

12 January 2026

Our Ref: SSD-2025/10
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 Beauchamp Road, Hillsdale (SSD-83256478)

Thank you for your correspondence dated 9 December 2025 requesting Bayside Council to comment on the State Significant Development (SSD) application for the proposed construction of affordable housing, including:

- Demolition of all existing structures on the site, tree removal, excavation and site preparation works;
- Construction of two residential flat buildings of 7-8 storeys with 179 social housing dwellings;
- Car parking within a two-level basement;
- A single access from Beauchamp Road providing access to a loading dock at ground level and basement car parking;
- Associated landscaping and communal open space; and
- Infrastructure servicing.

Council has reviewed the submitted documentation, and the following comments are provided raising issues and/or conditions:

1. Planning Matters

The following planning issues are for consideration:

- a) Gross Floor Area - It is noted the gross floor area calculation plan does not include the bulky waste room and waste holding rooms within both buildings in the overall

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calculation of GFA. These areas are located above ground and not within the basement and should be included. Please include these areas as part of the GFA calculation plan and in the overall GFA calculations for the site.

- b) Building Height and Clause 4.6 variation - It is noted that the proposal has a height exceedance on both buildings due to raising the building to address flooding and plant located on the rooftop. 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.
- c) Internal storage area size - It is noted that there are significant storage areas within some of the units i.e. Unit type H_2B-T14 Silver H_2B-T14 Silver etc. These areas are not to be converted to bedrooms, and a condition should be imposed into any draft consent outlining this. Should these spaces be converted to bedrooms will have impacts on the number of car parking spaces required and unit mix.
- d) Essential services - All services should be clearly delineated on the plans i.e. fire hydrant, substations etc and considered as part of the application and not left to the construction stage.
- e) Air conditioning plant - All air conditioning units located on unit balconies should be appropriately screened to mitigate noise and obstruct visibility of the plant from within the site and from neighbouring sites.
- f) SDRP comments - The proposal should comply with the recommendations put forward in the minutes by the State Design Review Panel following its' meeting of 3 October 2025.
- g) Submissions from neighbours - Submissions from neighbouring properties were provided to Council for consideration. As Council is not the consent authority, Council has forwarded the submissions to the DPHI for consideration. The issues raised in the submissions include the following:
 - Traffic and Parking
 - Privacy and Overshadowing
 - Loss of Sunlight and Light Pollution
 - Noise Impacts
 - Environmental Concerns
 - Anti-social behaviour risks
 - Public Transport Limitations
 - Property Value Impacts

2. Strategic Planning Merits

The following comments are raised relating to strategic merit:

a) Project Need

It's acknowledged that Australia is currently in a housing crisis which has been building for decades. A contributor to this crisis is the long-term decline and

disinvestment in social housing which particularly impacts low-income households. According to Bayside Council's Community Profile from ID.com.au, the number of low-income households in Bayside decreased by 1,097 (roughly 10%) between the 2016 and 2021 census. Of this decrease, the largest components were:

- Renting - Private (-553 households)
- Mortgage (-321 households)
- Renting - Social housing (-176 households)

With small increases in households with other tenures (+150) and households owning their homes outright (+44).

The reduction of low-income households in private rental and holding mortgages is reflective of the decline in housing affordability. The decline in social housing is reflective of a shrinking pool of available social housing.

This SSD represents an opportunity to provide additional social housing, with an increase from 39 dwellings to 179.

b) Industrial Hazard and Risk

The subject site is entirely within the 500m Botany Industrial Park Risk Referral buffer as shown on Council's internal database. Developments which increase the population (residential or employment) within this buffer would generally be referred to DPHI's Hazards specialists for advice and we would expect the issue to be addressed by the DA documentation. Mapping shown below.



An assessment of the EIS document and appendices can find no indication that this issue has been considered. In the absence of this assessment, it appears that SEARs No. 24 has not been addressed.

<p>24. Hazards and Risks</p> <ul style="list-style-type: none"> • If the development is affected by above ground dangerous goods storages from the surrounding developments and/or underground high-pressure dangerous goods pipelines in the vicinity of proposal location: <ul style="list-style-type: none"> ○ Report on any consultation outcomes with operators. ○ Consider whether the development would cause these storages non-compliance with <i>Australian Standards</i>. • Where applicable, provide a Hazard Analysis in line with relevant guidelines and planning circular. 	<p><u>If required:</u> Hazard Analysis</p>
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As noted above, the lack of information around the industrial hazards means that the project does not demonstrate alignment with the Eastern City District Plan and the Bayside LSPS. This should be addressed.

Eastern City District Plan 2018

Action 75. Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards.

Bayside Local Strategic Planning Statement 2020

Action 14.7 Manage safety risks associated with the industrial activity and dangerous goods at the Botany industrial Park through land use planning controls that take into account the quantitative risk assessment modelling undertaken for the Botany industrial Park.

3. Urban Design

The following urban design comments are required to be addressed:

- a) The landscape plans and sections indicate the placement of children’s playground and spaces within the overland flow path. This path is mapped and shown as having a hazard classification of H1 and H2 – these spaces are not suitable for playgrounds. The playground must be relocated away from the flood hazard zone.
- b) Retention of the significant trees in the private frontage area will reduce visual impact on the surrounding neighbourhood.
- c) Within the private outdoor area, the primary pedestrian access is inadequate to the north of the timber bridge with raised planters crowded into spaces that do meet minimum width for two people passing or comfortable movement for people in wheelchairs.

Reconsider the raised planters arrangement to remove pinch points, consider sight lines, maintenance and movement into the buildings. Given the significant width of the bridge, it is unreasonable that pedestrians are required to transition through a very narrow pathway to access the building.

- d) The underside of the bridge may create concealed spaces at night, particularly once the surrounding mass planting reaches maturity – ensure adequate lighting and Crime Prevention Through Environmental Design (CPTED) considerations are addressed.

Children's Safety

The natural play area is approximately 1.8 m lower than the adjacent paved area. This level change raises concerns regarding passive surveillance and safety. Measures should be considered to prevent children from unintentionally moving beyond the play area. Relocate play area into more visible location (or remove altogether)

- e) Ensure adequate lighting is provided within private landscaped areas to ensure safety of users.

4. Traffic, Parking and Access

The following issues are raised relating to traffic, parking and access:

- a) The driveway for the development needs to be confirmed to not be a prohibited location as per Figure 3.1 of AS2890.1:2004.
- b) 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.
- c) A longitudinal driveway profile prepared by a civil engineer shall be provided for the proposed driveway with a vertical ground clearance test of the largest vehicle proposed to use the driveway (Council garbage truck as detailed in Section 13.5 of Bayside Waste Management Technical Specification). A longitudinal section plotting headroom clearance along the travel path of the service vehicle(s) is to be provided. It must be demonstrated that a safe headroom clearance of 4.5m is achieved along the entire travel path, parking, and manoeuvring areas of the MRV and Council garbage truck within the development
- d) The SIDRA modelling presented in the appendix of the traffic report needs to be revised to be accompanied by Intersection Layouts and Phasing Summary
- e) 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.
- f) The architectural plans do not include an appropriate area for resident and visitor bicycle parking. Council requires a secure room (Security Level B) for resident bicycle parking designed as per AS2890.3.

- g) The substations shall be located so that they can be serviced by Ausgrid without requiring an additional driveway crossing onto Council land. One driveway is all that is permitted for this development.

5. Floodplain Management

The following comments are made on floodplain management:

- a) 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 and Section 9.5 of the DCP.
- b) The flood impact assessment is to be revised to demonstrate that it was prepared in compliance with Section 9.5.4 of Council's DCP. The following also needs to be included:
- Confirmation of whether the pre and post modelling has used the Birds Gully and Bunnerong Road Catchment 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.
- c) 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 (Maps showing flood extent, flood contour, flood depth, flood hazard and velocity of pre-development and post-development for the 1% AEP and PMF flood events). The flood modelling outputs with spot levels used for determining the flood planning levels shall also be provided as full-page outputs.
- d) Provide a soft copy of the TUFLOW 2D flood model raster results files and simulation log to Council for assessment.
- e) The existing base scenario shall be revised to incorporate the existing survey levels into the flood model to ensure the existing case accurately reflects existing conditions. The post development is to be revised to model and include the survey data and the changes to the existing levels as part of the development (include the buildings which shall be shown on the post development flood modelling outputs).
- f) The report does not sufficiently detail as to how the building footprint and changes to ground levels were implemented into the post development flood modelling. The report needs to be revised to detail how the design of the proposed development was inputted into the 2D Flood model (particularly the overland flow path, bridges, and buildings/elevated courtyard design).
- g) The architectural and civil plans are considerably lacking in levels on the ground floor and do not provide sufficient details on the design of the overland flow path through the site, only the landscape plans include a few levels and even this is not

sufficient. The architectural, civil and landscape plans are to be amended to include design levels throughout the entire overland flow path (including the levels of the overland flow path at the property boundaries including the interface of those levels with the existing levels of the neighbouring properties), gradients, dimensions of the width of the overland flow path at regular intervals along the site, the height/soffit of the bridge structures over the flow path and the location of all retaining walls, columns etc. Also changes (cut/fill) to existing levels on the overland flow path is to be detailed. The existing east to west crossfall should be maintained in the design of the overland flow path.

- h) The 1% AEP water level difference (flood afflux) mapping shows flood afflux on surrounding properties significantly exceeding the requirements of Section 3.10 and Section 9.5.4 of the Bayside DCP which is not supported. The stated 0.17m increase in floodwater depth exceeds maximum allowable flood afflux for the 1% AEP (including climate change) which is 0.01m (10mm). No Flood afflux mapping was provided for the PMF event, this mapping needs to be provided. The report does comment on the PMF flood afflux being a 0.78m increase in flood depth which far exceeds the maximum PMF afflux permitted of 0.05m (50mm) which is not supported. The submitted flood modelling demonstrates an unacceptable impact on other properties which is likely due to the proposed overland flow path not providing sufficient flood conveyance. The design of the development is to be revised along with revised 2D flood modelling to ensure that flood afflux on all neighbouring land complies with maximum allowable for all flood events.
- i) 1% AEP climate change flood modelling maps are 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.
- j) 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.
- k) Figure 6.1 of the flood report is to be revised to improve the legibility of the ID locations and be supplemented by a full-page output of the post development 1% AEP and PMF spot flood levels closest to the points to enable council to make an informed assessment of the flood planning levels. All entries top the basement (including fire escapes any openings) and the floor levels of the buildings shall be set at or above the 1% AEP + 500mm freeboard level.
- l) Table 6.1 shall be revised to include an additional column detailing the proposed building levels.
- m) The design of the development must be amended to ensure all off-site flood impacts comply with the Bayside DCP which requires considerable attention to the design of the post-development overland flow path travelling through the site. The current design of the development does not comply with these afflux requirements and is not supported.

- n) A flood risk management plan is to be prepared for implementation in the development once complete. The flood risk management plan shall incorporate the flood emergency response requirements and address the following:
- Recommendations to minimise risk to personal safety of occupants and the risk of property damage for the total development, and
 - Flood warning signs / depth indicators for areas that may be inundated, and
 - A flood evacuation strategy, and
 - A flood awareness strategy, and
 - On site response plan to minimise flood damage

6. Stormwater Management

The following comments are made on the OSD design:

- a) The integrated water management plan Section 2.5 is to be revised to address that given the stormwater connection is to a Sydney Water Stormwater Asset the OSD requirements of Sydney Water are to be adhered to (as per Section 3.9 of Bayside Technical Specification Stormwater Management). The incorrect references to the former Botany Bay City Council OSD controls and Bayside Council OSD controls are to be deleted.
- b) The water quantity catchment plan (civil drawing number 103419-MMD-HIL-XX-DR-C-0511) does not accurately reflect the stormwater design. The plan shows large areas of the front, western and rear setbacks as OSD bypass however these areas are provided with a pit and pipe system to capture and direct run-off to the OSD. Additionally, this water quantity catchment plan indicates the bypass exceeds the maximum permitted (which is 15% of the site area or 1178m²), this error shall be addressed.
- c) The design for the OSD and its catchments shall ensure overland 1% AEP floodwaters do not to enter the OSD.
- d) The civil plans incorrectly provide two OSD sections with the same reference of 'section 02', these sections shall be revised to be named correctly (section 01 and section 02) as per the section tags on the base plan. The sections are to be updated to have an increased scale covering the full page. The OSD base plan is to include the weir heights of the water quality chamber and be revised to include an overflow chamber.
- e) The surface level of the pits for the OSD shall be designed to be flush with the driveway surface and this shall be reflected on the sections. The volume and TWL of the OSD shall be confirmed on the plans and sections.
- f) The invert of the orifice and OSD outlet is to be set at least 100mm above the 1% AEP flood level to ensure that there is no drowned orifice and ensure effective hydraulic performance of the OSD.
- g) The orifice plate calculations shall be provided demonstrating that the PSD will be met.
- h) A safe emergency overflow provision for the OSD (e.g. in case of pipe blockage) is to be provided and clearly shown on the civil plans. There is to be a safe emergency

overflow route from the OSD to the surface drains of the Sydney Water stormwater channel.

The following comments are made on the water quality improvement design:

- a) The water quantity catchment plan (civil drawing number 103419-MMD-HIL-XX-DR-C-0512) shall be revised to model the 2 x 10,000L rainwater tanks in MUSIC and add them to the treatment train. The MUSIC model snapshot shall be enlarged so that all nodes are viewable and show areas (m²) consistent with the catchment plan. All catchments shall have the % impervious/pervious calculated on the plan and included in the MUSIC modelling. The names of the catchments on the catchment plan shall align with the MUSIC modelling. Parts of catchment C & D appear to be directed to the SF chamber.
- b) Figure 6-1 of the integrated water management plan is not legible; it shall be revised to be enlarged so that it can be read including the catchment plan and the MUSIC modelling screenshot. Figure 6-2 and section 6.1.3 depict two completely different MUSIC snapshots which is not correct. The correct MUSIC model snapshot shall be included in the report with all nodes clearly visible, the rainwater tanks modelled and the correct areas and % impervious/pervious shown in the snapshot.
- c) The location of the pit inserts (oceanguards) is to be shown on the civil plans and must align with the MUSIC Model. The civil plans do not demonstrate as to how the roof run-off from both buildings will drain through separate oceanguards before entering the SF chamber, this needs to be addressed.
- d) It is not supported to have the roof run-off for the rear building drain to a rainwater tank in the basement with overflow directed to the basement pump which is then pumped to the OSD. This is not an acceptable arrangement long term for the development and will cause significant maintenance issues due to overuse of the pump and risks flooding the basement with roof run-off. The rainwater tank for the rear building shall be revised to be provided at ground level with gravity overflow to the Water Quality Chamber/OSD. All non-trafficable roof run-off shall be directed to the rainwater tanks. The rainwater tanks shall be designed to be connected to all ground floor toilet flushing; the cold water tap that supplies all ground floor clothes washing machines and the entire ground floor landscape irrigation system for non-potable stormwater re-use.
- e) The civil plans shall be updated to have surface levels and invert levels of pits and pipes and design surface levels of the overland flow path. Full design details and extents of the overland flow path are to be shown including sections.
- f) The development shall ensure that Sydney waters requirements for building over and around their stormwater asset are adhered to. Council needs confirmation from Sydney Water that this authority has approved the design of all works proposed over and around the stormwater asset in this development.
- g) The civil plans are to provide details of the surface inlets draining into the Sydney water culvert in the overland flow path to ensure run-off is adequately managed in the overland flow path.
- h) A bulk earthwork plans to be prepared by a qualified Civil Engineer and must show the cut/fill across the development site.

- i) A basement stormwater plan is to be provided with a pump out pit and calculations. The basement is to be a fully tanked and watertight structure due to the presence of sandy soils and shallow groundwater. The tanking of the basement must be shown on the stormwater plans. The rising main from the basement pump out pit to drain into the WSUD chamber

7. Public Domain

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

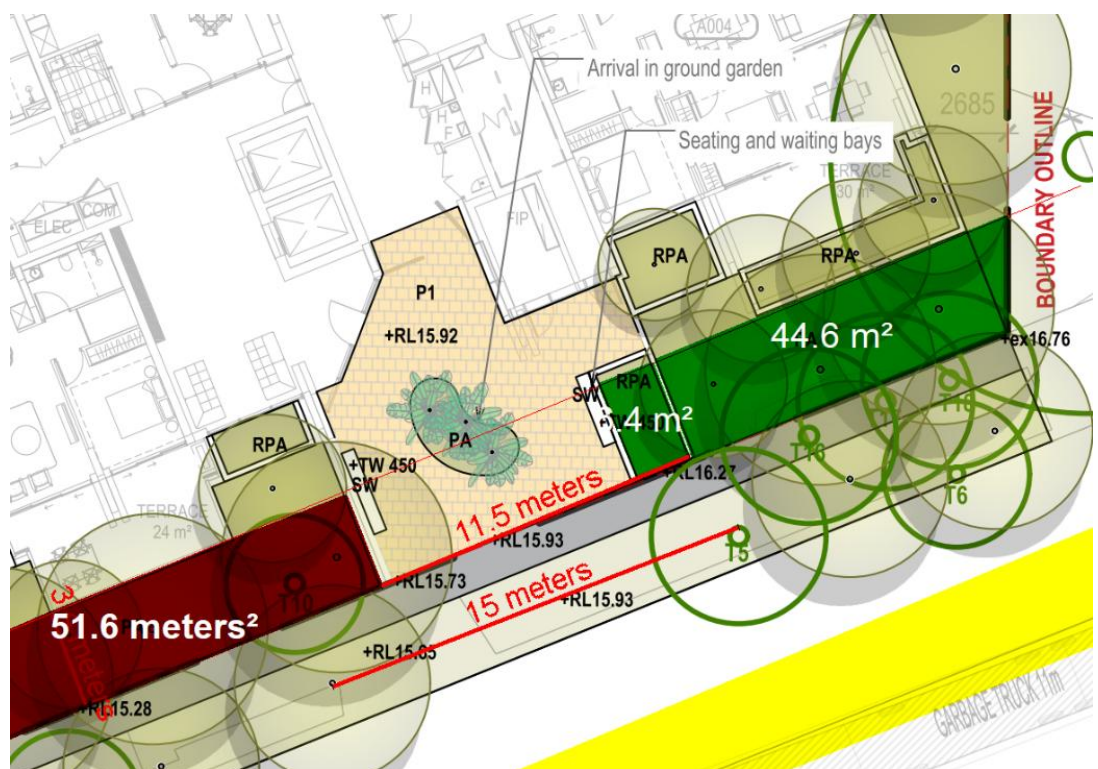
-) Undergrounding of all utilities (low and high voltage, telecommunications etc.) along the frontages of the development site and construction of underground supplied street lighting. This is a DCP requirement which Council consistently applies to new redevelopment of this scale.
- a) Demolition of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

8. Landscaping

The following comments relate to landscaping:

- a) All planters are required to accommodate ADG-compliant soil depths and soil volumes suitable to sustain healthy plant and tree growth. Minimum soil depths and volumes for all proposed planting types (including trees, shrubs, and groundcovers) are to be clearly demonstrated on plan and in section in accordance with ADG Part 4P – Planting on Structures.
 - i. The planting along the western boundary of the rear building is over the basement structure which can inhibit healthy growth of canopy trees. Council requires canopy trees to be planted with a minimum of 3m soil depth to achieve required ADG soil volume to support medium to large trees. Sectional details shall be provided along the interface of the rear buildings and western property to demonstrate that a minimum of 3 m soil profile (over the basement) to accommodate medium to large canopy trees.
- b) Canopy trees proposed in any setbacks and communal open space shall be provided at a minimum of 100 litres.
- c) Council requires the next iteration of plans to incorporate extensive planting above structure, particularly to populate and soften the architectural façades and enhance local biodiversity outcomes. Increased planting in these locations would contribute to improved visual amenity, microclimate performance, and the overall integration of the development within the Bayside context. Green roofs with community gardens and balconies planter at a minimum width of 700mm to add greenery to the street scapes.
- d) All stormwater infrastructure, including culverts, pits, tanks, and drainage lines, must be clearly shown across all landscape plans and sections. No canopy tree planting is supported above stormwater structures. The tree planting and stormwater pipe/pit locations must be coordinated to maximise the area available for canopy tree planting and avoid conflicts.

- e) Street trees are to be selected in accordance with the Botany Bay Street Tree Master Plan 2014 and are to be supplied and installed at a minimum pot size of 200 litres. The tuckeroo species is not acceptable. New streetscape tree species shall be including and alternating between *Corymbia maculata* and *Angophora costata*. Council requires the overhead wires to be undergrounded along the site frontage so larger canopy trees can be planted in the verge.
- f) Street trees shall be provided in front of the front building entrance. The gap of 15m wide displayed in the current design is not accepted. This is an underutilization of the exiting streetscape.
- g) Existing street trees to be retained T16/17/18 are overlapping with the proposed footpath, the streetscape design shall be clarified and consistent with arborist specification.



- h) Council requires the frontage of the development to provide a high-quality, legible public domain interface that is flush with the primary pedestrian entrance ground level and aligned with CPTED principles. The current design indicates a stepped entry condition, which may result in reduced passive surveillance and diminished pedestrian amenity. The fire egress and the use of planter boxes on the frontage need to be minimised.
- i) Canopy tree planting is to be maximised across the site and within true, unencumbered deep soil areas capable of supporting long-term tree growth at a minimum of 100 litres. Ferns and palms are not to be classified as canopy trees and must be excluded from all canopy cover and canopy tree calculations. An updated planting schedule and revised canopy calculation is required in the next design iteration to reflect these requirements and clearly distinguish canopy trees from ornamental and understorey planting.

PLANT SCHEDULE DEVELOPMENT APPLICATION						
CODE	SPECIES	COMMON NAME	ORIGIN	POT SIZE	EST. MATURE HT	INSTALL SIZE
	PROPOSED STREET TREES					
CUP ana	Cupanopsis anacardioides	Tuckeroo	Native	75L	8-15m	N/A
	PROPOSED TREES					
LIV aus	Livistona australis	Cabbage Palm	Native	400L	12-15m	N/A
CYA coo	Cyathea cooperi	Australian Tree Fern	Native	75L	6-12m	N/A
COR gum	Corymbia gummifera	Red bloodwood	Native	45L	15-20m	N/A
DIC ant	Dicksonia antarctica	Soft Tree Fern	Native	45L	6-12m	N/A
BAN ser	Banksia serrata	Old Man Banksia	Native	45L	4-6m	N/A
EUC cam	Eucalyptus camfieldii	Camfield's Stringybark	Native	75L	4-9m	N/A
BAC cit	Backhousia citriodora	Lemon Myrtle	Native	75L	4-7m	N/A
BRA rup	Brachychiton rupestris	Queensland Bottle Tree	Native	100L	10-15m	N/A
ELA ret	Eleocharis reticulata	Blueberry Ash	Native	100L	6-10m	N/A
ACA fal	Acacia falcata	Sickle Wattle	Native	45L	2-5m	N/A
ACA ret	Acacia retinodes	Silver Wattle	Native	45L	2-5m	N/A
TRI lau	Tristania laurina	Water Gum	Native	45L	6-8m	N/A
XAN	Xanthorrhoea	Grass Tree	Native	1.5m Trunk	4-6m	N/A

- j) The middle of the site is an overland flow path for floodwaters, which should not include any play equipment or floatable landscape materials (e.g. light weight timber logs).
- k) Creek design shall incorporate more water tolerant plants and contribute to the long-term viability of this easement area. Canopy trees shall be incorporated in the verge area of this easement corridor.

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 07/11/2025.

Tree Removal

On Site:

Trees 9, 10, 11, 12, 13, 14, 15, 24, 25, 26, 27, 28, 30, 32, 33, 34, 35, 36, 37, 38 & 39

Exempt Species under our DCP:

Trees 29, 31 & 40

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 16, 17, 18, 19, 20

Adjacent Lots:

Trees 21, 22, 23, 41, 42, 43, 44, 45, 46 & 47

Public Domain:

Trees 1, 2, 3, 4, 5, 6, 7 & 8

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 twenty-one (21) 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 sixty-three (63) 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 2022 Part 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 \$16,000.00 to ensure protection of the eight (8) 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. Contamination

The following comments have been provided by Council's Environmental Scientist relating to architectural drawings, geotechnical, acid sulfate soils, contamination, remediation and mitigation measures:

a) Architectural Drawings

The site occupies an area of 7,900m². According to Appendix E- Architectural Drawings, the proposal involves site demolition of all existing structures, and construction of two residential flat buildings 7-8 storeys in height. The existing ground level varies across the site ranging approximately RL 13.8-16.0m AHD (sloping down from south to north). A stormwater culvert diagonally bisects the site, running from south-west to north-east.

The northern portion of the site will undergo bulk excavation to accommodate two basement carparking levels for the northern flat. The southern flat will not have any basement levels. The culvert channel will not be disturbed by the proposed excavations. The stormwater culvert extends to approximately RL 11.5m AHD. The second basement level will have an FFL of 9.370m AHD, and the first basement level FFL 12.370m AHD. Accounting for basement slab thickness and lift pits, Council anticipates maximum excavations to extend to RL 8.2m AHD, roughly up to 6m below existing ground level (begl).

b) Geotechnical and Acid Sulfate Soils

The GR found the site to be underlain by silty sand fill until 0.5-1.6m begl, underlain by natural sandy soils until at least 2.5-6.7m begl, underlain by sandstone bedrock. Groundwater was found between 3.1-3.4m begl during monitoring. As such, groundwater will likely be intercepted during excavations for the basement levels, requiring temporary dewatering and a tanked basement design. Groundwater was anticipated to flow towards the south-west. The GR recommended a Groundwater Impact Report (GIR) be prepared.

The EIS incorrectly states that the site is within Class 1 ASS. According to Council's mapping database, the site is situated within Class 5 Acid Sulfate Soils (ASS) area and is 200m from the nearest adjacent Class land (Class 2). ASS are not typically found in Class 5 Areas. As the site is not on land that is below RL 5m AHD and works will not requiring the lowering of the water table below RL 1m AHD, there are no requirements for development consent with respect to ASS. Nonetheless, an ASS assessment was completed as part of the PSI/DSI as a precautionary measure.

Soil samples collected at intervals from three boreholes up to a maximum depth of 5.1m begl were utilised for field pH screening. Results of pH reduction from peroxide addition ranged from 0.7 to 3.1 units indicating small reaction rates. As such, five representative samples with the largest pH drops were selected for Chromium

Reducible Sulfur (CRS) suite analysis. All results were found to be below the ASS action criteria for coarse textured soils. As such, it was concluded that onsite soils were not indicative of any ASS conditions and no management of ASS is required for the proposed development.

c) Contamination

The PSI/DSI included a review of a PSI previously completed for the site in 2020. The site was found to be used for residential/commercial purposes from the 1930s-1940s. Potentially contaminating activities relate to the site being used for timber furniture and plywood manufacturing, along with a potential electrical substation. All structures were demolished, fill likely imported, and the current two-storey public housing development constructed in the late 1980s. An appropriate Conceptual Site Model (CSM) was developed.

Sampling was completed across 21 borehole locations and 3 groundwater monitoring wells, which meets the NSW EPA minimum required sampling density. Samples were taken from both fill and natural soils at all locations up to a maximum depth of 3.0m begl. Anthropogenic inclusions of concrete, brick, glass, and metal were noted within the fill material. No staining, odours, or sheen were identified during sampling. 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.

Bonded asbestos, in the form of Asbestos Containing Material (ACM), and friable asbestos, in the form of Asbestos Fines/Fibrous Asbestos (AF/FA) were found on the ground surface in the centre of the site, and within fill material in eight boreholes sporadically across the site until a depth of 0.6m begl at levels exceeding the adopted human-health SAC. As such, the presence of asbestos as ACM and AF/FA in soils poses an unacceptable health risk to future site receptors, requiring remediation to eliminate this risk. No other contaminants were found in soils which exceeded the adopted human-health SAC.

Contaminant concentrations in groundwater were below the adopted criterion with the exception of copper, zinc, and PFAS compounds PFOS and PFHxS across all three wells. The elevated concentrations were particularly evident/high in the well immediately downgradient of the stormwater channel, which exceeded the ADWG recreational exposure criteria (used to represent potential exposure to future basement workers/users) by a factor of up to 34 (PFOS) and up to 4 (PFHxS). The well upgradient of the channel only recorded a minor PFOS exceedance (by a factor of 3.5). Considering that these chemicals were not identified in soils at elevated levels, it is likely that these impacts may be a result of groundwater migration from the culvert channel. It is also noted that the site is located in a highly urbanised area, as such these impacts are not considered consequent of potential onsite contamination sources, rather of regional concentrations (and from the channel). Considering that the basement levels are only proposed in the northern portion of the site (where only one minor exceedance was detected), it was determined that the groundwater impacts do not pose an unacceptable risk to future site receptors.

It was recommended that an additional groundwater assessment be completed as the proposed development will require excavation and dewatering to facilitate the basement construction. Dependent upon the outcomes of this assessment, further evaluation of the basement design may be required to manage potential long-term

exposure to PFAS compounds. Council concurs with the PSI/DSI findings' discussions. All necessary appendices were provided.

d) Remediation

The RAP was prepared to address outstanding data gaps and remediate the site. Data gaps are related to site characterisation and include the extent of asbestos impacts in fill across the site, fill characterisation beneath existing building footprints and hardstand, and influence of the stormwater channel in relation to groundwater impacts. These data gaps will be addressed via further delineation following building demolition and will inform further remediation (if required).

It is proposed that the asbestos delineation will take place alongside the fill beneath buildings assessment following site demolition and a detailed ground surface inspection. Sampling will be completed via test pits in previously inaccessible portions of the site. The number of additional samples was not specified. However, it was stated that given the known presence of asbestos across the site, the density of additional asbestos samples will meet the WA DoH double density guidelines.

Details of the additional groundwater assessment are lacking as it was stated that the nature of further assessment will depend on the proposed development details. However, these details are already available as discussed previously about the basement levels. As a minimum, it was stated that the assessment would comprise a repeat sampling event and that consideration should be given to the installation of further sampling locations to obtain suitable data. Council notes that no groundwater wells were installed immediately upgradient (north) of the culvert channel, where the southern-most extent of the basement is proposed. Sampling at this location would both further delineate the extent of groundwater contamination potentially related to the channel, while also assess the risk to future basement workers/users.

Following a remedial options assessment, the preferred strategy involves containing asbestos impacted soils beneath a physical barrier. This would involve the placement of asbestos impacted soils at locations where there are no associated receptors, or within a designated containment cell to be overlain by a permanent physical barrier, to the extent achievable with regard to the proposed development levels. Alternatively, this material, where in excess of the site development levels, will require off-site disposal to a licensed waste facility. Finally, a Long-Term Environmental Management Plan (LTEMP) would need to be implemented should contaminated soils remain onsite.

In permanent paved areas, the pavement base will be underlain by a visual marker layer. In shallow landscaped areas, the marker layer will be overlain by a minimum of 0.5m deep suitably validated soil. In deep landscaped areas, the marker layer will be overlain by a minimum of 1.5m deep suitably validated soil. The validated soil depth was considered appropriate to greatly minimise the potential for future site users to penetrate the soil and to provide sufficient volume of growing media for plants/trees. In areas of service trenches, no utilities will be installed below the marker layer, and the services will be installed into validated material of sufficient depth such to provide future trench access for maintenance workers. The extent of the marker/capping layer will extend at minimum 0.3m laterally outside the extent of the remediated area. No figure has been provided however that depicts the extent of remediation proposed. The specific details of the marker layer, and survey plans showing the extent of the capped area, will be included in the site validation and LTEMP reports.

Where temporary dewatering is required, extracted water will require characterisation to demonstrate concentrations are suitable for offsite disposal to stormwater. Should conditions be unacceptable, the extracted water should be disposed offsite as liquid waste to a licensed contractor, or alternatively, treated onsite until conditions suitable for offsite discharge are met.

Appropriate remediation steps to these activities have been outlined. A thorough validation plan with a sampling and analytical schedule and unexpected finds protocols have been provided. A validation report will be prepared documenting the completion of works, along with a LTEMP. What will be included in the LTEMP is outlined. 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.

e) Mitigation Measures

Council is satisfied that the MM has included and understood all recommendations within the GR, 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. The MM however, is missing the fact that a LTEMP is required to manage the capping layer in the long term, which needed to be included as a contamination mitigation measure.

f) Conclusion and Recommendations

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 remediation via containing asbestos impacted soils beneath a physical barrier, and the recommendations below. This remediation approach will require the implementation of a LTEMP to manage any contamination remaining onsite. The MM must be updated to include the LTEMP as a mitigation measure.

Council makes the following recommendation as part of an amended RAP:

Details of the additional groundwater assessment proposed by the RAP are lacking. Given that groundwater contamination was identified (PFAS and heavy metals, particularly evident/high in the well immediately downgradient of the stormwater channel), groundwater sampling must be completed through an additional well immediately upgradient (north) of the culvert channel, where the southern-most extent of the basement is proposed. Sampling at this location would both further delineate the extent of groundwater contamination potentially related to the channel, while also assess the risk to future basement workers/users.

As temporary dewatering is required for the basement excavation, extracted water will require validation characterisation to demonstrate concentrations are suitable for

offsite disposal to stormwater. Should conditions be unacceptable, the extracted water must either be disposed offsite as liquid waste to a licensed contractor, or alternatively, treated onsite until conditions suitable for offsite discharge are met. Details of which must be included in the site validation report.

The following condition is recommended:

Conveyancing Act Registration

As the remediation requires residual contamination at the site to be managed under a LTEMP, a restriction as to use under Section 88B of the Conveyancing Act 1919 is to be registered on the title of *[insert Lot and DP/SP]* with the following terms of restriction on use:

The registered proprietor must not use or otherwise undertake development on the land hereby burdened except in accordance with the provisions of the Long-Term Environmental Management Plan [Enter Name of Plan] ref: [Enter Details], prepared by [Enter Details], dated [Enter Details].

The name of the person or authority empowered to release, vary or modify the restriction will be Bayside Council.

11. Heritage

The proposed development is considered to be sympathetic and respectful to the adjacent heritage item. The two buildings are decently set back from the site boundary with vegetation and trees softening the edge that abuts the heritage site. The landscaped areas allow a buffer zone between the playground of the heritage school and the proposed development. The significant heritage structure of the main school building is naturally separated and distanced from the subject site; and the proposed brickwork and cladding configuration of the residential buildings are complementary and sympathetic to the perceived proportion of the school structures.

In terms of aboriginal cultural heritage, a due diligence report has been prepared with recommendations in place for standard protocols regarding unexpected archeological finds and human remain finds. Considering that the site has been largely developed and disturbed, it is believed that such approach is sufficient to protect potential indigenous heritage finds. These protocols should be appropriately adopted into relevant management plans and should be in place throughout the entire project lifecycle.

An AHIMS basic search of the subject site reveals no Aboriginal sites or Aboriginal places recorded within 200 meters of the subject area.

The proposal also is in keeping with the heritage objectives outlined in the Bayside LEP 2021.

Based on the information above, from a heritage perspective, it is considered that the HIS and the Aboriginal Cultural Heritage reports are sufficient for this assessment and for ongoing cultural management purposes.

12. Waste

The waste comments are provided in Appendix A to this letter.

13. Section 7.11 Development Contributions

The proposal seeks the demolition of all existing structures on the site and construction of 179 dwellings which are all social housing dwellings. The Section 7.11 monetary contribution is levied for 179 dwellings. 39 credits are given for the 39 existing dwellings to be demolished. Each dwelling has a contribution rate capped by \$20,000.00.

Based on the provided information in the Environmental Impact Statement, a Section 7.11 contribution of \$2,800,000 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	\$244,222.03
Recreation and Open Space	\$2,028,637.96
Transport Facilities	\$504,738.87
Administration	\$22,401.14
Total in 2025/26	\$2,800,000.00

We trust that the Department will carefully consider Council's submission when assessing this proposal.

If you require any further information, please do not hesitate to contact Angela Lazaridis on (02) 9562 1719 or via email: angela.lazaridis@bayside.nsw.gov.au.

Yours sincerely,



Carine Elias
Manager Development Services