

## COUNCIL ASSESSMENT REPORT

<b>Panel Reference</b>	PPSSEC-178
<b>DA Number</b>	DA-2021/627
<b>LGA</b>	Bayside Council
<b>Proposed Development</b>	BATA Stage II – Integrated Development - Construction of two (2) mixed use buildings of 18 and 20 storeys accommodating 372 apartments, communal recreational facilities, child care centre (use subject to future application), four (4) levels of basement car parking, associated landscaping and construction and embellishment of a private road.
<b>Street Address</b>	120 Banks Avenue Eastgardens
<b>Applicant/Owner</b>	Karimbla Construction Services NSW Pty Ltd
<b>Date of DA lodgement</b>	22/12/2021
<b>Number of Submissions</b>	Twelve (12)
<b>Recommendation</b>	Approval
<b>Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)</b>	Cost of Works >\$30M
<b>List of all relevant s4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>• Environmental Planning &amp; Assessment Act 1979 <ul style="list-style-type: none"> <li>• S.4.23 - Concept Development Applications as Alternative to DCP required by Environmental Planning Instruments</li> <li>• S4.37 – Staged State Significant Development</li> <li>• S7.4 - Planning Agreements</li> </ul> </li> <li>• Environmental Planning &amp; Assessment Regulation 2021</li> <li>• State Environmental Planning Policy (Planning Systems) 2021</li> <li>• Sustainable Buildings SEPP 2022</li> <li>• State Environmental Planning Policy (Biodiversity and Conservation) 2021</li> <li>• State Environmental Planning Policy (Resilience and Hazards) 2021</li> <li>• State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</li> <li>• State Environmental Planning Policy (Transport and Infrastructure) 2021</li> <li>• State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</li> <li>• Apartment Design Guide</li> <li>• Bayside Local Environmental Plan 2021</li> <li>• Botany Development Control Plan 2013</li> <li>• Draft EPI – Review of C4.6 of Standard Instrument</li> </ul>
<b>List all documents submitted with this report for the Panel's consideration</b>	<ul style="list-style-type: none"> <li>• Planning Assessment Report</li> <li>• Draft Conditions</li> <li>• Architectural Plans</li> <li>• Landscape Plans</li> </ul>
<b>Clause 4.6 requests</b>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
<b>Summary of key submissions</b>	<ul style="list-style-type: none"> <li>• <i>Traffic Report does not address the hazardous materials transport risk from the transportation of hazardous materials along Bunnerong Rd that could impact the subject site. Scott Lister, Dangerous Goods Transport QRA, Denison St Hillsdale was published in 2015. The study was the first and only comprehensive study of dangerous goods traffic in any area in the vicinity of the Botany Industrial Park. Executive Summary notes; The purpose of the study was to understand the level of risk associated with dangerous goods transport on Denison St to inform determinations on a proposed Bunnings Warehouse as well as other potential future developments around the Botany Industrial Park (BIP). The study, publicly exposed significant transport risk in large residential areas in the north of Denison St and parts of Wentworth Ave around the intersection with Denison St / The study identified transport hazard movements from the transportation of LPG to and from Port Botany and from Dangerous Goods traffic to and from the BIP and detailed the number of these transportation movements / Meriton site is to the north of the T intersection of Wentworth Ave and Bunnerong Rd and has significant frontage to</i></li> </ul>

Bunnerong Rd. A significant portion of the Meriton site would be within a significant fatality risk area / It is a requirement of the 2001 Botany/Randwick Industrial Land Use Safety Study that the impacts of dangerous goods traffic be taken into account in the assessment of any development in the Botany/Randwick area. As such, it is inappropriate for the applicant to not provide a Transport Risk Assessment / Hazardous Materials Transport Risk / Assessment of Toxic Releases –

Aforementioned studies not undertaken by Applicant / A further significant issue, in the Scott Lister assessment report, all Class 2 movements (LPG and toxic releases) were assigned the LPG tanker release rates. An assessment toxic releases was not considered for the report / Bayside Council in early 2018, Council undertook to finalise a quantitative Risk Assessment of the Botany Industrial Area in their Draft 2018-2020 Delivery Program and 2018-2019 Operation Plan, with Draft to be completed by December 2018 and Recommendations actioned by June 2019. As far as we are aware, Bayside Council have not yet commenced to undertake this review. Bayside Council have knowingly failed in their obligation to implement measures to protect the interests of not only their existing and future residents in the vicinity of the BIP, but also those people who may be impacted from significant fatality risk who reside within Randwick City Council.

- View loss (city views) to units in Viola Building at 126 Banks Ave i.e. Units 1321, 825 etc / promotional material for Viola in the catalogue, in the sales office and online, which we notice has now conveniently changed the wording, originally stated 'never to be built out'. Clearly, the information given to buyers was false advertising.
- Inadequate assessment of transport impacts / Adverse traffic impacts beyond the site / Light rail will no longer occur
- Height / Height has increased from 12-15 storeys to 20 storeys / Height has been misrepresented to residents original model showed only 12 storeys on Tingwell Boulevard / Height should be capped at 15 storeys
- GFA / FSR / Development is too large / Too concentrated / Scale of development / Massive overdevelopment / Proposal will change character of area forever No integrated planning strategy / Deviation from masterplan
- Unit sizes reduced from original Pagewood Green Master Plan
- Overshadowing to Penguin Park / Overshadowing to Viola Building (126 Banks Ave)
- Scale of this development will have a negative impact on social and affordable housing
- Insufficient public transport access / Public transport is already at capacity / At the end of 2021 bus services in and out of the Bayside/Maroubra/Randwick area were cut by the NSW Government and the Light Rail services stop at Randwick & Kingsford, nowhere close to the proposed development. This new development, with its proposed 449 apartments, will cause extreme public transport delays and overcrowding
- Excessive Carparking / Street parking for existing residents will be reduced / Insufficient parking for visitors
- Communal open space design is inadequate, awkwardly shaped, difficult to access, materials are questionable / Landscaping design at interface is poor
- Architectural Character is institutional in character
- Activity Station (exercise equipment) indicated in the approved Landscape Report, to be located in the street closure park in the street to the north of the development, appears to be missing from the proposed landscape design.
- Is WSUD integrated into design of building
- ADG compliance queried
- Vehicular entry to the north is inappropriate, residences should be located here to maximise orientation
- Child Care Centre vehicular drop off appears to be problematic in its layout. A drop-off zone that is a dead end and combined with building loading dock and rubbish collection activities would likely create significant conflicts, congestion at the morning drop off period, and potential safety issues as parents try to negotiate access to the 8 spaces provided.
- Removal of trees
- Nil sporting facilities proposed / Insufficient infrastructure
- Original art deco GMH building was demolished and should have been retained and protected
- Noise & Stress of residents during construction
- Pedestrian Safety - Adverse pedestrian safety issues to Bonnie Doon Golf Course

	<i>from increase in traffic / Public and employee safety (Bonnie Doon Golf Club) on Heffron Road is significantly compromised by the increased traffic from the development / Boonie Doon Golf Club would support the DA should there be funding provided to install additional traffic control signals at Heffron and Banks Avenue Pagewood / Danger to pedestrian and cyclist safety along Banks Ave bike route.</i>
<b>Report prepared by</b>	Fiona Prodromou Senior Assessment Planner
<b>Report date</b>	November 2022

<b>Summary of s4.15 matters</b> Have all recommendations in relation to relevant s4.15 matters been summarized in the Executive Summary of the assessment report?	<b>Yes</b>
<b>Legislative clauses requiring consent authority satisfaction</b> Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report?	<b>Yes</b>
<b>Clause 4.6 Exceptions to development standards</b> If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	<b>N/A</b>
<b>Special Infrastructure Contributions</b> Does the DA require Special Infrastructure Contributions conditions (S7.24)? <i>Note: Certain DAs in the Western Sydney Growth Areas Special Contributions Area may require specific Special Infrastructure Contributions (SIC) conditions</i>	<b>N/A</b>
<b>Conditions</b> Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	<b>Yes</b>