

12 March 2025

Department of Planning, Housing and Infrastructure

**4 Parramatta Square
12 Darcy Street
PARRAMATTA NSW 2124**

Attn: Tia Mills

Ref: SSD-68363729

Proposal: Environmental Impact Statement (EIS) for Mixed Use Seniors Housing Development

Property: 15-17, 25-27 Blaxland Road and 440-442 Concord Road, Rhodes

Dear Ms Mills,

I refer to the exhibition notice for the State Significant Development application (SSD-68363729) for the Mixed-Use Seniors Housing Development at 15-17, 25-27 Blaxland Road, and 440-442 Concord Road, Rhodes. Council objects to the application in its current form due to several concerns, which are outlined below.

Isolation of 31 Blaxland Road and Non-Compliance with the Master Plan

Notwithstanding the comments in section 6.2.3 of the Environmental Impact Statement, as a result of the proposed development, number 31 Blaxland Road will be isolated, preventing it from being viably developed in accordance with the intended urban structure.

The proposed site is located within the Station Gateway East Character Area and has been created through the amalgamation of several existing lots. However, this amalgamation does not align with the pattern set out in the Rhodes Strategy and Master Plan for Station Gateway East.

According to the master plan, 31 Blaxland Road must be amalgamated with this development site to enable its redevelopment under the uplifted MU1 zoning. However, 31 Blaxland Road has not been included in this proposal. Additionally, since the adjoining site to the north is already under development, there is no opportunity for 31 Blaxland Road to be consolidated with any other development lots.

Furthermore, Clause 7.20 of the Canada Bay Local Environmental Plan (LEP)—Minimum Lot Size for Shop Top Housing in the Station Gateway East Character Area—states:

"Development consent must not be granted for shop top housing on a lot in the Station Gateway East Character Area unless the lot size is equal to or greater than 1,500 square metres."

This means that if development proceeds in its current form, No 31 Blaxland Road will be sterilised, significantly restricting the future development potential of this MU1-zoned land.

Non-Compliance with Setbacks and Building Interface with the Public Domain and Adjoining Northern Neighbour

Council has not conducted a comprehensive compliance check against the relevant planning framework. However, non-compliance with setbacks and building controls under the Canada Bay LEP, DCP, and ADG has been identified. The proposed plans lack clear dimensions to demonstrate compliance with required setbacks and separation distances between the proposed development, approved developments to the south and north, and the existing development at 31 Blaxland Road. Further clarification and detailed dimensioning are necessary to assess compliance properly.

The Canada Bay LEP Clause 7.5 specifies minimum building separation and maximum floor areas above podiums in the Rhodes Precinct. For buildings over 14 storeys but not exceeding 20 storeys, a separation of at least 24 metres is required, and for buildings above 20 storeys, a separation of at least 40 metres is required. The proposed development does not appear to comply with these separation requirements from the tower to the north (adjoining site), and no variation statement under Clause 4.6 has been provided to justify this non-compliance.

The ADG requirements on building separation has not been adhered to. Specifically, the proposed Residential Care Facility (RCF) proposes inadequate separation from the approved residential development to the north of the site. Additionally, there is no setback from the common boundary with 31 Blaxland Road. This lack of adequate building separation, particularly with the adjoining property to the north, raises concerns about amenity for both neighbouring properties and future residents. Furthermore, it eliminates the opportunity to provide a through-site link and visual corridor, which is part of the vision under the CB DCP for the north of the site.

The Canada Bay DCP requires a 3-metre setback from Blaxland and Concord Roads. However, the proposal encroaches on this setback, leading to visual bulk and failing to meet the objectives of the control. The basements have not been set back from the streets and are directly on the boundary. The required 3-metre setback is essential to ensure that structural work does not negatively impact the road and allows adequate space for landscaping. However, no setback is provided from the basement to Blaxland Road, and the setback to Concord Road is inadequate. This encroachment into the street setback is likely to create visual bulk and disrupt the development's interface with the public domain, potentially affecting the visual appeal and consistency of the streetscape.

In conclusion, to resolve these issues, the proposed development must be revised to meet the necessary setback and separation requirements of the relevant planning controls, particularly for building separation and street setbacks, ensuring the development aligns with planning objectives and maintains amenity and streetscape integrity.

Flooding

The subject site is identified as a Flood Planning Area, as referred in the Rhodes East Priority Investigation Area Hydrology and Flooding Report prepared by Jacobs (21 December 2016). The flood study (240036, Rev B) dated 23 January 2025 prepared by GRC Hydro has been reviewed, with the following comments provided:

- a) The proposed development includes an Aged Care Service and Fire Station, both of which are classified as Senior Housing and Emergency Services Facility under Council's LEP 5.22 – Special Flood Considerations. In this regard, a detailed flood risk management study and plan shall be provided demonstrating the proposed development is consistent with relevant flood evacuation strategies or similar plan during the emergency (medical and fire) scenarios, including all storms up to the PMF storm event. For example, clarification is required on whether emergency services will have uninterrupted access through the sag point in front of 410 Concord Road to travel between the subject site and Concord Hospital during both 1%AEP and the PMF events. The assessment shall clearly demonstrate that the proposed design ensures safe, functional, and reliable emergency access in all flooding scenarios.
- b) Figure 17 – Proposed Case – PMF Flood Hazard indicates that the proposed development will create flood High Hazard H5 and H6 impact along the north property boundary, and potentially affecting the proposed structures and surrounding areas. This impact appears to be inconsistent with the Shelter-in-Place Guideline commissioned by the NSW Government, which emphasises that the subject site shall function as a safe shelter during extreme flood events. Further clarification and mitigation measures are required to demonstrate how the proposed development will effectively manage flood risks, ensuring structural safety, emergency access, and compliance with flood refuge requirements in alignment with the Shelter-in-Place Guideline.
- c) Figure 18 - 1%AEP Flood Level Impact Map indicates that the proposed development will increase flood depth within the neighbouring property at 31 Blaxland Road, which is not acceptable. In addition, Figure 17 – Proposed Case – PMF Flood Hazard shows that the proposed development will increase the flood hazard impact on 31 Blaxland Road during the PMF storm event that cannot be supported. The assessment shall be revised to ensure no adverse third-party impacts.
- d) The submitted flood study has not clearly demonstrated and considered structure/wall being built behind and around the Future Fire Station and Age Care parking area. As such, further clarification by the flood engineer is required demonstrating how the excess overland flow during a 1%AEP and the PMF can be safely travelled from Blaxland Road to Concord Road without causing adverse flood impact to the development and surrounding area.

- e) The drainage layout plan (SY242-036/C401, Rev B, 19.12.24) prepared by Van Der Meer proposes a minimum 600mm gap for overland flow from Blaxland Road to Concord Road. However, this has not been clearly demonstrated in the submitted flood report and in the architectural plan – East Elevation – Concord Road (S12003.a/DA09.000, Rev 01, dated 17.12.24) prepared by Batesmart. Further clarification and coordination between the flood report, drainage plan and architectural plans is required.
- f) Referring to Design Principles Clause D16, Section B8 – Flooding Control, Part B – General Controls, Council's Development Control Plan, Council strongly discourages basement car parks on properties within the floodplain. Alternatively, the design shall clearly demonstrate that the proposed basement car park has been protected from all flooding up to and including the PMF event. An adequate emergency response and evacuation plan must also be provided where basement car parks are proposed in the floodplain.
- g) The proposed development has not considered freeboard mitigation for basement floor protection and instead relies on a flood barrier mitigation to protect the basement floor during a 1%AEP storm event. This approach is not supported by Council in the first instance. This mitigation transfers liability and responsibility from the developer to the future owners' corporation and strata, requiring ongoing maintenance at a high cost. In addition, it introduces risk and may create avoidable conflicts between Council and the residents and emergency service provider. However, Council may consider a flood barrier/gate as a protective measure for the basement floor between a 1%AEP + 0.5m freeboard to the PMF event. Furthermore, the flood contour line shown in Figure 13 – Proposed Case – PMF Peak Flood Depths and Levels does not align with the information provided in Table 3: Floor Level Recommendation (e.g., Basement Entrances). Further clarification by the applicant's flood engineer is required.
- h) Details of the flood barrier designed to withstand the PMF event shall be clearly indicated in the flood report and stormwater plan, demonstrating that the proposed mitigation is feasible and can be effectively implemented in the development.
- i) The submitted flood report has not clearly demonstrated the proposed Retail 5, 6, 7, 8, 9 and residential lobby north are met the 1%AEP + freeboard in accordance with SW25 of Council's DCP, Appendix 2 – Engineering Specification and Table 3: Floor Level Recommendations.
- j) The submitted flood report proposes adding additional kerb inlet pits and upgrading the existing pipeline along Blaxland Road and from Blaxland Road to Concord Road through the development site. As such, this upgrade and approach shall demonstrate that the system can effectively collect, manage and convey stormwater to the existing drainage system in Concord Road during a 1%AEP storm event, without surcharging into the development site and adjoining properties, in accordance with Clause SW21 (Public system passing through private property) of Council's DCP, Appendix 2 – Engineering Specification. A detailed hydraulic grade line (HGL) analysis for the pipeline, with consideration of the tailwater impact during the 1%AEP event, shall be provided and

demonstrated in the flood report to compliance with the stormwater management requirements.

- k) It is requested that the flood electronic modelling which used in the flood study report, including tools such as DRAINS, TUFLOW, Airborne Laser Scanning (ALS) grid, existing/proposed building layout, Pre and Post-Development Flood result shown in the flood report, saved in ESRI grid (.asc) format shall be provided to Council for further assessment.

Drainage Easement/Public Drainage Infrastructure

The submitted document indicates that the proposed building and structure encroaching both the existing Council's drainage easement and the newly relocated stormwater line/easement that cannot be supported by Council in accordance with Clause SW68 of Council's DCP, Appendix 2 – Engineering Specification. The applicant's proposal will increase the difficulty and cost for Council to inspect, repair, renew and replace of the drainage pipeline within the building footprint area.

Note: The existing public drainage line is a major trunk drainage line serving the portion of Rhodes Station precinct, Sydney Train, and Blaxland Road south.

Stormwater Management

The submitted civil engineering drawing indicates that the proposed vehicular crossing for the vehicle access from Blaxland Road will require removing and modify the existing Council's kerb inlet pit and constructing a new 3.0m kerb inlet pit in front of the neighbouring private property at 31 Blaxland Road that cannot be supported. The design shall be revised and ensure no adverse impact to the development site and surrounding properties in flooding.

Details of the flood barrier designed to withstand the PMF event shall be clearly indicated in the flood report and stormwater plan, demonstrating that the proposed mitigation is feasible and can be effectively implemented in the development.

The submitted stormwater plan indicates surface grated trenches proposed within driveway area however it is unclear how the connection will be made to prevent backwater effect to the proposed on-site stormwater detention system during a 1%AEP event.

The submitted engineering document has not demonstrated how the proposed development will manage basement drainage and subsurface water. A basement drainage and subsurface water management plan shall be provided, demonstrating compliance with the requirement outlined in Mechanical Pump-out Systems and Subsurface Water (Clause SW79 to SW84) in accordance with Council's DCP, Appendix 2 – Engineering Specification. Further clarification and supporting details such as pump details and specification from the design engineer is required.

The Drainage Layout – Upper Ground (SY242-036/C401, rev B, dated 19.12.24) indicates plans scale of 1:100. However, measurement show that it is actually at a 1:200 scale. This discrepancy shall be clarified or amended by the designer engineer to ensure accuracy.

Vehicle Access

The submitted civil engineering plan indicates that the proposed vehicular crossing, including the splay, must not extend in front of the neighbouring property. However, the current design extends in front of 31 Blaxland Road, which is not supported.

Landscape

The Urban Forest & Ecology Team has assessed the application and cannot support it in its current form due to significant non-compliance with canopy cover, biodiversity objectives, and relevant planning controls. The site is identified on the Biodiversity Corridor Map, making the application of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 particularly relevant. The existing canopy cover is 1,171m² (21% of the site), while the proposal reduces this to 826.3m² (15% of the site), with an additional 461m² allocated to the public domain. The removal of 47 trees, with only 42 replacements, does not align with the objectives of the Canada Bay Council Development Control Plan (DCP), which aim to conserve urban canopy, enhance visual amenity, and retain trees of environmental and aesthetic value. The proposal also fails to meet biodiversity requirements under Part B6.4 and B6.5 of the DCP, which seek to protect environmentally sensitive land, improve habitat connectivity, and increase tree canopy. Furthermore, the development is inconsistent with the Canada Bay Council's Our Future 2036 Community Strategy and Urban Tree Canopy Strategy, which aim for a minimum of 25% canopy cover across the LGA by 2040.

To address these deficiencies, the applicant must provide an offset planting strategy that meets Council's replacement tree requirements. A minimum of 94 replacement trees must be planted using indigenous species listed in Part B6 of the City of Canada Bay Council DCP. These trees must be a minimum of 100-litre pot size, at least 2 metres in height at the time of planting, and capable of reaching a mature height of over 6 metres. Additionally, all replacement trees must be located within front or rear setbacks and at least 4 metres from the foundation walls of the approved development. Without these amendments, the proposal remains inconsistent with environmental planning objectives and cannot be supported.

Waste Management

The application in its current form is not supported due to significant non-compliance with waste management requirements related to design, accessibility, and operational planning. The proposal does not adequately demonstrate compliance with key waste collection, storage, and transport requirements, which could lead to inefficiencies in waste handling and operational challenges.

Key concerns include:

1. Travel Paths for Waste Movement:
 - a. Travel paths for residents to bin rooms must not exceed 30m.
 - b. Travel paths for bins from chute rooms to the centralised bin holding room must be minimised and must not exceed 50m, including the use of bin tugs.
 - c. Clear travel paths for residents, building managers, and contractors are missing from the plans.
2. Truck Access and Swept Path Analysis:
 - a. Swept path analysis for Heavy Rigid Vehicles (HRV) (12.5m length, 4.5m height, 1:6.5 gradient) is missing.
 - b. Details on how waste collection trucks will enter and manoeuvre within the site are not provided.
3. Insufficient Waste Storage and Bin Room Specifications:
 - a. Architectural plans do not show all required bins in the designated bin rooms.
 - b. Specifications for waste storage rooms are missing, including dimensions and access requirements.
4. Bulky Waste Storage and Collection:
 - a. Travel path for residents from the south end to the bulky waste room in the north is not shown.
 - b. Travel path for the building manager from the bulk waste room to the collection area is not shown.
 - c. Bulk waste must be within 10m of the loading bay, but this requirement is not met.
5. Commercial Waste Management:
 - a. The retail bin room is located in the north, while retail shops are in the south, with no clear waste transport path.
 - b. Café waste generation is not compliant—it must be calculated using the takeaway category (150L/100m²/day).
 - c. Retail waste storage area is too small, and no specifications are provided.
6. Separation of Residential and Commercial Waste:
 - a. On the upper ground level, the plans show potential access to residential chutes from retail spaces, which is not permitted.

Required Amendments:

Provide swept path analysis for HRV truck movement, ensuring compliance with access and clearance requirements.

1. Update architectural plans to show:
 - a. Travel paths for residents, building managers, and waste contractors.
 - b. All required bins within the designated waste rooms.
 - c. Retail waste transport paths and storage capacity.
 - d. Travel path for residents and building managers handling bulky waste.
2. Revise the waste management plan to:
 - a. Correct café waste generation rates using 150L/100m²/day for takeaway businesses.
 - b. Ensure bulk waste is stored within 10m of the truck loading bay for collection.

Ensure separation of residential and commercial waste by modifying the upper ground level layout to prevent retail access to residential chutes.

Until these issues are addressed, the waste management plan is considered unsatisfactory, and the application cannot be supported.

Traffic Impact

The current Traffic Impact Assessment does not adequately address critical traffic concerns, parking provisions, access control, and regulatory compliance. The proponent must address these deficiencies to ensure the development meets planning requirements, minimizes traffic impacts, and aligns with sustainable transport objectives.

Key Concerns:

Key Intersections (Section 3.1) & Traffic Modelling (Section 4.3)

The Report does not include discussion and assessment of the cumulative traffic impacts on Concord Road and Mary Street East (signalised) intersection. Section 4.2.2 of the report suggests that 85% travels in and out of the Site to/from the aforementioned signalised intersection. Council requests traffic consultant to include this intersection in their modelling and assess accordingly.

Bicycle Parking (Section 5.3)

It is noted that the visitor spaces for retail and residential component of the Site presents a shortfall of 39 spaces (156 spaces required vs 117 spaces provided). Council requests proponent to reconsider meeting this requirement to help achieve the future mode share targets as outlined in the Framework Green Travel Plan (Section 7.8) where the priority is to improve both public and active transport patronage, as well as to meet the DCP objective for the Rhodes East precinct to reduce car-usage and reliance Car Share Parking (Section 5.6)

It is noted that the car share spaces provided by the Site presents a shortfall of 13 spaces (17 spaces required vs 4 provided). Council requests proponent to reconsider meeting this requirement to help achieve the purpose of the Green Travel Plan (and DCP objective for the Rhodes East precinct) to encourage alternative types of transport (i.e. car sharing schemes)

Vehicular Access and Car Park Layout (Sections 6.1 & 6.2)

It is noted that HRV will enter and exit the site via right entry/right exit only. It is unclear however how this will be managed and enforced once the development is complete. There is no physical feature that would deter an HRV from deviating from its proposed limitation. Proponent to provide discussion on the above.

Sight distance assessment of the access driveway on Blaxland Road has not been discussed in the Report. Noting that the development would accommodate for commercial vehicles, the proponent must undertake sight distance assessment in accordance to Figure 3.3 of AS2890.2:2018.

Accessible Parking

Two accessible car spaces (one near the eastern lift pit, and one near the CP EX RISER) do not have a marked shared zone/space adjacent to it.

Parking Aisle Design

Basement 04 shows a parking aisle closed at one end (northeast corner). As per AS2890.1:2004 (section 2.4.2(c)), provision should be made for cars to turn around at the end and drive out forwards.

Green Travel Plan (Section 7.8)

Green Travel Plan does not include any Travel Access Guide (TAG). Proponent to include an indicative TAG in the Green Travel Plan for the use of the tenant to aid in achieving the future mode share targets.

If you need any clarification of the above comments, please contact me or Council's Senior Town Planner, Nima Salek, on 91210278 or email nima.salek@canadabay.nsw.gov.au.

Yours faithfully



Shannon Anderson

Manager, Statutory Planning