

15 April 2026

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

Dear Mr Urbanik,

RE: Request for Advice – 68-80 Banks Avenue, Pagewood – Response to Submissions and Amendment Report- SSDA for Affordable and Market Housing (SSD- 83256472)

Thank you for the opportunity to provide comment on the Response to Submissions (RTS) and revised plans and updated advice for the proposed Banks Avenue, Pagewood, Affordable and Market Housing project.

Bayside Council provided a submission on the Environmental Impact Statement (EIS) on 17 December 2025, which raised the following issues in relation to the exhibited proposal:

- **Planning Matters-** Issues relating to gross floor area, deep soil, solar amenity, unit mix, waste collection, staging of development, accessibility, façade elevations, basement location, building height and Clause 4.6 and western ground floor interface
- **Urban Design-** Issues relating to public footpath, deep soil planting and private open space
- **Heritage-** Issues relating to built form and height, materiality and views
- **Traffic, Parking and Access-** Issues relating to driveway access, traffic report, driveway profile, modelling and parking requirements
- **Floodplain Management-** Issues relating to flood report, modelling, inconsistencies with plans, and flood risk management plan
- **Stormwater Management-** Stormwater plans are deficient, modelling, and greater detail required
- **Floodplain management-** Deficiencies in the flood impact report and flood modelling
- **Public Domain-** Undergrounding of utilities and demolition
- **Landscaping-** Issues relating to canopy coverage, planting on structures, communal open space and public domain
- **Trees-** Outline of tree removal and retention and TPZ requirements
- **Environment-** issues relating to tree removal
- **Contamination-** Issues relating to acid sulfate soils and geotechnical, contamination, remediation and mitigation measures.
- **Waste-** Requirements outlined within Appendix relating to waste
- **Development Contributions-** Local Development Contribution breakdown provided

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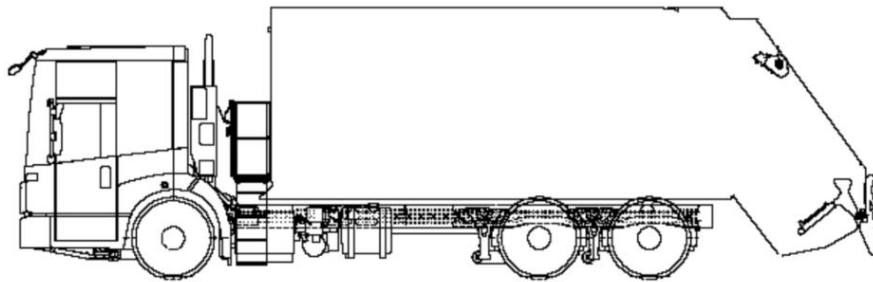
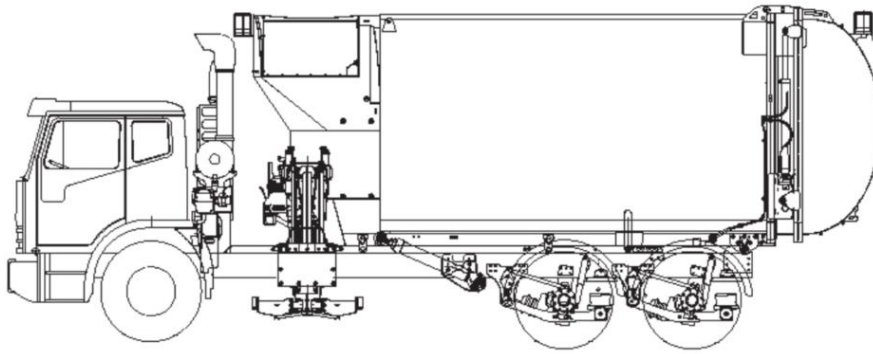
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Advice on Response to Submissions

Council staff have reviewed the RtS, updated plans and advice and provide the following comments on outstanding matters:

Traffic, Parking and Access:

- Point 4 a) of Councils submission has not been resolved or adequately addressed by the proponent. The response from the proponents traffic engineer is not agreed. Other design solutions need to be explored to provide vehicular access from Banks Avenue. The current locations of the driveways on the one-way road do not provide an acceptable traffic outcome for this development.
- Point 4 b) of Councils submission has been resolved by the proponent. They have added a car share to the social housing building. Councils DCP allows a car share space to offset 5 residential car spaces. So, this building which normally requires 39 car spaces and provides 36 car spaces (including 1 car share space) is acceptable. Council would be able to support this car share space being located on the Banks Avenue street frontage instead of within the basement (subject to approval by the Bayside Local Transport forum), this would likely result in a better outcome on street as it would be more commercially viable and more accessible by the general community.
- Points 4 d) and 4 e) of Councils submission have not been resolved or adequately addressed by the proponent. The traffic engineer has supplied basement swept paths which was not requested by Council. Council requires the proponent to provide swept paths of the MRV and Councils Garbage truck (11m long HRV). For example, council requires figure 11 of the original traffic report to be provided as full page scaled 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. Currently, Council is unable to ascertain whether the development has been designed appropriately to accommodate the manoeuvring of a MRV and Councils HRV Garbage truck.



Description	Typical Allowance Required
Length Overall	11 metres
Vehicle Height	3.9 metres
Operational Clearance Height	4.5 metres
Width Overall	2.5 metres
On-Site Width Path (Carriageway)	3.5 metres
Turning Circle (wall to wall)	25 metres
Swept Path	21 metres
Gross Vehicle Mass	24 tonnes

- Point 4 f) of Councils submission has not been resolved or adequately addressed by the proponent. The driveway profiles for the access to the loading dock were not provided, these longitudinal profiles need to be provided and shall model the ground & headroom clearance of an MRV and Councils garbage truck as required. The driveway profiles provided were for the basement entries and the civil engineer has only modelled a B85 vehicle which is incorrect, AS2890.1 requires a B99 vehicle to be modelled for this driveway given it is not a domestic driveway.
- Points 4 j) of Councils submission has not been resolved or adequately addressed by the proponent. Bicycle parking is not supported within the storage cages.
- Driveway ramp sections are to be provided in the architectural set as referenced in page 39 of the flood report. The basement ramp crest for the market building shall be set at 1% AEP + 500mm = 22.42m AHD.
- The development needs to ensure that two of the visitor spaces are designed to be car wash bays with a width of 3.5m.

Floodplain Management:

The revised flood modelling continues to demonstrate unacceptable flooding outcomes from the development.

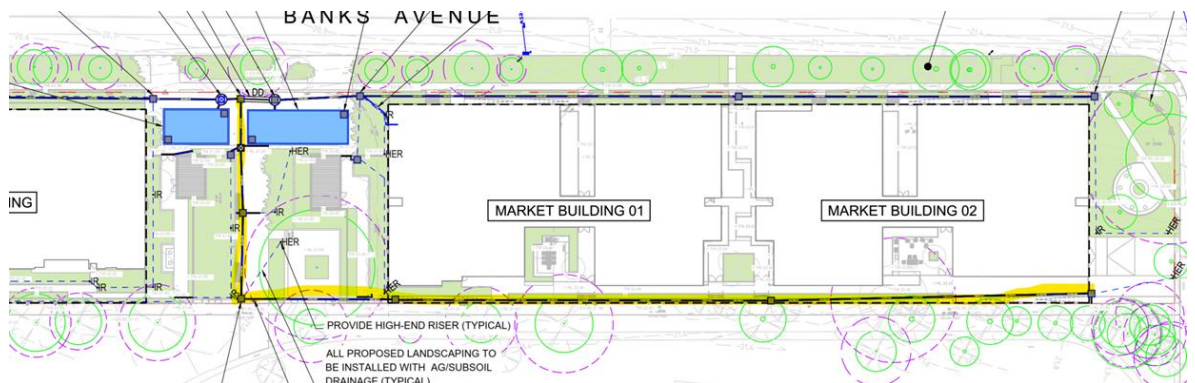
- There is an increase in flood afflux (changes to flood levels) shown to occur on neighbouring properties in the 1% AEP and PMF flood events which exceeds council's maximum permitted off-site flood afflux increase.
 - The increase in 1% AEP flood levels on neighbouring properties must be less than, or equal to, **10mm**. The development proposes an increase in flood levels ranging from 20mm-50mm on neighbouring properties which exceeds the maximum tolerance. The development must be revised to reduce 1% AEP flood level increases on neighbouring properties to less than 10mm which shall be confirmed in amended flood modelling. The legend for the 1% AEP afflux must be revised to be calibrated to Council's controls by showing all flood increases that are greater than 10mm rather than only showing increase that are greater than 20mm.
 - The increase in PMF flood levels on neighbouring properties must be less than, or equal to, **50mm**. The development proposes an increase in flood levels ranging from 50mm-500mm on neighbouring properties which exceeds the maximum tolerance. The development must be revised to reduce PMF flood level increases on neighbouring properties to less than 50mm which shall be confirmed in amended flood modelling.
- It appears the building footprint is correctly as the basement footprint (which extends above ground) rather than the tower footprint, however it's not clear if other site features such as the driveways, pathways, the central courtyard area etc. which surround the building footprint have been accounted for in the flood modelling.
- A soft copy of the TUFLOW results files needs to be provided to Council for a full assessment.
- 1% and PMF post development flood contour mapping is required to be submitted as per section 9.5.4 of the Bayside DCP.
- The afflux in 1%AEP climate change flood (between pre and post development) is not provided as required by section 9.5.4 of the Bayside DCP. It must be demonstrated that any increase in 1% AEP climate change afflux is less than or equal to 10mm on neighbouring properties.
- A response from the flood engineer to Council's initial submission on flooding is required detailing how these issues have been resolved.

Stormwater Management:

The following concerns remain from Council's original submission:

- The MUSIC Model is not supported as the infiltration tanks is not permitted to be modelled as a treatment measure as per section 7.1.2 of Bayside Technical Specification Stormwater Management. The infiltration systems are to be modelled as the receiving node and must use WSUD systems to meet the pollution reduction targets as per Section 7 of the Bayside Technical Stormwater Management prior to entering the infiltration system.
- There are discrepancies in the location of ocean guard pit inserts, the ground floor plan is not fully aligned with the WSUD catchment plan. Council prefers that all surface pits to be fitted with Ocean Guards which must be reflected in the MUSIC Model with the correct number modelled.
- The number of stormfilter cartridges is consistently contradictory throughout the civil plans. The ground floor drainage plan shows 10x690Psorb for one pit and 15x690Psorb for another pit whereas the water quality catchment plan shows 11x690Psorb for each pit. This discrepancy needs to be rectified.

- The MUSIC Model soft copy is to be provided to Council.
- The catchment areas are not coordinated with the ground floor drainage plan as the southern drainage line for the market housing is shown draining into the absorption tank for the social housing. See the image below.



- Overall, the arrangement of drainage on the ground floor is strange, with what appears to be two separate infiltration systems being proposed for each building however a large section of the market building is being drained into the infiltration system for the social building. Additionally, the concrete dish drain connecting the two systems is odd. The buildings need to be designed to ensure that future subdivision of the site separating the ownership of market from social can be achieved without issue. Therefore, two entirely separate drainage systems are necessary draining into two separate infiltration systems.
- No calculations have been provided for both the absorption tanks which is not acceptable. Calculations must be submitted in accordance with section 5 of Bayside Technical Specification Stormwater Management (DRAINS is not used to size infiltration systems) using Councils calculation sheet as per Appendix C of Bayside Technical Specification Stormwater Management. The water quantity catchment plan shall be revised to separately model the separate catchments draining into each infiltration tank (e.g. market building site and social building catchment) and ensure each tank is sized appropriately for the catchment draining into it (catchment areas are to be coordinated with the volume calculations).
- A geotechnical engineer needs to be engaged to determine the infiltration rate in the unit's of litres/square metre/sec (L/m²/s) as per section 5.1 of Bayside Technical Specification Stormwater Management, the submitted K values in the Geotech report cannot be used. The infiltration rate in the correct units is critical for determine the required volume of the infiltration systems.
- The geotechnical report records that groundwater levels at the location of the absorption system (BH-PZ2) range from RL 15.3m AHD to RL 17m AHD. As a conservative approach, the base of the infiltration system shall be set 0.5m above the higher groundwater level reading of RL 17m which requires a significant change to the design and storage volume of the infiltration system as the current design is far too deep.
- The section of the absorption tank has been adapted from Councils standard drawings which is not appropriate to be used in the circumstance of this development as the absorption tank is of significant size and will take loads from HRV garbage truck vehicles (rated up to 24 tonnes). This standard drawing was made for smaller scale residential use. A custom tank design specified by a structural engineer is required.
- The bulk earth works plan does not appear to be correct as it only shows basement excavation but does not show how other ground level surfaces will be/cut/fill as part of the development.

- The 2 x 10KI rainwater tank is not shown on the plans and is required to be provided for each building connected for non-potable re-use to all ground floor toilets, the cold water tap that supplies all ground floor clothes washing machines and the entire landscape irrigation system. The rainwater tanks shall be located at ground level with gravity overflow to the infiltration system.
- The civil plans are to be revised to detail the basement drainage. Confirmation that the basement is a fully tanked and watertight structure due to the presence of sandy soils and shallow groundwater is required to be confirmed and shown on the civil plans.

Public Domain:

Council requests the following conditions be imposed as agreed by the applicant.

- **Frontage Works Application**

Prior to the issue of any Construction Certificate, an application for Frontage Works (Public Domain Construction – Frontage / Civil Works Application) shall be made to Bayside Council's Customer Service Centre for assessment of all required works within the road reserve. A fee is payable to Bayside Council in accordance with Council's adopted fees and charges.

REASON

To ensure that public domain works are designed and constructed in accordance with relevant requirements and standards.

- **Undergrounding of Overhead Services and Installation of Lighting**

Prior to the issue of the Occupation Certificate, all overhead cables, including electricity and telecommunications cables, along the entire length of all frontages of the development site must be relocated underground to the satisfaction of Bayside Council. The Ausgrid lighting and power poles will need to be decommissioned and new underground supplied lighting columns shall be construction (where necessary) satisfying the applicable lighting requirements.

All works shall be carried out at the applicant's expense, to the satisfaction of the asset owner and Bayside Council. If further works are required beyond the frontages of the development site (e.g. across a road) to support the required works, these works must also be carried out at no cost or expense to Bayside Council. Bayside Council's Director of City Futures (or delegate) must advise in writing that the works have been completed to their satisfaction, prior to the issue of the Occupation Certificate.

REASON

To ensure that overhead services are placed underground to achieve required public domain outcomes.

Urban Design

Footpath

1. Council does not support the privatisation of public open space or the public domain. Delete all paving beyond the lot boundaries. Any hard paving outside lot boundaries is to be limited to one 2m wide connection of plain broom finished concrete

connecting to the existing park path only complying with AS1428 Design for Access. The road verge is to be delivered in accordance with Bayside Council’s Public Domain Team requirements and will not include any non-standard materials. This is to ensure that there is no blurring of private versus public open space or public domain or otherwise create the perceived alienation of public open space. The adjoining parkland is not to be treated as an extension of private land.

2. The proposed north–south footpath and steps located outside the rear site boundary, adjacent to Jellicoe Park, is not supported as a path already exists and council will not accept additional park assets or provide lighting. The extended pathways into the park are excessive and are to be deleted. No extension of hardscape or softscapes from the central open space or other private gates into Jellicoe Park are permitted. A pathway if desired is to be provided within the lot boundary as it does not service the public and only benefits residents – this path within the boundary should it be required must be supported with adequate lighting.

Trees and Vegetation

Extensive planting within the public open space is not supported. Delete extensive planting beds shown within the park and replace with trees in mulched pits only.

Infrastructure

All stormwater pit infrastructure must be located entirely within the private lot and shall not encroach into the public domain or public open space.

Development Contributions

The Former City of Botany Bay S7.11 Development Contributions Plan 2016 – Amendment 1 applies to the SSD. The Plan does not have any provisions to exempt social housing dwellings from S7.11 contributions. Therefore, Council’s Development Contributions are as follows:

Therefore, based on the provided information in the RtS, a Section 7.11 contribution of \$2,840,000 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	\$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

Council acknowledges that the Department has not levied contributions on previous SSDA for social housing units (only for the affordable and market units) and anticipates the same outcome for this development.

Heritage

The response provided to Council's heritage comments is satisfactory. It is highly encouraged that the DPHI include the engagement of a qualified heritage professional as part of the conditions of consent, to develop an appropriate heritage interpretation strategy for the development.

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, Coordinator Development Administration and Advisory, on (02) 9562 1719 or via email: angela.lazaridis@bayside.nsw.gov.au.

Yours sincerely,



Carine Elias
Manager Development Services