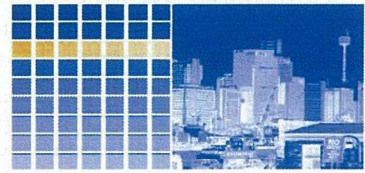


CALADINES

TOWN PLANNING PTY LTD



Site Compatibility Certificate

SEPP (Affordable Rental Housing) 2009

Residential Flat Buildings

21A Tucks Road

Toongabbie

July 2019

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1.0 Introduction

This Town Planning report has been prepared by Caladines Town Planning Pty Ltd on behalf of Community Housing Limited (CHL) and accompanies an application made pursuant to Clause 37 of State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009, seeking the Secretary of the Department of Planning & Environment to issue a Site Compatibility Certificate (SCC) for the development of a large parcel of land at 21A Tucks Road Toongabbie to permit the construction of two (2) detached, part 2, part 3 and part 4 storey residential flat buildings (RFB), containing 68 residential apartments over basement car parking and associated amenities.

The proposed scheme will deliver:

- a total of 68 residential apartments on the site of which 34 or 50% of the total number of apartments are to be allocated as affordable rental housing. CHL is a Tier 1 community housing provider and will facilitate the on-going management of those 34 units for a period of not less than 10 years;
- new low cost accommodation within an existing well established neighbourhood that is afforded good public amenities and services that will contribute towards the provision of many economic and social benefits;
- an increase in housing choice and affordability in a sustainable manner;
- a sympathetically designed development that will not generate any unreasonable amenity impacts on the surrounding built and natural environments;
- no unacceptable additional traffic movements or on street car parking that can't be absorbed into the existing road hierarchy;
- a development that provides underground car parking for residents and their visitors;
- an increase in housing density to improve safety within the public and private domains;
- a development that will better utilize the quality amenities and services that this neighbourhood has on offer in terms public open space, schools, public transport (bus and rail) and community facilities;
- short term jobs for building workers and sub-contractors;
- monetary contributions towards the provision of public amenities and services in this neighbourhood and
- a development that will satisfy the objectives and standards contained within SEPP Affordable Rental Housing 2009.

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**

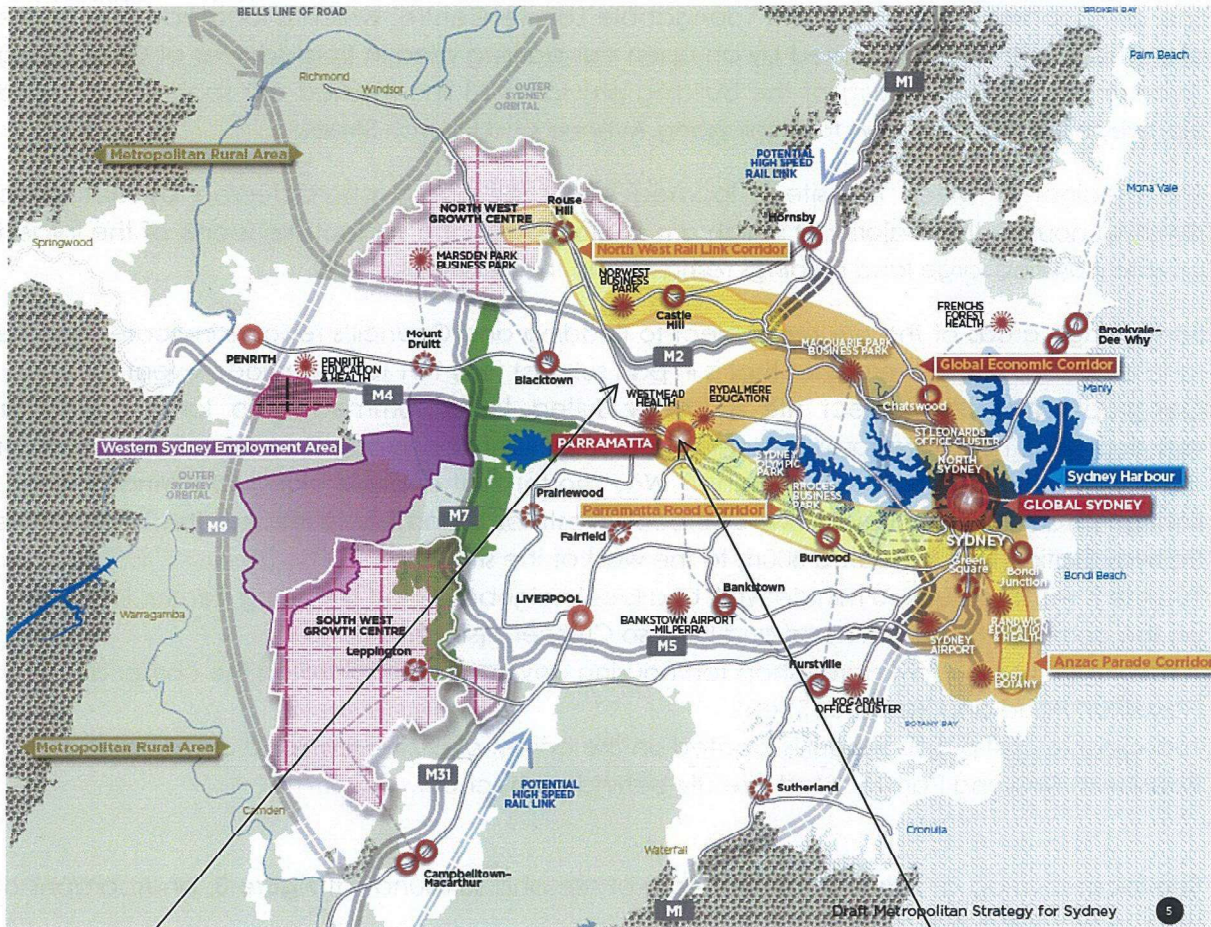


Figure 1

Subject Site

Parramatta CBD

Source: Draft Metropolitan Strategy for Sydney

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 subject site consists of run down, dilapidated tennis courts with at grade car parking. These tennis courts were previously used by the general public for the past 30 to 35 years and were owned and operated by the City of Parramatta Council. These public tennis courts are no longer in use after being sold to a private land owner.

The site is legally described as Lot 2 in DP 1129995, having street frontages to Tucks Road and Rausch Street Toongabbie.

Abutting the tennis courts is an open air, unmarked car park fronting Tucks Road which potentially accommodates up to 46 car spaces and accessed via a driveway off Tucks Road.

The development site adjoins the Toongabbie Leisure Centre, which is located north of the site. This 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.

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

Some fringe areas of the site are subject to flooding and Council's records indicate that the land is located within a precinct that is in part subject to a 1 in 100 year flood event.

Geographically, the subject site is ideally suited to accommodate a large residential development, having regards to accessibility to bus services along Fitzwilliam Road (south of the site), public bus services along the T-Way (north) that operate along Old Windsor Road, linking Parramatta with Blacktown, Liverpool, Westmead and Rouse Hill and the Toongabbie Railway Station that is located 800m to the west of the site.

The site is within an easy 5 minute walk of a local neighbourhood shopping centre, located on the corner of Fitzwilliam Road and Picasso Crescent (south).

A reasonably new 3 to 4 storey shop top housing development is sited 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**.

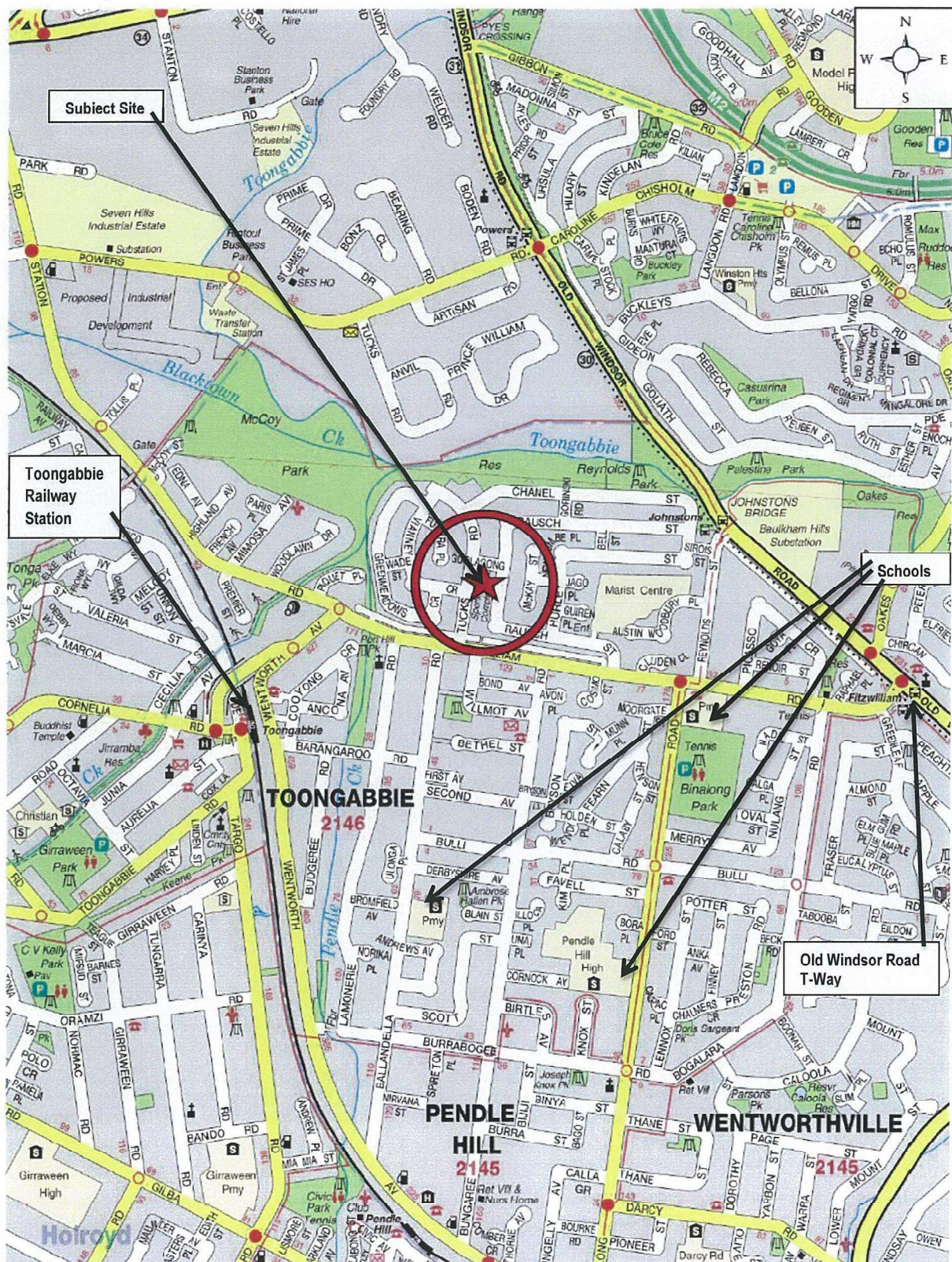


Figure 2
Source: UBD



Figure 3



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



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



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



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



Figure 8
View South (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 With 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. The subject site has a total site area of 4,864.8m². See **Figure 24**.

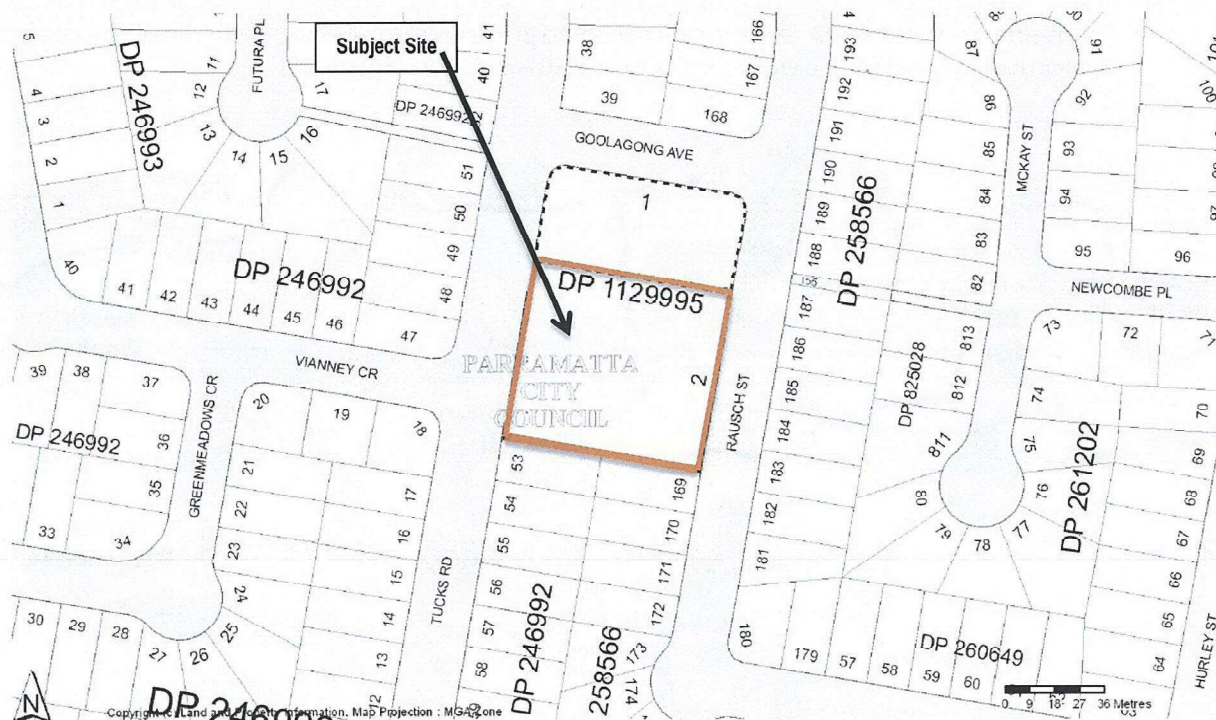


Figure 24
Source: NSW Land Registry Services

2.3 Surrounding Road Network

All roads in this precinct are generous in width and carry two (2) way traffic movements with kerb side 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. Fitzwilliam Road 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:

- 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 that operate along Old Windsor Road via the T-Way. Frequent bus services also operate along Fitzwilliam Road, with links between Parramatta, Liverpool, Blacktown and Westmead. See **Figure 25**.

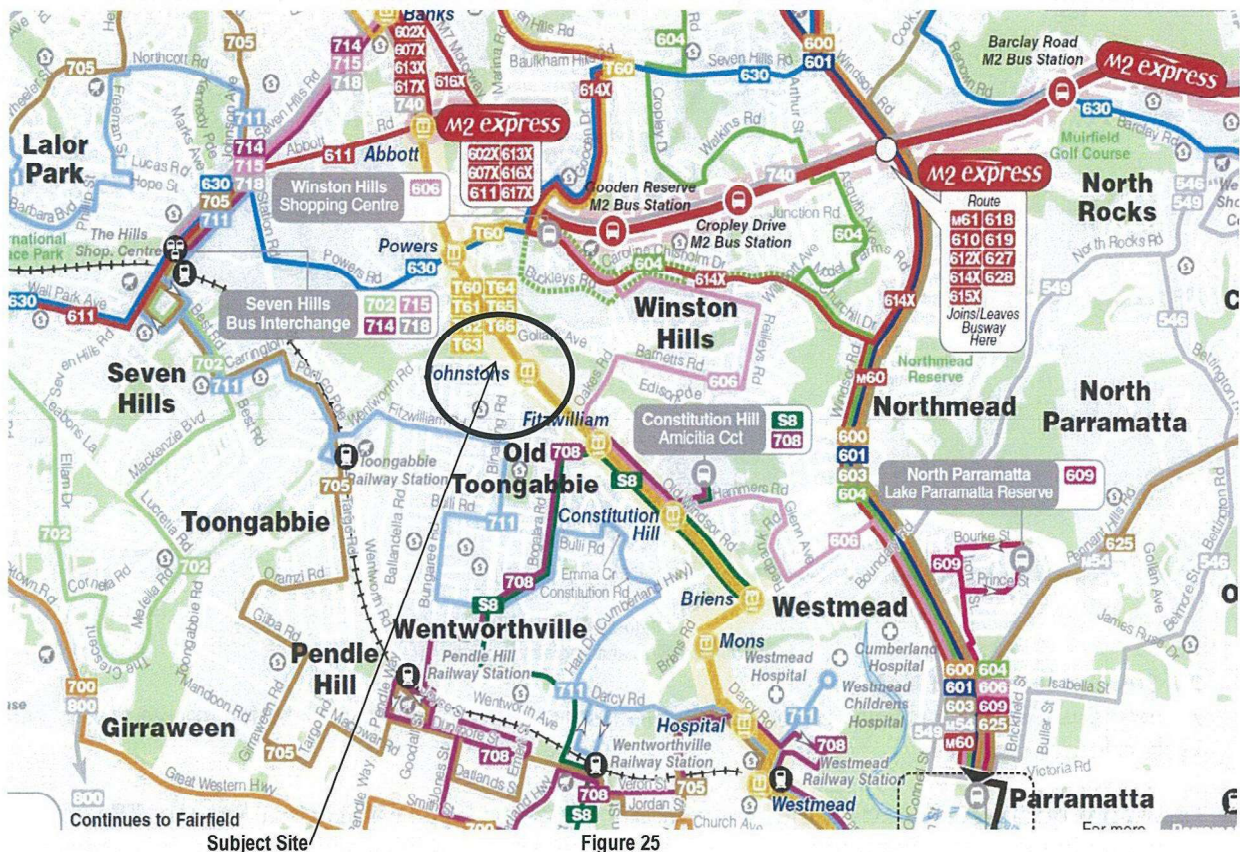


Figure 25

2.5 Location to Public Amenities and Services

As you would have seen from your visit to the site that there are numerous public amenities and services within a short walk of the site and promote an increase in residential density. These include:

- 3 minute walk (from Tucks Rd) to nearest bus stops on Fitzwilliam Rd
- 10 minute walk to T-Way on Old Windsor Rd from Rausch Street
- 13 minute walk or 800m to Toongabbie Railway Station
- 3 minute walk to open space off Chanel Street (to north of site)
- 7 minute walk to Toongabbie Public School
- 7 minute walk along Fitzwilliam Rd to a shop top housing development including a medical centre on ground level
- 8 minute walk to the IGA Supermarket and neighbourhood shops on Fitzwilliam Rd

3.0 Town Planning History

A Planning Proposal (PP) was lodged with the City of Parramatta Council in March 2015 and remains undetermined. The PP seeks to amalgamate the subject site with the adjoining parcel of land to the north, generally known as 21 Tucks Road Toongabbie, Toongabbie Leisure Centre.

The PP seeks to rezone the land to B4 Mixed Use Development in order to permit the land to be used for the purpose of a mixed use development comprising of residential apartments, gymnasium, including a public indoor swimming pool, aerobic centre, squash courts and outdoor tennis courts.

The PP also proposes to increase the building heights to part 9m and 12m (part 3 and part 4 storey buildings) and change the FSR controls governing both sites from 1.5:1 (existing gym) and 0.5:1 (existing tennis courts) to 1.25:1 across both sites.

The PP is subject to a site specific DCP that provides further controls to govern the form of development on the site.

On 10 June 2016, the Department issued a Gateway Determination notice permitting the application to be placed on public exhibition.

Council initiated conversations with the proponent about entering into a VPA to provide a public benefit in the form of a round-about at the corner of Tucks Road and Fitzwilliam Road. A draft VPA was prepared and both Council and the proponent have now formally entered into that agreement.

In August 2018, the proponent lodged a SCC application with the Department of Planning & Environment that sought approval for two (2) detached RFB containing 88 residential apartments over basement car parking. A total of 44 units were to be managed by CHL for the provision of affordable housing.

On 18 September 2018, Council Officers placed the PP before Council's Local Planning Panel where it was resolved to advise the elected members of Council to not support the PP notwithstanding Council Officers recommended that the PP be approved and sent to the Department for finalisation.

The reasons for the panel not supporting the PP were based on the sites distance from public transport, flooding, traffic, character and public interest. However, all of these issues had been justified by the applicant's experts and accepted by Council's experts during the assessment of the PP.

On 29 October 2018, the PP was placed before the elected members of Council where it was resolved to defer the application as the SCC application was still being assessed by the Department of Planning & Environment.

On 17 May 2019 the Department of Planning & Environment advised CHL that having regards to the application as submitted, the Department formed the view that a SCC should not be issued.

On 27 June 2018, the owner of the land organised a meeting with the Department of Planning & Environment to discuss the reasons for the Department not issuing a SCC and the owner seeking the Department to review the application, which would include amending the design scheme to respond to the Departments views.

The Department advised that a review of the Departments decision could not be granted however the owner was advised that the applicant was entitled to lodge a fresh application that seeks to address the reasons for refusing the application. The SCC application now before the Department seeks to address the reasons for refusal of the original application.

4.0 The Proposal

This is an application made pursuant to Clause 37 of SEPP (Affordable Rental Housing) 2009, seeking the Secretary of the Department of Planning & Environment to issue a SCC for the development of the subject parcel of land at 21A Tucks Road Toongabbie for the purpose of constructing two (2) detached, part 2, part 3 and part 4 storey residential flat buildings (RFB), containing 68 residential apartments over basement car parking and associated amenities.

The proposal includes construction of two (2), part 2, part 3 and part 4 storey RFB's containing 68 units, comprising of:

- 10 x 1 bedroom;
- 54 x 2 bedroom
- 4 x 3 bedroom

Total 68 units

It is noted that of the 68 units proposed 34 units will be used for affordable rental housing.

CHL will facilitate the on-going management of those 34 units for a period of not less than 10 years.

4.1 Strategic Plans

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

- Toongabbie is afforded good access to a full range of urban services and facilities, including employment precincts, direct access to numerous local and regional bus services;
- A local gymnasium inclusive of squash courts is located towards the north of the site;
- Increasing housing densities in centres where good access to employment, public amenities and services, and public transport are fundamental planning principles;
- 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 the site for residential purposes fully supports the principles of Urban Consolidation;
- facilitate the delivery of new and choice of housing stock in the Parramatta LGA, particularly affordable rental stock;
- 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
- allows for a future built form that is appropriate in height, form and density for this neighbourhood.

4.2 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 therefore 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, who is a Tier 1 housing provider.

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 Secretary to issue a SCC on the basis that the development proposed is compatible with the surrounding land uses.

The question of compatibility is not about a proposal being the same as other development, but rather being capable of existing in harmony with other development and respecting the streetscape of the locality (*Project Venture Developments Pty Ltd v Pittwater Council* [2005] NSWLEC 191). This judgment however primarily focuses on character of the area rather than compatibility with surrounding land uses as required by this clause but for the purpose of this exercise it provides guidance on the planning terminology of compatibility.

Whilst it is acknowledged that the neighbourhood is characterised by single dwelling houses of various shapes and sizes, the adjoining site to the north, generally known as 21 Tucks Road is large in size having a total site area of approximately 2,600m². This site has three (3) street frontages and contains a large irregular shaped building with at grade car parking and used for commercial purposes in the form of a local gymnasium. This building contains two (2) storeys however in built form because of greater floor to ceiling heights for a gym is approximately 3 storeys or 12m in height.

This local gymnasium site is zoned B1 Neighbourhood Centre and could be developed in the future having regards to the current planning controls for a 3-4 storey shop top housing development with basement car parking, which would be compatible with the scale of development proposed as part of this SCC application. Any shop top housing development on that gym site would, per the definition of shop top housing provide for a commercial base with residential apartments above.

The clause requires the Department to consider whether the proposal "is compatible with the surrounding land uses".

The Land and Environment Courts 'Planning Principle' for Project Venture provides some guidance in considering the question of 'compatibility'. The relevant parts of this judgment are set out as follows:

Planning Principle: Compatibility in the Urban Environment

22 There are many dictionary definitions of compatible. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.

23 It should be noted that compatibility between proposed and existing is not always desirable. There are situations where extreme differences in scale and appearance produce great urban design involving landmark buildings. There are situations where the planning controls envisage a change of character, in which case compatibility with the future character is more appropriate than with the existing. Finally, there are urban environments that are so unattractive that it is best not to reproduce them.

24 Where compatibility between a building and its surroundings is desirable, its two major aspects are physical impact and visual impact. In order to test whether a proposal is compatible with its context, two questions should be asked.

Are the proposal's physical impacts on surrounding development acceptable? The physical impacts include constraints on the development potential of surrounding sites.

Is the proposal's appearance in harmony with the buildings around it and the character of the street?

25 The physical impacts, such as noise, overlooking, overshadowing and constraining development potential, can be assessed with relative objectivity. In contrast, to decide whether or not a new building appears to be in harmony with its surroundings is a more subjective task. Analysing the existing context and then testing the proposal against it can, however, reduce the degree of subjectivity.

26.....

27 Buildings do not have to be the same height to be compatible. Where there are significant differences in height, it is easier to achieve compatibility when the change is gradual rather than abrupt. The extent to which height differences are acceptable depends also on the consistency of height in the existing streetscape.

28.....

The test in these circumstances is compatibility and not replication of the land use. The words in *Project Venture* about compatible developments being "capable of existing together in harmony" and "generally accepted that buildings can exist together without being the same land use. The proposed design steps down from the north to the south (4, 3 and 2 storeys) ensuring a transitional effect is achieved. The proposed RFB's are well articulated and modulated and given the size of the site, its topography and other general characteristics deem the site appropriate for the form of residential development proposed.

The proposed residential apartment development will in our view be compatible with the surrounding land uses and therefore complies with this control.

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 CHL who is a Tier 1 social housing provider. The owner of the subject property has also signed the form.

It is noted that of the 68 residential apartments proposed, a total of 34 apartments would be managed by CHL to facilitate the provision of affordable rental housing for a period of not less than 10 years.

Having regards to the issuing of a SCC, the future development of the site would permit:

- demolition of all existing structures on the land, including site preparation works and 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), part 2, part 3 and part 4 storey RFB's containing 68 units, comprising of:
 - 10 x 1 bedroom;
 - 54 x 2 bedroom
 - 4 x 3 bedroom

Total 68 units

The proposed FSR for the development is 1.24:1, which is under the 1.25:1 that was deemed to be acceptable under the PP for the consolidated site of 21 and 21A Tucks Road. The FSR is also well below the previous FSR for the original SCC of 1.44:1.

As a result of reducing the FSR, the number of units has been reduced from 88 to 68.

Front building setbacks to Tucks Road and Rausch Street have been increased from 3m to 4m and at ground floor level, the central mid-block units (3 bedroom units) are afforded a front setback of 9m to the face of the building in order to achieve greater articulation in each buildings design.

Please note that the reason why the 3m setback was originally chosen as part of the SCC was because the site specific DCP accompanying the PP for 21-21A Tucks Road proposes setbacks of between 1m + awning and 3m.

The proposed new design transitions both proposed RFB's towards the south to address the relationship between the proposed buildings and the single dwellings to the south.

Whilst a fourth storey component remains within the design scheme, it is on the interface with the existing Toongabbie Leisure Centre site which the sites current commercial zone permits a shop top housing development of up to 12m in height. Further, this 4th storey floor plate adjacent to the Toongabbie Leisure Centre contains 3 units in each building (total 6 units) and is setback 6m from the rear boundary of the Toongabbie Leisure Centre site.

The proposal still provides landscaped view corridors along the northern and southern side boundaries. A north-south orientated communal landscaped open space area is provided between both buildings. The orientation and size of this communal open space area will afford future residents of the proposed RFB's with a quality outdoor amenity area.

As previously mentioned in this report, the question of compatibility with surrounding land uses is not about a proposal being the same as other development, but rather being

capable of existing in harmony with other development and respecting the streetscape of the locality (*Project Venture Developments Pty Ltd v Pittwater Council* [2005] NSWLEC 191).

The application has been made having regards to the Clause 36 and 37 of the Affordable Rental Housing SEPP 2009.

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 that a restriction on title will be registered prior to an Occupation Certificate is issued.

Provision will be made for 68 units of which 34 are to be used for affordable housing purposes for a period of 10 Years.

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. Any future DA lodged with Council will be subject to the provisions within SEPP 65 and the ADG.

5.0 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.

The proposal seeks to compliment those planning objectives.

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**.



Figure 26

Source: Parramatta LEP 2011 - Zone Map

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. The proposed RFB's permissibility relies on the Department issuing a SCC under SEPP (Affordable Rental Housing) 2009.

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**.

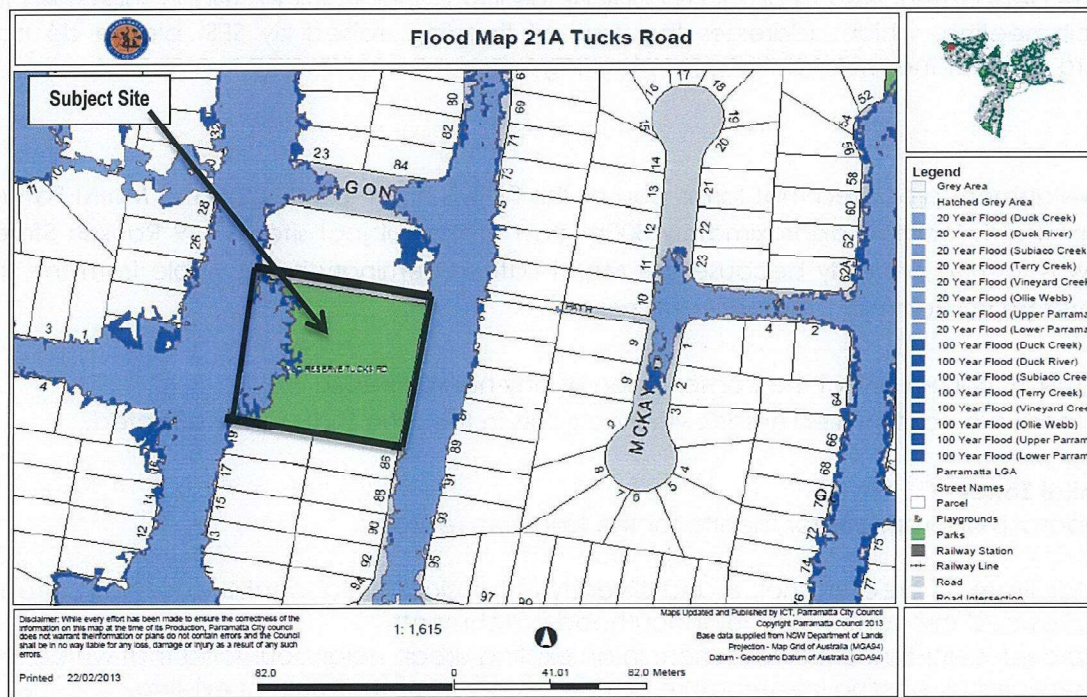


Figure 27

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 responds to such constraint and complies with Council's controls. Any future DA submission would need to provide Council with detailed hydraulic drawings that meet Council's standards.

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.

In view that flooding was considered an issue by the Department with the previous SCC application, attached is a copy of the applicants flood report that considered flooding within the catchment. A copy of the applicants flood report prepared by Mance + Arraj Hydraulic Engineers dated January 15, 2018 accompanies this SCC application.

Whilst the State Emergency Services (SES) lodged an objection to the proposal, only Council tested the contents of the flood report who deemed the proposal to be acceptable and 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.

We note that SES raised issue with:

- Increased population on flood prone land
- Basement parking in a flood prone area
- Shelter in place is not a suitable response strategy

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.

Should the Department wish to obtain a copy of the last Council Officers report submitted to a Council meeting, which addresses the issue of flooding, raised by SES, please do not hesitate to contact the writer of this town planning report.

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.

Residential Zones

The proposal is appropriate for the site for the following reasons:

- facilitates a greater choice and diversity in housing for Toongabbie to that currently provided throughout this neighbourhood catchment;
- provides residential development in an existing urban neighbourhood that will be fully serviced by existing infrastructure or if necessary augmentation of 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;

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 neighbourhood and comprises of 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 SCC application and subsequent DA submission if approved 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 good separation distances between properties.

Contamination

The site was previously used for hard surfaced public tennis courts and has not been subject to known contamination.

If the Department form the view that a SCC should be issued for the proposal, as part of any future DA submission, the land will be subject to a contamination assessment given the land has been used for commercial purposes. Most likely this would involve bore hole testing at various points throughout the site.

Public Infrastructure

The site is located within a well-established urban neighbourhood and has access to a range of existing services, including electricity, gas, water, sewer, telephone and internet. If the Department forms the view that a SCC should be issued for the proposal, further investigations will be undertaken at DA stage to determine whether any augmentation of existing services is required.

6.0 Conclusion

This report provides justification for the proposed residential development and the issuing of a SCC for the development to proceed because:

- Residential Flat Buildings are prohibited in the R2 Low Density Residential zone;
- CHL is a Tier 1 social housing provider who will facilitate the use of the affordable rental housing component of the development. In this respect of a total of 68 units a total of 34 units will be provided to CHL to manage for low cost accommodation;
- The neighbourhood is serviced by good public transport (bus) along Filzwilliam 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 services;
- the provision of housing in close proximity to public transport, community services, shops and employment hubs 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;
- increased flooding in this neighbourhood 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.