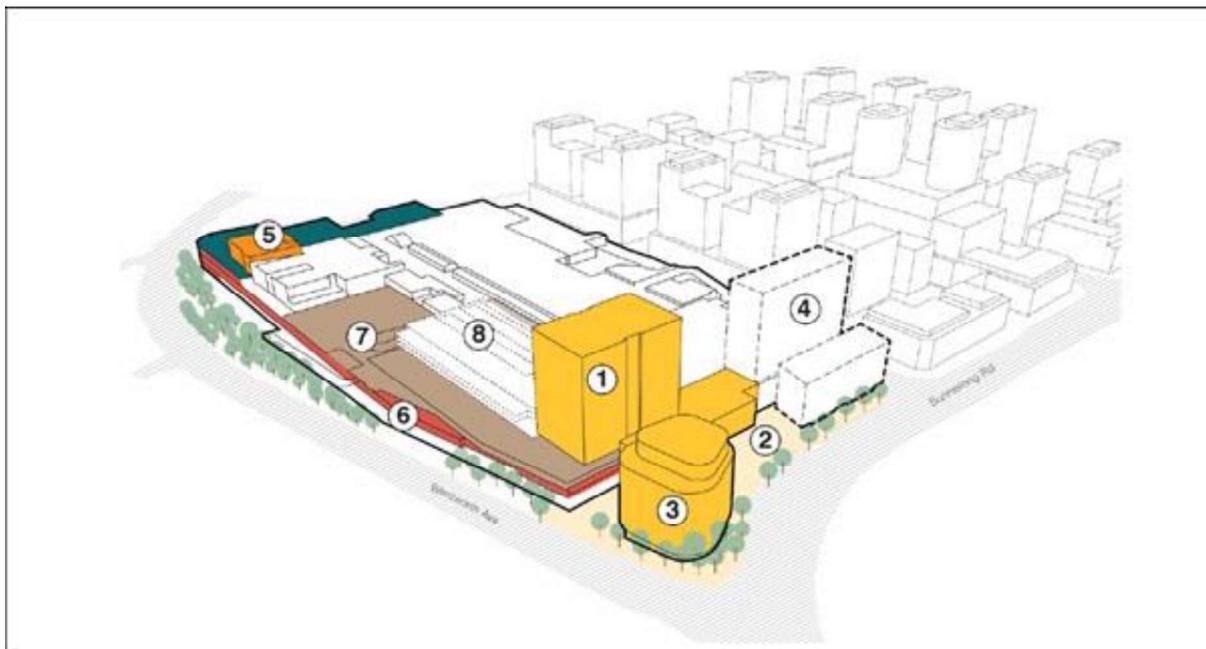


Figure 16: Master Plan – Key Features (Source: Architectus)

GMU conducted a peer review of the amended UCR and draft DCP and noted that the proposal had been amended in an attempt to address previous concerns. However, a number of significant concerns remained:

- Justification for additional FSR and height to 70 metres
- Justification for the tower location
- Interface areas and streetscape response
- Street wall heights
- Building setbacks
- Amenity impact to adjoining residents, in particular, solar access
- Inadequate information in the DCP, particularly in relation to controls for built form and public domain improvements

On 23rd December 2019, the proponent lodged a revised Planning Proposal, which proposes to increase the maximum building height of 25 metres to part-34 metres, part-40 metres and part-59 metres; and to increase the FSR to 1.8:1. The indicative built form envelopes are illustrated in **Figure 17**:

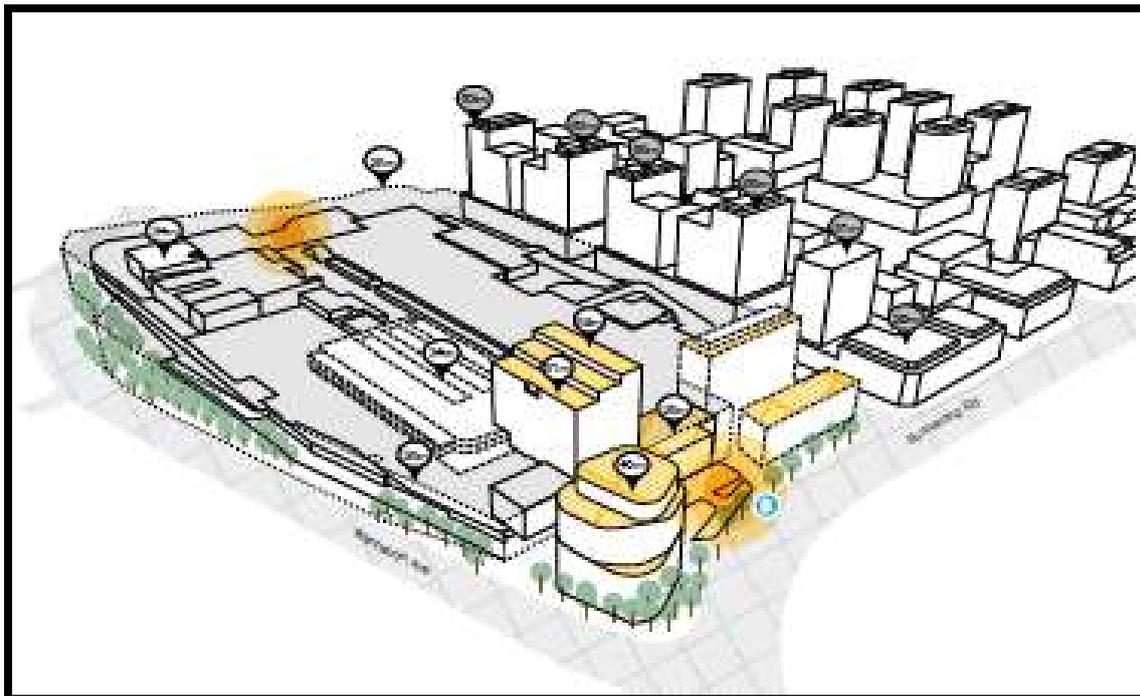


Figure 17: Built form massing (Source: Architectus)

Council staff have assessed the Urban Context Report and draft Site Specific DCP and note the following issues require resolution:

- Controls should be expanded to include details for all existing and new public domain interfaces
- Given the magnitude of the proposal, controls relating to screening of existing and new car parking are to be included
- Detailed controls to guide the nature and visual quality of the proposed screening
- Detailed controls should be provided relating to streetscape presentation and upgrades to the existing interface activation, built form articulation, corner articulation and design excellence to ensure a quality outcome
- Active frontages are proposed to a small part on Bunnerong Road and the proposed controls only relate to a minor portion of the frontages which are nominated as active (Figure 22 Active frontage diagram). The controls do not sufficiently emphasise the need to minimise exposed blank wall areas to all street frontages and public domain areas.
- The draft controls should be expanded to include controls requiring active frontages to be maximised, improved pedestrian connections, reduced access and car parking dominance as well as improved passive surveillance to all site edges.
- Provide controls relating to building separation. Appropriate building separation is essential to achieving good built form outcomes and reasonable levels of amenity for future occupants as well as solar access to the public domain and mitigating the dominance of taller forms.
- The Building Height Strategy is very general with varying number of storeys for the majority of the site. Given the substantial site area, a comprehensive Building Height Strategy should be provided for all areas within the DCP.

- Controls should be provided to ensure a compatible outcome and well-proportioned built forms. Such as maximum building length, maximum footprint area, depth and articulation.
 - The Draft DCP provides insufficient setback controls. Detailed controls should be provided for primary and secondary setbacks to create the potential for future enhanced pedestrian environments and massing impacts.
 - Landscape controls for the northern or western edges of the site.
-

Bayside Local Planning Panel

On the 18th February 2020, the Bayside Local Planning Panel considered the draft Planning Proposal and made the following comments and recommendations:

“Consideration:

This Planning Proposal seeks to increase the FSR from 1:1 to 1.85:1 and increase the building height from 25m to 34m and with portions of the site to 40m and 59m. The applicant has provided a concept plan and an urban design analysis to support the Planning Proposal.

The Panel inspected the site earlier in the day and at the public meeting heard from the Bonnie Doon golf club about its concerns for the safety of its maintenance team in having to cross busy roads with an increase in traffic and pressed the need for an underpass. This is a matter the club is to pursue separately and not one for this Panel.

Consultants for the applicant provided a briefing and the Panel has the benefit of a detailed assessment in the Council Officer’s report, including a number of recommendations.

The applicant responded to questions raised by the Panel, including the following. Future development of this large site should endeavour to activate the street frontages to provide connectivity to the surrounding area. At the same time the Panel is cognizant of the constraints of the regional road network that adjoins the site to the east and south.

The northern boundary of Westfield Drive also has difficulties as this is the loading and main service area for the shopping centre and there is a need for the centre to continue to operate during the construction period.

The applicant maintains there are inherent conflicts with pedestrians utilizing this major access road that functions to serve the centre for vehicular traffic, and as such pedestrians and cyclists should be directed to safe crossing areas.

The Panel is of the opinion that the pedestrian and cyclists movements should be separated and this could be achieved by widening the formal footpath on the northern side and the provision of palisade fencing to direct pedestrians and cyclists to defined crossings. The Panel urges Council to facilitate joint discussions and action by the two land owners to provide improved amenity and safety for cyclists and pedestrians along Westfield Drive. The Panel understands a pedestrian overpass is not feasible because the centre is constructed with the northern portion of the building to be back of house facilities.

The concept plan provides an east – west pedestrian internal plaza for the centre. The Panel considers the western portion of the site could be further activated with cafes and gathering spaces. The eastern part of the site is to provide a sense of public place with an upgraded bus interchange area and further activation should be considered also.

The issue of the south-east corner tower element of the proposed commercial building and the solar access for the 5 dwellings on the corner of Wentworth Ave was discussed at length. The Panel is of the view this requires careful consideration, at the development application stage, however, is satisfied the Planning Proposal can proceed to Gateway. It is noted the applicant provided additional information to the Panel on this issue and this needs to be formalized. The Panel considers this corner has the benefit of a wide intersection and is appropriate for a gateway commercial building.

Comment:

The Panels comments in relation to the northern interface are noted.

Council staff have discussed the requirement for Scentre Group to work with Karimbla Properties (owners of the adjoining site to the north) to resolve the northern interface issues during the preparation of this Planning Proposal. The Officer Recommendation includes requirements for details to be provided in relation to public domain interfaces and pedestrian connections in the site specific DCP.

The Panel's comments in relation to solar access are included in the Officer's Recommendation to Council as items that can be addressed in the site-specific DCP prior to public exhibition.

Panel Recommendation to Council

- 1 *The Bayside Local Planning Panel recommend to Council that pursuant to section 3.34 of the EPAA, the draft Planning Proposal for 152 Bunnerong Road, Eastgardens be submitted to the DPIE for a Gateway Determination subject to:*
 - a *The draft DCP being updated to include further details and controls in relation to:*
 - *landscape strategy with the provision of canopy trees;*
 - *public domain interfaces and active street frontages;*
 - *car park screening;*
 - *maximum building length, maximum footprint area, building depths and articulation;*
 - *pedestrian connections;*
 - *building separation;*
 - *building height strategy; and*
 - *primary and secondary building setbacks.*
 - b *Further refinement of the built form to ensure reasonable solar access is provided to dwellings located on the southern side of Wentworth Avenue.*

- 2 *If the DPIE issue a Gateway Determination that permits exhibition of the proposal, a post-exhibition report be prepared for consideration by the Bayside Local Planning Panel before making any further recommendations to Council."*

Comment:

Panel recommendations 1a and 1b are included in the 'Officer Recommendation', earlier in the report, and are to be addressed in the site-specific DCP prior to public exhibition.

Panel recommendation 2 is a standard legislative requirement and is included in the Officer Recommendation, above.

Conclusion

The draft Planning Proposal has been the subject of a merits-based assessment against the strategic and statutory planning framework as established by the EPAA, relevant guidelines, Planning Circulars and Practice Notes. In considering whether or not to progress the draft Planning Proposal to a Gateway Determination, Council is required to consider if the proposed changes to the Botany Bay LEP 2013 have strategic and site specific merit.

In summary, Council's assessment has identified that the draft Planning Proposal establishes strategic and site specific merit to amend the current planning controls for the following reasons:

- The proposed intensification of employment uses is consistent with the *Greater Sydney Region Plan* and *Eastern City District Plan*, in particular Objective 22 '*Investment and business activity in centres*' (Region Plan) and Planning Priority E11 '*Growing investment, business opportunities and jobs in strategic centres* (District Plan)';
- The proposal is consistent with the objectives and detailed requirements of Section 9.1 Directions of the EPAA - in particular: *1.1 Business and Industrial Zones*; *3.4 Integrating Land Use and Transport* (subject to consultation with Roads and Maritime Services (RMS) and Transport for NSW (TfNSW) regarding the current and future capacity of public transport) and *7.1 Implementation of A Plan for Growing Sydney*; and
- The proposal is consistent with the B3 Commercial Core zone objectives of the *Botany Bay LEP 2013*.

However, the proposed building envelope needs to be further refined to ensure reasonable solar access is provided to the properties located on the southern side of Wentworth Avenue. Additional details and controls are also required in the site-specific Draft Development Control Plan in relation to matters including landscaping, active street frontages, pedestrian connections, building separation, setbacks, building height strategy, visual screening, and public domain interfaces.

Voluntary Planning Agreement (VPA)

The proponent has not made an offer to enter into a Voluntary Planning Agreement (VPA), however the proponent has indicated that they are agreeable to entering into a VPA with

Council, subject to a Gateway determination being issued by Department of Planning, Industry and Environment (DPIE).

The proponent has outlined that the planning proposal will facilitate the following benefits:

- Improved lifestyle amenities and supporting the creation of new jobs.
- Upgrade of the bus interchange through expansion and improved amenity as detailed in the proposal.
- New publicly accessible plaza above the bus interchange, with landscaping, seating and activated by externalised retail.
- Improvements to the public domain along Bunnerong Road and Westfield Drive.
- Upgrade of adjacent road intersections as informed by traffic modelling included in the proposal.
- New employment opportunities for the community via provision of new format office space and additional retail, leisure and entertainment jobs.

Financial Implications

Not applicable	<input checked="" type="checkbox"/>
Included in existing approved budget	<input type="checkbox"/>
Additional funds required	<input type="checkbox"/>

Community Engagement

Should the Planning Proposal proceed through Gateway, the Planning Proposal will be subject to community consultation in accordance with Sections 3.34(2)(c) of the *Environmental Planning and Assessment Act 1979*. The specific requirements for community consultation will be listed in the Gateway Determination, including the requirement to consult with government agencies.

Attachments

- 1 Revised Planning Justification Report (under separate cover) [⇒](#)
- 2 Quantitative Risk Assessment (under separate cover) [⇒](#)
- 3 Urban Context Report (under separate cover) [⇒](#)
- 4 Draft DCP (under separate cover) [⇒](#)
- 5 Economic Impact Assessment - Commercial (under separate cover) [⇒](#)
- 6 Response to RPS Peer Review (under separate cover) [⇒](#)
- 7 Aeronautical Impact Assessment (under separate cover) [⇒](#)
- 8 Revised Planning Proposal Transport Review (under separate cover) [⇒](#)
- 9 Addendum to Review of Transport Matters (under separate cover) [⇒](#)
- 10 Arriscar Peer Review (under separate cover) [⇒](#)