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**Bayside Local Planning Panel**

**18/02/2020**

Item No	5.2
Subject	<b>Draft Planning Proposal - Westfield Eastgardens</b>
Report by	Michael McCabe, Director City Futures
File	S17/75

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**Summary**

On 29<sup>th</sup> 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 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 21<sup>st</sup> 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 several significant concerns with the addendum draft Planning Proposal, 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 March 5<sup>th</sup> 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 23<sup>rd</sup> 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 Draft 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*.

However, the proposed building envelope requires further refinement as the current proposal results in unacceptable overshadowing of properties located on the southern side of Wentworth Avenue, when considering the current provisions of the Botany Bay Development Control Plan 2013. In addition, detail and controls are required in the site-specific Draft Development Control Plan in relation to landscaping; pedestrian connections; active street frontages; building separation; setbacks; building height strategy; visual screening; and public domain interfaces.

Should the draft Planning Proposal be supported by Council and the NSW Department of Planning, Industry and Environment (DPIE), the rezoning of the land would enable Development Applications to be considered by Council in the future.

## Officer Recommendation

- 1 That the Bayside Local Planning Panel recommend to Council that pursuant to section 3.34 of the EPAA, the draft Planning Panel 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;
    - 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.

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## 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

**Owner:** 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

**Site Description:**

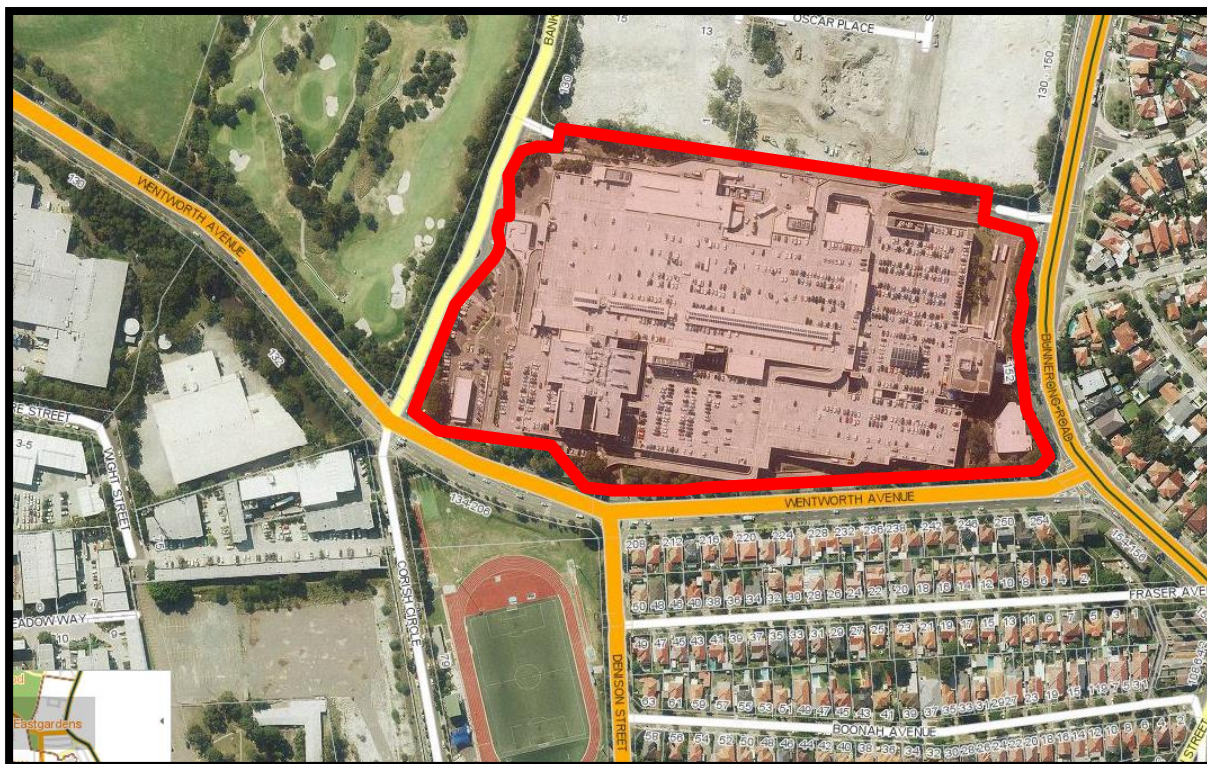
The draft Planning Proposal relates to 152 Bunnerong Road, Eastgardens. Lots subject to the draft Planning Proposal are shown in **Table 1**:

**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](http://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).

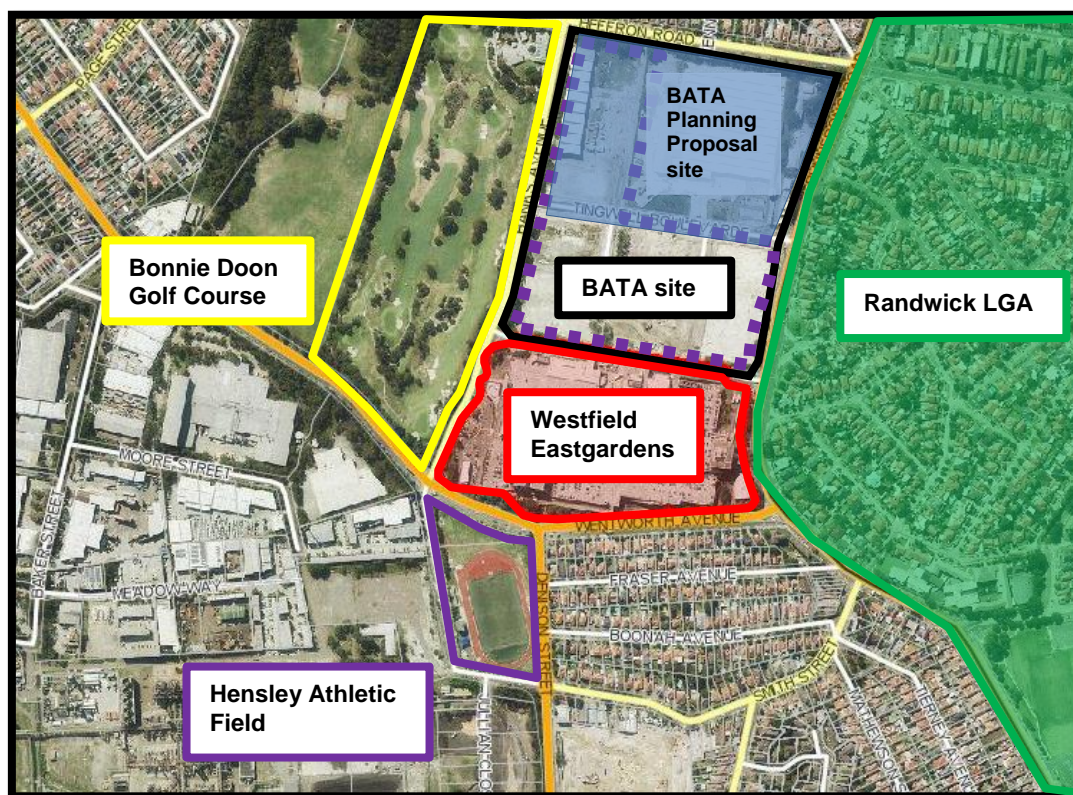
Bunnerong Road defines the eastern boundary of the site, which delineates the western extent of the Randwick Local Government Area (Randwick LGA) in this location. To the east of Bunnerong Road, opposite the subject site, existing development is characterised by predominantly low density residential 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](http://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 (227,287m<sup>2</sup> GFA/ 103,425m<sup>2</sup> 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

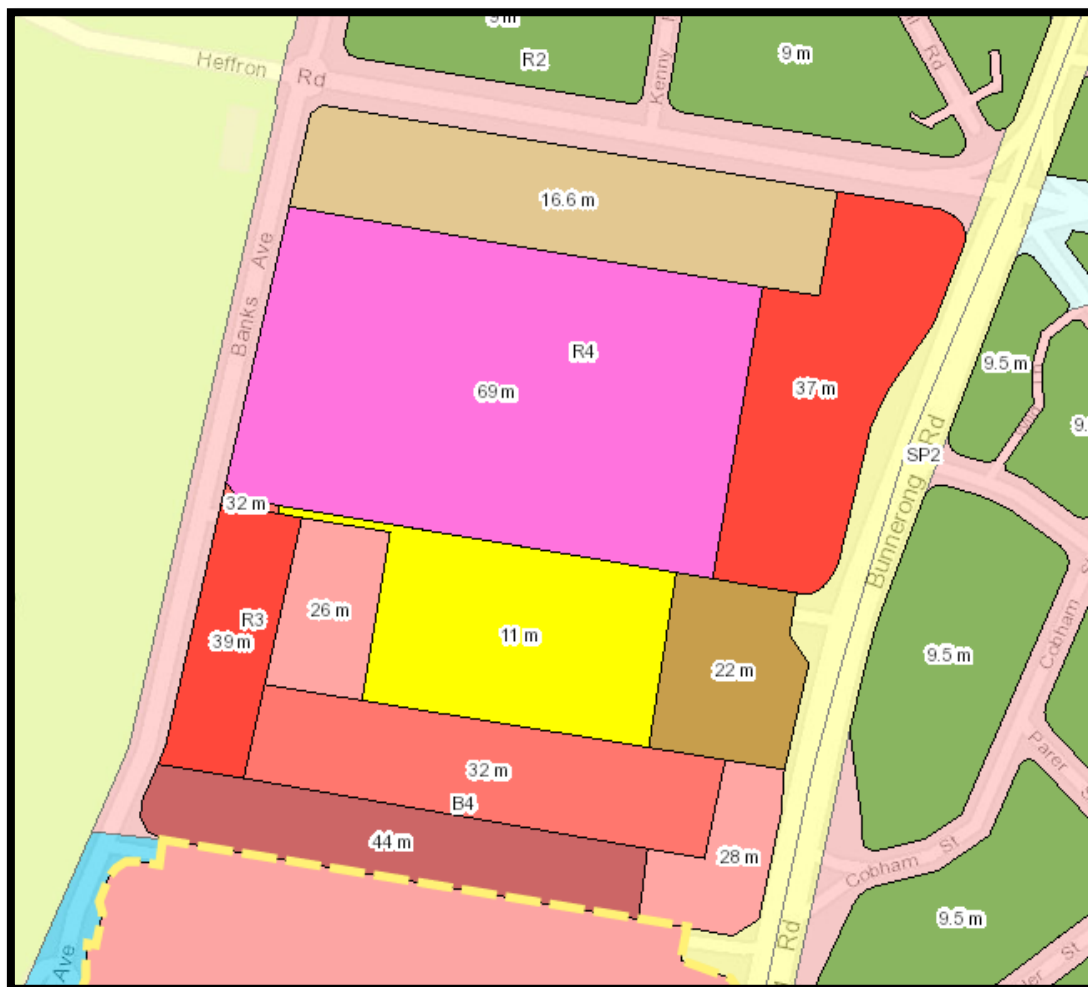
- Include a requirement that non-residential uses across the site must have a minimum total floor space of 5,000sqm.

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**:

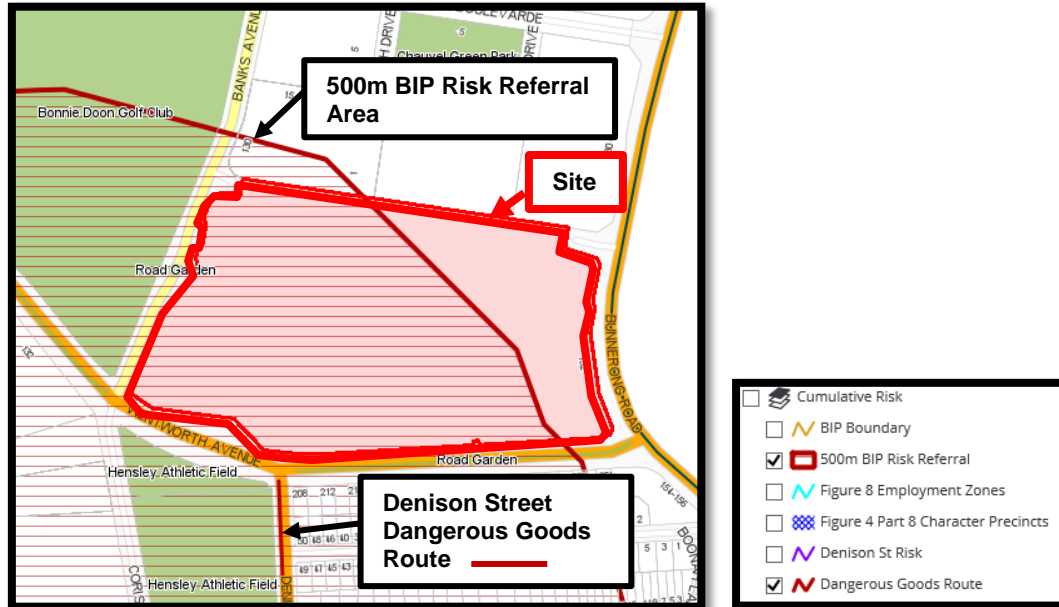


**Figure 4: BATA site – Height of Buildings Map**  
(Source: [www.planningportal.nsw.gov.au](http://www.planningportal.nsw.gov.au))

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**:

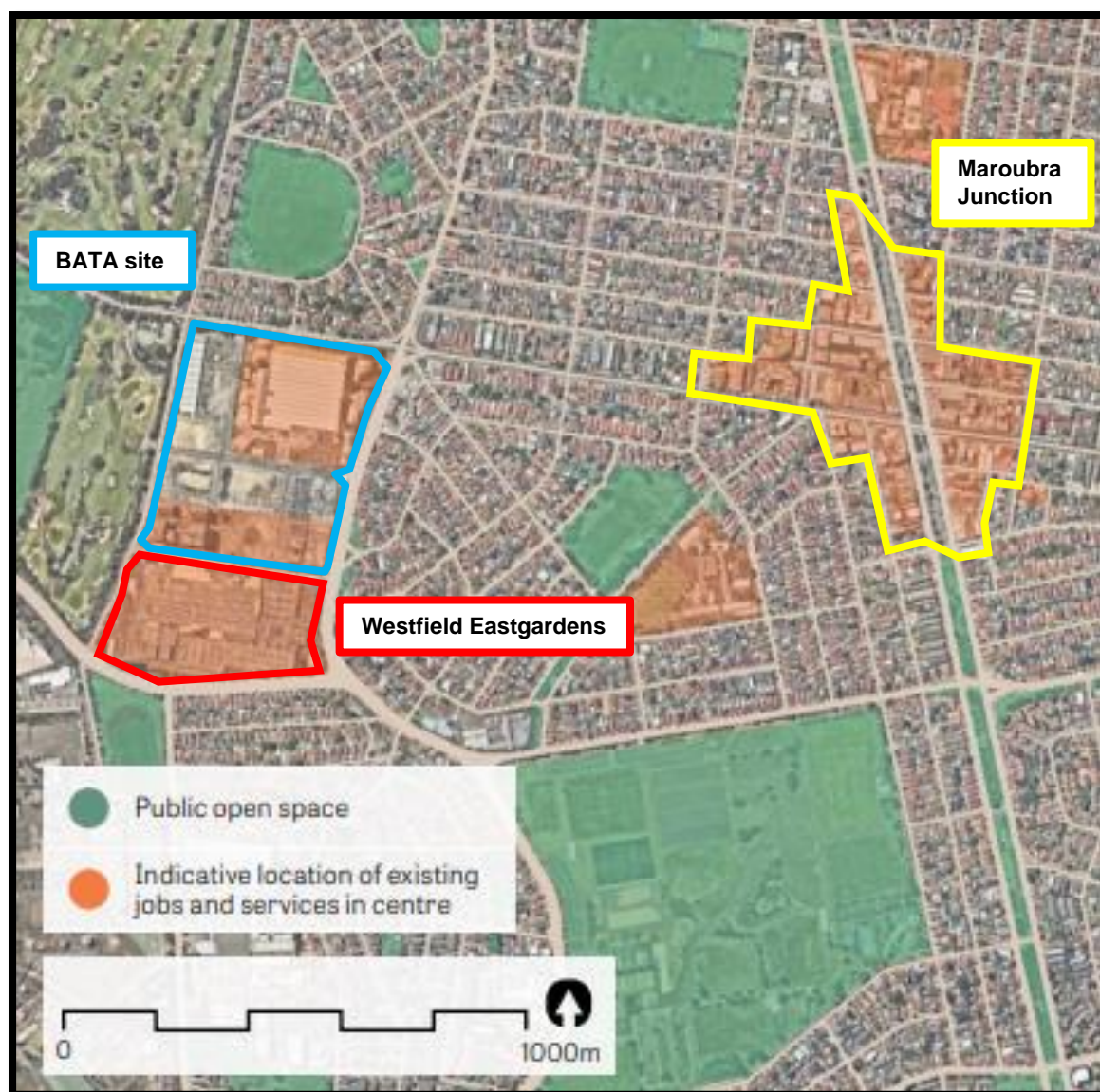


**Figure 5:** Denison Street Dangerous Goods Route and the 500m BIP Risk Referral Area  
(Source: Bayside Council – Intramaps)

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**.



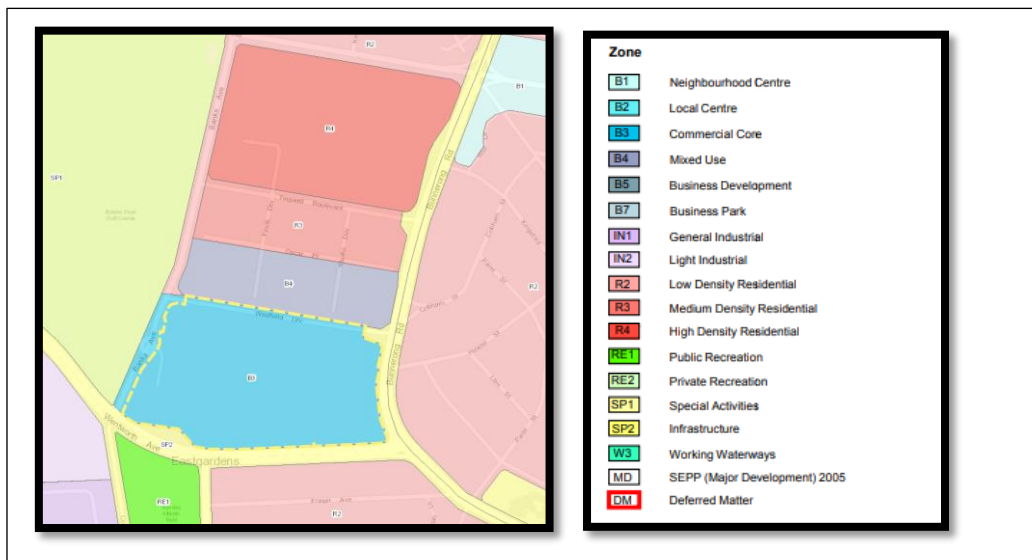
**Figure 6:** Eastgardens-Maroubra Junction Strategic Centre  
(Source: Eastern City District Plan)

### 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*

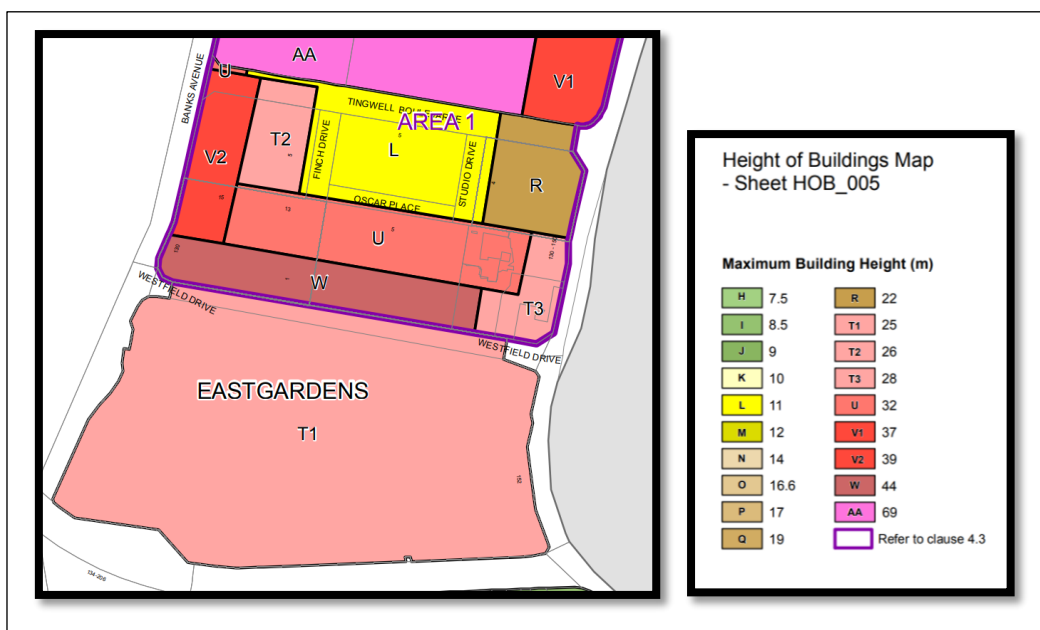
The subject site is currently zoned B3 Commercial Core and is outlined in thick red in **Figure 7**. Land use zones surrounding the site comprise R4 High Density Residential to the north; R2 Low Density Residential and RE1 Public Recreation (Hensley Athletic Field) to the south; SP1 Recreation Facility (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](http://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 28 metres and 44 metres along Westfield Drive. Further to the north and within the adjoining BATA site, heights vary between 11 metres and 69 metres. Refer to the extract of the Botany Bay LEP 2013 height of Buildings map in **Figure 8**.

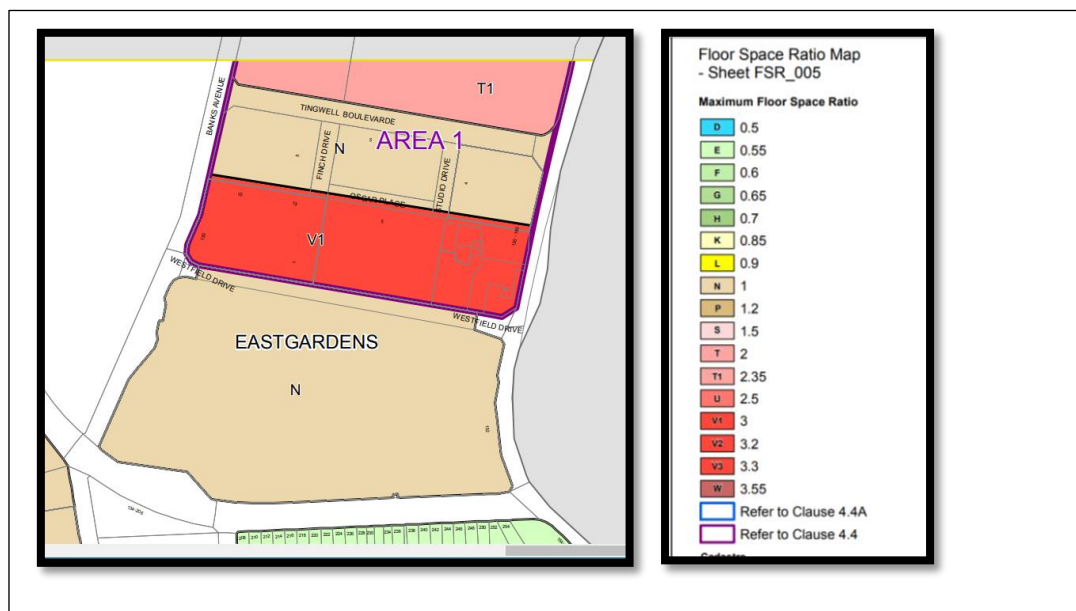


**Figure 8** – Botany LEP 2013 Height of Buildings Map\_HOB\_005 [Subject site: T1 = 26 metres]  
(Source: [www.legislation.nsw.gov.au](http://www.legislation.nsw.gov.au))



### 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](http://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 100,926m<sup>2</sup>.

### Draft Planning Proposal

On 29<sup>th</sup> 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 21<sup>st</sup> 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 5<sup>th</sup> 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:

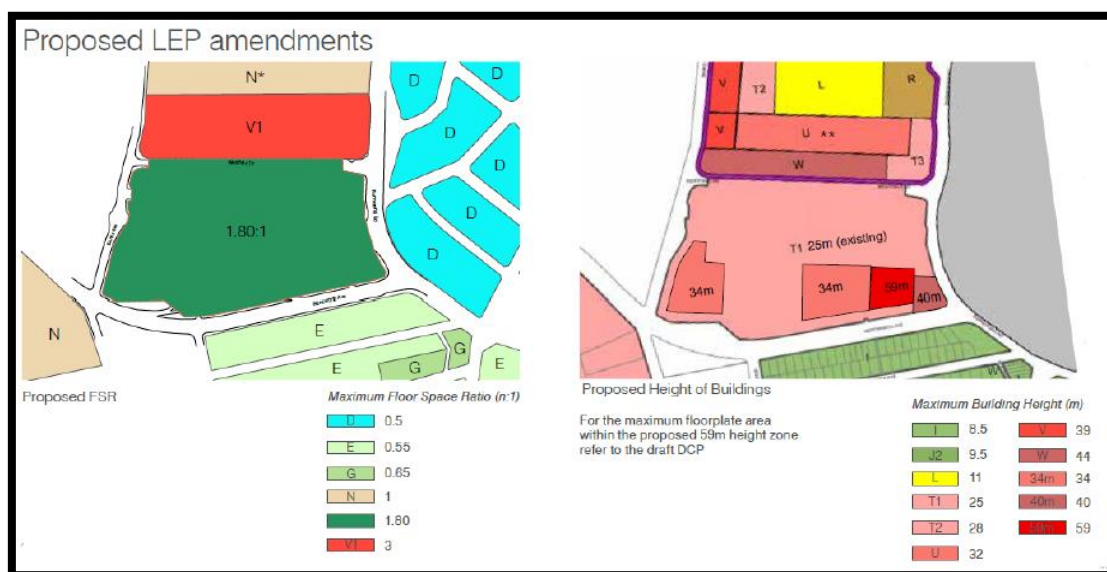
- insufficient details of proposed improvements to the public domain and to pedestrian safety at Westfield Drive, adjoining the BATA site.
- unreasonable overshadowing of properties located on the southern side of Wentworth Avenue.
- insufficient detail contained in the submitted site specific Development 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 23<sup>rd</sup> 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)

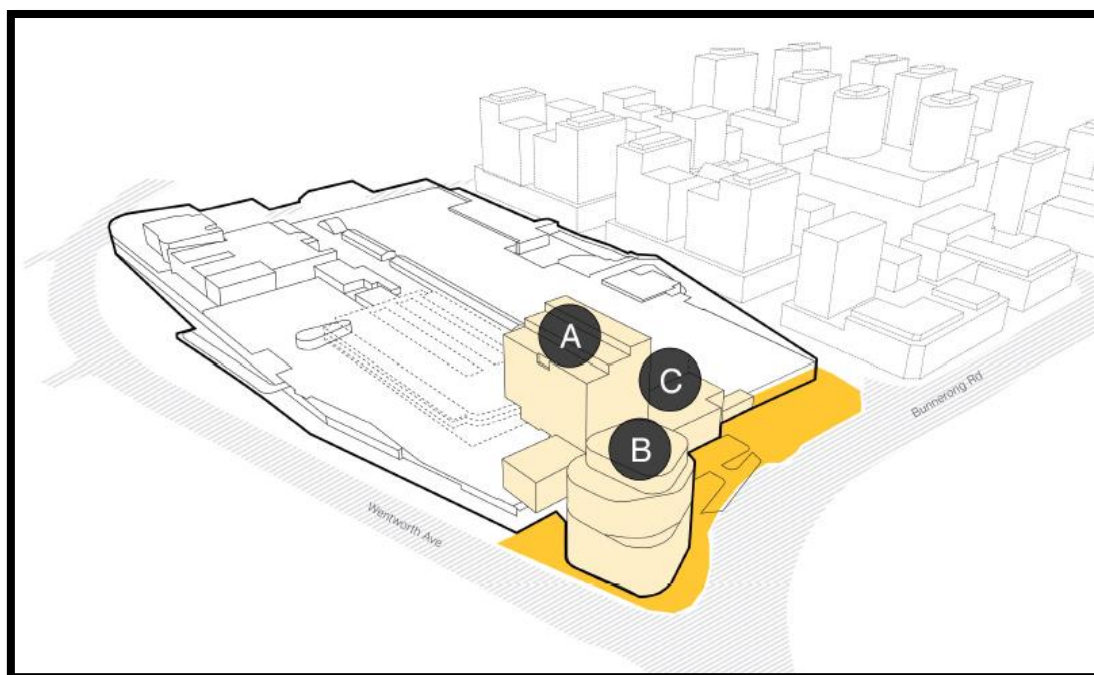
A comparison of the current and proposed zoning and development standards for the site, based on the provisions of the Botany Bay LEP 2013, is provided in **Table 2**:

**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

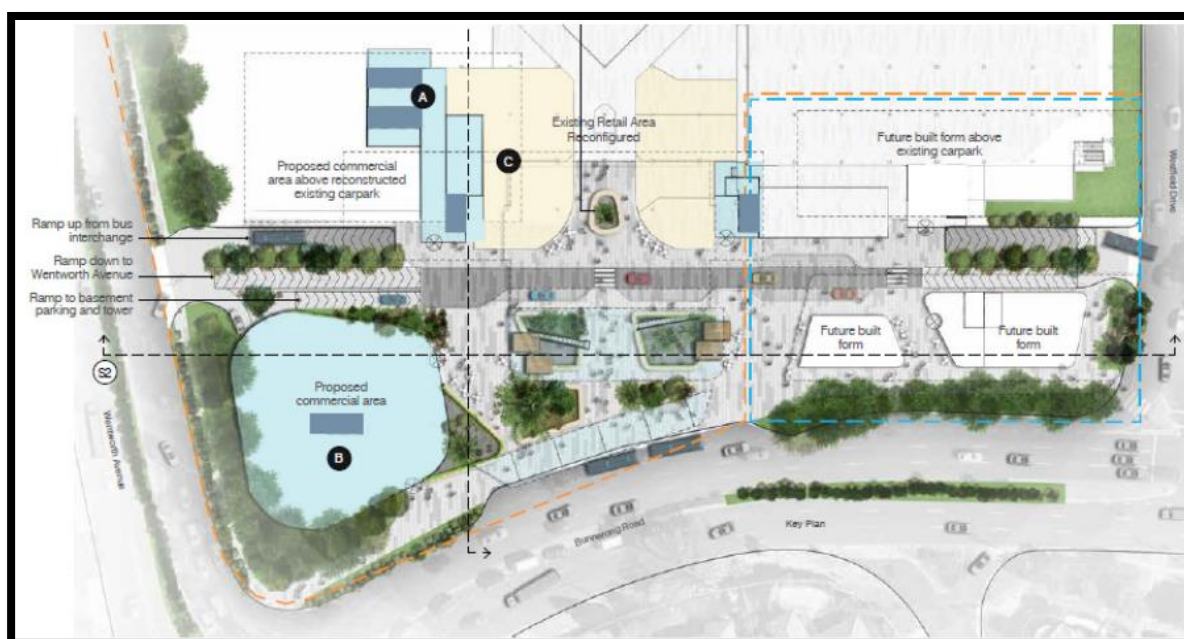
A summary of the intended outcomes of the draft Planning Proposal is provided below:

- 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
<b>1.1 Business and Industrial Zones</b>	<p><b>What a RPA must do:</b></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></p> <p>(b) <i>protect employment land in business and industrial zones, and</i></p> <p>(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><b>Comment:</b></p> <p>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</p>	YES

Ministerial Direction	Draft Planning Proposal consistency with direction	Consistent
	<p>International and dated February 2019 (<b>Attachment 5</b>) states that the 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 (<b>Attachment 6</b>) 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><b>Consistency:</b> No inconsistencies with the terms of the direction were identified.</p>	
<p><b>3.4 Integrating Land Use and Transport</b></p>	<p><b>What a RPA must do:</b> <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><b>Comment:</b> 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:</p> <p><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><b>YES – subject to consultation with TfNSW</b></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><b>Consistency:</b> The proponent is to consult with TfNSW to address the potential inconsistency.</p>	
<p><b>3.5 Development Near Regulated Airports and Defence Airfields</b></p>	<p><b>What a RPA must do:</b> <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> <ul style="list-style-type: none"> <li><i>(i) prepare appropriate development standards, such as height, and</i></li> <li><i>(ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome</i></li> </ul> <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><b>Comment:</b> 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"> <li>• 21 metres + 70 metres = 91 metres</li> </ul> <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 (<b>Attachment 7</b>). 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><b>YES – subject to consultation with DIRDC</b></p>

Ministerial Direction	Draft Planning Proposal consistency with direction	Consistent
	<p><b>Consistency:</b> 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><b>4.1 Acid Sulfate Soils</b></p>	<p><b>What a RPA must do:</b> 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><b>Consistency</b> <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><b>Comment:</b> 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><b>NO Inconsistency justified.</b> -</p>
<p><b>7.1 Implementation of A Plan for Growing Sydney</b></p> <p>[Now superseded by: The Greater Sydney Region Plan - A Metropolis of Three Cities]</p>	<p><b>What a RPA must do:</b> <i>Planning proposals shall be consistent with:</i></p> <p>(a) the NSW Government's A Plan for Growing Sydney published in December 2014.</p> <p><b>Comment:</b> <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><b>Objective 4 – Infrastructure use is optimised</b> 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><b>Objective 6 – Services and infrastructure meet communities changing needs</b> 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><b>Objective 14 – A Metropolis of Three Cities - integrated land use and transport creates walkable and 30-minute cities</b></p>	<p><b>YES</b></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><b>Objective 22 – Investment and business activity in centres</b> 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 <b>Attachments 5 and 6</b>.</p> <p><b>Consistency:</b> The draft Planning Proposal is considered consistent with overall intent of the Plan. No inconsistencies with the terms of the direction were identified.</p>	

### 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

<b>Name of Strategic Plan</b>	<b>Directions, priorities, objectives and actions</b>	<b>Draft Planning Proposal consistency with Strategic Plan</b>	<b>Consistency Y/ N</b>
<b>Regional Plans</b>			
The Greater Sydney Region Plan – A Metropolis of Three Cities	Refer to the assessment at <b>Table 3</b> .	Refer to the assessment at <b>Table 3</b> .	<b>YES</b>
<b>District Plans</b>			
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><b>Comment:</b> 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><b>Comment:</b> 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 support the provision of services to the region.</p>	<b>YES</b>

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><b>Comment:</b> 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><b>Comment:</b> 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><b>Comment:</b> 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 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>	

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>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><b>Comment:</b> The site is located within the Eastgardens-Maroubra Junction strategic centre identified in the ECDP, as shown in <b>Figures 13 and 14</b>.</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"> <li>strengthening and reinforcing the economic role of the centre by potentiating a diverse mix of commercial and retail uses.</li> <li>improving public transport connections through the upgrade of the bus interchange.</li> </ul>	

Name of Strategic Plan	Directions, priorities, objectives and actions	Draft Planning Proposal consistency with Strategic Plan	Consistency Y/ N
	<div data-bbox="453 297 1091 958"> </div> <p data-bbox="603 981 1043 1037"><b>Figure 13: Eastern City District - Centres</b> (Source: Eastern City District Plan)</p> <div data-bbox="453 1043 1098 1675"> </div> <p data-bbox="501 1693 1145 1749"><b>Figure 14: Location map of Eastgardens-Maroubra Junction</b> (Source: Eastern City District Plan)</p> <p data-bbox="443 1778 1203 1944">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>		
Future Transport 2056	The Strategy identifies under the Greater Sydney Initiative	Given this is not a committed (nor funded) project, it is anticipated that the	<b>To be determined</b>

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.	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"> <li><b>Strategic Direction –</b> <i>Our places are people-focussed</i></li> </ul>	<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"> <li><b>Strategic Direction –</b> <i>Our places connect people</i></li> </ul>	<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"> <li><b>Strategic Direction –</b> <i>My place will be special to me</i></li> </ul>	<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"> <li><b>Strategic Direction –</b> <i>We benefit from technology</i></li> </ul>	<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"> <li><b>Strategic Direction –</b> <i>We are prepared for climate change</i></li> </ul>	<i>Our streetscapes are green and welcoming</i>	The proponent has outlined public domain improvements, including 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"> <li><b>Strategic Direction – Opportunities for economic development are recognised</b></li> </ul>	<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).
<i>16. Growing investment, business opportunities and jobs in Bayside's strategic centres.</i>	<i>Identify opportunities to strengthen the economic role of the Eastgardens –</i>	The Planning Proposal proposes to intensify the existing Eastgardens strategic centre. The Economic Impact

	<i>Maroubra Junction centre based on the Bayside Centres and Employment Land Strategy, with clear complementary roles for Eastgardens and Maroubra Junction.</i>	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.
	<i>Promote place making initiatives and walking and cycling connections to open space and the Green Grid including:</i>  <i>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.</i>	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.	<i>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.</i>	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

dwelling 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 29<sup>th</sup> 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 3<sup>rd</sup> 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 the Bayside Local Planning Panel, 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 5<sup>th</sup> 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 the Bayside Local Planning Panel and 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 23<sup>rd</sup> 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 29<sup>th</sup> May 2017.

On the 21<sup>st</sup> 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 5<sup>th</sup> 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 23<sup>rd</sup> 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 5<sup>th</sup> 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 29<sup>th</sup> May 2017.

Subsequently, an addendum draft Planning Proposal was lodged with Council on 21<sup>st</sup> 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 23<sup>rd</sup> 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 5<sup>th</sup> 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 (>1,000m<sup>2</sup>) will not be in direct competition with surrounding office supply which is comprised of predominately 50 to 200m<sup>2</sup> 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 44,000m<sup>2</sup> 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\\_t2u90L7dCg7S](https://gsc-public-1.s3.amazonaws.com/s3fs-public/sydney_office_market_research_report_colliers_2014_06_0.pdf?SEZIWd9pECsIYYUp.qc_t2u90L7dCg7S)

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 29<sup>th</sup> 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 21<sup>st</sup> 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:

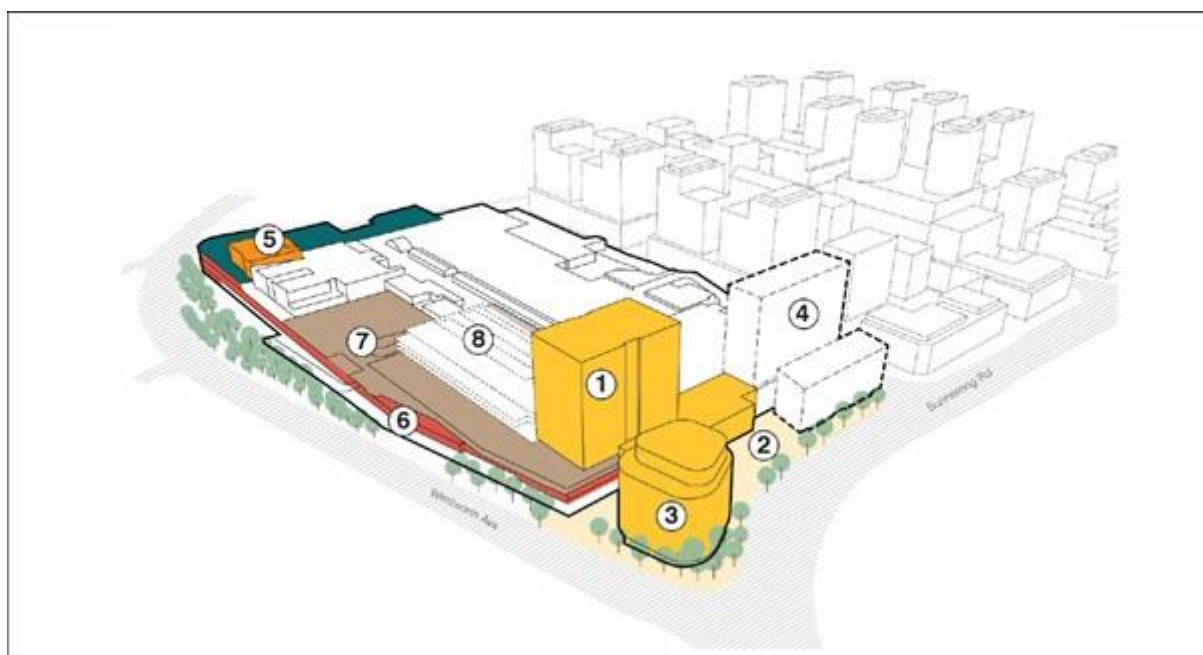


**Figure 15:** Proposed building envelope and footprint (Source: Woods Baggett Urban Context Report)

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 5<sup>th</sup> 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'):

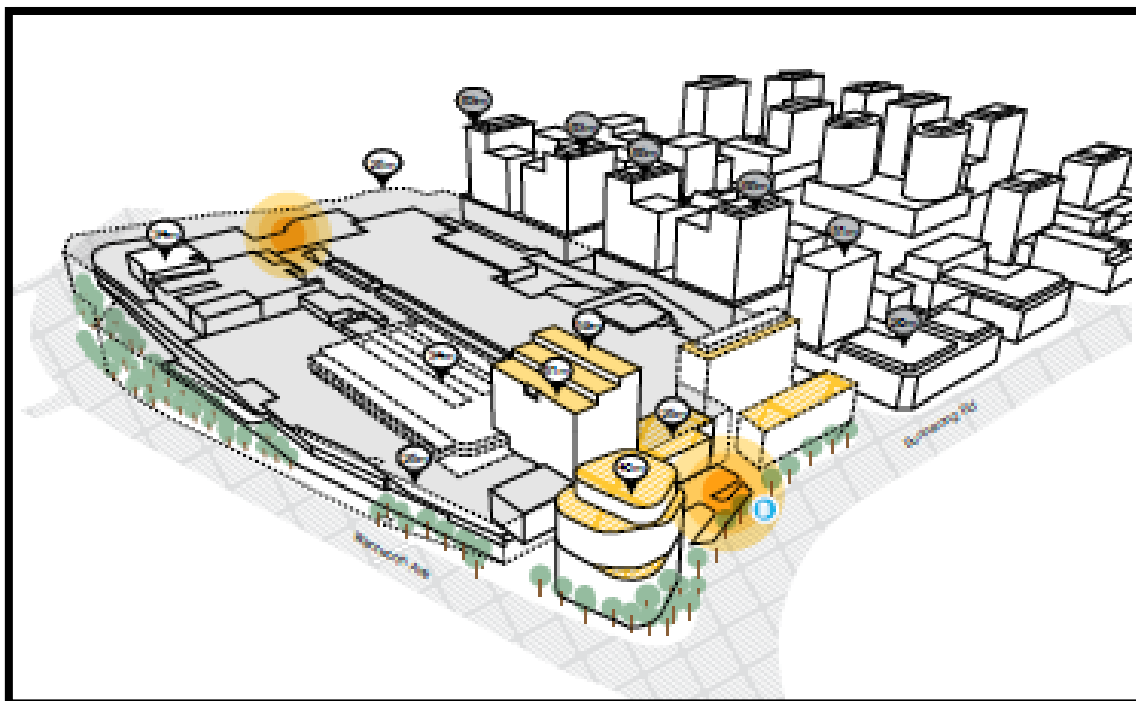


**Figure 16:** Master Plan – Key Features (Source: Architectus)

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 23<sup>rd</sup> 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.
- 

## 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, the Bayside Local Planning Panel 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 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 VPA. However, the proponent intends to upgrade the bus interchange, make general public domain improvements around the sites boundaries, and to contribute to the upgrade of a number of traffic intersections in proximity to the site as noted earlier in the report.

## Attachments

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







**URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:**

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Report Number	Final

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<b>Appendix E</b>	Updated Traffic Modelling
<b>Appendix F</b>	Updated Quantitative Risk Assessment
<b>Appendix G</b>	Site Specific DCP
<b>Appendix H</b>	Aeronautical Assessment

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## EXECUTIVE SUMMARY

### OVERVIEW

This Revised Planning Justification Report has been prepared by Urbis on behalf of Scentre Group who part own and operate the Westfield Eastgardens Shopping Centre, along with co-owner Terrace Tower Group. The site is located at 152 Bunnerong Road, Eastgardens, NSW 2036.

The Applicant seeks to initiate the preparation of an amendment to the Botany Bay Local Environmental Plan 2013 (BBLEP) as it applies to the Site. This Report is intended to assist Bayside Council (the "Council") in preparing a Planning Proposal to amend the planning controls at the Site in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This Revised Report seeks to update the scheme detail of the Planning Proposal, which was originally lodged in March 2018 with Bayside Council, and then updated in March 2019.

The March 2019 update responded to comments from Council and their independent advisors on the original proposal, and incorporated associated documentation including an Urban Context Report, revised Retail and Commercial Economic Impact Assessments, Traffic Modelling, an updated Quantitative Risk Assessment and an Aeronautical Report.

This further revision to the Planning Proposal Request seeks to respond to additional comments from Council and their independent advisors, which included a series of items that required further resolution. The key themes of this feedback related to overshadowing impact to the five most impacted dwellings to the south of Wentworth Avenue, improvements to the presentation and pedestrian safety of Westfield Drive, and various comments with respect to the draft DCP to improve the certainty of the outcome. A series of workshops were held between the Proponent and Council staff to resolve these matters and this latest revised Planning Proposal Request incorporates amendments to address the matters raised.

### PROPOSED DEVELOPMENT VISION

The Westfield Eastgardens vision is to transform into a vibrant, mixed use town centre accommodating an improved arrival experience, expanded retail and leisure offer, and new commercial office towers integrated into an active civic plaza, connected to an enhanced bus terminus. There is the opportunity to improve accessibility, connect better with the community, create jobs and strengthen the economic role of the centre, in line with its recognition as a strategic centre under the Eastern City District Plan.

In addition, there is a longer-term aspiration to introduce new uses to the site such as student accommodation or hotel on the Northern Bunnerong Road frontage. This does not form part of the current planning proposal but is illustrated on the Masterplan to show how this part of the site may be developed in the future.

The Masterplan demonstrates a cohesive and integrated approach to the redevelopment of the shopping centre to facilitate a response to consumer trends and the population growth in the trade area by enhancing the retail and commercial offering of the centre. It will also provide an opportunity to improve accessibility, create jobs and strengthen the economic role of the strategic centre.

The following points represent the key elements of the Vision:

Create a *Living Centre* that acts as a community hub from morning through to late evening:

- Meet the objectives of the Maroubra-Eastgardens Strategic Centre by creating employment opportunities, renewing an existing centre and creating new public places and spaces;
- Recognise the changing needs of the market by providing a range of new and improved retail offerings;
- Create a truly mixed-use precinct that provides a range of services and acts as the focal point for the local community;
- Facilitate the fulfillment of a range of community needs, including medical appointments, childcare, evening dining, entertainment and leisure;

- Provide two future commercial buildings to accommodate a range of office uses, which will assist future employment growth and job creation at the centre;
- Creating a new food and leisure precinct with rooftop dining, benefiting from views across the local golf course and towards the Sydney CBD;
- Upgrade the existing bus interchange to add more capacity and improve the passenger experience; and
- Create a space where shoppers, residents, workers and students can relax and socialise.

To improve pedestrian accessibility, amenity, safety and permeability:

- Create a better civic entry from the east by rearranging bus and taxi access, along with enhancing the public domain;
- Improve the external interfaces and quality of the streetscape around the centre; and
- Retain existing car parking provision and provide additional parking appropriate for the expansion of the centre;

To encourage additional job opportunities for the local community:

- Provide large office floor plates that are unique to the Eastgardens-Maroubra Strategic Centre to encourage new businesses to the area without impacting existing local office stock.
- Meet the objectives of the 30-minute city as outlined in the Greater Sydney region Plan
- Provide commercial jobs within a highly accessible location and in proximity to new high-density residential development.

To provide the potential for future land uses on the site:

- Future provision for possible student accommodation or hotel on the north-eastern side of the site to respond to support the investment in the Randwick Health and Education collaboration area.

Given the desire to progress a future stage of the development at Westfield Eastgardens, following this first approval stage of the Masterplan, it is intended that a collaborative process can be undertaken between Council and Scentre Group as part of the Bayside LEP Review. With Bayside identified as a Priority Council for its LEP Review, Scentre Group are eager to be a key stakeholder in discussions and engagement concerning the future identification of the centre within the revised LEP.

## PROPOSED LEP AMENDMENT

To facilitate the vision, it is intended to amend the BBLEP 2013 as follows:

- Floor Space Ratio: Introduce a new maximum allowable floor space ratio (FSR) of **1.8:1**
- Height of Buildings: Introduce a new maximum allowable building height of **Part 34m, Part 40m, Part 59m** (with the remainder of the site no change at 25m).

## PLANNING ASSESSMENT

The Planning Proposal provides a comprehensive justification of the proposed amendment to the BBLEP 2013, with the main points as follows:

- The proposal will allow the future expansion of retail and leisure uses at the site which reflects the importance of Westfield Eastgardens as a major regional shopping centre within a 'Strategic Centre' as identified within the Eastern City District Plan;
- The site is highly accessible, given that it is close to main arterial roads which form part of a Strategic Bus Corridor and the site already accommodates a bus interchange which caters for twelve separate bus services;
- The proposal will facilitate the creation of a mixed-use centre by providing a mix of commercial offices within an established retail precinct;

- The proposal will facilitate the development of commercial buildings, which will accommodate new local employment, provide a greater diversity of uses and strengthen the economic role of the centre;
- The co-location of an enhanced retail offer and new office accommodation, along with the residential development to the north of the site will serve to create a new sense of place at this location where the local community can live, work and spend leisure time;
- A new publicly accessible plaza fronting Bunnerong Road will promote active uses at the ground plane such as externalised retail, access to individual entry lobbies for each of the commercial buildings, and direct vertical connection to the bus interchange below through landscaped voids;
- There is adequate economic capacity within the catchment area to facilitate the development without having an adverse impact upon existing and planned centres within the local region;
- The proposal will allow for the future provision of adequate car parking on site to cater for demand at the site, at a rate that can be accommodated within the capacity of the existing road network;
- The proposal can satisfy the risk guidance for dangerous goods transit from the Botany Industrial Precinct; and
- The Planning Proposal will allow for a building envelope within which the shopping centre and new commercial towers can be developed which will have minimal impact on local environmental conditions.

## SUMMARY

The Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act and the relevant guidelines prepared by the NSW Department of Planning and Environment (now Department of Planning, Industry and Environment - DPIE) including "A Guide to Preparing Local Environmental Plans" and "A Guide to Preparing Planning Proposals."

The proposal is consistent with the objectives and actions contained within 'A Plan for Growing Sydney', the Greater Sydney Region Plan, the Eastern City District Plan and Council's Strategic Plan.

It is also consistent with applicable State Environmental Planning Policies and Section 9.1 Directions. The proposed amendment to the BBLEP 2013 has both strategic merit and site-specific merit, and there is a clear public benefit for proceeding with this Planning Proposal.

As such, this Planning Proposal should be favourably considered by Council.



# 1. INTRODUCTION

## 1.1. OVERVIEW

This Revised Planning Justification Report has been prepared by Urbis on behalf of Scentre Group who part own and operate the Westfield Eastgardens Shopping Centre, along with co-owner Terrace Tower Group. The site is located at 152 Bunnerong Road, Eastgardens, NSW 2036.

The Applicant seeks to initiate the preparation of an amendment to the Botany Bay Local Environmental Plan 2013 (BBLEP) as it applies to the Site. This Report is intended to assist Bayside Council (the "Council") in preparing a Planning Proposal to amend the planning controls at the Site in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This Revised Report seeks to update the scheme detail of the Planning Proposal, which was originally lodged in March 2018 with Bayside Council, and then updated in March 2019.

The March 2019 update responded to comments from Council and their independent advisors on the original proposal, and incorporated associated documentation including an Urban Context Report, revised Retail and Commercial Economic Impact Assessments, Traffic Modelling, an updated Quantitative Risk Assessment and an Aeronautical Report.

This further revision to the Planning Proposal Request seeks to respond to additional comments from Council and their independent advisors, which included a series of items that required further resolution. The key themes of this feedback related to overshadowing impact to the five most impacted dwellings to the south of Wentworth Avenue, improvements to the presentation and pedestrian safety of Westfield Drive, and various comments with respect to the draft DCP to improve the certainty of the outcome. A series of workshops were held between the Proponent and Council staff to resolve these matters and this latest revised Planning Proposal Request incorporates amendments to address the matters raised.

In support of this request the Proponent has provided updated documentation as follows:

- Urban Context Report prepared by Architectus (amended).
- Draft Development Control Plan prepared by Architectus (amended).
- Addendum to Review of Transport Matters prepared by SLR.
- Amended LEP Maps prepared by Architectus.
- The remainder of the existing consultant reports previously lodged continue to be relevant and are appended to this report.

The intended outcome of the Planning Proposal is to amend the BBLEP as follows:

- **Floor Space Ratio:** Introduce a new maximum allowable floor space ratio (FSR) of **1.8:1**
- **Height of Buildings:** Introduce a new maximum allowable building height of **Part 34m, Part 40m, Part 59m** (with the remainder of the site no change at 25m).

These proposed amendments are detailed in **Table 1** below:

Table 1 – Summary of Proposed Development Controls

Development Standard	Present BBLEP Control	Proposed Amended Control
Floor Space Ratio	1:1*	1.8:1
Height of Building	25m	34m / 40m / 59m (remainder of site 25m)
Zone	B3 Commercial Core	B3 Commercial Core (no change)

\* (A previous approval at the site has consented an FSR of up to 1.087:1 [Ref: DA14-123])

The expansion of the Westfield Eastgardens Shopping Centre seeks to respond to a range of factors, these include:

- The densification and gentrification of the trade area;
- Current and forecasted population growth of the Eastgardens-Maroubra Strategic Centre and surrounding area;
- The popularity of the existing fresh food offer, and to meet changing consumer expectations;
- To meet the demand for fashion retail by residents in the trade area that is currently being fulfilled at shopping destinations outside the trade area;
- To leverage off the existing strategic bus route links via the bus interchange at the site;
- A change in the modal shift towards public transport orientated travel to and from the precinct;
- Satisfying the shopping centre renewal cycle, in a situation where there have been no significant upgrades to the centre in over 15 years, whilst the needs of the community have evolved, and other competitors are reinvesting in their retail experience; and
- Providing opportunity for a greater level of commercial floor space, in close proximity to the bus interchange, given the identification of Eastgardens-Maroubra Junction as a 'Strategic Centre' within the Eastern City District Plan.
- The new commercial office space will help to meet demand from other centres, whilst the proposed floorplate sizes offer a point of difference to the local stock, thereby attracting a wider cross-section of future tenants.
- To facilitate a modern precinct which can accommodate future student accommodation or open market residential accommodation, in response to the identification as a Strategic Centre.

The scheme for the site seeks to introduce an increase in floor space at the centre by approximately 64,800sqm (GFA) (51,500sqm GLA) of which approximately 37,500sqm GFA (27,500sqm GLA) would be for retail purposes and 27,300sqm GFA (24,000sqm GLA) would be for a new commercial building.

A commensurate level of car parking will also be provided at the site to support the expanded centre, however benefiting from improvements to public transport and the balancing of peak demand between the multiple uses at the site.

## 1.2. REPORT STRUCTURE

Planning Proposals should be prepared in accordance with NSW Department of Planning and Environment (now DPIE) documents 'A Guide to Preparing Planning Proposals' and 'A Guide to Preparing Local Environmental Plans' published in December 2018.

This stipulates that the following information is required for a Planning Proposal:

1. A statement of the objectives and intended outcomes of the proposed instrument;
2. An explanation of the provisions that are to be included in the proposed instrument;
3. The justification for those objectives, outcomes and the process for their implementation;
4. Identify the intent of the Planning Proposal and the area to which it applies;
5. Details of community consultation that is to be undertaken on the Planning Proposal; and
6. A project timeline to detail the anticipated timeframe for the plan making process.

The level of detail required for a Planning Proposal should also be proportionate to the complexity of the proposed LEP amendment. It is considered that this Planning Justification Report contains sufficient

information relating to the above bullet points to address the relevant environmental, social, economic and other site-specific considerations.

This Planning Justification Report is supported by the following documentation:

- Urban Context Report prepared by Architectus (**Appendix A**) (lodged in November 2019).
- Retail Economic Impact Assessment prepared by Urbis (**Appendix B**) (lodged in March 2019).
- Commercial Office Economic Impact Assessment prepared by Colliers International (**Appendix C**) (lodged in March 2019).
- LEP Maps prepared by Architectus (**Appendix D**) (lodged in November 2019).
- Traffic Assessment and Addendum to Review of Transport Matters prepared by SLR Consulting (**Appendix E**) (lodged in March 2019 and November 2019 respectively).
- Quantitative Risk Assessment Report prepared by Systra (**Appendix F**) (lodged in March 2019).
- Draft Site Specific DCP prepared by Architectus (**Appendix G**) (lodged in November 2019).
- Aeronautical Assessment prepared by Strategic Airspace (**Appendix H**) (lodged in March 2019).

## 2. WESTFIELD EASTGARDENS

### 2.1. REGIONAL CONTEXT

The site is located within the suburb of Eastgardens within the Bayside Council Local Government Area (formerly Botany Bay Council). This is in south eastern Sydney, some 8km south of the Sydney CBD. It is situated between Sydney Airport at Mascot and the coastal areas of South Coogee, Maroubra and Malabar.

Figure 1 below identifies the wider site location and other main shopping locations in the region. The orange dotted line indicates the 5km radius from the Westfield Eastgardens site, whilst the dotted line shows the extent of the light rail network that is being developed in this part of Sydney, from Circular Quay through to both Kingsford and Randwick.

Figure 1 – Nearby Key Centres



Source: Urbis



## 2.2. LOCAL CONTEXT

There are a variety of land uses surrounding the shopping centre, including industrial, residential and open space. Sydney Airport is located a short distance to the southwest of the site while the heavy industrial areas of Port Botany and the Botany Industrial Precinct are located to the south and west of the site. This is shown in greater detail in Figure 2 below, where the site is outlined in red.

In terms of the immediate surroundings, to the north of the site is a former industrial area comprising the former British American Tobacco (BATA) site which has planning consent for new residential apartments. These new apartments are currently under construction by Meriton, with Stage 1 almost complete and Stage 2 now approved through the planning process.

To the south of the site beyond Wentworth Avenue is the Hensley Athletic Field and an area of detached dwelling houses accessed from Denison Street. Bonnie Doon Golf Course is situated to the west of the site, whilst further residential areas are located to the east between the site and Maroubra Junction.

Other uses in the general area include the University of New South Wales and a large hospital precinct, including the Sydney Children's Hospital, the Prince of Wales Hospital and the Royal Hospital for Women, in Randwick.

Figure 2 – Aerial Site Image



Source: Urbis (Site outlined in red)

## 2.3. THE SITE

The shopping centre was officially opened in October 1987 and extended and refurbished in 2001. No significant upgrade works have been undertaken at the centre since 2002.

It is a fully enclosed, multi-level major regional shopping centre. It is anchored by Myer, Big W, Coles, Target, Woolworths, Kmart and over 250 specialty stores. The legal description of the site is Lot 1 DP1058663. The site has a total site area of approximately 9.3ha.

The Westfield Eastgardens shopping centre occupies a site which is bounded by Wentworth Avenue to the south, Bunnerong Road to the east, Westfield Drive to the north and Banks Avenue to the west. The centre

provides some 84,400sqm of Gross Leasable Area (GLA) which accommodates approximately 70,500sqm of retail floor space (excluding cinemas, banks and travel agents etc.), along with some 5,000sqm of office floor space and a 723-seat cinema complex, supported by over 3,100 car parking spaces.

The total consented Gross Floor Area (GFA) for the site is currently 100,926sqm (following DA14/123), although the full extent of this floor space has not yet been developed. A desktop survey of the existing building performed by Scentre Group in 2018 calculates the existing built GFA as 99,440sqm.

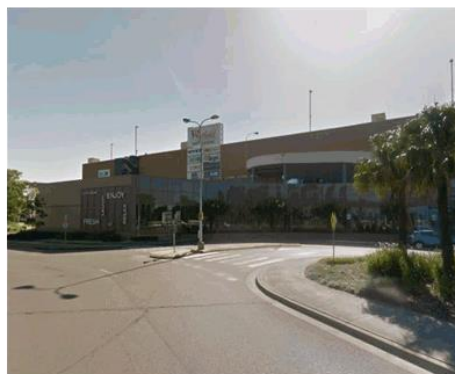
Photographs of the existing shopping centre are provided in Figure 3.

Figure 3 – Existing Site Photographs



Picture 1 – View from Bunnerong Road

Source: Google Earth



Picture 2 – View from Banks Avenue

Source: Google Earth



Picture 3 – View from Westfield Drive

Source: Google Earth



Picture 4 – View from Wentworth Avenue

Source: Google Earth



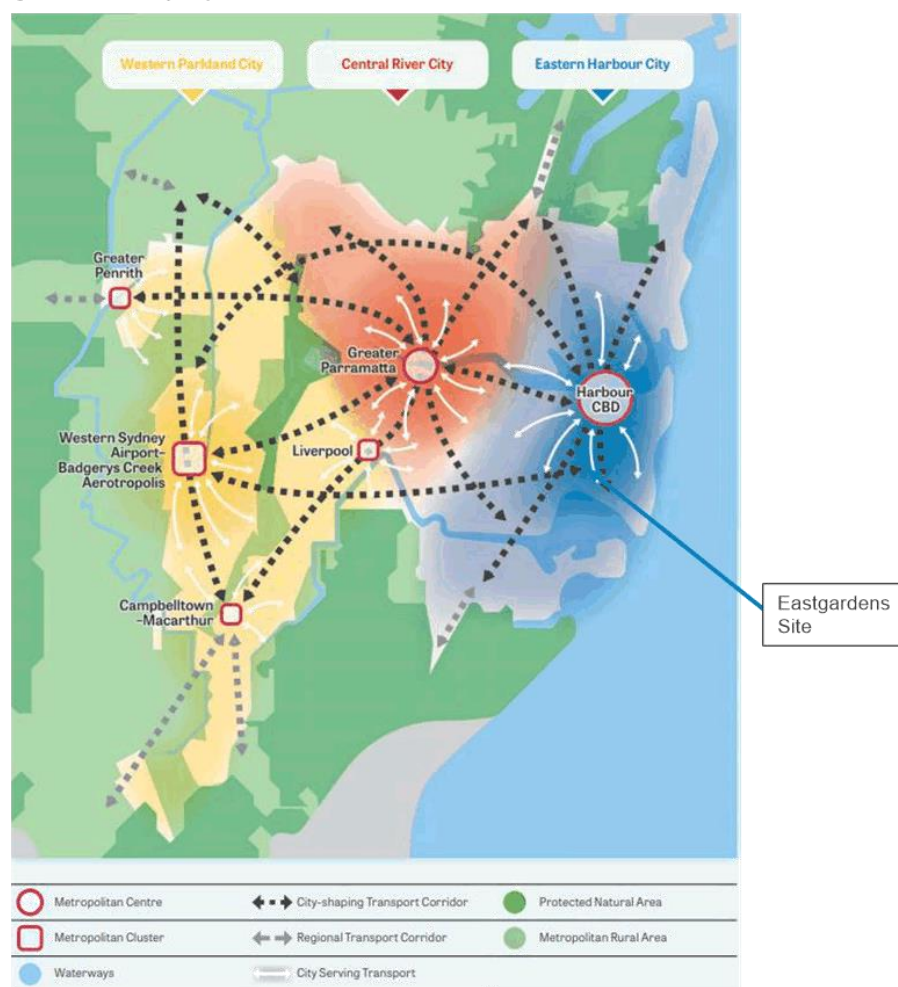
### 3. STRATEGIC PLANNING CONTEXT

#### 3.1. A METROPOLIS OF THREE CITIES – THE GREATER SYDNEY REGION PLAN

Released in March 2018, the final version of the Region Plan ensures land use and transport opportunities develop more equitably across Greater Sydney.

The Region Plan conceptualises Greater Sydney as a metropolis of three '30-minute' cities and is presented with the District Plans to reflect the most contemporary thinking about Greater Sydney's future. The site is located within the broader 'Eastern Harbour City', as shown in Figure 4 below.

Figure 4 – Greater Sydney as Three Cities



Source: Greater Sydney Commission

It sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans. For the first time, the Plan has been prepared in conjunction with the *NSW Government's Future Transport 2056 Strategy* and informs Infrastructure NSW's State Infrastructure Strategy providing full integration of land use, transport and infrastructure planning.

The Region Plan is underpinned by four key pillars which outline specific objectives to be achieved. The four pillars include:

- Infrastructure and Collaboration
- Liveability
- Productivity
- Sustainability

An assessment of the Planning Proposal against the relevant objectives of the Region Plan is provided in Section 9.2 of this Report.

### 3.2. EASTERN CITY DISTRICT PLAN

Released in March 2018, the final version of the Eastern City District Plan is a 20-year vision that provides strategic guidance on the economic, social and environmental growth in the Eastern City District of Greater Sydney. The District Plans have been prepared to align the Region Plan and the detailed planning outcomes for local areas.

The District Plan sets out priorities and actions for the development of the Eastern City District, which includes the LGAs of Bayside, Burwood, Canada Bay, Inner West, Randwick, Strathfield, the City of Sydney, Waverley and Woollahra, as shown in The Eastern City District encompasses the areas identified within the red line in Figure 5 overleaf.

This figure indicates that the site is proposed to be within the Eastgardens-Maroubra Junction Strategic Centre.

The priorities for this Eastern City District include:

- Growing investment, business opportunities and jobs in strategic centres;
- Providing services and social infrastructure to meet people's changing needs;
- Fostering healthy, creative culturally rich and socially connected communities;
- Growing investment in health and education precincts and the Innovation Corridor; and
- Providing housing supply, choice and affordability, with access to jobs and services;

As required by the *Environmental Planning and Assessment Act 1979*, the District Plan:

- Provides the basis for strategic planning in the District, having regard to economic, social and environmental matters;
- Establishes planning priorities that are consistent with the objectives, strategies and actions of the Region Plan; and
- Identifies actions required to achieve the planning priorities.

Figure 5 – Eastern City District



Source: Greater Sydney Commission

Figure 5 above is reproduced in the Eastern City District Plan and it identifies Eastgardens-Maroubra Junction as a 'Strategic Centre'. Within Planning Priority E11, it states that the centre has a large retail catchment and opportunities to link the two centres along a corridor of activity should be investigated.

The 'Actions No.48' for the centre are identified as the following:

*"Strengthen Eastgardens-Maroubra Junction through approaches that:*

- a. protect capacity for job targets and a diverse mix of uses to strengthen and reinforce the economic role of the centre*
- b. extend and investigate additional economic activities to connect Eastgardens and Maroubra Junction and complement the existing activities*
- c. leverage future public transport connections in the south east and west of the District*
- d. encourage provision of affordable housing to support the nearby health and education facilities and employment lands*
- e. promote place making initiatives to improve the quality and supply of public spaces, promote walking and cycling connections and integrate with the Green Grid*

*f. improve public transport connections and walking and cycling between Eastgardens-Maroubra Junction and Randwick."*

It is clear from the above actions that significant growth is expected within the centre over the plan period and given its new status as a 'Strategic Centre'. The Plan outlines the jobs targets for the various centres including Eastgardens-Maroubra Junction as illustrated in the Table 2 below:

Table 2 – Eastern City District Job Targets

Centre	2016 Estimate	2036 Baseline Target	2036 Higher Target
Eastgardens Maroubra	6,900	8,000	9,000

These job targets are intended to provide guidance to Councils and government agencies as to the likely scale of employment growth, whilst also helping to inform land use and infrastructure planning. The reason a range is provided is to account for varying economic conditions, and the higher growth scenario would reflect further investment in the centres.

The expansion of Westfield Eastgardens to provide approximately 58,000sqm of Gross Lettable Area (GLA) of which approximately 27,500sqm (GLA) would be for retail purposes and 30,500sqm (GLA) would be for the new commercial buildings.

The Economic Assessments (attached at Appendix B & C) identify that the proposal will generate an estimated additional 1,139 jobs within the retail expansion (full-time and part-time), along with some 1,220 – 1,525 full-time-equivalent jobs as part of the new commercial office buildings. This will significantly contribute to meeting the job targets set out in the District Plan and cement the precinct as a strategic centre.

Allied to the proposed jobs target within the Plan, are the five-year housing targets which are based upon the District's dwelling need and are said to provide an opportunity to deliver supply. This is broken down into Local Government Areas (LGAs). **Table 3** below sets out this housing target:

Table 3 – Five Year Housing Target

Area	2016-2021 Housing Target
Bayside LGA	10,150
Eastern City District Total	46,550

The Bayside Council LGA has the second highest housing target of the LGAs in the Eastern City District after the City of Sydney and represents almost a quarter of the new dwelling target for the District. This demonstrates that the Greater Sydney Commission views Bayside LGA as a location which can accommodate significant population growth, the consequence of which is that other services and facilities would need to be expanded to support this growth. This includes the provision of adequate retail floor space and offer to meet the needs of local residents and new office space to support employment growth.

Furthermore, the former BATA site adjacent to Westfields Eastgardens will contribute to this increase in residential population within the local area. The site is being developed by Meriton and is being marketed as 'Pagewood Green'.

The site extends to approximately 16ha, with the first 10ha already benefitting from consent for some 2,200+ dwellings, which are now being delivered. The completed site is expected to yield approximately 3,800 dwellings. This will create a significant new resident population immediately adjacent to the shopping centre. The whole of the Meriton site is within 500m walking distance to Westfield Eastgardens, and the improved retail offer around dining, entertainment and leisure will be conveniently accessible by foot.

Furthermore, Planning Priority E11 within the Plan has a wider set of Actions for which seek to manage growth and change in strategic and district centres. This sets out 'Actions 38 and 39' which include:

- *Attracting significant investment and business activity in strategic centres to provide jobs growth;*
- *Diversifying the range of activities in all centres;*



- *improving public transport services to all strategic centres;*
- *Co-locate health, education, social and community facilities in strategic centres along the economic corridor.*

Given this, it is clear that there will be a need to grow existing centres to provide job growth, but also to attract health and education activities into centres. To address this, the future commercial building at the site could accommodate a wide range of office and business uses, including the potential for health and education sectors. This co-location of retail and health uses has already been achieved at Bondi Junction, where there are a significant number of medical offerings in the commercial towers above the Westfield Bondi Junction Shopping Centre.

The message from the above 'Priority' and 'Actions' is clear in that retailers situated within centres should be allowed to grow in line with demand and operator requirements, and that Eastgardens centre should be strengthened to support job growth and encourage business activity.

To assist in achieving the above, Planning Priority E10 of the Plan seeks to deliver greater integration of land use and transport planning. It identifies that access to strategic centres and interchanges will be supported by improvements to the transit network. This includes investigating the feasibility of future mass transit corridor to the south of Kingsford, linking to Maroubra Junction. This would benefit significantly benefit the Eastgardens- Maroubra Junction Strategic Centre and could provide a potential location for interconnecting trips with the strategic bus network. As an advance investment, it is proposed to upgrade the bus interchange at Westfield Eastgardens as part of the proposal to add operating capacity, connect with a public plaza above, and improve the passenger experience to encourage great use of public transport to the site.

### 3.3. BOTANY BAY PLANNING STRATEGY 2031

The Botany Bay Planning Strategy (the "Strategy") was published in 2009 and identifies Eastgardens as a standalone shopping centre built in the last 30-40 years, which is designed to be visited by car and does not integrate well with the surrounding residential areas. However, the Strategy goes on to indicate that the Strategic Bus Corridor will use the bus interchange at Westfield Eastgardens. This part of the Strategy has been implemented, with approximately ten bus services visiting the bus interchange. This has significantly improved public transport connections.

The Strategy is clearly dated given the time that has passed since its publication, and it does not envisage an intensification of retailing activities at Eastgardens. However, it indicates that when the BATA site adjacent to the centre is developed, alternate land uses should be the subject of a detailed planning study. The former BATA site is currently being redeveloped and this represents a change in local circumstances, whereupon the future growth of the centre would need to be reconsidered.

### 3.4. NSW STATE PRIORITIES

In September 2015, the NSW Premier unveiled 12 personal priorities and 18 state priorities to grow the economy, deliver infrastructure, protect the vulnerable, and improve health, education and public services across NSW.

These priorities were to set the agenda for the NSW Government Sector over the coming years and included the following:

- Creating jobs;
- Encouraging business investment; and
- Delivering strong budgets.

The proposed expansion of Westfield Eastgardens would assist with the above priorities through the creation of additional jobs within the centre, the increased investment in business by both the centre operators, retailers and office-based businesses, and the overall positive impact on the local economy which would help to promote growth and assist the government in delivering strong budget.

### 3.5. FUTURE TRANSPORT STRATEGY 2056

The Future Transport Strategy 2056 is a vision for how transport can support growth and the economy of NSW over the next 40 years. It was published by Transport for NSW at the same time as the GSC released the Greater Sydney Region Plan in March 2018. The strategy is underpinned by the Regional Services and Infrastructure Plan and Greater Sydney Services and Infrastructure Plan.

It identifies a range of transport objectives for Greater Sydney including:

- Safely, efficiently and reliably moving people and goods;
- Connecting people and places in a growing city;
- Sustaining and enhancing the liveability of our places; and
- Accessibility for all customers, convenient and responsive to customer needs; and makes best use of available resources and assets.

As identified above, the Future Transport Strategy 2056 vision for the Greater Sydney mass transit network identifies a new mass transit corridor to Maroubra Junction, which would significantly enhance the public transport accessibility of the strategic centre and support the growth of the centre in the future.

Scentre Group made a submission on the draft report of Future Transport 2056 in December 2017, which supported the confirmation of Eastgardens as a strategic centre and identified the imperative to provide for greater mass transit services to the centre which would be achieved by an extension of light rail or metro rail connection to Westfield Eastgardens. Eastgardens is the logical location for intermodal transport connections to maximise the future development benefit around new transport infrastructure; whereas Maroubra Junction is essential already developed, and its Local Centre zoning makes it unlikely to achieve a commercial precinct of any substance given permissible residential development will always provide a great return for landowners than office.

Engagement with Transport for NSW is ongoing.

### 3.6. BAYSIDE DRAFT LSPS

Bayside Council released 'Future Bayside – Draft Local Strategic Planning Statement' (draft LSPS) for consultation from August to October 2019. This draft LSPS set out a 20-year vision for land use in Bayside, described the special characteristics and community values of the Bayside area that should be retained and outlined how growth will be managed in the future. This document has yet to be formally adopted by Council or endorsed by DPIE, so at this stage is cannot be considered in the assessment of this Planning Proposal Request.

However, it is noted that the draft LSPS recommends that opportunities are identified to strengthen the economic role of Eastgardens-Maroubra Junction Strategic Centre, which this Planning Proposal Request directly responds upon.



#### 4.1. BOTANY BAY LOCAL ENVIRONMENTAL PLAN 2013

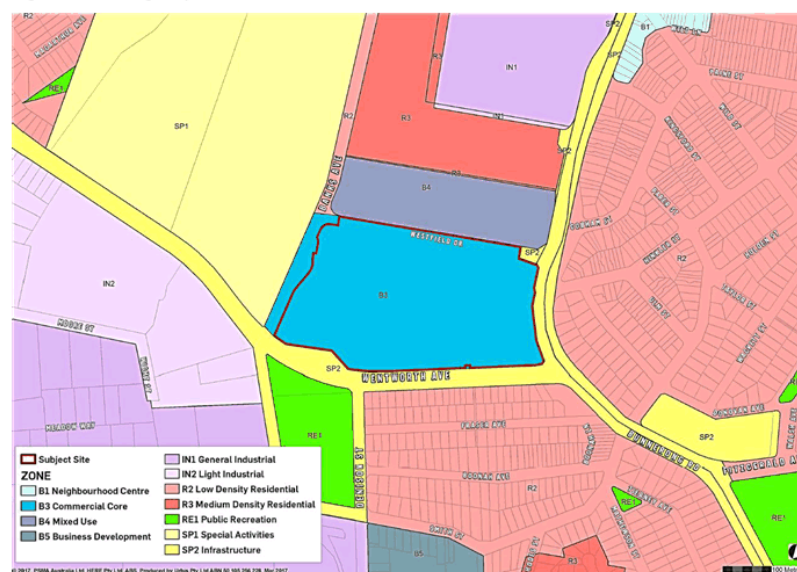
#### 4.1.1. Zoning

The objectives of the B3 Commercial Core zone are as follows:

- *To provide a range of retail, business, office, entertainment and community uses that serve the needs of people who live in, work in and visit the local area;*
- *To encourage employment opportunities in accessible locations; and*
- *To maximise public transport patronage and encourage walking and cycling.*

**Figure 6** below shows the current zoning of the site as outlined in BBLEP 2013.

Figure 6 – Zoning Map



Source: Urbis

### 4.1.2. Height of Building

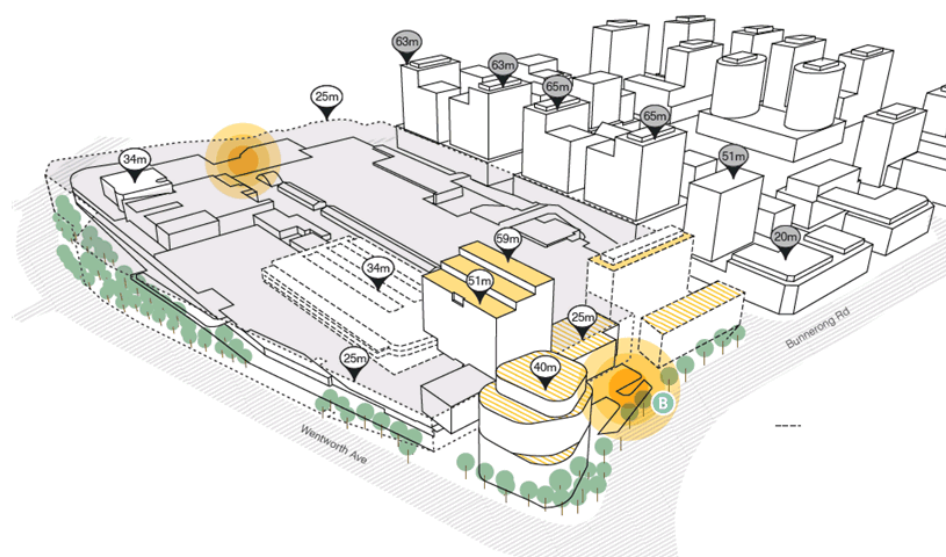
The current maximum height of building shown for the site within the BBLEP 2013 Height of Building Map is 25m. This is proposed to be amended to facilitate a maximum height of building for the site of part 34m / part 40m / part 59m, with the remainder of the site does not change and remains at 25m.

The proposed part 40m and part 59m height controls have been allocated to two specific locations of the site to accommodate the two commercial office towers proposed in the masterplan and to give appropriate certainty on built form outcomes. This has been reduced from the previous proposal which sought a height control amendment to 70m. This change has been made to address Council's concerns in regard to overshadowing of neighbouring properties.

In the other parts of the site, a height control is proposed at 34m to accommodate outlier height elements of the existing and proposed retail centre such as the cinema expansion, additional mezzanine parking decks, and new solar panel shade structures over the car park.

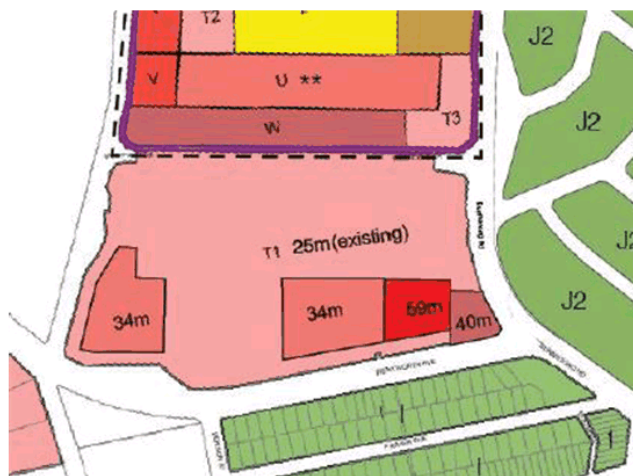
An outline is illustrated below in Figure 7 below of the indicative built form that could be constructed under the proposed height controls. An outline is also shown of potential future built form in the north east corner of the site, which is excluded from this LEP amendment request and would be subject to a separate Planning Proposal in the future.

Figure 7 - Proposed Maximum Height Envelope for the site in metres



Source: Architectus

Figure 8 – Proposed Height of Buildings Map

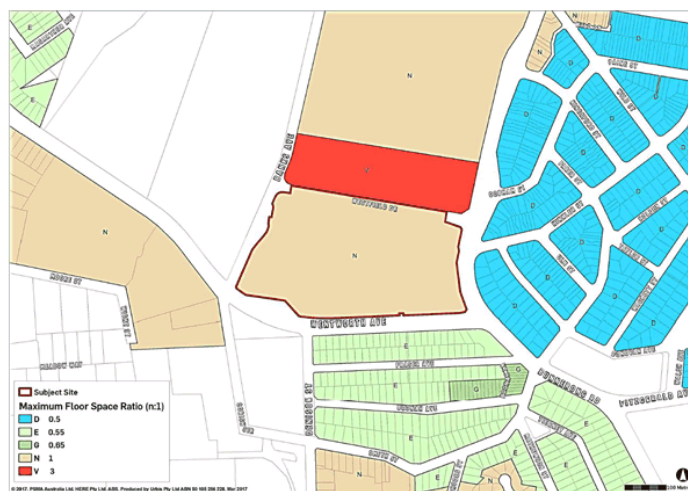


Source: Architectus

#### 4.1.3. Floor Space Ratio

Under the BBLEP 2013, the subject site has a maximum FSR of 1:1, however a current development approval at the site (DA14-123) has consented an FSR of up to 1.087:1.

Figure 9 – Existing FSR control



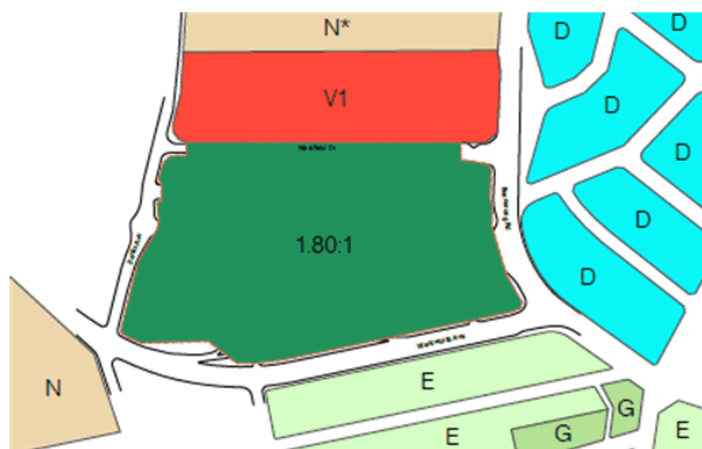
Source: Urbis

It is proposed to amend the FSR control from 1:1 to 1.8:1.

This is a decrease from the previous proposal (March 2019) which sought an FSR of 1.85:1 and has been revised to address feedback from Council.

The additional FSR will accommodate the expansion of the retail centre, the two new commercial office buildings and an enlargement of the floorplates of the existing commercial office building.

Figure 10 – Proposed FSR control



Source: Architectus

There is a market need and demand for the scale and type of retail expansion proposed for the shopping centre given the current leakage of retail spend to locations outside of the trade area, the changing trends in consumer spending towards services and experiences and the growing market population in the catchment area.

The Eastern District Plan sets the priority for delivering jobs around transport facilities within the Eastgardens – Maroubra Junction Strategic Centre, and Eastgardens plays an important strategic role for providing office land use given it is the only site zoned for Commercial Core in the strategic centre. The commercial office proposal will fill a gap in the market for large floorplate (>1,000sqm) layouts with the convenience of public transport and the amenity of a major regional shopping destination.

The amended LEP mapping for both FSR and height of building control is included at Section 10 of this Report.

## 4.2. BOTANY BAY DEVELOPMENT CONTROL PLAN 2013

The Botany Bay Development Control Plan (BBDCP) was originally adopted by the Council in December 2013 and the most recent amendment (Amendment No.8) was adopted in August 2017.

The BBDCP does not recognise Eastgardens as a centre within 'Part 5 – Business Centres', however it is referred to within the 'Part 8 – Character Precincts'. Westfield Eastgardens is identified as the major shopping centre in the region, providing many goods and essential services, along with a major bus change facility with bus routes connecting to a range of locations within Sydney.

The desired future character of the area is to "maintain the shopping centre as the major shopping centre, providing goods and services for the region." and to

*"Maintain & enhance the bus interchange facility at Eastgardens Westfields Shopping Centre to service bus routes connecting Eastgardens with the City, Bondi Junction, Burwood, Rockdale, Little Bay, Port Botany and La Perouse."*

The Proposal is consistent with the desired character and objectives established in the current DCP for the retail centre and enhancement of the bus interchange. Furthermore, the Proposal includes a draft site specific DCP to provide more specific detail for the vision, objectives and controls for the future development of the site in alignment with the Planning Proposal.

### 4.2.1. Car Parking

Additional car parking will be provided in the scheme to compensate for the spaces lost for the Level 2 retail expansion (into the existing car park) and to support the additional retail and office GLA in the proposal.

The final provision of car parking will be resolved at DA stage based on occupancy modelling of the existing car park and the development overlay, considering the interplay of the different uses and their peak parking demand curves and the improved public transport accessibility. Much of the new retail will be experience-based offers (vs goods) that are more viable for non-car transport options.

#### **4.2.2. Draft Site-Specific Development Control Plan**

A draft Site Specific DCP for the subject site has been developed and updated, and is attached at **Appendix G**. The draft DCP outlines the intended character, objectives and proposed controls to guide future development of the site, ensuring the vision can be achieved. The draft controls allow the site to be developed into a mixed-use centre that meets the objectives of a Strategic Centre whilst minimising the impact to neighbouring land uses.



## 5. MASTER PLAN VISION

The Westfield Eastgardens vision is to transform into a vibrant, mixed use town centre accommodating an improved arrival experience, enhanced retail and leisure, and new commercial office towers integrated into an active, civic plaza connected to an enhanced bus terminus. There is the opportunity to improve accessibility, connect better with the community, create jobs and strengthen the economic role of the centre, in line with its recognition as a strategic centre under the Eastern City District Plan.

With the addition of commercial office and future mixed use, the site will transcend its role in the community from a traditional shopping centre to become a *Living Centre* - a morning to evening activity hub where the community can fulfil its daily needs and be inspired by new opportunities and experiences.

Scentre Group uses the description of a *Living Centre* because its retail destinations are transitioning to places where the community come to gather and socialise, be entertained, dine, access services and experiences and shop.

The retail expansion will be a response to the changing customer expectations and lifestyle needs. The growth in consuming experiences versus goods sees the opportunity for new dining, entertainment, leisure, fitness and services retail. Further the leakage of fashion sales to online and the Sydney CBD demonstrates a product gap in the fashion retail offer that can be filled for the growing population in South East Sydney.

Centred above a civic plaza, a commercial employment hub will be a new destination for local businesses and residents to establish a workplace that enjoys the amenity of retail and dining with the accessibility of 12 bus routes and convenient ride share and end-of-trip facilities. Westfield Eastgardens will play a leading role in delivering the Strategic Centre actions in the East District Plan.

To complete the vision two future development buildings have been shown as part of a cohesive plan for the Bunnerong Road street address. It is Scentre Group's intention that these will form part of a future planning scheme that will explore additional land use for the site in the form of student accommodation or hotel development that further diversify the site and support the growth of the Randwick Health and Education precinct.

Figure 11 – Proposed Masterplan CGI Image of Civic Plaza



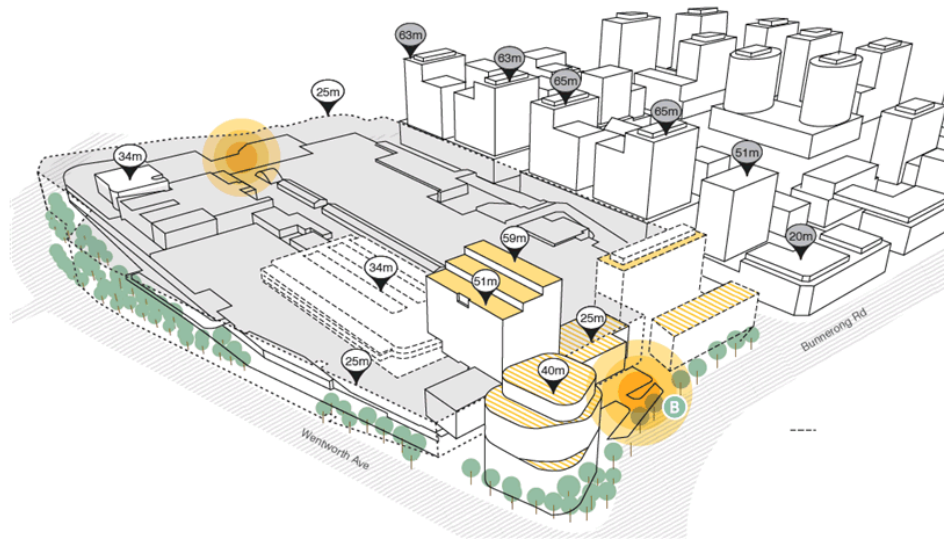
Source: Architectus



## 5.1. CONCEPT SCHEME

An Urban Contest Report illustrating the type of development facilitated by the Planning Proposal has been prepared by Architectus and is provided at **Appendix A**. The proposed masterplan for the site is provided at **Figure 12**. The design has been informed by the vision, opportunities and constraints of the site, and feedback from Bayside Council and its independent review.

Figure 12 – Proposed Master Plan



Source: Architectus

## 5.2. DESIGN PRINCIPLES

The masterplan has been based on the following urban design principles:

- Destination hubs at each of the East and West ends of the existing central mall spine;
- Focus on entries at the ground plane
- Activating the corners of the site
- Defined street functions
- Heights relative to adjacent context
- Strengthening the green vegetation buffer to the site.

Key features of the masterplan include:

- Land use:

The land use zoning remains as commercial core, however in addition to retail new commercial office GFA is introduced to add diversity to the site and contribute to the job capacity targets of the strategic centre.

- Height and built form:

The placement of height has been closely analysed and allocated to two tower envelopes to the South-East of the site in accordance with the urban design principles. A street wall is established along Bunnerong Road, and the higher tower form is set back onto the retail podium to create a transition to

the neighbouring land uses and to minimise overshadowing. It is proposed to have three new height controls, part 59m, part 40m and part 34m, with the control across the remainder of the site remaining unchanged.

- FSR:

To facilitate the masterplan the FSR from the site must increase from 1:1 to 1.8:1. This additional GFA of +64,800sqm is indicatively allocated between retail at +37,500sqm and commercial office at +27,300sqm.

- Enhanced bus terminus:

A key benefit of the proposal is an upgrade to the existing bus interchange which will allow a reconfiguration to add additional operating capacity, and an improvement in the user experience by enclosing the interchange (yet with sky voids for ventilation and visual connection), and connectivity to a public plaza above. The upgrade of this critical transport hub will encourage public transport use for the retail and office uses, reducing the dependency on private vehicle transport.

- New public plaza:

A new publicly accessible plaza fronting Bunnerong Road will be defined by active uses at the ground plane such as externalised retail, access to individual entry lobbies for each of the commercial buildings, and direct vertical connection to the bus interchange below through landscaped voids.

The following points represent the key elements of the Vision:

To Create a *Living Centre* that acts as a community hub from morning through to late evening.

- Recognise the changing needs of the community by providing a range of new and improved retail offerings and services;
- Create a truly mixed-use precinct that provides a range of services and acts as the focal point for the local community;
- Facilitating the fulfillment of a range of community needs, including medical appointments, childcare, evening dining, entertainment and leisure;
- Creating a space where shoppers, residents, workers and students can relax and socialise;
- Meet the objectives of the Maroubra-Eastgardens Strategic Centre by renewing an existing centre and creating new public places and spaces;
- Creating a new rooftop garden to and dining precinct, benefiting from views across the local golf course and towards the Sydney CBD.
- To improve pedestrian accessibility, amenity, safety and permeability;
- To create a better civic entry from the east by rearranging bus and taxi access, along with enhancing the public domain;
- Improve the bus interchange and user experience by reconfiguring underground and increasing bus standing capacity;
- To provide a new A-grade commercial tower to accommodate a range of office uses, which will assist future employment growth and job creation at the centre;
- To provide a new multi-use commercial building containing flexible floorspace to accommodate potential office, health and wellbeing practices, and civic services uses
- To improve the external interfaces and quality of the streetscape around the centre; and
- To retain existing car parking provision and provide additional parking appropriate for the expansion of the centre;
- Encourage additional commercial job opportunities for the local community
  - Provide large office floor plates that are unique to the Eastgardens-Maroubra Strategic Centre to encourage new businesses to the area without impacting existing local office stock.

- Meet the objectives of the 30-minute city as outlined in the Greater Sydney region Plan
- Provide commercial jobs within a highly accessible location and in proximity to new high-density residential development.
- Create the unique opportunity to have individual street addresses for commercial towers within the mixed-use centre.
- To make future provision for possible student accommodation oh hotel buildings on the north-eastern side of the site to respond to the investment in the Randwick Health and Education Collaboration Area;

Importantly, the masterplan concept contains two elements that warrant specific mention:

Outline for future development:

The masterplan also identifies an area of 'future development' where two building forms are indicated for additional uses such as student accommodation, hotel or build-to-rent housing to the North of the Bunnerong Road frontage. This will complete a wholistic development of the Bunnerong Road façade and will add increased diversity to the mixed-use site. These uses and built form are not part of this planning proposal and are shown to demonstrate the ambition of the site how the masterplan has been designed to consider this future development.

Given the desire to progress a future stage of the development at Westfield Eastgardens, following this first approval stage of the Masterplan, it is intended that a collaborative process can be undertaken between Council and Scentre Group as part of the Bayside LEP Review. With Bayside identified as a Priority Council for its LEP Review, Scentre Group are eager to be a key stakeholder in discussions and engagement concerning the future identification of the centre within the revised LEP.

Additional car parking according to RTA 2002 guidelines

Additional car parking will be provided in the scheme to compensate for the spaces lost for the Level 2 retail expansion (into the existing car park) and to support the additional retail and office GLA in the proposal.

The final provision of car parking will be resolved at DA stage based on occupancy modelling of the existing car park and the development overlay. Much of the new retail will be experience-based offers (vs goods) that are more viable for non-car transport options.

An 34m height zone has been included within the proposal for 4 additional mezzanine parking levels if the Applicant is required to provide parking based on the 2002 RTA Guide to Traffic Generating Developments.

The RMS now considers this ratio methodology to be outdated given:

- the progress in car park data collection and modelling,
- the fact that as major retail centres have evolved many additional activities are overlapped in the one trip; and
- additional usages as part of retail expansions often have a peak demand that sits outside the traditional park periods for shopping centres (i.e. dining and cinema peak periods are in the evening).

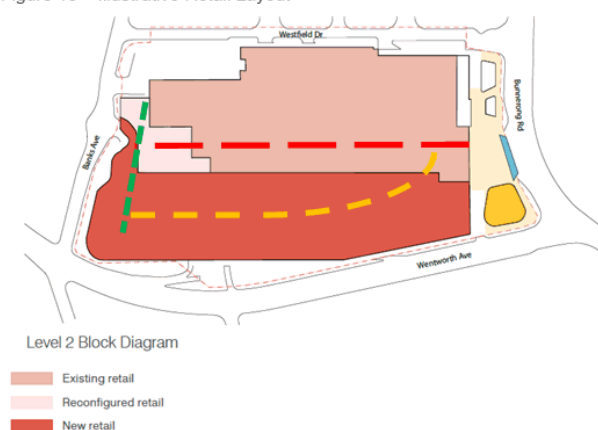
The Applicant expects that the 4 levels of additional mezzanine parking identified in the extra parking envelope will be further justified at the DA stage as not being required for construction, once reliable data is available for modelling following the introduction of ticketless parking data capture at Westfield Eastgardens in December 2018.

### 5.3. RETAIL, COMMERCIAL AND PUBLIC DOMAIN

#### 5.3.1. Retail arrangement

The proposal includes the expansion of the retail centre by approximately 27,500sqm of gross lettable area (approximately 37,500sqm GFA when common mall and services are included). **Figure 13** below provides an illustration of how the additional retail is proposed to be configured, and further detail is described in the Urban Context Report prepared by Architectus attached at **Appendix A**

Figure 13 – Illustrative Retail Layout



Source: Architects

The existing shopping centre is oriented along a distinct East-West mall axis.

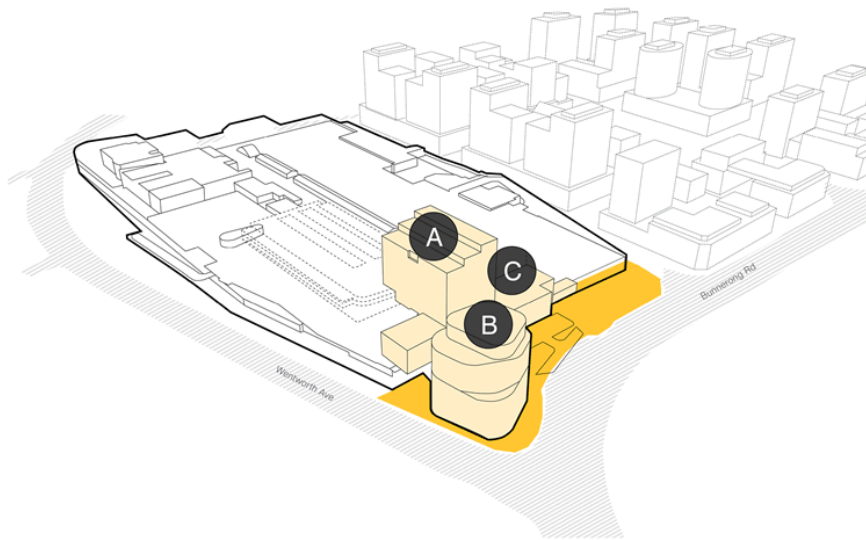
A new parallel fashion, accessories and beauty mall (shown as yellow dashed line) will be built into the existing Level 2 car park. The 'loop' mall layout is a logical and tested model for convenient retailing.

Along the Western edge (green dashed line) an interconnected food, dining and leisure offer will be added over levels 1, 2 and 3, which will reconfigure and re-image the fresh food, food court and cinema into indoor-outdoor destination with views over the golf course and to the Sydney skyline beyond

### 5.3.2. Commercial office arrangement

The proposal includes the addition of approximately 24,000sqm of commercial office GLA (approximately 27,300sqm GFA when lift lobbies, amenities and services are included).

Figure 14 – Commercial Office Arrangement



Source: Architectus

The indicative size and theme of each building is summarised below and described in more detail in the Architectus report.

- **Tower Building A:** A new A-grade commercial tower of 9 full storeys and 1 partial storey above the retail podium which will target traditional large floor plate office occupiers by providing plates of approximately 1,250sqm NLA. This tower will provide a total NLA of approximately 11,600sqm; and
- **Tower Building B:** A new corner tower of 8 full storeys and 2 partial storeys that will be geared at commercial usages around services and health. This tower will have floorplates of approximately 1,000sqm net lettable area (NLA), equating to a total NLA of approximately 9,500sqm;
- **Tower Building C:** Modifications to the existing 4 storey office tower to improve the core location and enlarge the floorplate to approximately 1,600m<sup>2</sup>. This arrangement should be appealing to innovative workplace arrangements such as co-working and serviced offices.

### 5.3.3. Bunnerong Road Public Plaza and bus terminus

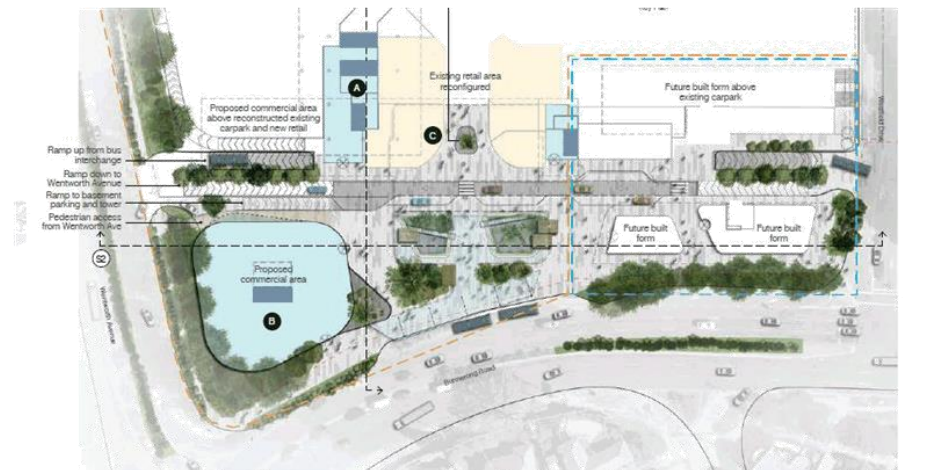
As part of the rearrangement of the Bunnerong Road façade and upgrade to the existing bus interchange, a new public plaza will be created at ground level on top of the bus terminus. The public plaza will be activated by:

- Landscaped open voids and travelators to connect to the bus interchange below.
- A reconfigured entrance to the shopping centre with externalised retail such as cafes and outdoor seating, stimulating life into the area.
- A laneway with drop-off / pick-up bays to encourage new modes of ride-share transport.
- New commercial towers which will provide an injection of workers during the weekdays, with each tower having its own building lobby which opens to the public plaza.

- The opportunity to connect future uses to the plaza, such as student accommodation or hotel, which will further activate the plaza during the night and weekends, creating a constant buzz.

Figure 15 below shows the proposed Bunnerong Road Public Plaza which interfaces with the bus terminus (sunken below), retail entry and individual office lobbies for each building.

Figure 15 – Proposed Bunnerong Road Public Plaza



Source: Architectus



## 5.4. RESPONSES TO PEER REVIEW OF PREVIOUS SCHEME

Following the lodgement of the original and the revised planning proposal scheme, several peer reviews were commissioned by Council into the technical studies provided with the proposal. This led to a range of feedback and comments which have now been addressed as part of this revised proposal. Given the November 2019 amendments to the scheme, the further comments raised by Council as identified in **Section 1.1** are also addressed in this latest update.

**Table 4** below outlines the mains comments highlighted and how this proposal has responded to this as a result.

Table 4 – Peer Reviews and responses

Peer Review comment	Response
<b>Transport and Traffic report</b>	
The peer review by Cardo requested a full study be undertaken assessing potential impacts to the surrounding road network and intersections, incorporating the traffic generation from the neighbouring Meriton development in conjunction with the subject proposal.	<p>An updated Traffic and Transport Assessment was undertaken by SLR along with revised traffic modelling in response to the peer review. The updated assessment demonstrates that the identified intersection upgrades are sufficient to accommodate the expected traffic increase resulting from the proposal along with the development proposed on the adjacent Meriton site (Stages 1 and 2).</p> <p><i>The updated modelling and findings were presented to Council for review in late 2018 and considered acceptable.</i></p> <p>The assessment has been not been updated for this revised Planning Proposal Request. However, the previous (March 2019) request updated the traffic modelling and reported accordingly. Given the commercial GLA has been reduced as part of this proposal, it can therefore be reasonably assumed that the nominated road capacity improvements will continue to be sufficient in mitigating traffic impact associated with this revised proposal.</p>
<b>Retail Economic Impact Assessment</b>	
RPS conducted a peer review of the original Retail EIA, noting several comments regarding the proposed retail component. This includes the following:	<p>A response letter prepared by Urbis answered the concerns raised by the RPS review.</p> <p><i>The letter was submitted to Council for review in late 2018 and understood to have been accepted.</i></p> <p>The letter provided the responses below to the comments raised by RPS.</p>
A quantitative market need assessment	<p>Overall, the response to this maintains that the proposed increase in retail floor space is warranted given the current population growth and expenditure in the trade area, including the adjacent high-density development.</p> <p>The report presents new analysis including that 76% of expenditure by trade area residents on apparel,</p>

	<p>homewares and leisure goods (discretionary items) is undertaken at centres/locations outside the trade area. This loss of local sales is referred to as 'leakage', and Eastgardens has the highest percentage of discretionary expenditure leakage among Westfield centres. This can be explained by the lack of range in fashion, homewares and leisure retailers, and the result is that residents are forced to drive to other locations and local jobs and economic activity is lost.</p>
A retail sustainability assessment showing impacts of the proposed expansion.	<p>The updated report contains a detailed impact assessment which specifies the estimated turnover and impacts of all strategic, district and local centres within the retail catchment for Eastgardens.</p> <p>The analysis shows that the forecast impact of the retail expansion to other centres is marginal, in the range of 1% to 3.1% depending on the centre. The report assesses that this level of impact is well below the threshold of 10% where impacts are generally considered to be a concern.</p> <p>It concludes that there is more than sufficient market demand in support of the expansion and that the trading impacts are well within the bounds of a normal and healthy competitive environment.</p>
An updated economic impacts and benefit section	<p>The report assesses that the marginal negative trading impacts described above are far outweighed by the positive impacts including the generation of 1,139 direct operational jobs per annum once the retail expansion opens (many of which will be local jobs), 223 construction jobs per annum during the two year construction period, and gross value added to the NSW economy of +\$258m during construction and +\$190m per annum during the operational phase.</p>
<b>Commercial Office Economic Impact Assessment</b>	
The peer review conducted by RPS identified that further explanation was needed regarding the demand and impact on other centres of the proposed commercial component, and justification on the methodology used to identify this.	<p>In response to the peer review feedback a new commercial office EIA was prepared by the consultancy team of office real estate experts <i>Colliers International</i>.</p> <p>The report provides an in-depth analysis of the existing office markets in the region, what factors drive business occupancy decisions, and the points of difference of the Eastgardens office proposal that will make it unique and attractive as a new workplace precinct.</p> <p>The EIA comments that the proposed office component is consistent with the B3 Commercial core zoning of the centre along with being identified as a strategic centre, and therefore is suitable for the site.</p>

	<p>In contrast, the majority of sites in Maroubra Junction along Anzac Parade are zoned B2 Local Centre, which permits (with consent) shop-top housing. This zoning setting reduces the likelihood of a standalone office development from eventuating given that housing typically renders the highest development return. Moreover, the majority of sites in Maroubra Junction are already developed or are relatively small, which will require some form of amalgamation, which is costly and time-consuming.</p> <p>The proposed floor plates of &gt;1,000sqm are much larger than currently available in the area and would appeal to a different sector in the market. Given this, the proposal is not considered to be in competition with the existing stock. Therefore, impacts are considered minimal.</p> <p>The revised Planning Proposal Request results in a reduction in incremental commercial gross lettable area of 6,500sqm compared to when the report was issued to Council. The proposal retains the commercial office component, albeit in a reduced quantity, and therefore the assessment and conclusions contained in the commercial office EIA remain applicable.</p>
<b>Quantitative Risk Assessment</b>	
<p>The primary recommendation was to update the report to include the commercial office proposal, as the previous modelling and conclusions were based on the retail scheme only.</p> <p>The specific comments and responses are outline below.</p>	<p>An updated Quantitative Risk Assessment has been provided to address the recommendations raised. The report demonstrates that the proposal is capable of addressing the risk requirements for proximity to the Botany Industrial Precinct and the hazardous goods route along Wentworth Avenue.</p> <p>The updated report (March 2019) includes the commercial scheme (previously only modelled on the retail scheme) which is positioned away from the Denison Street / Wentworth Avenue intersection, which results in limited incremental risk, and the proposal in totality is with the acceptable risk range.</p> <p>However, this revised Planning Proposal Request results in a reduction in incremental commercial gross lettable area of 6,500sqm compared to when the report was issued to Council, meaning the risk that was previously assessed as manageable is now reduced further.</p>
<p>Refer to Department of Planning and Environment (DPE) for interpretation of 'incremental risk' in societal risk assessment for new developments</p>	<p>Systra Scott Lister attempted to engage with DPE but they did not wish to do so until the post-Gateway referral and exhibition period.</p> <p>Regardless, the report has considered both interpretations, and the more conservative interpretation</p>

	of comparing the proposal against the cumulative risk of other developments in the area has been used when presenting the results.
Update for the inclusion of the commercial office scheme, including consequence results of incidents.	The commercial scheme as presented in this Planning Proposal was included in the updated modelling.
The existing cumulative F-N curve must be compared with an updated F-N curve including the population from the proposed future development	This is included in the updated report.
Update the report to address <ul style="list-style-type: none"> <li>a) risk contributors to the incremental risk and rank them</li> <li>b) assumed population distribution of the 1640 persons</li> <li>c) whether the risk was assessed for persons inside and outside the building, and at different levels in the building, and</li> <li>d) how the risk mitigation in design suggested in Ref.1 have been addressed in the incremental risk assessment.</li> </ul>	<p>The risk contributors (incident types) have been identified in the model outputs chart. The modelling assumptions used for population distribution, inside/outside population, and risk mitigations have all been outlined in the updated report.</p> <p>The recommended risk mitigations have not been included in the modelling, hence the results as presented do not enjoy any benefit from these mitigations.</p>
If the updated F-N curve for the area still falls within the ALARP and the incremental risk is deemed marginal, the development cannot be precluded.	This was a statement only, however the updated results do fall into the ALARP range.
The emergency response plan for the Westfield Eastgardens complex must include response to a dangerous goods transport accident near the intersection of Denison Street and Wentworth Avenue.	This is a management recommendation that can be incorporated at DA stage.
There must be a public address system in the Eastgardens complex to notify shoppers of the actions to take in the event of a dangerous goods transport accident that may affect the car park on Wentworth Avenue.	This is a management recommendation that can be incorporated at DA stage.
<b>Overshadowing</b>	
Overshadowing impact to the five most impacted dwellings to the south of Wentworth Avenue was deemed not supportable. It was clarified that there were no plans to change to the zoning or density of these properties in the foreseeable future as part of the Local Strategic Planning Strategy process and LEP updates.	The massing of the largest commercial office tower was remodelled, and it now gives rise to an acceptable level of additional overshadowing the residential properties located on the southern side of Wentworth Avenue on June 21. The impacts to the existing dwellings (apart from 5 existing dwellings) are minor and do not impact on the ability of these properties to comply with the solar access requirements specified under existing DCP controls.

	<p>More detailed overshadowing analysis was carried out to ascertain the impact to the 5 most affected residential dwellings on June 21. Analysis of this revised scheme confirms that:</p> <ul style="list-style-type: none"> <li>• There is no additional overshadowing to the primary open space (otherwise known as rear yards) of the subject properties.</li> <li>• The living areas of the dwellings are concentrated toward the rear/ southern end of the dwelling and is not overshadowed by the proposed massing.</li> <li>• The proposal ensures a minimum of 1 hour of solar access is provided to the front building facades and 1 hour of solar access is achieved to at least 50% of the front yards despite there being no requirement to demonstrate this.</li> </ul> <p>During the equinox period (21st September to 21st March) the proposed massing does not create any additional overshadowing impact to adjacent properties.</p> <p>Beyond the equinox period (3rd August to 10th May) all properties achieve a minimum of 2 hours solar access to 100% of the front yards and northern facade of the 5 properties in question.</p>
<b>Pedestrian Safety and Public Domain</b>	
Improvements to the presentation and pedestrian safety of Westfield Drive were requested to be addressed.	<p>The revised Planning Proposal Request now includes the following updated elements:</p> <ul style="list-style-type: none"> <li>• <b>Prioritising pedestrians and traffic calming</b> – raised crossings are proposed near the intersection of the new Meriton site streets. These are intended to provide clear points of pedestrian crossing at desire lines, as well as to slow traffic and deter vehicles using Westfield Drive as a 'rat-run'.</li> <li>• <b>Separating pedestrians from loading areas</b> – limit pedestrian movement in the footpath immediately outside the loading docks. Improvement works will encourage pedestrians to use the north side of Westfield Drive to move along the centre of the street block, and to cross to the southern side on newly proposed raised pedestrian crossings once they are beyond the dock areas located towards the middle of Westfield Drive.</li> <li>• <b>Improved amenity</b> – landscaping, widening footpath at points, lighting, wayfinding, and public art opportunities are proposed to improve the</li> </ul>

	amenity of the street and provide a buffer to the facade of the existing back-of-house areas.
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## 6. PLANNING PROPOSAL OVERVIEW

This Planning Justification Report is intended to inform the preparation of a Planning Proposal which can be prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979*, for consideration by the Department of Planning and Environment.

Accordingly, this Report addresses in the following parts:

- Part 1: A statement of the objectives or intended outcomes of the proposed amendment;
- Part 2: An explanation of the provisions that are to be included in the proposed amendment;
- Part 3: The justification for those objectives, outcomes and the process for their implementation;
- Part 4: The supporting maps which identify the aspects of the Planning Proposal;
- Part 5: Details of community consultation that is to be undertaken for the Planning Proposal; and
- Part 6: The prospective timeline.

Discussion for each of the above parts is outlined in the following sections which are structured in accordance with the document 'A Guide to Preparing Planning Proposals' (December 2018), published by DPE (now DPIE).

## **7. PART 1 – OBJECTIVES AND INTENDED OUTCOMES**

### **7.1. OBJECTIVE**

The primary objective of the Planning Proposal is to amend the planning controls for Westfield Eastgardens to facilitate its expansion, in order to deliver an upgraded, high quality retail centre, along with new commercial buildings to assist in the creation of jobs and strengthening the economic role of the centre to meet the 'Strategic Centre' status. This is in accordance with the Eastern City District Plan objectives and the 'Vision' outlined in Section 5 above.

This will ensure that Westfield Eastgardens can evolve its important role in the community and transform from a traditional everyday needs shopping centre to a mixed-use community hub for dining, entertainment, leisure, services and employment. It ensures the centre maintains its market position in the face of competition from other centres, in a situation where the centre has not been upgraded for fifteen years. It will also provide sufficient offer to keep pace with the increasing residential densities and population growth within the trade area.

The enhanced shopping centre and new commercial buildings will further strengthen and reinforce the economic role of the centre, and benefit from the existing and future public transport links to the site.

### **7.2. INTENDED OUTCOME**

The Planning Proposal is intended to have the following outcomes:

- Amendment to the BBLEP to amend FSR and height of building controls to the site. This includes amendments to the LEP maps, which are contained in Section 10 of this Report;
- It seeks to increase the FSR to 1.8:1; and
- It seeks to increase maximum height of building to part 34m, part 40m and part 59m, whilst the reminder of the site is unchanged.

## 8. PART 2 – EXPLANATION OF PROVISIONS

### 8.1. OVERVIEW

The objectives and intended outcome of this Planning Proposal can be achieved by:

- Amending the BBLEP 2013 Height of Buildings Map for the site from a maximum of 25m to allow for areas to have maximum of part 34m, part 40m and part 59m.
- Amending the BBLEP 2013 FSR Map for the site from 1:1 to 1.8:1.
- Introduce a DCP specific for the site.

The proposed changes to the maximum height of building and maximum FSR maps are illustrated in the figures provided at **Section 10**.

These amendments will support the development of the site as a mixed-use community hub and is consistent with the concept plan and achieves the key objective and intent of this Planning Proposal request.

It is considered that the proposed amendments to the BBLEP 2013 are the best, most efficient and time effective approach to delivering the intended outcome of the proposal.

The purpose of the Planning Proposal is to amend the BBLEP 2013 to allow the expansion of the shopping centre at the site to provide a greater level of retail, commercial and leisure floor space, along with additional car parking provision on the same site footprint. The existing height of building control is a blanket approach across the site, however within this there are existing varying building heights across the site.

Accordingly, the proposal seeks amendments to the BBLEP provisions as they pertain to the site as follows:

- Floor Space Ratio: Introduce a new maximum allowable floor space ratio (FSR) of 1.8:1
- Height of Buildings: Introduce a new maximum allowable building height of part 34m, part 40m and part 59m (whilst retaining a maximum 25m height on the remainder of the site).

It is considered that the proposed amendments to the BBLEP 2013 are the best, most efficient and time effective approach to delivering the intended outcome of the proposal.

### 8.2. AMENDMENT TO FLOOR SPACE RATIO

The existing BBLEP Floor Space Ratio Map specifies the maximum FSR for the site as 1:1. However, a previous development consent (DA reference 14/123) at the site varied this FSR such that the approved FSR is slightly above this level. This DA was determined by the Council on 11<sup>th</sup> March 2015, following its consideration by the Sydney East Joint Regional Planning Panel (JRPP).

Condition 83 on this consent states that:

*"Prior to the issue of the Occupation Certificate, a Certificate of Survey from a Registered Surveyor shall be submitted to the Principal Certifying Authority and the Council to the effect that:*

*...b) A Floor Space Ratio (FSR) of 1.087:1 and height of 39.5m AHD (top of parapet) and 44.1 m AHD (for tower along eastern elevation) as approved under this Development Consent No. 14/123 have been strictly adhered to and any departures are to be rectified in order to issue the Occupation Certificate"*

The JRPP concluded on this point that:

*"The proposed development provides a high-quality commercial development that facilitates the orderly and economic development of land in a manner that is appropriate for the site. Additional commercial services will be provided in an appropriate location and will provide increased employment and investment opportunities for the area. The impacts from the proposed development on the amenity of surrounding properties resulting from the departing FSR are considered minimal and the built form is considered compatible with the existing development on the site. Council officers agree that the proposal will result in a public benefit.*

As such, the current consented FSR for the site should be assessed as being 1.087:1.

It should also be noted that the height of buildings referenced in the condition above are measured to a Reduced Level linked to an Australian Height Datum (AHD) point, rather than indicating the actual height of the building from ground level to the top of the building, which forms the LEP control.

The objectives of the FSR clause (Clause 4.4) in the BBLEP are as follows:

- (a) *to establish standards for the maximum development density and intensity of land use,*
- (b) *to ensure that buildings are compatible with the bulk and scale of the existing and desired future character of the locality,*
- (c) *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,*
- (d) *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,*
- (e) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties and the public domain,*
- (f) *to provide an appropriate correlation between the size of a site and the extent of any development on that site,*
- (g) *to facilitate development that contributes to the economic growth of Botany Bay.*

It is considered that the above objectives can be satisfied whilst facilitating the expanded shopping centre.

The proposed outcome will be achieved by amending the BBLEP Floor Space Ratio Map in accordance with the proposed FSR Map contained in Section 10 and Appendix D of this Report.

### 8.3. AMENDMENT TO BUILDING HEIGHT

The existing BBLEP Height of Buildings Map specifies that the maximum building height of Westfield Eastgardens site is 25m.

It is proposed to amend the development standard to permit a maximum height of building of part 34m, part 40m and part 59m (with the remainder of the site unchanged at 25m), meaning that the Planning Proposal will seek up to an additional 9m in maximum height for parts of the retail element of the centre and an additional maximum of 15m and 34m for the future commercial building envelopes.

The indicative building height map (Figure 7 earlier in this report) has clearly identified zones where the additional height can be placed, giving certainty to Council, whilst maintaining sufficient flexibility for building articulation as part of the detailed design and future DA process.

It is clear that the approach set out within this Planning Proposal will facilitate the realisation of the Priorities and Actions in the Eastern City District Plan to encourage growth, meet jobs targets for the centre and provide a diverse mix of uses.

The additional height for the shopping centre element will principally be utilised to provide for an expansion to the cinema and additional car parking that may be required for the development, along with solar panel shade structures above the top level of the car park. The proposed height limit of 34m would therefore allow the development of any structures associated with this use.

The 40m and 59m maximum height for the two commercial towers proposed consists of up to 27,300sqm (GFA) of new office floor space.

It should also be noted that the adjacent Pagewood Green development comprises residential towers of a greater height to the proposed commercial buildings, meaning that the proposal cannot be out of character with what has been consented on the neighbouring site.

The objectives of the height of buildings clause (Clause 4.3) within the BBLEP are as follows:

- (a) *To ensure that the built form of Botany Bay develops in a coordinated and cohesive manner;*
- (b) *To ensure that taller buildings are appropriately located;*
- (c) *To ensure that building height is consistent with the desired future character of an area;*

- (d) *To minimise visual impact, disruption of views, loss of privacy and loss of solar access to existing development; and*
- (e) *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.*

It is considered that the objectives of this clause can be satisfied following the grant of an additional maximum height level at the site, where a considered design response is proposed, given its location, surroundings and current built form.

The proposed outcome will be achieved by amending the BBLEP Height of Buildings Map in accordance with the proposed Height of Building Map contained in Section 10 and Appendix D of this Report.

## 9. PART 3 – JUSTIFICATION OF THE PLANNING PROPOSAL

### 9.1. NEED FOR THE PLANNING PROPOSAL

**Q1. Is the planning proposal a result of any strategic study or report?**

No - it is not the direct result of a strategic study or report. However, this proposal follows extensive engagement with Council over the course of the past three years and is strongly aligned with Eastern City District Plan which set targets for jobs growth in the Eastgardens-Maroubra Junction Strategic Centre and set an action to achieve a diverse mix of uses to strengthen and reinforce the economic role of the centre.

**Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The Planning Proposal is the best means for achieving the objective and intended outcomes identified in Section 7 of this Report. The amendments to the BBLEP will ensure the orderly and economic expansion of the Westfield Eastgardens.

Without an amendment to the planning controls, the opportunity for additional office floorspace and to expand the retail offer to reinforce the position economic role of the 'Strategic' Centre will be lost.

The site is a logical and appropriately placed to concentrate future economic growth within the Bayside LGA given it is already the main shopping centre for the immediate area, is the only Commercial Core zoned site in the Strategic Centre, and it benefits from well-established public transport links with the potential for future mass transit to connect at the site. It is also adjacent to a large new residential development constructed by Meriton immediately to the north, which can give rise to the benefits of co-location where future residents will be able to live, work and shop in the immediate surroundings.

### 9.2. SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

DPE's Planning Circular (PS 16-004) notes that a key factor in determining whether a proposal should proceed to Gateway determination should be its strategic merit and site-specific merit. It is considered that the Planning Proposal meets these tests as outlined in the following sections.

**Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, sub-regional or district plans of strategy (including any exhibited draft plans or strategies)?**

The 'Guide' published by DPE advises of the assessment criteria for this stage of the Planning Proposal process. This is split into Stage A and Stage B (Page 12 & 13 of the Guide) as outlined below.

- a) It refers to how proposals can demonstrate strategic and site-specific merit, which is outlined below.

*"Does the proposal have strategic merit? Is it:*

- *Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *Give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or*
- *Responding to change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised within existing planning controls'.*

It goes on to indicate that there will be a presumption against a Rezoning Review request that seeks to amend LEP controls that are less than 5 years old, unless the proposal can clearly justify that it meets the Strategic Merit Test. The Botany Bay Local Environmental Plan is now almost 7 years old.



b) To demonstrate site-specific merit, the Guide advises the following:

*"Does the proposal have site-specific merit, having regard to the following:*

- *The natural environment (including known significant environmental values, resources or hazards); and*
- *The existing uses, approved uses, and likely future uses of land in the vicinity; and*
- *The services and infrastructure that are available to meet the demand arising from the proposal and any proposed financial arrangement for infrastructure provision."*

The following sections below assess the proposal against these criteria.

### 9.2.1. Greater Sydney Region Plan

The Greater Sydney Region Plan 'Our Greater Sydney 2056 – A Metropolis of Three Cities' was published by the Greater Sydney Commission (GSC) in March 2018. The Plan outlines how Greater Sydney will manage growth and change and guide infrastructure delivery.

An assessment of the Planning Proposal against the objectives of this plan is set out in Table 5 below.

Table 5 – Assessment Against Greater Sydney Region Plan

GREATER SYDNEY REGION PLAN		
Planning Objective	Description	Comment
<i>Infrastructure and collaboration:</i>		
<i>A city supported by infrastructure</i>		
Objective 4	Infrastructure use is optimised	The site contains a bus interchange and sits along the strategic bus corridor. It is therefore well located in terms of being easily accessible through existing public transport routes and infrastructure. the proposed upgrade to the operational capacity of the bus interchange and the integration with a public plaza above will provide a superior user experience and will encourage greater public transport use for visitors to the centre and the office buildings.
<i>Liveability:</i>		
<i>A city for people</i>		
Objective 6	Services and infrastructure meet communities' changing needs	<p>The expansion of Westfield Eastgardens will enhance the retail, services, dining and leisure facilities which are available to local residents. This is a response to changes in consumer preferences towards experience-based retail, yet also provides important amenity for the significant new residential community that will occupy the adjacent Meriton development.</p> <p>The proposed new commercial buildings will also provide the opportunity to accommodate new employment space which could take the form of 'A' Grade offices, flexible co-working and serviced</p>

GREATER SYDNEY REGION PLAN		
		offices, as well as services such as a gym, childcare and medical centre which are permissible within the B3 Zone.
Objective 7	Communities are healthy, resilient and socially connected	<p>Loneliness and social isolation are being recognised as significant contributors to mental illness in the community. As shopping centres transform, they are prioritising their important role as town centres and places for the community to socialise and connect with others.</p> <p>The proposal achieves this through the new civic plaza as a public meeting place; the focus of the western end for additional dining, leisure and entertainment retail; and the introduction of innovative workplace arrangements such as co-working. The Bayside Library will remain as an important part of the community services on the site.</p> <p>The large number of new high-density residential dwellings adjacent to the site will generate demand for a 'third place' where these residents can spend their leisure time. Designing comfortable spaces for this is a key pillar of the masterplan vision.</p> <p>A focus on more medical services within the office development, a larger gym, and the improved site accessibility and public transport experience helps promote an active and healthy lifestyle.</p>
Objective 9	Greater Sydney celebrates the arts and supports creative industries and innovation	<p>Towers B and C of the proposal are intended to provide flexible and innovative working space in the form of shared workspace (co-working) and serviced office arrangements. These environments are supportive of creative industries and innovation as they allow flexible leasing arrangements and the ability for businesses to grow within the same location.</p> <p>These office arrangements are currently missing in the Eastgardens-Maroubra Junction Strategic Centre, yet Westfield Eastgardens provides the required mix of amenity and accessibility to attract these flexible workspace operators.</p>
<i>Liveability:</i>		
Objective 12	Great places that bring people together	The reconfiguration of the bus interchange and frontage to Bunnerong Road allows for the creation of a new public plaza at street level, consisting of external facing shops and cafes, and providing an

GREATER SYDNEY REGION PLAN		
		<p>individual address point to the outdoors for each of the three commercial buildings and the shopping centre.</p> <p>The activation of commercial office, retail and transport will deliver an outdoor place that brings people together around a high quality of landscaped amenity.</p> <p>The future student accommodation land use proposed in the masterplan (but which does not form part of this Planning Proposed) will be located adjacent to the public plaza, adding vibrancy from the social nature of student interactions.</p>
<i>Productivity:</i>		
<i>A well-connected city</i>		
Objective 14	A metropolis of three cities - integrated land use and transport creates walkable and 30-minute cities	<p>As identified in Objective 4 above, the site is ideally located in terms of public transport accessibility, being the location of the key transport terminus for the South East suburbs. The bus terminus is accessed by 12 bus routes that connect to the City, Bondi Junction, Burwood, Sydney Airport, Sydney Port and surrounding suburbs.</p> <p>The 'Future Transport 2056 Vision' identifies a new mass transit corridor to extend to the Eastgardens - Maroubra Junction Strategic Centre, and the Applicant has positioned to Transport for NSW that Eastgardens is the logical location for intermodal transport connections, and to maximise the future development benefit around new transport infrastructure.</p> <p>Furthermore, the extensive high-density residential development by Meriton to the immediate north of the site will provide an eventual proximate new community of circa 7,000 residents who will benefit from being in walking distance of the expanded shopping facilities and work opportunities that are proposed.</p>
<i>Jobs and skills for the city</i>		
Objective 21	Internationally competitive health, education, research and innovation precincts	The adjacent centre of Randwick has been prioritised as the Health and Education Collaboration Area for the region, and the Eastgardens proposal will play an important

GREATER SYDNEY REGION PLAN		
		<p>supporting role for employment space for complementary businesses and services.</p> <p>The constraints on Randwick's ability to expand could be relieved by locating administrative and back-office functions within office space at Eastgardens. The two locations and easily connection by a direct 3km bus trip, making Eastgardens a viable overflow workspace.</p> <p>The health and education precinct also requires lifestyle amenity for its residents, workers and students, and the this will be provided as part of the Eastgardens retail expansion.</p> <p>The future student accommodation land use proposed in the masterplan (but separate to this Planning Proposed) will provide affordable and transport-connected accommodation for students to relieve the pressure on housing around Randwick.</p>
Objective 22	Investment and business activity in centres	<p>Westfield Eastgardens has been the largest commercial investment in the locality since 1987. Now recognised as part of the Eastgardens – Maroubra Junction Strategic Centre, and as the only Commercial Core zoned property, Westfield Eastgardens plays a strategically important role in the future investment in jobs generation capacity and business activity.</p> <p>This proposal will deliver on that role by enabling a large investment in a strategic centre by an experienced and well-capitalised commercial landowner.</p> <p>The retail expansion and new commercial precinct is forecast to deliver 900-1000 retail jobs and a workplace for 950 to 1,200 commercial jobs. This investment will deliver the capacity to meet the District Plan job targets.</p> <p>The retail expansion will correct the leakage of retail sales that is currently being spent by residents of the trade area at locations outside of the trade area (i.e. online or at Bondi Junction or the City).</p> <p>Currently 76% of all spending on apparel, homewares and leisure goods (i.e. discretionary items) by residents of the Eastgardens trade area is spent at locations that are outside the trade area.</p>

GREATER SYDNEY REGION PLAN		
		(refer to the Retail Economic Impact Assessment at Appendix B).
		This is the highest leakage from a trade area of all Westfield centres, and it means that local businesses and jobs are missing out on resident spending. The expansion of the retail centre will capture more resident spend by local businesses and generate more local jobs.

### 9.2.2. Eastern City District Plan

The site is covered by the Eastern City District Plan which was published in March 2018. The Planning Proposal's consistency with the Plan is set out in Table 6 below:

Table 6 – Consistency with Eastern City District Plan

EASTERN CITY DISTRICT		
Planning Priority	Description	Comment
<i>Infrastructure and collaboration:</i>		
E1	Planning for a city supported by infrastructure	<p>The proposal is aligned with this priority by upgrading the bus terminus and delivering two new office buildings above the bus terminus.</p> <p>There are 12 bus routes that service the site, providing connections to other Strategic Centres such as the Sydney CBD, Bondi Junction, Randwick, Maroubra Junction, Burwood and the international trade infrastructure of Sydney Airport and Port Botany.</p> <p>The improvements to the bus terminus will increase operating capacity and make it more appealing for customers to use public transport when visiting the centre.</p> <p>The site is also well serviced by major arterial roads. The traffic study recommends some intersections upgrades to be undertaken by the Applicant in order to maximise the efficiency of this road network.</p> <p>The existing shopping centre is in itself a large piece of infrastructure, and expansion of the retail centre benefits from the existing loading docks, car parking and services infrastructures such as high voltage power feeders running to the site.</p>

<b>EASTERN CITY DISTRICT</b>		
<i>Liveability:</i>		
E3	Providing services and social infrastructure to meet people's changing needs	<p>The community composition around Eastgardens is changing, as developments such as Meriton's Pagewood Green add premium high-density residential units to a neighbourhood that has historically composed modest low-density housing and light industrial activity.</p> <p>This change is resulting in shifting demographics regarding employment types, disposable income and spending habits, and the need for additional public space for leisure and socialising.</p> <p>The proposal is aligned to this priority of meeting people's changing needs as it facilitates an evolution of the Westfield Eastgardens shopping centre from everyday needs retailing to a contemporary environment with additional categories such as dining, entertainment, leisure, health and wellness, medical services and a greater depth of contemporary fashion. These categories focus around experience-based retail offers, which is a changing need of consumers, especially where disposable income and discretionary spend is higher.</p> <p>The retail categories proposed for the centre expansion are also well aligned to indoor/outdoor environments and evening activation, which are both attributes desired by people in high density residential who have less private space in their apartments to socialise, and who often seek night time convenience options to balance with their daytime working commitments.</p>
E4	Fostering healthy, creative, culturally rich and socially connected communities	<p>As mentioned above, loneliness and social isolation are being recognised as significant contributors to mental illness in the community. As shopping centres transform, they are prioritising their important role as town centres and places for the community to socialise and connect with others.</p> <p>The proposal is aligned to this priority through creating the new civic plaza as a public meeting place; the focus of the western end for additional dining, leisure and entertainment retail; and the introduction of innovative workplace arrangements such as co-working, The Bayside Library will remain</p>



EASTERN CITY DISTRICT		
		<p>as an important part of the community services on the site.</p> <p>The large number of new high-density residential dwellings adjacent to the site will generate demand for a 'third place' where these residents can spend their leisure time. Designing comfortable spaces for this is a key pillar of the masterplan vision.</p> <p>A focus on more medical services within the office development, a larger gym, and the improved site accessibility and public transport experience helps promote an active and healthy lifestyle.</p>
E6	Creating and Renewing Great Places and local centres, and respecting the Districts heritage	<p>The proposal is aligned to this priority by allowing for the renewal of a site which high importance to the community for fresh food, retailing and convenience needs, and providing the opportunity for it to develop into a mixed-use centre that caters to the changing needs of the community.</p> <p>The proposal improves the interface of the shopping centre with the public domain by creating a new open plaza with voids to a subterranean bus terminus below. New address points are established at the Eastern and Western ends that are legible place-makers and easily accessible by foot. The proposal improves the pedestrian experience, for customers and local residents, whilst also enhancing transport connectivity. This will be a significant improvement on the existing arrangements whereby the centre is predominantly accessible by private vehicles.</p> <p>A design principle that has informed the masterplan is the retention and strengthening of the green buffer of vegetation and established trees around the edges of the site. This will be retained to respect the heritage of the streetscape and to continuing the softening effect that the trees have for the transitional environment from Commercial Core to Low Density Residential land use.</p>
<i>Productivity:</i>		
E8	Growing and investing in health and education precincts and the Innovation Corridor	<p>The adjacent centre of Randwick has been prioritised as the Health and Education Collaboration Area for the region, and the Westfield Eastgardens proposal will play an important supporting role for employment space for complementary businesses and services.</p>

EASTERN CITY DISTRICT		
		<p>The constraints on Randwick's ability to expand could be relieved by locating administrative and back-office functions within office space at Eastgardens. The two locations and easily connection by a direct 3km bus trip, making Eastgardens a viable overflow workspace.</p> <p>The health and education precinct also requires lifestyle amenity for its residents, workers and students, and the this will be provided as part of the Eastgardens retail expansion.</p> <p>The future student accommodation land use proposed in the masterplan (but separate to this Planning Proposed) will provide affordable and transport-connected accommodation for students to relieve the pressure on housing around Randwick.</p>
E10	Delivering integrated land use and transport planning and a 30-minute city	<p>The site is ideally located in terms of public transport accessibility, being the location of the key transport terminus for the South East suburbs. The bus terminus is accessed by 12 bus routes that connect to the City, Bondi Junction, Burwood, Sydney Airport, Sydney Port and surrounding suburbs.</p> <p>The new commercial office buildings included in the proposal will provide a viable new workplace precinct for residents in the South East of Sydney, delivering on the ambition of a 30-minute city. The large floorplate provision and views available at Tower A will be appealing to medium to large sized businesses, and the large and flexible floorplate arrangement available in Towers B and C will be appealing to small office suites and operators of co-working and serviced offices.</p> <p>This is important because data from Census 2016 shows that 77.5% of working residents who resided in the Botany LGA were engaged in workplaces outside the LGA, meaning that just 22.5% were employed locally. This outcome is low relative to most LGAs in Sydney, with Botany achieving only the 22nd highest rate of containment (of 32 LGAs), as well as being significantly below the weighted average outcome for LGAs in Greater Sydney (40.7%). The most popular working destinations for residents of the Botany LGA were Sydney (33%) and Randwick (14%).</p> <p>Further to this, Census 2016 data showed that the lowest rates of self-containment in the Botany LGA</p>

EASTERN CITY DISTRICT		
		<p>were for residents working in Financial &amp; Insurance Services (6.9%), Public Administration &amp; Safety (9.4%) and Education and Training (10.5%). These are all categories that would be viable tenants in proposed office buildings at Eastgardens, providing an alternative for these residents to work in closer proximity to their homes. (Refer commercial office Economic Impact Assessment at Appendix C for more details).</p> <p>The 'Future Transport 2056 Vision' identifies a new mass transit corridor to extend to the Eastgardens - Maroubra Junction Strategic Centre, and the Applicant has positioned to Transport for NSW that Eastgardens is the logical location for intermodal transport connections, and to maximise the future development benefit around new transport infrastructure.</p> <p>Lastly, the extensive high-density residential development by Meriton to the immediate north of the site will provide a proximate new community of circa 7,000 residents who will benefit from being in walking distance of the expanded shopping facilities and work opportunities that are proposed.</p>
E11	Growing investment, business opportunities and jobs in strategic centres	<p>Westfield Eastgardens has been the largest commercial investment in the locality since 1987. Now recognised as part of the Eastgardens – Maroubra Junction Strategic Centre, and as the only Commercial Core zoned property, Westfield Eastgardens plays a strategically important role in the future investment in jobs generation capacity and business opportunities.</p> <p>The proposal is aligned to this priority by enabling a large investment in a strategic centre by an experienced and well-capitalised commercial landowner.</p> <p>The retail expansion and new commercial precinct is forecast to deliver 900-1000 retail jobs and a workplace for 950 to 1,200 commercial jobs. This investment will deliver the capacity to meet the District Plan job targets.</p> <p>The retail expansion will correct the leakage of retail sales that is currently being spent by residents of the trade area at locations outside of the trade area (i.e. online or at Bondi Junction or the City).</p>

EASTERN CITY DISTRICT		
		<p>Currently 76% of all spending on apparel, homewares and leisure goods (i.e. discretionary items) by residents of the Eastgardens trade area is spent at locations that are outside the trade area. (refer to the Retail Economic Impact Assessment at Appendix B).</p> <p>This is the highest leakage from a trade area of all Westfield centres, and it means that local businesses and jobs are missing out on resident spending. The expansion of the retail centre will capture more resident spend by local businesses and generate more local jobs.</p> <p>Eastgardens – Maroubra Junction is identified as a Strategic Centre in the Plan. The expansion of shopping centre will strengthen the retail provision in the centre, which is in response to a range of factors including the nearby residential growth.</p> <p>The investment in the centre will ensure its future vibrancy and ability to meet increasing retail demand.</p> <p>The proposed new commercial floor space will help to enhance business capacity, meet the job targets, whilst offering an opportunity to promote a diverse mix of jobs. This will strengthen and reinforce the economic role of the centre.</p>

With regard to demonstrating the strategic merit for the Planning Proposal, Table 7 contains an assessment of the proposal against the relevant points set out in Part A of the Assessment Criteria in the Guide.

Table 7 – Strategic Merit Assessment

Assessment Criteria	Response
Give effect to:	The site is located within Greater Sydney.
Regional Plan outside of Greater Sydney	There is no corridor or precinct plan relating to the site.
Relevant District Plan in Greater Sydney	The proposal is consistent with the aims of the Eastern City District Plan in terms of managing growth, innovation, and evolution of Strategic Centres, by attracting investment and diversifying the range of activity in centres.
Corridor or Precinct Plan applying to the site	
Regional, District or Corridor Plan released for public comment.	
(or)	The provision of new commercial office space within the B3 Commercial Core will enhance the provision of employment opportunities locally whilst also strengthening the economic role of the centre.

Assessment Criteria	Response
	<p>Furthermore, the additional retail floor space will serve to meet the changing retail and services requirements of the community through a contemporary and expanded offer.</p> <p>The proposal is consistent with the aims of the Region Plan given it seeks to provide additional facilities and land uses within an existing retail centre, it seeks to utilise and improve existing public transport connections and it will provide investment in business activity in a Strategic Centre.</p>
Give effect to a relevant local strategic planning statement that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement (or)	<p>The Botany Bay Planning Strategy 2031 is a dated document and the Bayside LSPS has yet to be endorsed by DPIE, so there is no relevant, up to date, local strategic statement to refer to.</p> <p>However, it is noted that the draft LSPS recommends that opportunities are identified to strengthen the economic role of Eastgardens-Maroubra Junction Strategic Centre, which this Planning Proposal Request directly responds upon.</p>
Responding to a change in circumstances, such as investment in new infrastructure or changing demographic trends not recognised by existing planning controls.	<p>The proposal responds to a change in circumstances locally. As a result of the significant and continuing investment in the former BATA site adjacent (Meriton Pagewood Green), the site is positioned immediately adjacent to one of Sydney's largest urban renewal sites. The consequence is that the land use relationships and strategic planning context has changed significantly, from light industrial sheds to high-density residential of 2,200 approved dwellings, and a further 1,600 in planning assessment. The co-location of retail, office, transport and adjacent residential uses in close proximity will create a new mixed-use town centre at Eastgardens which is aligned with the actions of the District Plan.</p> <p>The proposal facilitates the response of the shopping centre to this imminent and significant increase in local population, through the provision of additional retail and service categories in an improved and contemporary environment.</p> <p>Additionally, the expansion of the centre is also appropriate forward planning to the likely new mass transit which is under investigation to be extended to the Eastgardens - Maroubra Junction strategic centre. This would represent investment in new infrastructure</p>

Assessment Criteria	Response
	locally which is a change in circumstances and should be appropriately leveraged.

Furthermore, the Botany Bay LEP (2013) is now almost 7 years old and as indicated above, there is a clear case which demonstrate strategic merit with for proposal.

Accordingly, strategic merit is demonstrated on two counts, given the consistency with the District Plan and the change in circumstances at the site, meaning that the Planning Proposal to increase the height and FSR at Westfield Eastgardens meet this part of the test as set out in the Guide.

**Table 8** below contains an assessment of the proposal against the relevant points set out in Part B of the Assessment Criteria in the Guide relating to the site-specific merit of the proposal.

Table 8 – Site Specific Merit Assessment

Assessment Criteria	Response
Regard to the natural environment (including any known significant environmental values, resources or hazards); and	<p>The site is already developed as a shopping centre and car park meaning there is limited natural environment at the site. The only natural environment of note is the vegetation and established trees to the South and South East corner of the site which for a green buffer to soften the visual appearance of the existing centre and multi-deck parking. The retention of this green buffer was one of the design principles guiding the masterplan, and it is retained and strengthened through additional landscaping as part of the proposal.</p> <p>There are no known significant environmental values, resources or hazards which would be affected or encountered through the new development works to expand the centre.</p> <p>Any risk from the RMS dangerous goods route along Wentworth Avenue and Denison Street can be minimised during the detailed design phase for the scheme, and this is discussed in more detail in <b>Section 9.3.3</b> of this Report.</p>
The existing uses, approved uses and likely future uses of land in the vicinity of the proposal; and	<p>The existing use is as a major regional shopping centre and the increase in height and FSR at the site will facilitate its expansion, which will help to maintain its relevance and offer within the region. The proposed office buildings are permissible within and appropriate for the Commercial Core zoning of the</p> <p>The proposal is entirely appropriate for the site given that it will evolve the existing retail and services provision for the local residential community. It will provide for the generation of new local jobs, is situated in a highly accessible location and it responds to the</p>



Assessment Criteria	Response
	<p>growth in population locally by providing an increased offer.</p> <p>The proposal seeks to minimise any adverse environmental effects on neighbouring residents by retaining the green buffer of screening trees and by orienting and tower forms to minimise overshadowing impacts to an acceptable level.</p> <p>The proposal can also act as a catalyst for reviewing and potentially up-zoning existing low density residential in the vicinity of the site given the increased amenity, upgraded transport infrastructure, and evolving character of the location as a Strategic Centre.</p>
The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.	There is sufficient infrastructure to accommodate the increased floor space with adequate public transport, the ability to provide sufficient car parking on site, and capacity within the local road network to accommodate the increased demand, assisted by a limited recommendation of intersection improvements to be undertaken by the Applicant.

It is therefore evident from the above, that the Planning Proposal has demonstrated site-specific merit.

***Q4. Will the Planning Proposal give effect to a Council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?***

### 9.2.3. Botany Bay Planning Strategy

The Botany Bay Planning Strategy is clearly an aging document given the time that has passed since its publication. However, it indicates that when the adjacent former BATA site is developed, alternate land uses at the shopping centre should be the subject of a detailed planning study.

This Planning Proposal seeks land uses which are appropriate in the B3 Commercial Core, including expanding the existing retail and commercial uses. The proposal also foreshadows a potential future development stage, which would align with the Botany Bay Planning Strategy, as it envisages future growth at the centre through additional land uses at the time when the former BATA site is redeveloped.

Given that construction is currently underway at the BATA site for a principally residential development, this presents a suitable opportunity to improve the retail and commercial offering at the centre, as a significant new resident population will soon be occupying the adjacent site. The proposal would therefore help to create a new mixed-use precinct where people can live, work and play.

***Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?***

An assessment of the Planning Proposal against the relevant applicable State Environmental Planning Policies (SEPP) is provided in **Table 9** below.

Table 9 – State Environmental Planning Policy Assessment

SEPP Title	Consistent	Comment
SEPP 55 – Remediation of Land	Yes	Any future development application will be accompanied by a relevant contamination assessment where necessary.

SEPP Title	Consistent	Comment
SEPP 64 – Advertising and Signage	N/A	SEPP 64 is not relevant to the Planning Proposal but may be a consideration for the future development application.
SEPP – (Exempt and Complying Development Codes) 2008	Yes	The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
SEPP – (Infrastructure) 2007	Yes	<p>Whilst engagement with RMS has already occurred, a referral to NSW Roads and Maritime Services for traffic generating development will be required at the development application stage.</p> <p>The Transport Review Addendum is included at Appendix E demonstrates that the proposed development will not create adverse traffic impacts on the local road network.</p>

In view of the above, it is demonstrated that the Planning Proposal is consistent with applicable State Environmental Planning Policies.

**Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 Directions)?**

There are various Ministerial Directions under Section 9.1 of the EP&A Act that provide guidance in the assessment of Planning Proposals and making LEPs that pertain to the land and/or type of development contemplated on the subject site. The applicable Section 9.1 directions and relevant objectives are discussed in **Table 10** below.

Table 10 – Section 9.1 Directions

Direction	Comment
1.1 Business and Industrial Zones	The Planning Proposal will both serve to encourage employment generation at the site through the provision of an increased retail offer and new commercial buildings accommodating a range of office space arrangements, whilst also supporting the viability of an identified strategic centre.
3.4 Integrating Land Use and Transport	<p>The Planning Proposal will both serve to encourage employment generation at the site through the provision of an increased retail offer and new commercial buildings accommodating a range of office space formats, whilst also supporting the viability of an identified strategic centre.</p> <p>The site is well located in terms of being accessible through a variety of modes of transport, including public transport. The site contains a bus interchange and forms part of a strategic bus corridor.</p> <p>The Planning Proposal will also assist in reducing travel demand, as the enhanced retail offer proposed will mean that local residents and people living to the south of the site, will no longer need to travel past Westfield Eastgardens to visit other centres, (such as Bondi Junction</p>