

17 December 2025

Our Ref: SSD-2025/9
Our Contact: Angela Lazaridis (02) 9562 1719

Jude Urbanik
Senior Planning Officer, Social and Diverse Housing Assessments
Development Assessment and Infrastructure
Department of Planning, Housing and Infrastructure

Sent via email: jude.urbanik@dpie.nsw.gov.au

Dear Mr Urbanik,

Bayside Council submission on State Significant Development Application for 68-80 Banks Avenue Pagewood (SSD-83256472)

Thank you for your correspondence dated 4 December 2025 requesting Bayside Council to comment on the State Significant Development (SSD) application for the proposed construction of affordable and market housing, including:

- Demolition of all existing structures on the site, tree removal, excavation and site preparation works
- Construction of new residential flat buildings comprising 224 new dwellings contained within:
 - A seven-storey social housing residential flat building with 84 dwellings with a single basement level accessed from Park Avenue to the south
 - Two eight storey private market housing residential flat buildings with 140 dwellings over a consolidated two-level basement accessed from Park Avenue to the north
- Shared servicing access via a lay-by from Banks Avenue
- Associated landscaping and communal open space
- Infrastructure servicing
- Staged delivery to enable relocation of existing tenants and demolition of existing social housing dwellings.

The following comments are provided by Council raising issues and/or conditions:

1. Planning Considerations

- a) Gross Floor Area- It is noted the gross floor area calculation plan does not include the bulky waste room and waste holding rooms in the overall calculation of GFA. These areas are located above ground and not within the basement and should be included. Additionally, greater consideration is to be given whether the breezeways are a genuine breezeway or are wholly enclosed.

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Should they be wholly enclosed, then these walkways between the different portions of the building should also be included as part of the GFA calculations. The additional components of floor area could trigger a non-compliance to the overall GFA on the site and would require an assessment against Clause 4.6.

- b) Deep Soil- The deep soil area calculation plan in the architectural set includes the areas where the waste collection is to be carried out within the communal open area. This is not correct and should be excluded from the diagram as well as the overall deep soil calculation.

The landscape plan has demonstrated that the western side of the site is deep soil area. This is inconsistent with the deep soil area calculation plan in the architectural package which has this area excluded from the deep soil calculation. Ensure compliance with the figure and calculation of deep soil.

- c) Solar Amenity- Both solar access calculation plans, and the cover sheet demonstrate a non-compliance with Part 4A- Solar and Daylight Access of the ADG which requires compliance of 70% of units receiving minimum 2 hours of sunlight. Council encourages full compliance with this control. Solar access should be calculated separately for the social and the market units and not average across the whole site.
- d) Unit Mix- Council encourages a greater percentage of three (3) bedroom units within the social unit component of the site. Currently, there is only 5% (4 units) of three-bedroom units provided within Stage 1A.
- e) Waste collection- It is encouraged that the waste collection be carried out within the basement of each building. It is considered that the length the building manager or occupants of the buildings will need to transport the bins to the waste area in the communal open space is excessive. This includes bulky waste transfer to this area. The layback/porte cochere area off Banks Avenue for garbage trucks to access the site internally for waste collection is not supported for the reasons provided in the letter below. Additionally, issues are raised relating to occupants of both buildings and the ability for them to transfer bulky waste to the ground floor bulky waste room. It is easier to have that transported into a basement bulky waste room, particularly with access from vehicles.
- f) Staging of Development- Consideration of the staging and construction of development should outline to DPHI the impacts on waste collection to Stage 1A as Stage 1B is the location of any waste collection from the site.
- g) Accessibility- It is noted on the ground floor architectural plans that there is no accessible access to the site and communal open space from Park Parade. Consider incorporating access through the site into the communal ground floor areas or open space from Park Parade.
- h) Façade elevations- It is recommended that greater detail is provided on the market units that are considered cross ventilated. The floor plans demonstrate that there are windows located within the study rooms, however it is not clear whether these windows are operable or fixed. Should these windows be fixed, then there is an issue with cross ventilation, and the development does not comply with the 60% minimum requirement under Part 4B of the ADG.

- i) Basement location- The basement of both buildings is proposed right up to the eastern boundary of the site. It is recommended that the basement be setback to allow for deep soil along the Jellicoe Park frontage.
- j) Building height and Clause 4.6 variation- It is noted that the proposal has a height exceedance which is limited to the market unit building and relates to lift overruns. It is noted that a Clause 4.6 variation has been submitted with the SSD package. Assessment of the statement should be carried out to ensure satisfaction that the non-compliance is unreasonable and/or unnecessary and that there are sufficient environmental planning grounds to support the variation.
- k) Western ground floor interface- There is a height difference of 1.15 metres between the natural ground level and the ground floor units of the northern market unit building. Greater detail on the terraced planting in the landscape report is to be provided. It may be worthwhile providing a photomontage or section plan of this area to see how it looks from Banks Avenue.

2. Urban Design

The intention to revitalise the subject site and redevelop it as a quality housing precinct is supported. The site will benefit from the substantial uplift associated with the proposed density and height. Its favourable context, including direct access to Jellicoe Park to the east, an uninterrupted outlook to the golf course to the west, and a generous verge along Banks Avenue, and panoramic views to the east strengthens its redevelopment potential. The site is well-placed to deliver a best-practice and design-led outcome that maximises public benefits.

The current design demonstrates thoughtful consideration of internal amenity but requires further adjustments to improve the public domain within and around the site. Specific issues to be addressed are set out as following:

(a) Public footpath

The existing footpaths around the site along Park Parade, Banks Avenue, and Park Parade are approximately 1m wide and do not meet current standards and are insufficient to safely accommodate pedestrian movement, particularly for wheelchair and pram users.

Given the expected increase in foot traffic generated by the proposed uplift, the development must support safe and efficient pedestrian circulation. A minimum footpath width of 1.5m is required as part of the redevelopment. Along Banks Avenue, a 0.5m setback from the property boundary should be provided to enable widening of the footpath and to improve streetscape along this frontage.

(b) Deep soil planting

The proposal contains inconsistent and inaccurate deep soil calculation between the Landscape Report and Architectural drawings. Several non-compliances have been identified, including:

- (i) Deep soil zones that do not meet the minimum dimension requirement of 6m as set out by the Apartment Design Guide; and

- (ii) Inclusion of hardstand area including timber decking and paving within areas claimed as deep soil.

The documentation must clearly define the deep soil zones, exclude any hardstand from the calculation, and recalculate deep soil area to demonstrate compliance. The final landscape design must provide functional deep soil zones that support large canopy tree planting to mitigate visual impacts and improve microclimate.

A minimum 2m deep soil setback is to be provided to all boundaries. The nil deep soil setback to Jellicoe Park is not supported, as it concerns the environmental stability and functionality of this community asset, risks retaining the trees along the rear boundary, reduces the opportunity for landscaping and hence does not achieve an ideal public domain interface. This is aligned with Part 2H of the ADG, C2 3.1.2 and Part 3.7.2 of the BDCP.

Whilst the landscape plans achieve 20% deep soil, the majority of this has not been provided in 6m dimensions per Part 3E-1 of the ADG. The landscape plans shall illustrate how the site achieves 7% deep soil landscaping with 6m dimensions. The use of raised planting areas on deep soil is discouraged, planting upon the natural/proposed deep soil surface level shall be prioritized. Council also encourages the planting of large endemic gum trees in deep soil areas.

Additionally, a solar analysis must be provided to demonstrate that the deep soil area will receive adequate sun, especially in areas including large tree plantings.

(c) Private open space

The design of the private open space does not offer functional open space and appears to be overly fussy and constrained. Recommend that the internal design of courtyards be reconsidered so that where it is available there is an opportunity for private recreation.

3. Heritage

Jellicoe Park has established local aesthetic and historical significance due to its original planned setting, Inter-War style built and landscape elements, and its association with the Dacey Garden Suburb scheme. The settings and views of the park extend across the park and over to the surrounding buildings' street walls. At the moment, the existing 3-storey residential apartment buildings on the subject site form a main part of the park's view along the western edge.

(a) Built form and height

The proposed development is substantially taller than the existing apartment buildings, but it is acknowledged that the overall perceived proportion of the development is acceptable and sympathetic due to the articulated façade treatment and the combination of the material palettes. Despite being within views to and from Jellicoe Park, the increased height does not have a significantly negative impact to the park setting and has minimally increased impact to the overshadowing of the park compared to the existing structures. The addition of the central public open space allows thoroughfare between

Banks Avenue and the park, potentially increasing usage and visual engagement between the public domain and the heritage item.

(b) Materiality

The proposed materials and finishes are sympathetic to Jellicoe Park. The earthy and neutral tones of the bricks and the proposed green colour variations of the cladding are complementary to the view corridors across the park and is not considered intrusive to the heritage significance of the area.

(c) Views

The landscaped strip with private pedestrian access to the proposed buildings along the west boundary of the park allows a semi-public activated edge with landscape buffers between the built elements and the heritage item. This has a positive impact to the views across the park and mitigates the impact of a modern development against the park setting.

Overall, it is believed that the proposed development has a minor and acceptable impact to the significance of the heritage listed Jellicoe Park, particularly in terms impacts to the views across the heritage item. However, it is also acknowledged that measures are proposed to mitigate the minor negative impacts, and such measures will also potentially make a positive contribution to the heritage item in the long run by encouraging public access and usage of the place. The proposed development is supported on heritage grounds.

It is suggested that interpretation materials be incorporated in the development to celebrate the history and heritage significance of the neighbourhood. This may include interpretive signage or artwork installed in the central landscaped open space or the landscape strip between the development and Jellicoe Park, addressing the history of the park's planning principles, it's associated with the Garden Suburb scheme and Daceyville etc. It is recommended that the proponent engages a heritage professional to develop an interpretation strategy for the development.

4. Parking, Traffic and Access:

- a) The driveway access for each building is proposed on a lengthy single lane one-way road (Park Parade) that serves a number of residential properties and a sporting oval. Both proposed driveways on Park Parade are not supported by Council as the location of these driveways will encourage illegal traffic movements for the residents to avoid circulating around the lengthy one-way road. Residents are likely to take unnecessary risks to enter/exit the driveways against the permitted flow of traffic to avoid the excessive circulation that would otherwise be required to follow the road rules. The basement entry/exit driveway for each building needs to be revised to be provided from Banks Avenue to provide a simplified entry/exit into the buildings from the road network and minimise the disruption on the operation of Park Parade as a one-way road.
- b) The development does not provide sufficient car parking for the social housing building. The SEPP (Housing) 2021 stipulates a total parking requirement is 39 car spaces and yet only 36 car spaces are provided. The basement shall be

amended to provide an additional 3 car spaces to ensure there is 39 car spaces provided for the social housing building in the same basement.

- c) Table 3 of the traffic report shall be revised to state “social housing”, not “affordable housing”.
- d) The traffic report must be amended to include full page scaled swept path drawings in the appendix to enable an assessment by council, the swept paths in the submitted traffic report are limited in detail/ pixel resolution, so Council are unable to assess the swept paths. These swept paths are to include the road line marking, traffic signage, and street parking etc. The swept paths need to include a legend that provides full details of the swept path vehicle.
- e) All driveway crossings shall be designed to support the swept path of the largest vehicle and be designed as concrete driveways to Council specifications.
- f) A longitudinal driveway profile prepared by a civil engineer shall be provided for all proposed driveway crossings with a vertical ground clearance test of the largest vehicle proposed to use the driveway and include the required crest level to achieve the flooding requirements.
- g) TCS plans to verify phasing or evidence of equivalent internal assessment should be presented in the appendix
- h) The SIDRA modelling presented in the appendix of the traffic report needs to be revised to be accompanied by Intersection Layouts and Phasing Summary
- i) Visitor parking is considered necessary for the market housing building. The market housing building shall be revised to nominate visitor car parking and detail the visitor parking on the plans.
- j) The development shall be revised to provide bicycle and motorcycle parking as per Bayside DCP, Section 3.5.4. The requirements of Bayside DCP, Section 3.5.4 are to be addressed in the traffic report and building design (including the appropriate locations of visitor bicycle parking). The number of bicycle and motorcycle spaces shall be clearly shown on the architectural plans.

5. Stormwater

- a) The concept stormwater plans are not supported, as an absorption system to be designed as per Section 5 of the Bayside Technical Specification Stormwater Management not an on-site detention system. The concept plans have designed an On-Site Detention (OSD) which is not supported as Bayside Technical Specification Stormwater Management requires the method of disposal to be an absorption system. The Water Integrated Report is conflicting as it states an absorption system will be designed for the disposal of the stormwater run-off from the site, however the stormwater plans show an OSD is proposed. The report and civil plans are to be updated to propose the correct absorption systems for the development with calculations and geotechnical investigations

that comply with Bayside Technical Specification Stormwater Management section 5.

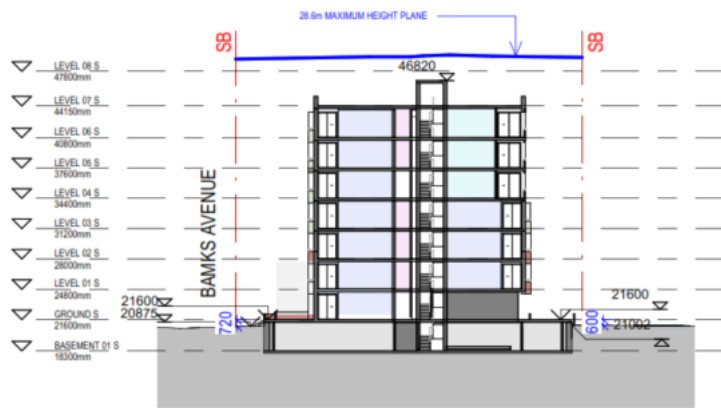
- b) All calculations and sections to be provided including the infiltration rate (in litres / m² / second) and the depth to groundwater. The base of the absorption system to be 0.5m from the measured groundwater table.
- c) The WSUD catchment plan is to be revised to show the catchment areas in the catchment plan are to be accurately reflected in the MUSIC Model. The WSUD catchment plan must clearly show the non-trafficable roof areas that drain into the rainwater tank. MUSIC Model to be submitted to Council for further assessment. The catchment area to show the percentage of impervious area.
- d) The location of the pit inserts to be shown on the plans and must align with the MUSIC Model.
- e) The WSUD catchment plan and MUSIC Modelling to be revised to model the 10kL rainwater tank for non-trafficable roof areas. Balconies and planter boxes to drain into the filter chambers. The rainwater tank overflow shall be revised to connect to the WSUD chamber. The absorption system to be modelled as the end as the receiving node and not modelled as a treatment measure.
- f) The Water Management report to be revised to remove any reference to the OSD and must highlight the treatment train. (E.g the number of cartridges and filters).
- g) The emergency overflow to be clearly shown in the case of a pipe blockage for the absorption system.
- h) A bulk earthwork plans to be prepared by a qualified Civil Engineer and must show the cut/ fill.
- i) A basement stormwater plan to be provided with a pump out pit and calculations. The basement is to be full tanked and must be watertight due to the presence of sandy soils and shallow groundwater. The rising main from the basement pump out pit to drain into the WSUD chamber. The tanking of the basement must be shown on the stormwater plans.

6. Floodplain Management

- j) The flood impact report has not fully demonstrated compliance with Bayside DCP Section 3.10 and 9.5. A table must be included in the report demonstrating compliance with the requirements of Section 3.10 of the DCP.
- k) Flood impact assessment to be revised to demonstrate that it was prepared in compliance with Section 9.5.4 of Council's DCP. The following also need to be included:
 - Confirmation of whether the pre and post modelling has used Council's flood study. If so, confirmation of updates to the model (e.g. base case

updates) is required. If not, the report will need to include significantly more detail regarding the model build.

- Depth and velocity mapping should be included as well.
 - Cadastre needs to be included in all mapping so any impacts within properties is easily identified.
 - Confirmation of how existing buildings within the site have been incorporated into the modelling.
- l) The report to be revised figure 2.1 and update to reflect the correct LGA. The report states Botany Bay Council which is incorrect and must reference Bayside Council. The boundary for the LGA be revised accordingly.
- m) Full page annexures of flood results shall be provided in the flood report to enable a detailed assessment by Council. The submitted screenshots of the flood modelling in the body of the report do not provide sufficient detail and legibility for council to review. Ensure all required flood outputs are required by the Bayside DCP section 9.5.4 are provided. The flood modelling outputs with spot levels used for determining the flood planning levels (in figure 6.4 and 6.5) shall also be provided a s full page outputs.
- n) Provide 2D copy of the TUFLOW model raster results files and simulation log to Council for assessment.
- o) The existing base scenario to be revised to run Council flood study and not use the flood advice letter images. Figure 5.3, 5.4, 5.5 and 5.6 to be revised to depict the existing condition is as run in the proponent's flood modelling. The existing base case scenario shall be revised to incorporate the survey levels into the flood model to ensure the existing case accurately reflects existing conditions and not to use LIDAR from the flood risk management study. The post development is to be revised to model and include the survey data and any changes to the existing levels as part of the development (include the building blockouts).
- p) The plans including architectural and civil currently do not show the proposed surface levels and floor levels/basement crest levels which is unacceptable. The plans shall be revised to show all proposed levels surrounding the development and the building levels. Any changes to the existing levels surrounding the building footprint are to be incorporated into the flood model.
- q) The post development flood modelling has used the building footprint of the residential tower in the flood modelling. However, the basement footprint is larger than the tower footprint and the basement is raised above ground level. This means that the basement footprint will create impact on the floodplain not just the tower footprint. This means that the flood modelling of the tower footprint only is not correct and the post-development modelling be revised to incorporate the basement footprint and all changes to the existing ground levels surrounding the building. See below sections which show the extent and raised levels of the basement footprint.



2 SSDA SECTION 02 - SOCIAL
1:500



3 SSDA SECTION 03 - MARKET
1:500

- r) The 1% AEP and PMF flood afflux mapping shows flood afflux on surrounding properties exceeding the requirements of Chapter 3.10 and section 9.5.4 of the Bayside DCP which is not supported. The maximum allowable for the 1% AEP (including climate change) is 10mm and 50mm for the PMF flood event. Existing flood hazard shall not be increased on surrounding properties (including the road reserve) because of the development for all flood events up to the PMF. The development and flood modelling is to be revised to demonstrate that flood impacts comply with maximum allowable flood afflux for all applicable flood events.
- s) The 1% AEP climate change flood modelling maps to be provided showing flood extent, flood contour, flood depth, flood hazard (H1 to H6) and velocity of pre-development and post-development. 1% AEP climate change afflux flood modelling maps need to be provided demonstrating that the works will have less than or equal to 10mm on surrounding properties in the 1% AEP climate change event.

The following scenarios shall be modelled:

- Scenario 1: Impacts of sea level rise in Year 2050 and 2100.
 - Scenario 2: Impacts of sea level rise combined with increased rainfall intensity in Year 2050 and 2100.
- t) Table 6.1 to be revised as it conflicts with figure 6.4, for example Point A shows RL21.252 (1% AEP plus the 500mm freeboard), whilst the table shows RL21.19m AHD which is below the DCP requirements for the driveway crest level. These issues shall be revised and a new flood planning level assessment shall be undertaken with the revised flood modelling.
- u) Table 6.1 shall be revised to include an additional column detailing the proposed building levels.
- v) The architectural plans to be revised to show the flood planning levels in all sections and elevations including the driveway entrance, fire stairs, lifts, and any opening to the basement. Driveway profile to be provided by a qualified Civil engineer and must show the driveway crest level (1% AEP plus the 500mm freeboard).
- w) All flood mapping for all flood events is to show the site boundaries. All off-site flood impacts must comply with the DCP. The development does not currently comply with these afflux requirements and is not supported.

7. Public Domain

The following public domain works are required as part of the development:

- a) Undergrounding of all utilities (low and high voltage, telecommunications etc.) along the frontages of the development site and construction of underground supplied street lighting. This is a DCP requirement which Council consistently applies to new redevelopment of this scale.

8. Landscaping

The following comments address Council's issues relating to landscaped area:

- (a) Canopy coverage

The landscape plans do not fully utilise the Banks Ave deep soil setback for tree planting, which is discouraged. The Banks Ave setback shall be planted with native canopy trees to provide amenity to the public domain. On-structure tree planting shall be further considered.

- (b) Planting on structure

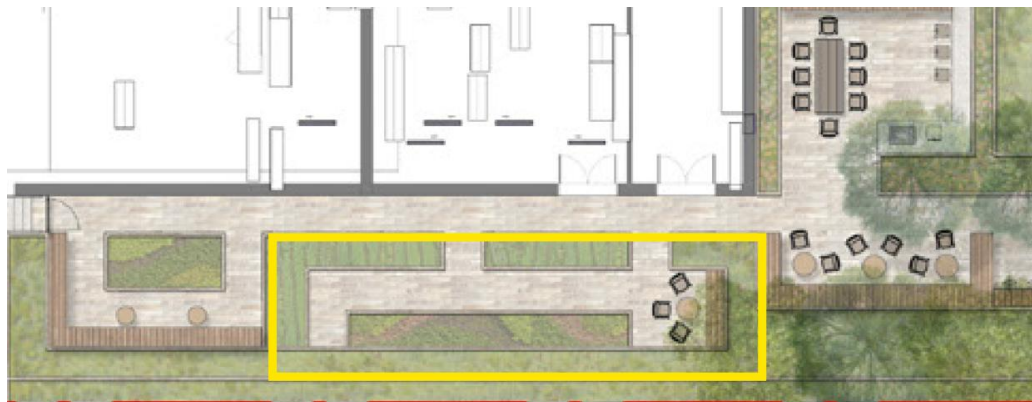
The landscape plans do not illustrate landscape areas on the buildings. Landscape areas must be incorporated in the architectural design per Part 4P-3 of the ADG and Part 3.7 of the BDCP. Balcony and rooftop planters shall be implemented to deliver greenery to the streetscape. All on-structure landscape areas shall comply with the requirements set out in Part 4 of the ADG.

(c) Communal open space

The communal open space intended to connect Banks Avenue and Jellicoe Park currently reads as primarily private open space and bin/service area, rather than an inviting and welcoming address to the park, as described in the design document. This compromises the public benefit and legibility of this key connection.

The central COS shall be revised to provide a more generous interface with Jellicoe Park, to improve access and socialisation opportunities whilst reducing division between social and private housing. Furthermore, the waste storage in this central communal space is not supported from a landscape design perspective, as it subtracts from the landscaping potential and will likely subtract from the circulation and the resident's comfort in this area.

The COS's on either side of Park Parade (Southern and Northern ends of the site) is supported, the implementation of diagonal desire paths and circular seating beneath the existing canopy will be capable in providing amenity to pedestrians. However, further consideration is encouraged to ensure these spaces are aligned with CPTED objectives. Council is also concerned that the space highlighted in the attached image, behind the social housing, is redundant and segregated.



This space shall be fully landscaped. The general configuration of the other COS areas is acceptable.

In summary, the communal open space should be redesigned to prioritise public access and activation by providing a more generous and legible opening towards Jellicoe Park to create a clear public address and visual connection; minimise the footprint of private open space; relocate the bin collection zone away from the primary public domain; and managing conflicts between pedestrians and vehicles through prioritised pedestrian pavement treatments, clear signage, and appropriate materials and lighting to ensure safety and accessibility.

(d) Public domain

The current design of the driveway from Banks Ave requires further communication from Council, particularly the implementation of jagged paving and seating in the public domain. The works proposed beyond the rear boundary in Jellicoe Park is acceptable.

9. Trees

The proposal has provided sufficient information and therefore is satisfactory with regards to the SEPP (Vegetation in Non-Rural Areas) 2017 and the Bayside DCP 2022. The following conditions are applicable to any draft Notice of Determination:

Tree Protection & Management

The applicant shall comply with some of the requirements and management plans contained within the Arborist report, prepared by Birds Tree Consultancy, dated 23 October 2025.

Tree Removal

ON SITE:

Trees 2, 3, 4, 5, 6, 7, 8, 9, 23, 24, 25, 26, 27, 35, 36, 37, 38, 39, 40, 41, 42, 44, 46, 47, 56, 57, 58, 60, 61, 62, 63, 78, 79, 80, 85, 86, 90, 91, 93, 96, 101, 102, 103 & 107

Exempt Species under our DCP:

Trees 43, 45, 48, 50, 55, 59, 71, 92, 94, 95, 100, 104, 105, 106, 108, 109, 110, 111 & 112

ADJOINING LOTS:

Nil

These trees must not be removed until a Construction Certificate has been issued, unless otherwise agreed to in writing by Council. No other trees located within the site, adjoining properties or Council's nature strip shall be removed or pruned, inclusive of roots with a diameter greater than 40mm, without the prior written consent of council in the form of a Permit issued under Council's Development Control Plan and/or State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Supervision by Arborist - Prior to commencement of any works / Prior to issue of any Construction Certificate, a suitably qualified project arborist (with minimum AQF Level 5 qualifications in Arboriculture) must be engaged to advise on compliance with conditions of consent relating to the protection of trees at the site and/or adjoining properties and to supervise the installation and maintenance of tree protection measures and arboricultural monitoring program required by this consent and the approved arboricultural impact assessment. Evidence of engagement of a project arborist is to be submitted to, and approved, by the Council.

Trees to be retained are to be tagged with clearly visible marking tape at a height of approximately 2 metres from ground and numbered with the corresponding number in the Arborist Report.

The key recommendations to be complied with include:

Tree Retention & Protection

ON SITE:

Trees 1, 73, 99, 113 & 114

PUBLIC DOMAIN:

Trees 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 28, 29, 30, 31, 32, 33, 34, 49, 51, 52, 53, 54, 64, 65, 66, 67, 68, 69, 70, 72, 74, 75, 76, 77, 81, 82, 83, 84, 87, 88, 89, 97 & 98.

Prior to commencement of any work on site, to ensure that trees above-mentioned trees are protected against adverse conditions during demolition and construction, and the health and structural stability ensured,

All Tree Protection Zones (TPZs) shall be established as follows:

- a) To protect and retain trees in accordance with AS4970-2009 protective fences consisting of chain wire mesh temporary fence panels with a height 1.8m shall be erected outside the dripline. The fence panels must be securely mounted and braced to prevent movement. The area within the fencing must be mulched with leaf mulch to a depth of 100mm and a weekly deep watering program undertaken, and
- b) Protective fences at least 1.5 metres high erected, at the greater of the drip line or 1.5 metres from the trunk of each tree which is to be retained. The protective fences shall consist of para-webbing or chain wire mesh mounted on star pickets or similar metal posts, shall be in place prior to the commencement of any work on site and shall remain until the completion of all building and hard landscape construction, and
- c) Fencing shall be erected to ensure that the public footway is unobstructed. If there is insufficient space to erect fencing, wrap the trunk with hessian or carpet underlay to a height of 2.5m or to the trees first lateral branch, whichever is greater, and affix timber palings around the tree with strapping or wire (not nails), and
- d) The applicant is required to contact Council for an inspection and/or provide photographic evidence of the fenced tree protection zones. Council approval is required prior to commencement of any works
- e) All TPZ's as well as the entire Council nature strip are a 'No-Go' zone. There shall be no storage of waste bins, materials and equipment, site residue, site sheds, vehicle access, concrete / chemical mixing/disposal, or washing down of tools and equipment permitted within the TPZ's at any time.

Tree Offset Controls

The proposed development includes the removal of forty-four (44) live trees. To offset the loss of canopy the applicant is required to replace the trees at a 3:1 replacement ratio, therefore a total of one hundred and thirty-two (132) new trees shall be planted to offset the canopy loss for environmental reasons.

The consent specifies that a Tree Location Plan must be lodged with Council prior to the issue of a Construction Certificate, nominating the location and species of trees to be replanted. Where the applicant is relying on this Agreement to satisfy the consent, this Agreement must be in place prior to the issue of a Construction Certificate.

Deed of Agreement

In accordance with Bayside Council Development Control Plan 2020 3.8.2 accepts offset planting on public land subject to an application or property owner entering into a deed of agreement that is supported by a condition of consent under s4.16 of the Environmental Planning and Assessment Act.

The Agreement is to provide for a funding arrangement between the applicant and Council where Council has approved removal of tree's required by way of a condition of consent. An applicant may choose to replant all required trees on private land at the required ratio or enter into an arrangement with Council to provide funding to Council for the replanting of tree on public land.

Public Domain Tree Bond

Prior to the commencement of any work the applicant is to submit payment for a Tree Preservation Bond of \$92,000.00 to ensure protection of the nine (46) Public Domain Trees.

The duration of the Bond shall be limited to a period of 12 months after the occupation certificate is issued. At completion of the bond period of twelve months (12 months) the Bond shall be refunded pending an inspection of the tree by council. If a tree is found to be dead, pruned or dying and will not recover the applicant will forfeit all or part of the bond to replace or maintain the trees.

Breach of Conditions

The above listed requirements and tree protection measures must be complied with at all times until completion of all building and hard landscape construction. Council may choose to issue an infringement notice or pursue legal action if the conditions of consent have been broken.

10. Environment

Council supports the SDRP's request to increase the tree canopy at the spaces surrounding the layback to mitigate against the expanse of hardstand – e.g. at spaces between the hardstand and the building, the entry and exit driveways. Council also supports the retention of 3 large trees at the north, south and centre of site

Tree 19 has evidence of decay within the trunk which places it at increased risk of failure. As retention is proposed, an ISA (TRAQ) Level 3 Risk Assessment needs to be conducted including internal diagnostic testing to determine the viability of the tree to be retained.

The proposal needs to:

- Ensure that no 'net' adverse impacts on SSROC Biodiversity Corridors 'Supporting Areas' within the proposal site are caused
- Ensure that the proposed works located with Bayside DCP 2022 wetlands catchment do not adversely impact on the Botany Wetlands
- Based on tree cover of current species at maturity, provide the current tree canopy cover (%) for trees on NSW government land adjacent to the eastern side of the proposal site. Bayside is actively planting trees and has a goal to achieve 35% canopy cover on public land by 2040 (2024 Bayside Urban Forest Strategy)
- Meet Greater Sydney Region Plan, District Plan (p. 24 EIS), Bayside Local Strategic Planning Statement (p. 25 EIS), ensure that the 'Net' tree canopy cover (%) for the 'sum' of proposal site trees and trees on NSW government land increases, based on tree cover of species at their maturity
- Review and update Project canopy cover (%) - The proposal provides for canopy cover of 18% of the site area (p. 15 & 69 EIS), but states on p. 29 EIS that Project canopy cover will be 19% of the site.
- Remove *Monstera deliciosa*, Fruit Salad Plant from plant list. It is regarded as an environmental weed in many parts of NSW. Choose an alternate native plant.
- Retain medium and high value trees listed below (where possible), including consideration of design revision to retain trees:
 - 5: *Callistemon viminalis*, Medium
 - 19: *Agonis flexuosa*, Medium - subject to an ISA (TRAQ) Level 3 Risk Assessment be conducted including internal diagnostic testing to determine the viability of the tree (p. 54 EIS)
 - 21: *Eucalyptus scoparia*, Medium
 - 44: *Callistemon viminalis*, Medium
 - 47: *Murraya paniculata*, Medium
 - 49: *Eucalyptus robusta*, High
 - 51: *Eucalyptus microcorys*, High
 - 52: *Grevillea* "Honey Gem", Medium
 - 53: *Eucalyptus scoparia*, Medium
 - 54: *Grevillea* "Honey Gem", Medium
 - 64: *Eucalyptus cinerea*, High
 - 85: *Banksia integrifolia*, Medium
 - 86: *Melaleuca quinquenervia*, Medium

11. Environmental Scientist

The following comments are provided by the Council's Environmental Scientist relating to acid sulfate soils, geotechnical, contamination, remediation and mitigation measures:

(a) Acid Sulfate Soils & Geotechnical

The site is not mapped within any Acid Sulfate Soils (ASS) Class land and is greater than 500m from any adjacent ASS land. As such, there is negligible risk of intercepting any ASS during the proposed works and there are no requirements for ASS assessment or management.

The GA found the site to be underlain by fill until 0.2-0.5m begl and underlain by sandy soils until at least 5.1-9m begl. Groundwater was intercepted between 5-5.6m begl. No long-term groundwater monitoring was completed. Groundwater was anticipated to flow towards the south/south-west. As such, groundwater will likely be intercepted during excavations for the second basement level, requiring temporary dewatering and a tanked structure design. Bedrock was not encountered but testing indicated it may be present from a depth of 7m begl. The GA recommends a Groundwater Impact Report (GIR) be prepared.

(b) Contamination

The site was found to likely be vacant public open space prior to the current public housing development, which was constructed by 1970. No close-by properties were identified that may potentially contaminate the site. One fragment of Asbestos Containing Material (ACM) was identified during the site inspection in the southern portion of the site. An appropriate Conceptual Site Model (CSM) was developed.

PSI/DSI sampling was completed across 21 borehole locations and three groundwater monitoring wells, which meets the NSW EPA minimum required sampling density. Samples were taken from both fill and natural soils at all locations. Appropriate contaminants of potential concern were tested for. Sampling methodologies, decontamination procedures, and quality assurance sampling was appropriate. The adopted human-health Site Assessment Criteria (SAC) was HIL/HSL-A for residential with accessible soils, which Council considers to be conservative. No staining, odours, or sheen were identified during sampling.

Three non-friable ACM fragments were found within the fill material, of which two were tested to be above the HSL-A. No asbestos fines or fibrous asbestos was found during sampling. Chromium exceeded the HIL-A in two samples, however, further hexavalent chromium analysis was below the HIL-A, indicating that chromium is present as the less toxic trivalent chromium and is not considered significant. Lead was found in three fill samples exceeding the HIL-A. Statistical analysis deemed other exceedances to not be significant and/or below the HIL/HSL-A. All groundwater results were below the adopted criterion. Elevated levels of PFOS in groundwater (but below the 95% species protection criteria) were considered typical of urban settings and consistent across up- and down-gradient locations. However, PFOS may require further management during dewatering activities. As such, only asbestos and lead were identified in fill at levels presenting an unacceptable risk to future site receptors, requiring remediation to make the site suitable. Council concurs with the findings' discussions and conclusions. All necessary appendices were provided.

(c) Remediation

The RAP was prepared to address outstanding data gaps and remediate the site. Data gaps included the extent of heavy metals in fill in the northern portion

of the site, extent of asbestos impacts across the site, and surface and fill characterisation beneath existing building footprints and hardstand. These data gaps will be addressed via further delineation following building demolition and will inform further remediation (if required). To delineate asbestos and lead impacts, samples will be collected from four locations around each exceedance location. Bonded asbestos sampling will be completed using test pits to allow for better characterisation. Following building demolition, a detailed ground surface inspection will be completed, before additional sampling is undertaken. The density of additional asbestos samples will meet the WA DoH double density guidelines.

Following a remedial options assessment, the preferred strategy was found to be excavation and offsite disposal of heavy metal-impacted fill, followed by excavation and surface (emu) picking of asbestos-impacted fill, and then re-use of validated soil and disposal of ACM fragments. Appropriate remediation steps to these activities have been outlined. A thorough validation plan with sampling schedule and unexpected finds protocols have been provided. A validation report will be prepared documenting the completion of works. Upon successful implementation of the RAP, it was concluded that the site can be made suitable for the proposed development and use. Council agrees with this conclusion. The RAP also recommends that an Asbestos Management Plan (AMP), Remediation Environmental Management Plan (REMP), and Work Health and Safety Management Plan (WHSP) be prepared.

(d) Mitigation Measures

Council is satisfied that the MM has included and understood all recommendations within the GA, PSI/DSI, and RAP reports. A GIR will be prepared prior to excavation works to inform required shoring depths, drawdown extents, and settlement, among other dewatering-related aspects required to be managed. Outstanding data gaps as identified by the RAP will be addressed via further delineation sampling following demolition and prior to commencement of remediation works. An AMP, REMP and WHSP will be implemented to ensure risks during remediation are controlled. Finally, a validation report will be submitted to document that the site is suitable for the proposed use.

Overall, Council is satisfied that the site can be made suitable for the proposed development, subject to the successful implementation of the RAP which includes additional sampling to close out data gaps and an excavation and offsite disposal approach to remediation. The submitted reports satisfy SEARs requirements and appropriate mitigation measures will be implemented across the works. No Long-Term Environmental Management Plan (including a restriction as to use under Section 88B of the Conveyancing Act 1919) will be required to manage the site following remediation.

12. Waste collection

Comments on waste collection, management and disposal will be provided separately.

13. Section 7.11 Development Contributions

The proposal seeks the demolition of all existing structures on the site and construction of 224 dwellings comprising 84 social housing and 140 private market

dwellings. The Section 7.11 monetary contribution is levied for 224 dwellings. 82 credits are given for the 82 existing dwellings to be demolished. Each dwelling has a contribution rate capped by \$20,000.

Based on the provided information in the Environmental Impact Statement, a Section 7.11 contribution of **\$2,840,000.00** is calculated and shall be paid to Council.

The contribution is calculated according to the provisions contained within Council's adopted Former City of Botany Bay s7.11 Development Contributions Plan 2016 (Amendment 1) and having regard to the Ministerial Directive of 21 August 2012 (the \$20,000 cap). The amount to be paid is to be adjusted at the time of payment, in accordance with the review process contained Contributions Plan.

The contribution is to be paid prior to the issue of any subdivision certificate or construction certificate. The contributions are only used towards the provision or improvement of the amenities and services identified below.

Community Facilities	\$247,710.92
Recreation and Open Space	\$2,057,618.50
Transport Facilities	\$511,949.42
Administration	\$22,721.16
Total (in 2025/26 financial year)	\$2,840,000.00

If you require any further information, please do not hesitate to contact Angela Lazaridis, Coordinator Development Administration and Advisory on (02) 9562 1719.

Yours sincerely,



Carine Elias
Manager Development Services