



Your ref: SSD 73853210
File no: MC-24-00006

31 January 2025

NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Recipient Delivery andy.nixey@planning.nsw.gov.au

Attention: Andy Nixey

Dear Sir

SSD 73853210 – Mixed use and affordable housing

Thank you for your correspondence dated 2 December 2024 requesting our advice for on the above proposal at Lot 4 DP 1258608, 23 – 27 Schofields Road, Tallawong, which is a State Significant Development proposal under section 4.36 of the *Environmental Planning and Assessment Act 1979*.

The proposal has been reviewed by our officers and we object to the proposal until our issues listed in the attachment to this letter are comprehensively addressed. We request that the information required is referred back to us for consideration before any determination is made.

If you would like to discuss this matter further, please contact Senior Town Planner, Samuel Vance, on 9839 6464.

Yours faithfully

Judith Portelli
Manager Development Assessment

Connect - Create - Celebrate

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Blacktown Council's submission to SSD 73853210 – Mixed use and affordable housing

1. Planning issues

a. Distribution of affordable rental housing

- The provision of affordable rental housing is unevenly distributed throughout the development:
 - Building D: 4 / 104 units or 3.8% are proposed as affordable rental housing
 - Building E: 58 / 58 units or 100% are proposed as affordable rental housing
 - Building F: 0 / 62 units or 0% is proposed as affordable rental housing
 - Building G: 0 / 84 units or 0% is proposed as affordable rental housing
 - Building H: 12 / 82 units or 14.6% are proposed as affordable rental housing
 - Building I: 0 / 78 units or 0% are proposed as affordable rental housing

The proposal risks creating undesirable and segregated areas of the development. Instead, the provision of affordable rental housing should be evenly distributed throughout the development to promote social inclusion.

b. The proposal fails to meet the affordable housing requirements for additional building height in State Environmental Planning Policy (Housing) 2021:

- Clause 18 (2) of Chapter 2, Part 2, Division 1 of State Environmental Housing Policy (Housing) 2021 clarifies that *'The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3).'*
- As established above, the provision of affordable housing throughout the development is unevenly distributed, with Buildings F, G & I having 0% affordable rental housing component.
- As per Clause 18 (2), Buildings F, G & I are therefore ineligible for any bonus in building height as they do not contain an affordable rental housing component.

c. Building height

- As above, Buildings F, G & I are ineligible for any bonus in building height and should comply with the maximum height of buildings affecting the subject site, being 16m.
- Buildings D, E & H should comply with the maximum building height of 20.8m, inclusive of the bonus height limit allowed for affordable rental housing.

d. Building separation

- The design proposes variation to building separation required under the Apartment Design Guidelines. The design should be revised to comply with the building separation requirements.

2. Drainage issues

- a. The application has been reviewed and cannot be supported:
- Supporting documents shall be provided in electric copy for assessment
 - Council's deemed to comply spreadsheet model to confirm the design of the OSD
 - MUSIC model shall be provided to confirm the reduction target and the non-potable reuse target are achieved.
 - The submitted stormwater concept design, SCG Consultants Pty Ltd, project number 20220072, revision A dated 10 October 2024 shall be amended:
 - In the OSD1 Stage 2 Calculation, the calculated site area is 8712 square metres which is smaller than the actual site areas. The OSD must be designed to cover the whole site with maximum 15% by-pass. The calculation must be amended and Council's Deem to comply spreadsheet shall be submitted
 - In drawing S02-SW402, the proposed rainwater overflow weir is RL 42.30 which is lower than 1% AEP water level in the proposed OSD of stage 2. It means the OSD water can flow into the rainwater tank. The rainwater overflow weir must be raised to prevent any flow from the OSD into the rainwater tank.
 - In stage 3, no details of SF1 and RWT1 and SF2 and RWT2 has been provided. The surface of the Stormfilter chamber must be designed in accordance with Ocean Protect's specification. And the energy dissipator shall be installed to all stormfilter chamber. The detailed design of the tanks shall be provided.
 - Swales are proposed to collect surface flow and discharge into the proposed basins in both stages. The proposed location of the swale will go across walkway and stair based on the submitted architectural plan. It is unclear how the swale can provide the proposed function. The additional details of the swale must be submitted including the finished level, longitudinal section and the exact connection into these basins
 - In stage 2, it is unclear how the proposed driveway to drain into the SF1 tank. The details connection must be provided. The details of connection in stage 3 must also be provided.
 - In stage 3, the 80% non-potable reuse target of the retailing component must be achieved to cover the toilet flushing and irrigation propose.
 - In drawing S02-SW501, the "extend of ground area" is proposed to drain into SF1. It is unclear how approximate 3000 square metre ground surface to drain into the proposed SF1 when no pipe and pit is proposed in the areas. There is a similar issue in the stage 3.
 - Basins are proposed in both stages. However, there is insufficient detail to assess the design. Furthermore, the solar access for the proposed basin may be an issue adjacent with residential flat buildings.

3. Environmental health issues

- a. The application has been reviewed and cannot be supported:
- The contamination reports submitted were not prepared with the appropriate qualification. These reports have not confirmed that the site is suitable for the proposed use. Reports are required which address whether all areas potentially / contaminated shall be remediated. Upon completion of remediation an appropriately qualified environmental consultant shall prepare a validation report, which is to be submitted to Council. The validation report shall be carried out in accordance with;
 - NSW Environment Protection Authority's Guidelines for Consultants Reporting on Contaminated Sites (2020)
 - NSW Environment Protection Authority's Contaminated Sites Sampling Design Guidelines (1995).
 - NSW Environmental Protection Authority's Contaminated Sites: Guidelines for NSW Site Auditor Scheme 3rd edition (2017)
 - National Environment Protection Council (NEPC) 1999 National Environment Protection (Assessment of Site Contamination Measure) as amended 2013
 - NSW Environment Protection Authority's Waste Classification Guidelines, Part 1: Classifying Waste (2014)

A NSW Environment Protection Authority accredited Site Auditor shall review the validation report and submit to Council a Site Audit Statement. The Site Audit Statement shall verify that the investigation, remediation and validation was carried out in accordance with the aforementioned guidelines and that the site is suitable for the proposed use.

- The acoustic report does not reflect the potential impact of the retail business on the housing above
- We require a Construction Management Plan to be submitted.

4. Engineering issues

- a. It is understood that Stage 2 and Stage 3 of the previously approved development (JRPP-16-03311) are included in this application. However, the engineering plans for the proposed road and associated drainage works are not included. Consequently, the ILP road within Stage 3 should also be incorporated in this application. Please provide engineering plan package demonstrating that all proposed works comply with Council's Engineering Guide for Development (current version). Please also update the Environmental Impact Statement report accordingly.
- The engineering plan package should generally include the following:
 - Title sheet
 - Detailed plan for road and drainage
 - Road long section

- Typical road cross sections
 - Pavement plan and details
 - Drainage catchment plan (pre-development, post development, internal and external catchment plans)
 - Drainage long section for road drainage system
 - Sediment erosion plan
- Please note that the proposed road alignment should follow the ILP layout unless an alternative alignment is approved by Council's Town Planning team. In this regard, the proposed Road no. 1 must connect to Berkeley Street.
 - Ensure that the proposed road cross section is in accordance with Blacktown City Council Growth Centre DCP for medium density local roads.
 - Please note that a 2.5m pathway must be provided along one side of all medium density local roads as per the Blacktown City Council Growth Centre DCP requirement.
 - On drawing no. SW303 and SWC304 of the Stormwater Concept Design package, a 1m swale is proposed along the lot boundary. Please revise the design to provide pit and pipe connections to discharge appropriately into the OSD systems.
 - Clearly indicate the existing and proposed contour levels along the lot boundary. Ensure that the proposed levels transition smoothly from the existing levels.

5. City Architect issues

- a. Building height:
 - Buildings F, G & I are ineligible for any bonus in building height and should comply with the maximum height of buildings affecting the subject site, being 16m.
 - Buildings D, E & H should comply with the maximum building height of 20.8m, inclusive of the bonus height limit allowed for affordable rental housing.
- b. Building separation:
 - The design proposes variation to building separation required under the Apartment Design Guidelines. The design should be revised to comply with the building separation requirements.
- c. Street setbacks:
 - Building D, E, F & G are within the 6m setback fronting the proposed new road with cul-de-sac 'road no. 1'. This is not acceptable.
- d. Communal Open Space:
 - The ground floor area between Building D and E and west of Josue Crescent has been identified as principle communal open space.
 - Ground floor retail in Building D and E faces this area of open space
 - This space is likely to become a public plaza accommodating visitors to the retail premises which will impact the amenity that

- this space can offer residents as an area of Communal Open Space
- The amenity of this space is further reduced by the extent of structural elements providing access across the levels of the site (ramps, stairs)
- The extent of this space to be included in COS calculations should be reduces as it is unable to support recreational activity and sufficient amenity to residents.
- Council's preference and the guidance of the Apartment Design Guide, is to prioritise communal open space on the ground over rooftop communal open space. As such the ground floor COS is required to minimum of 50% direct sunlight on the 21st of June between 9am -3pm for 2 hours. From shadow diagram provided, it seems the COS at ground level does not receive the minimum requirement.
- The design of the communal open space at level 5 of Building H and I is heavily hardscaped. An increase in soft landscaping will improve amenity to residents and usability of the space.
- Rooftop COS to have appropriate amenity and adequate shading and weather protection for the Western Sydney climate
- The design guidance in the Apartment Design Guide states that Communal Open Space should be co-located with deep soil areas. It is recommended that the COS space in the courtyard of Building D incorporate a deep soil zone to improve the amenity of this space.

e. Visual privacy

- Direct lines of sight should be avoided for windows and balconies across corners. In Building D this is potentially an issue for a number of apartments e.g. DG.05 and DG.204, D2.05 and D2.204.

f. Solar and daylight access

- As per drawing no. SSD544, only 52.4% of living rooms in Building H receive minimum of 2 hours solar. This is not compliant with ADG 4A-1 which requires this to be calculated on a per building basis.
- Likewise, only 65.4% of Building D and 61.0% of Building H POS receive 2 hours minimum solar. This is not compliant with ADG
- 4A-1 which requires this to be calculated on a per building basis.

g. Natural ventilation

- 4B-3 of the ADG requires that at least 60% of apartments are naturally cross ventilated in the first nine storeys of a building
- Calculated in totality, the overall development complies with 60% natural ventilation requirement of ADG 4B-3.
- Building G (57.1%), Building H (58.5%) and Building I (53.8%), do not comply with ADG 4B-3 which requires natural ventilation to be calculated on a per building basis.

h. Facades

- Material schedule seems limited as it includes several paint finishes. It is advised that a larger array of visually interesting material finishes such as texture be considered.

i. Landscaping

- Ensure planting species on rooftop COS is suitable for the Western Sydney climate.
- j. Mixed use
- The proposal locates retail spaces facing into the COS between Building D and E, that particular part of COS will inevitably be used a public plaza. The applicant should consider an alternative location for the retail spaces, such as stores facing the street to create active frontages. This would result in a more resolved design maximising resident safety and separating residential and retail spaces.
- k. Awnings & signage
- No clear building identification signage can be seen on elevations. The applicant is required to incorporate the clear way finding signage, especially given it is a large development. Please refer to guidelines in ADG 4T.

6. Waste issues

- demonstrate on amended plans, that ramp grades and changes of rate of grade on the ramp do not exceed 15.4% (as per AS2890.2 Tables 3.2 and 3.3).
- provide a vertical cross section plan demonstrating a 4m headroom allowance clear of eaves, overhangs, balconies, services, sprinklers and at the roller door entry point, for the trucks entire travel path. Please note, your development will also need to comply with Council's traffic requirements which may require 4.5m in accordance with AS2890.2 for access by removalist and delivery vehicles, and emergency vehicles.
- provide swept paths for a 10.5m long, heavy rigid vehicle with a 24m turning circle for the trucks entire travel path showing forward entry and exit with all manoeuvring onsite.
- provide the AutoCAD file in DWG format and 1:1 scale for the trucks entire travel path in addition to the proposed swept paths for review.
- demonstrate on amended plans, that the designated loading bay can accommodate the entire length of the truck plus an additional 3m rear clearance for bin servicing and rotation. The truck must not over hang the loading bay hindering traffic flow onsite.
- demonstrate/ ensure waste rooms for the retail and commercial are suitable enclosed to prevent either component using the wrong bins
- indicate on amended plans, that any doorway used to move bins and bulky waste around, is a minimum 1.5m wide to aid movement of waste bins and discarded bulky waste such as lounges and fridges.
- demonstrate on amended plans, that resident access to the waste room is not via the loading bay where waste collection vehicles are moving and reversing. Waste collection contractors may need a second access to this space through the loading bay.

- demonstrate on amended plans, that resident access to the bulky waste storage room is not via the loading bay where waste collection vehicles are moving and reversing. Waste collection contractors may need a second access to this space through the loading bay.
- demonstrate that the retail/commercial waste room can accommodate 3 days' worth of waste to cater for public holidays and long weekends.
- indicate the bin travel path from the interim bin storage rooms to the main collection point using the proposed bin movement aid.
- demonstrate storage location of bin movement aid
- amend the waste management plan to include:
 - plan demonstrating location of waste collection point and loading bay
 - provision of bulky waste storage, its size and location
 - information on the proposed bin tug and trolley (plus its location), if proposed for the site
 - specification sheet for the proposed bin tug and trolley required to service the site.
- provide a loading dock management plan that includes the following for the purpose of assessing suitability for waste collection activity in this area:
 - all site users
 - types of use (delivery, waste collection etc)
 - hours of operation
 - how the competing uses will be coordinated
 - anything that relates to management of waste and collection vehicle accessing this area