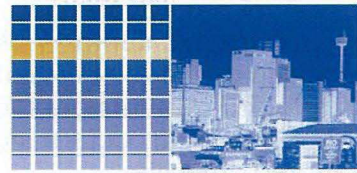


CALADINES  
TOWN PLANNING PTY LTD



# **Site Compatibility Certificate**

## **Clause 37**

### **SEPP (Affordable Rental Housing) 2009**

#### **Residential Flat Buildings**

**21A Tucks Road**

**Toongabbie**

**August 2018**

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## 1.0 Introduction

This Town Planning report has been prepared by Caladines Town Planning Pty Ltd and accompanies an application made pursuant to Clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009, seeking the Director General of the Department of Planning to issue a site compatibility certificate for the development of a large parcel of land at 21A Tucks Road Toongabbie for the purpose constructing two (2), four (4) storey residential flat buildings (RFB), containing 88 residential apartments over basement car parking and associated amenities.

The proposed scheme will deliver:

- Short term jobs for building workers;
- new housing within an existing well established neighbourhood centre, contributing towards economic and social benefits;
- a public benefit to the community through the provision of quality accommodation in a well-established neighbourhood precinct;
- introduce a social housing provider into the development to facilitate the on-going use of those units allocated for affordable housing;
- provide additional affordable rental housing for the Parramatta LGA to meet the housing targets set by the Greater Sydney Commission;
- an increase in housing choice and affordability in a sustainable manner;
- a sympathetic development to the neighbourhood that will not generate any unreasonable overshadowing towards existing dwellings;
- no unacceptable traffic impacts in terms of additional traffic movements and on street car parking into the surrounding road network that can't be absorbed into the existing road hierarchy;
- a development that provides underground car parking and
- an increase in housing density to improve safety within the public and private domains;

## 2.0 Regional Context

Toongabbie is a suburb within the Parramatta LGA, located approximately 23km west of Central Sydney and is physically central to Metropolitan Sydney. See **Figure 1**

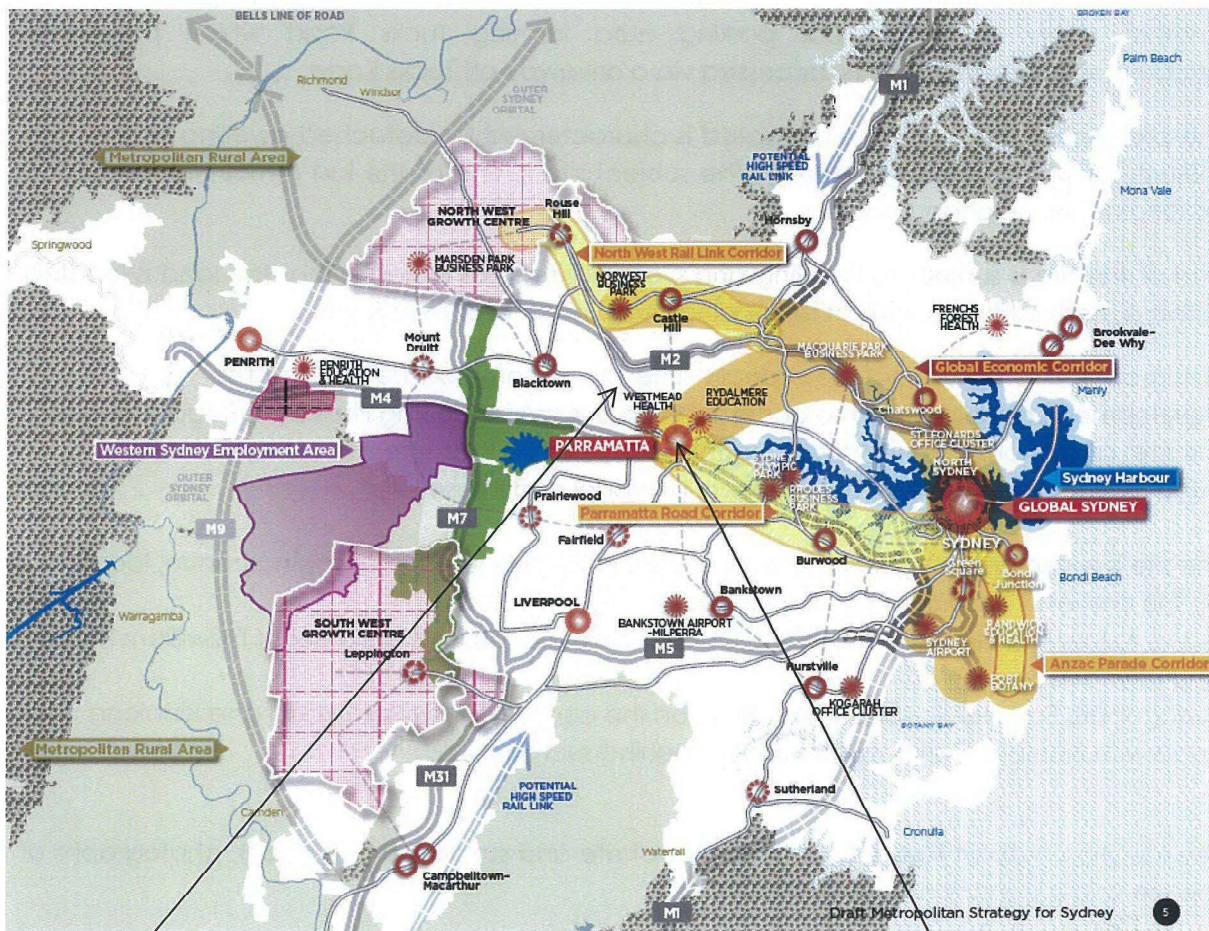


Figure 1

Subject Site

Parramatta CBD

The Parramatta LGA is anticipated to be the fastest growing centre outside Global Sydney over the next 20 years.

As Sydney's population grows and changes over time, more than 50 per cent of Sydneysiders will be residents of Western Sydney and serviced by Parramatta.

Parramatta is identified as a strategic centre for jobs growth and employment and is one of a small number of centres that are afforded significant additional employment over the next 20 years.

## 2.1 The Site & Surrounding Environment

The Toongabbie Leisure Centre is sited on Lot 1 in DP 1129995, which has frontages to Goolagong Avenue, Tucks Rd and Rausch Street. Run down, dilapidated tennis courts and at grade car parking are located on Lot 2 in DP 1129995, having street frontages to Tucks Road and Rausch Street.

The site contains tennis courts that have been in use for the past 30 to 35 years on the site with the tennis courts previously owned and operated by Parramatta City Council.

The Toongabbie Leisure Centre is served by an open car parking area in front (corner of Goolagong Avenue and Rausch Street) of the building providing 23 line-marked car spaces, accessed via two separate driveways to Goolagong Avenue and Rausch Street. There is also

another open, unmarked car parking area fronting Tucks Road which potentially accommodates up to 46 cars, accessed via a driveway off Tucks Road.

The precinct in which the site is located is characterized by detached dwelling houses, the majority of which are single storey. The subject site is one of the last remaining large land holdings in this neighbourhood.

Part of the site is subject to flooding and Council's records indicate that the land is located within a precinct that is subject to flooding in a 1 in 100 year event.

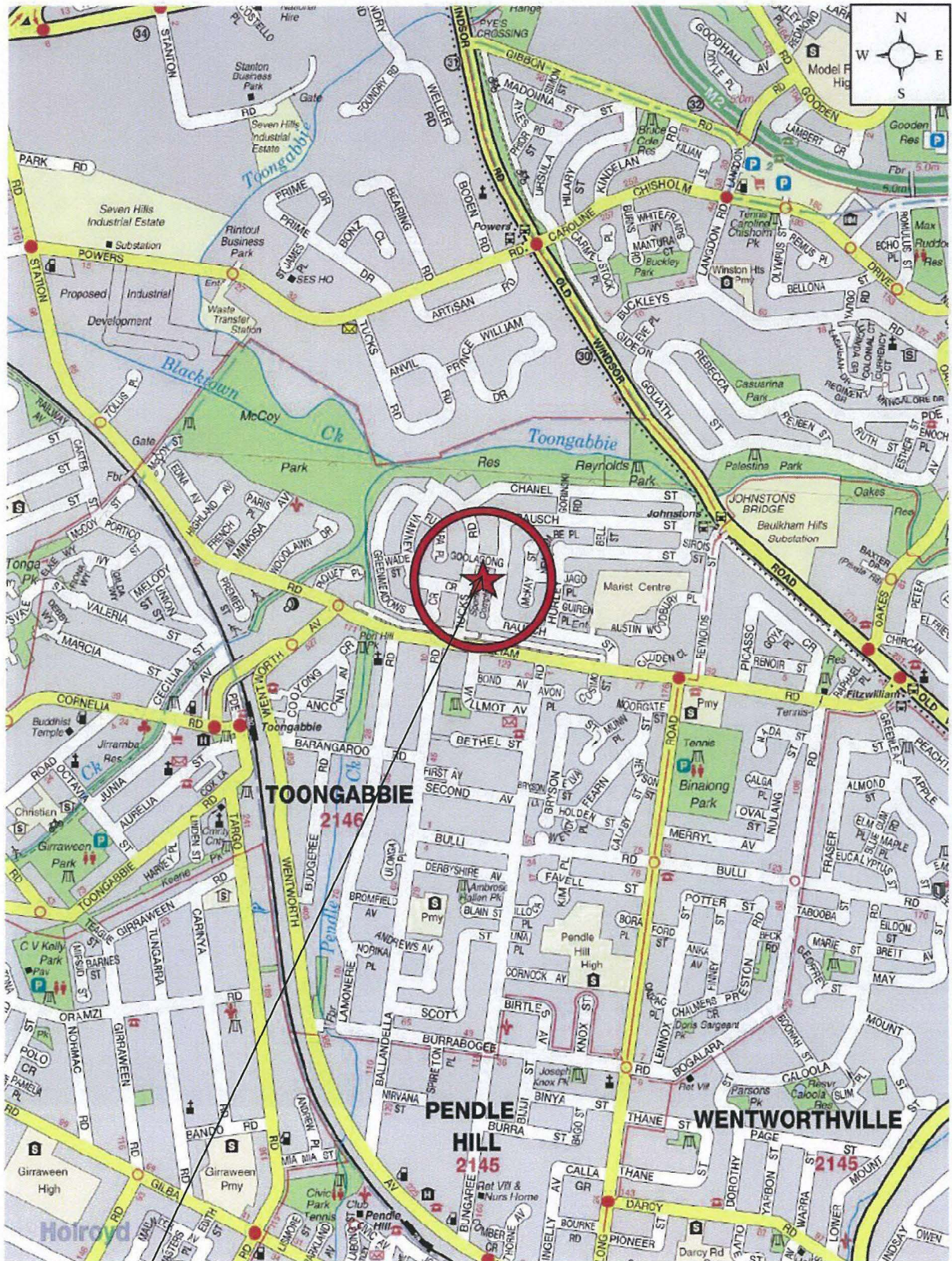
Geographically, the subject site is ideally suited to accommodate a mixed-use development, having regard to accessibility to bus services along Fitzwilliam Road (south of the site) and public bus services along the T-Way (north) that operate along Old Windsor Road, linking Parramatta with Blacktown, Liverpool and Rouse Hill.

The site is within an easy 10minute walk of a local neighbourhood shopping centre, located on the corner of Fitzwilliam Road and Picasso Crescent (south).

A 3 to 4 storey residential flat building is under construction on the corner of Fitzwilliam Road and Reynolds Street.

Toongabbie East public school is located on the corner of Fitzwilliam Road and Binalong Road with Binalong Park located directly behind such school.

See location map at **Figure 2**, aerial photo of site and surrounds at **Figure 3**, photographs of the site and surrounds at **Figures 4 to 23**.



Subject Site

Figure 2



Subject Site

Figure 3



Figure 4  
View North Towards Toongabbie Leisure Centre and On-site Car Parking



Figure 5  
View West Towards Toongabbie Leisure Centre and On-site Car Parking



**Figure 6**  
**View West (from Rausch Street Corner Goolagong Ave) Towards Toongabbie Leisure Centre and On-site Car Parking**



**Figure 7**  
**View West (from Goolagong Ave) Towards Toongabbie Leisure Centre and On-site Car Parking**



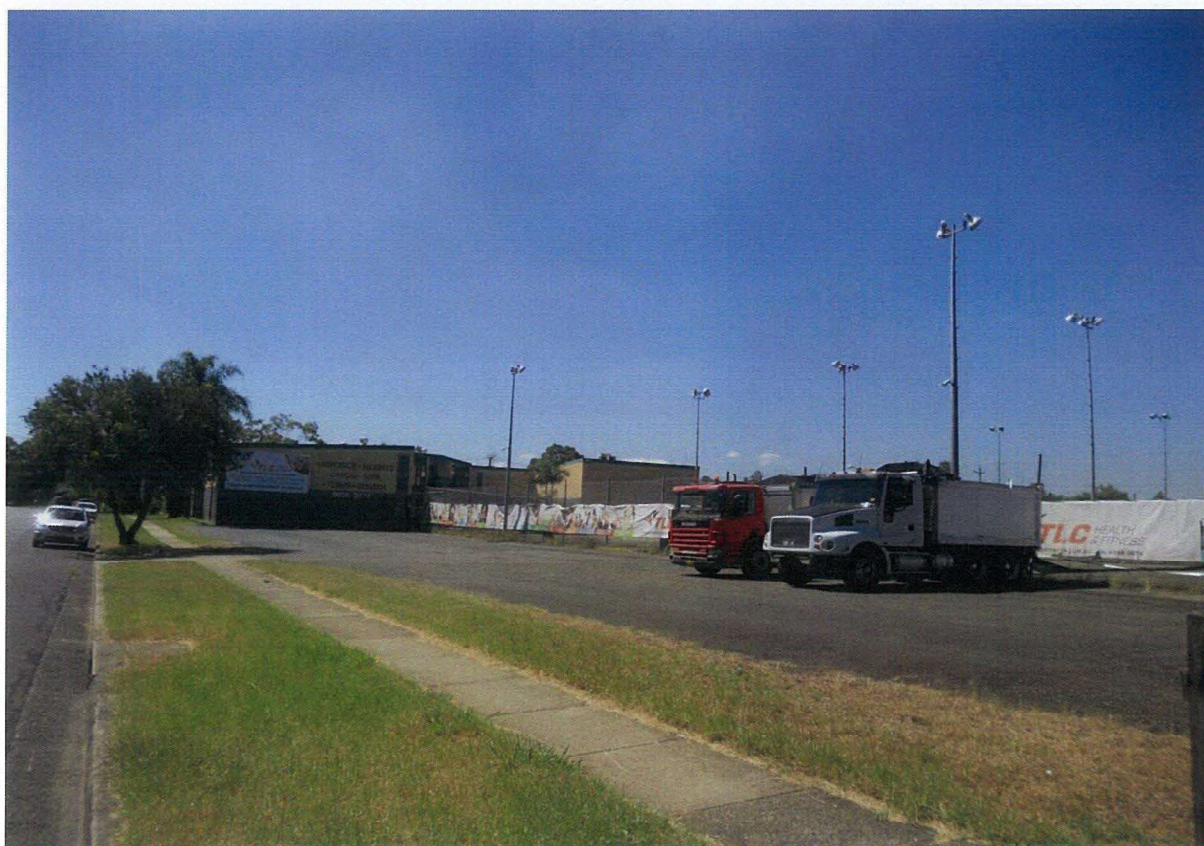
**Figure 8**  
View South (from Tucks Road - Corner Goolagong Ave) Towards Toongabbie Leisure Centre



**Figure 9**  
View East from Tucks Road Towards Toongabbie Leisure Centre



**Figure 10**  
View North-East from Tucks Road Towards Toongabbie Leisure Centre – At Grade Tennis Car Park in Foreground



**Figure 11**  
View North from Tucks Road Towards Toongabbie Leisure Centre and At Grade Tennis Court Car Park



Figure 12  
View North Towards Toongabbie Leisure Centre and At Grade Tennis Court Car Park



Figure 13  
View South - Existing Dilapidated Tennis Court



**Figure 14**  
View South Towards Existing Dilapidated Tennis Court and Low Density Housing in Background



**Figure 15**  
View North - Existing Dilapidated Tennis Court and Toongabbie Leisure Centre in Background



Figure 16  
View West Towards Dilapidated Tennis Court – Fronting Rausch Street



Figure 17  
View North - At Grade Car Park Associated Toongabbie Leisure Centre



**Figure 18**  
**View South Along Rausch Street**



**Figure 19**  
**View South Along Rausch Street Corner of Goolagong Avenue**



Figure 20  
View East Towards Low Density Detached Dwellings in Rausch Street



Figure 21  
View East Towards Low Density Detached Dwellings in Tucks Road



**Figure 22**  
**View South Along Streetscape of Tucks Road**



**Figure 23**  
**Internal View of Outdoor Amenity Area - Toongabbie Leisure Centre**

## 2.2 Site Details

The site is legally described as Lot 2 in DP 1129995, having street frontages to Tucks Road and Rausch Street, generally known as 21A Tucks Road Toongabbie. See **Figure 24**.

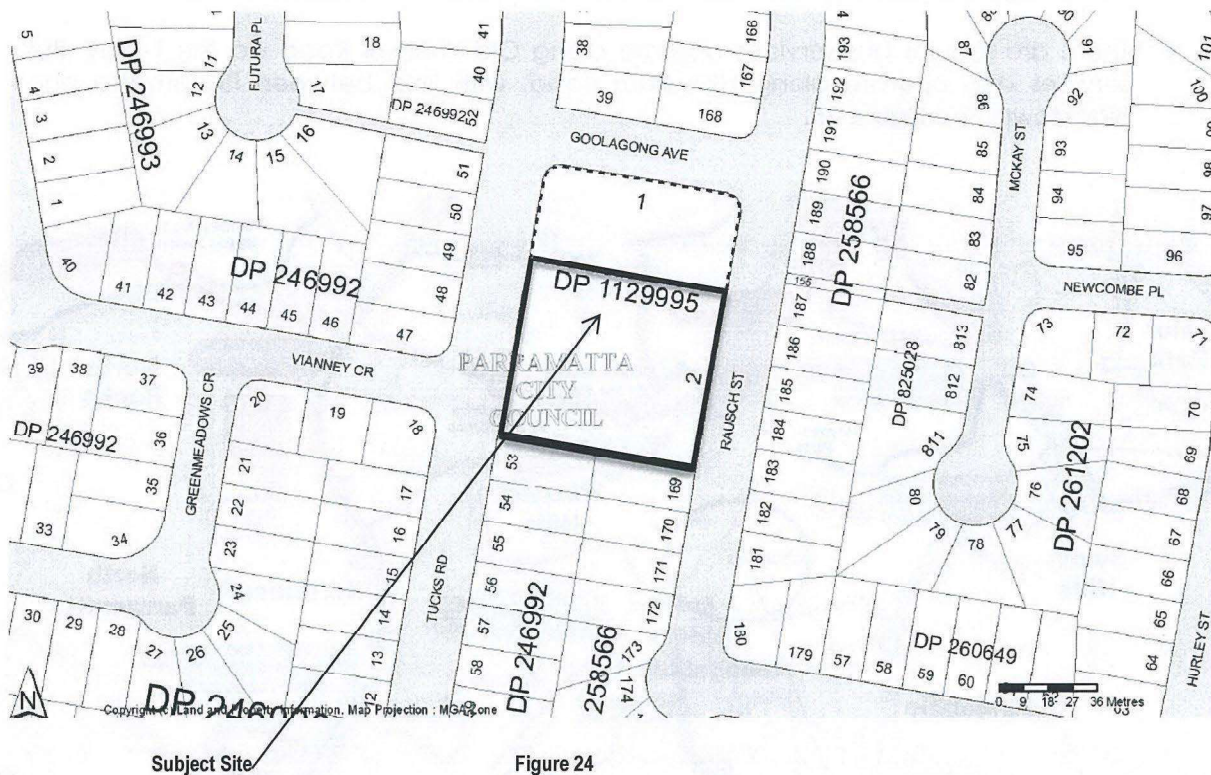


Figure 24

## 2.3 Surrounding Road Network

All roads in this precinct are generous in width and carry two (2) way traffic movements with on-street car parking.

Fitzwilliam Road is located to the south and is classified by the RMS as a *Regional Road* and provides the key east-west road link in the area, linking Old Windsor Road, Station Road and Wentworth Avenue. It typically carries one traffic lane in each direction in the vicinity of the site. Kerbside parking is permitted along various sections of the road, subject to sign posted restrictions.

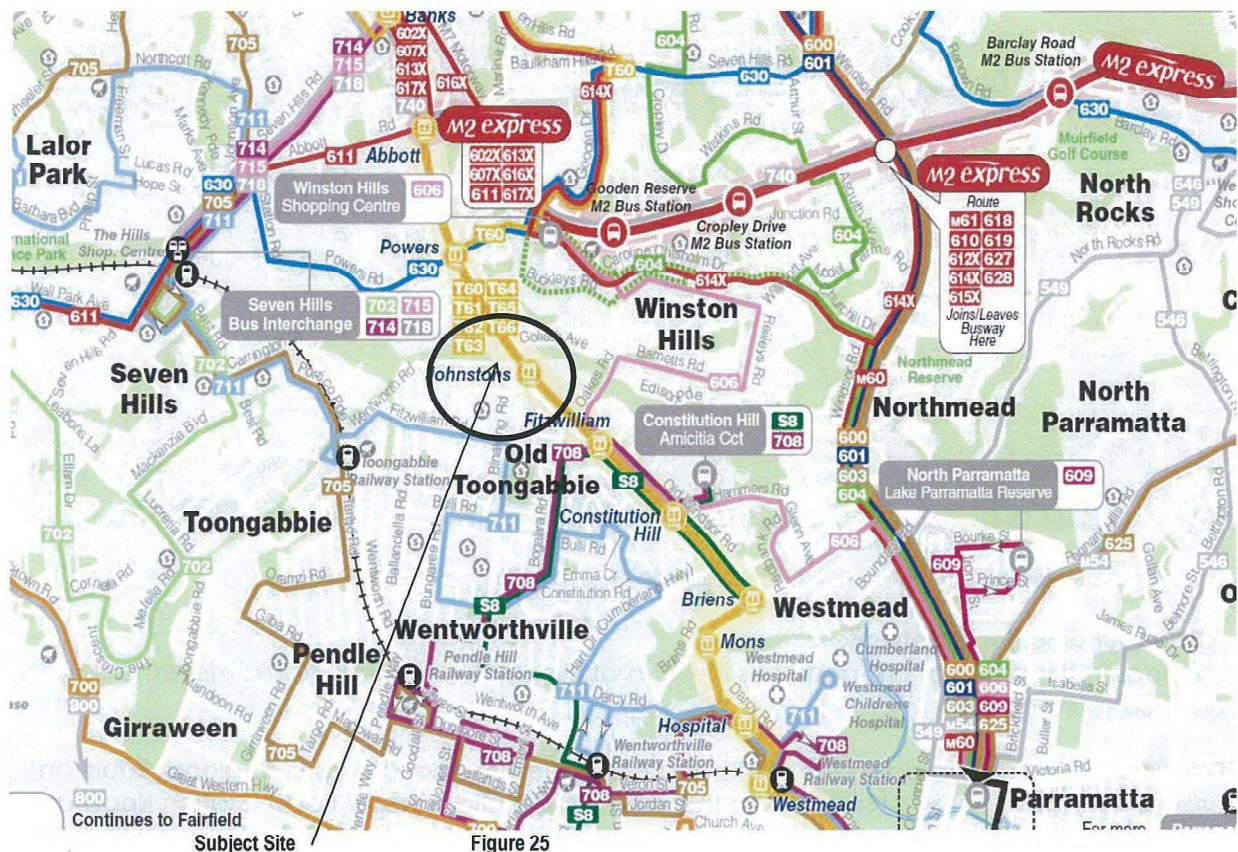
## 2.4 Traffic, Parking and Public Transport

The existing traffic controls that apply to the surrounding road network are:

- 60 km/h SPEED LIMIT which applies to Fitzwilliam Road;
- 50 km/h SPEED LIMIT which applies to Tucks Road, Goolagong Avenue, Rausch Street and all other local roads in the area.
- 40 km/h SPEED LIMIT (during school days for East Toongabbie Primary School) applies in the immediate vicinity of Fitzwilliam Road and Binalong Road;
- Traffic lights and speed cameras are located at the intersection of Fitzwilliam Road and Binalong Road;

The projected car parking demand arising from the potential development is considered acceptable as:

- the overlapping of uses and traffic generation expected as a result of the PP can be accommodated within the surrounding road network;
- existing public transport on both sides of the road in Fitzwilliam Road and Old Windsor Road;
- the Toongabbie Railway Station is located within 800m of the subject site.
- There are regular bus services operate along Old Windsor Road via the T-Way. Bus services also operate along Fitzwilliam Road, with links between Parramatta and Blacktown. See **Figure 25**.



### 3.0 Proposal

This is an application made pursuant to Clause 37 of State Environmental Planning Policy (Affordable Rental Housing) 2009, seeking the Director General of the Department of Planning to issue a site compatibility certificate for the development of a large parcel of land at 21A Tucks Road Toongabbie for the purpose constructing two (2), four (4) storey residential flat buildings (RFB), containing 88 residential apartments over basement car parking and associated amenities.

Future development of the site would involve:

- demolition of all existing structures on the land;
- site preparation works including the removal of all existing tennis courts;
- construction of a single level basement car park containing (resident and visitor car spaces), garbage storage room, residential storage rooms, lifts, and fire stairs;
- vehicular ingress/egress is over a 6m wide driveway off Tucks Road;
- construction of two (2) x four (4) storey RFB's containing 88 units, comprising of 8 x 1 bedroom, 72 x 2 bedroom and 8 x 3 bedroom units.

### 3.1 Strategic Plans

The proposal is consistent with strategic plans for the following reasons:

- Toongabbie is located in a pleasant suburb within the Parramatta LGA. It has good access to the full range of urban services and facilities, including employment precincts, direct access to numerous local and regional bus routes, and is bounded on all sides by existing low density residential development.
- A local gymnasium inclusive of squash courts is located towards the north of the site;
- Increasing housing densities in centres where access to employment, services and public transport are provided;
- Cater for changing housing needs, such as housing for aged and frail persons or couples wanting to down size but stay in the neighbourhood because of its location to friends, family and public amenities;
- the reuse of part of the site for residential purposes fully supports the principles of Urban Consolidation embodied in the Plan;
- facilitate the delivery of new and choice of housing stock into the Parramatta LGA;
- increase densities to better utilize and support the availability of quality public transport in the Toongabbie Railway Station, which is within 800m of the site and a bus T-Way along Old Windsor Road;
- provides for a stronger and successful centre, i.e. accessible and pedestrian friendly, having attractive and safe public domain spaces; and
- allow for a future built form that is appropriate in height, form and density to allow for a development of this type.

### 3.2 State Environmental Planning Policy – (Affordable Rental Housing) 2009

#### ***Division 5 Residential flat buildings—social housing providers, public authorities and joint ventures***

##### **34 Land to which Division applies**

*This Division applies to the following land, but not if development for the purposes of a residential flat building is permissible on the land under another environmental planning instrument:*

*(a) land in the Sydney region that is within 800 metres of:*

*(i) a public entrance to a railway station or light rail station, or*

*(ii) in the case of a light rail station with no entrance—a platform of the light rail station,*

*(b) land in one of the following towns that is within 400 metres of land in Zone B3 Commercial Core, Zone B4 Mixed Use or a land use zone that is equivalent to either of those zones:*

*Albury, Ballina, Batemans Bay, Bathurst, Bega, Bowral, Cessnock, Charlestown, Coffs Harbour, Dapto, Dubbo, Glendale–Cardiff, Gosford, Goulburn, Grafton, Lismore, Maitland, Morisset, Newcastle, Nowra, Orange, Port Macquarie, Queanbeyan, Raymond Terrace, Shellharbour, Tamworth, Taree, Tuggerah–Wyong, Tweed Heads, Wagga Wagga, Warrawong, Wollongong.*

#### **Comment**

The site is zoned R2 Low Density Residential under the provisions of Parramatta LEP 2011. Residential Flat Buildings are prohibited in the zone.

The site is located within 800m of a public entrance to the Toongabbie Railway Station. See aerial photo accompanying this application.

The provisions within this clause are satisfied.

### **35 Development to which Division applies**

(1) This Division applies to development, on land to which this Division applies, for the purposes of a residential flat building:

- (a) by or on behalf of a public authority or social housing provider, or
- (b) by a person who is undertaking the development with the Land and Housing Corporation.

(2) Despite subclause (1), this Division does not apply to development to which Division 1 applies.

#### **Comment**

The social housing provider is Community Housing Ltd.

### **36 Development may be carried out with consent**

(1) Development to which this Division applies may be carried out with consent.

(2) A consent authority must not consent to development to which this Division applies unless it is satisfied that:

- (a) the Director-General has certified in a site compatibility certificate that, in the Director-General's opinion, the development is compatible with the surrounding land uses, and
- (b) if the development is in respect of a building on land zoned primarily for commercial purposes, no part of the ground floor of the building that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use.

(3) Nothing in this clause prevents a consent authority from:

- (a) consenting to development on a site by reference to site and design features that are more stringent than those identified in a site compatibility certificate for the same site, or
- (b) refusing consent to development by reference to the consent authority's own assessment of the compatibility of the development with the surrounding land uses, or
- (c) having regard to any other matter in determining a development application.

(3A) (Repealed)

(4) Car parking is not required to be provided in relation to development to which this Division applies.

#### **Comment**

The application before the Department seeks the Director General to issue a Site Compatibility Certificate having regards to the form of development proposed is compatible with the surrounding development.

### **37 Site compatibility certificates**

(1) An application for a site compatibility certificate under this Division may be made to the Director-General:

- (a) by the owner of the land on which the development is proposed to be carried out, or
- (b) by any other person with the consent of the owner of that land.

(2) An application under this clause:

- (a) must be in writing in a form approved by the Director-General, and
- (b) must be accompanied by such documents and information as the Director-General may require, and

(c) must be accompanied by such fee, if any, as is prescribed by the regulations.

(3) The Director-General may request further documents and information to be furnished in connection with an application under this clause.

(4) Within 7 days after the application is made, the Director-General must provide a copy of the application to the council for the area in which the development concerned is proposed to be carried out, unless the Director-General refuses, before those 7 days have elapsed, to issue a certificate.

(5) The Director-General may determine the application by issuing a certificate or refusing to do so.

(6) The Director-General must not issue a certificate unless the Director-General:

- (a) has taken into account any comments received from the council within 14 days after the application for the certificate was made, and

(b) is of the opinion that the development concerned is compatible with the surrounding land uses having regard to the following matters:

- (i) the existing uses and approved uses of land in the vicinity of the development,
  - (ii) the impact that the development (including its bulk and scale) is likely to have on the existing uses, approved uses and uses that, in the opinion of the Director-General, are likely to be the preferred future uses of that land,
  - (iii) the services and infrastructure that are or will be available to meet the demands arising from the development, and
- (c) is of the opinion that the development concerned is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land.
- (7) A certificate may certify that the development to which it relates is compatible with the surrounding land uses only if it satisfies certain requirements specified in the certificate.
- (8) A certificate continues to apply to the land in respect of which it was issued despite any change in the ownership of that land.
- (9) A certificate is valid for 5 years or such other period specified in the certificate.

**Comment**

The application form has been completed and signed by an authorised person from Community Housing Ltd who is a social housing provider.

The application has been made having regards to the Clause 36 and 37 of the Affordable Rental Housing SEPP.

**38 Must be used for affordable housing for 10 years**

(1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:

- (a) for 10 years from the date of the issue of the occupation certificate:
    - (i) at least 50 per cent of the accommodation to which the development application relates will be used for the purposes of affordable housing, and
    - (ii) all the accommodation that is used for affordable housing will be managed by a registered community housing provider, and
  - (b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that for 10 years from the date of the issue of the occupation certificate:
    - (i) at least 50 per cent of the accommodation to which the development application relates will be used for the purposes of affordable housing, and
    - (ii) all the accommodation that is used for affordable housing will be managed by a registered community housing provider.
- (2) Subclause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority.

**Comment**

Not applicable to this application for a Site Compatibility Certificate however the owner of the land and social housing provider are aware of this control and will comply with it.

**39 Continued application of SEPP 65**

Nothing in this Policy affects the application of State Environmental Planning Policy No 65—Design Quality of Residential Flat Development to any development to which this Division applies.

**Comment**

Not applicable to this application for a Site Compatibility Certificate.

## 4.0 Local Planning Controls

### Local Environmental Plan

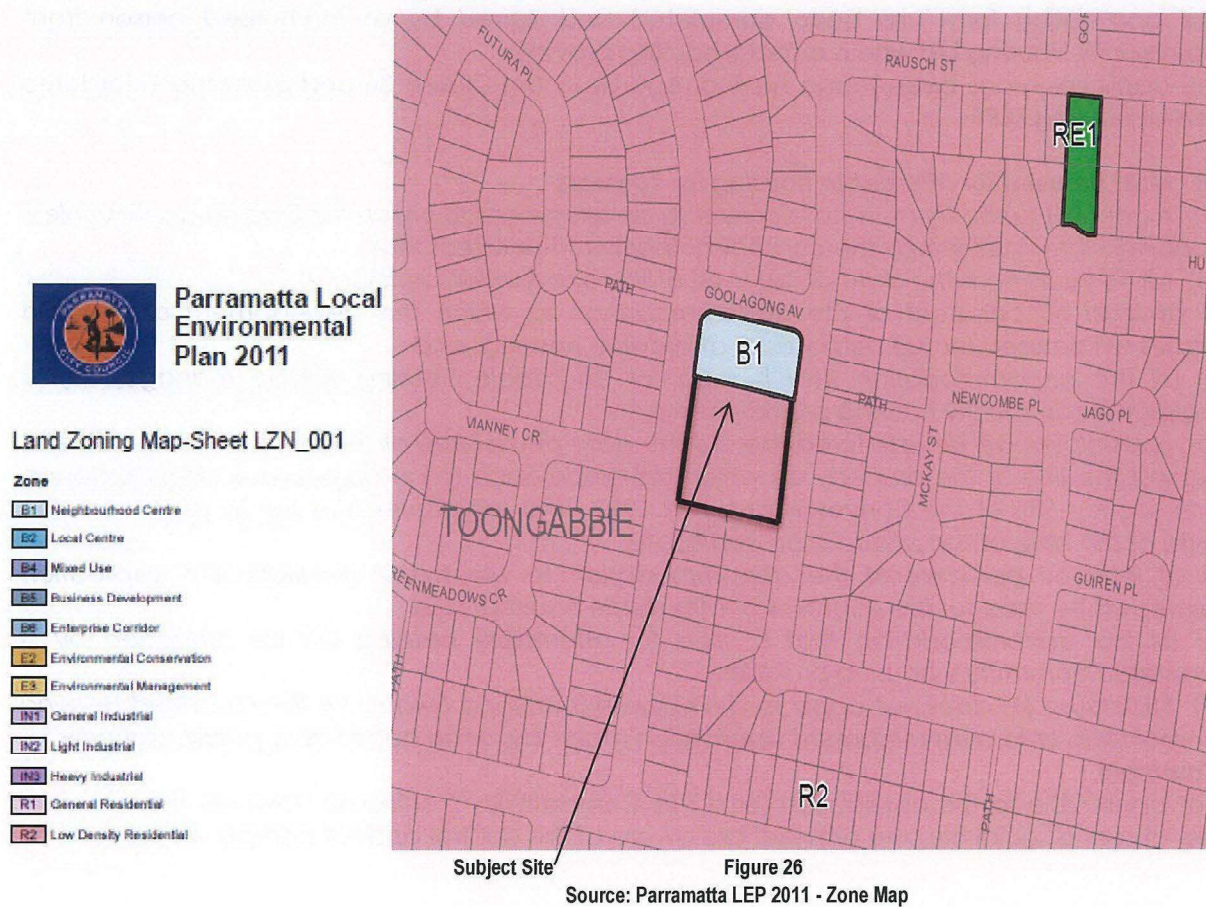
#### Parramatta Local Environmental Plan 2011

Parramatta Local Environmental Plan (PLEP) 2011 was gazetted on 7 October 2011 in response to the need to update existing planning controls outside of the Parramatta City Centre and to introduce a new environmental planning scheme that was consistent with the Standard LEP prescribed for use throughout NSW.

PLEP 2011 seeks to facilitate development deemed to achieve design excellence, quality built form, promote employment opportunities, better use of public transport, conserve natural and cultural heritage and natural and man-made resources.

### Zoning of Land

The site is zoned R2 Low Density Residential (Lot 2 DP112995) under the provisions of PLEP 2011. See zone map at **Figure 26**.



### Zone R2 Low Density Residential

#### 1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To ensure that non-residential land uses are located in a context and setting that minimises impacts on the amenity of a low density residential environment.

- To allow for a range of community facilities to be provided to serve the needs of residents, workers and visitors in residential neighbourhoods.

## 2 Permitted without consent

Home occupations

## 3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Community facilities; Dual occupancies; Dwelling houses; Educational establishments; Emergency services facilities; Environmental facilities; Environmental protection works; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Health consulting rooms; Home-based child care; Home businesses; Home industries; Hospitals; Hostels; Neighbourhood shops; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Roads; Seniors housing; Water recycling facilities

## 4 Prohibited

Any development not specified in item 2 or 3

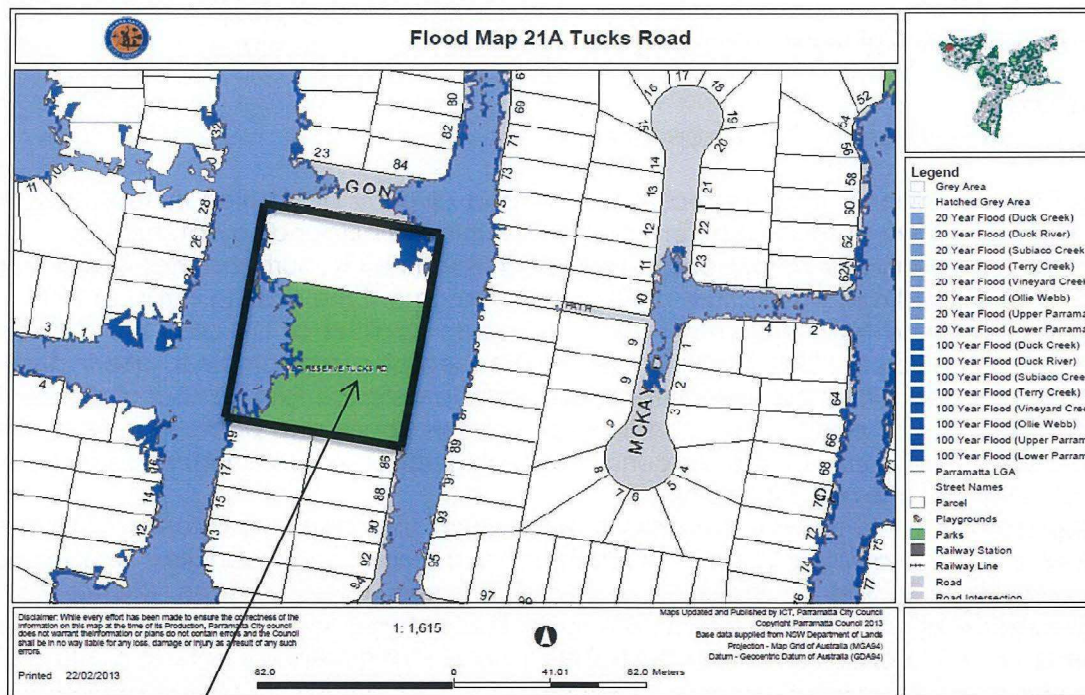
### Comment

The development site is zoned R2 Low Density Residential under the provisions of PLEP 2011. The proposed RFB's are prohibited in the R2 Low Density Zone.

### Flood Planning

#### Comment

Pursuant to Clause 6.3 of PLEP 2011, Flood Planning, some parts of the land are affected by flooding. See extract from Council's flood maps at **Figure 27**.



Subject Site

Figure 27

Source: Parramatta City Council Flood Maps

### **Comment**

Having regards to **Figure 27**, a small part of the site is subject to flooding. However, the building design will respond to such constraints and will comply with Council's controls.

The flooding impacts of the proposal have been assessed with consideration of the potential flood impacts both on and off the site and have considered the future development of surrounding areas;

The flood impact statement finds that the proposal will not significantly alter flood waters within the area and will comply with the NSW Government's Flood Prone Land Policy and the Floodplain Development Manual.

The proposal will not create any additional impact on flooding hazards that will result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services.

It is noted that the proposal will permit an increase in development potential on the land, without having any impact on flood waters in this precinct.

### **Heritage**

The development proposed that forms part of this PP will not impact upon the Marist Fathers Seminary that is located approximately 300m east of the subject site at 119 Rausch Street. This view is formed primarily because the Marist Fathers Seminary is not visible from the site and therefore no detrimental impacts will arise.

- The PP will not affect the conservation of any nearby items.
- There are no identified historic view corridors in this area that will be affected.

### **Housing, Infrastructure and Urban Development**

#### **Residential Zones**

The proposal is appropriate for the site because :

- facilitates additional and a greater choice and diversity of housing in Toongabbie that is currently not provided for on the site or within the surrounding catchment;
- provides residential development in an existing urban neighbourhood that will be fully serviced by existing infrastructure or if necessary augment the existing infrastructure;
- Walkability is the term that summarizes key urban qualities of an area like density, design and diversity of land uses. It extends the idea of compactness to also include connectedness. While the site is within close walking distance to a number of different land uses such as parks, recreation facilities, schools, shops and public transport, the "walkability" of some of the surrounding streets is poor in some instances with no footpaths and uneven nature strips;
- Walkability is an important planning consideration that must be addressed at the local level. Walkability is also a NSW State issue. Transport NSW identified walking as an important mode of transport in the NSW Long Term Transport Master Plan (December 2012). Following from the Long Term Master Plan, in December 2013, Transport NSW published "Sydney's Walking Future" Connecting people and places." The Minister's message in the document includes "We are working with councils and other partners to build connected walking routes that will create accessible and sociable centres people want to live in and visit".

**Acid Sulfate Soils**

The site is not identified on any map as being subject to any Acid Sulfate Soil issues.

**Environmental Impacts**

The site is located within a well-established urban environment and comprises land that has been previously developed. There are no known critical habitats, threatened species or ecological communities within the site and therefore the likelihood of any negative ecological impacts are minimal.

In view of such, the PP will not result in any impact on critical habitat or threatened species, populations or ecological communities or their habitats.

**Residential Amenity**

Existing low density residential properties that characterise this neighbourhood will not be impacted upon by over shadowing or general loss of amenity because of the significant separation distances between properties.

**Contamination**

The site is currently being used for recreational purposes and has not been subject to known contamination.

**Public Infrastructure**

The site is located in a well-established urban neighbourhood and has access to a range of existing services, including electricity, gas, water, sewer, telephone and internet. Further investigations will be undertaken at DA stage to determine whether any augmentation of existing services is required.

**Public Infrastructure**

The subject site is currently serviced with electricity, water supply, telecommunications, sewer and stormwater. Given the site's current use, it is anticipated that any development on site would not require major changes to these services to cater for the demand resulting from the PP. The proposal ensures adequate infrastructure would be provided with subsequent DA's that result from the PP.

It is understood that the existing infrastructure in this neighbourhood has the capacity to accommodate development on the site, subject to any necessary expansion and augmentation at the detailed application stage.

The proposed form of development would make better use of the existing bus services along Fitzwilliam Road and Old Windsor Road.

**5.0 Conclusion**

This report provides justification for the proposed residential development and the issuing of a site compatibility certificate because:

- Residential Flat Buildings are prohibited in the R2 Low Density Residential zone;
- Community Housing Ltd is a social housing provider who will facilitate the use of the affordable rental housing component of the development;
- The neighbourhood is serviced by good public transport along Fitzwilliam Road and the T-Way along Old Windsor Road. The proposed increase in density will better utilize the existing quality bus service that operates throughout this neighbourhood, in particular, linkages to local and major business and medical centres;
- The site is located within 800m of the Toongabbie Railway Station;
- recreational and education facilities are all within walking distance of the site to better utilize their use;
- the provision of housing in close proximity to public transport, community services, shops and employment creates a socially improved network, life balance for residents that will improve the local economy through increased patronage;
- the proposal will offer a choice of housing types that are not readily available in this

- neighbourhood, allowing long term residents to down size but remain in the area;
- flooding in this area will not be affected by the proposed development;
  - the local road network can readily absorb the additional traffic movements generated by the proposed development and
  - the proposal aims to commit to a range of ESD measures to improve water usage and carbon reduction on site.