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Your Reference	IRF 19/4801 (SCC_2019_COPAR_001_00)
Our Reference	RZ/11/2015
Contact	Darren Caballero
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23 July 2019

Dear Angela,

Attn: Michael Cividin

RE: Site Compatibility Certificate under State Environmental Planning Policy (Affordable Rental Housing) 2009 – 21A Tucks Road, Toongabbie (SCC_2019_COPAR_001_00)

Reference is made to the Department of Planning, Industry & Environment's (DPIE) correspondence dated 10 July 2019, regarding the abovementioned Site Compatibility Certificate (SCC) which was referred to City of Parramatta Council for comment in accordance with the consultation requirements set out under Section 37 of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP). City of Parramatta Council appreciates the opportunity to provide comment on the SCC application.

It is noted that the application seeks an SCC for the development of land of 21A Tucks Road, Toongabbie for the purpose of constructing two (2) four (4) storey residential flat buildings (RFBs) comprising 68 residential apartments over basement car parking and associated amenities. The current SCC application provides for a slight decrease in residential yield compared with the previous SCC application (SCC_2018_COPAR_002_00) where the DPIE ultimately did not issue an SCC for the initial proposal.

The land at 21A Tucks Road is currently zoned R2 Low Density Residential and is surrounded by R2 Low Density Residential zones with a B1 Neighbourhood Centre zone to the north of the site. The area is predominantly characterised by single and two-storey detached dwellings.

Comment

Council currently has an active Planning Proposal for the land at 21-21A Tucks Road, Toongabbie that seeks the following amendments to the Parramatta Local Environmental Plan 2011 (PLEP 2011):

- Rezone the land from part B1 Neighbourhood Centre and part R2 Low Density Residential to B4 Mixed Use across the site;
- Amend the maximum height of building controls from part 12m and part 9m to part 15m and part 9m;

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- Amend the maximum floor space ratio controls from part 1.5:1 and part 0.5:1 to 1.25:1 across the site.

The Planning Proposal has received Gateway Determination from the former Department of Planning and Environment (DPE) on 10 June 2016 (DPE ref: PP_2016_PARRA_003_00) and was publicly exhibited from 31 May to 30 June 2017 concurrently with a draft site specific DCP and draft VPA. Over 700 submissions from the community were received during the exhibition period, many of which were from residents of the area strongly objecting to the Planning Proposal.

The proposed scheme under the SCC application broadly indicates a similar built form outcome to that of the current Planning Proposal, however, Council has concerns with this application. Below is a table summarising the proposed development under the SCC application and the Planning Proposal:

	SCC Application	Planning Proposal
Land area (m ²)	4864	7428
Proposed Dwellings	68	81
Proposed Height	4 storeys	4 storeys
Proposed FSR	1.24:1	1.25:1

Table 1: Comparison of development proposals under the SCC application and the Planning Proposal

The proposed scheme under the SCC application presents a high number of dwellings on a smaller portion of land than the land under the Planning Proposal. It should be noted that whilst the scheme under the SCC application presents a lower dwelling yield than under the Planning Proposal and they are of similar proposed FSRs, the SCC application only applies to 21A Tucks Road, whereas the Planning Proposal applies to 21-21A Tucks Road.

The proposed scheme under the SCC application indicates a 'stepped' built form which transitions from two-storeys from the southern boundary up to four-storeys towards the north of the site. To achieve the proposed dwelling yield under the SCC application, the design provides lesser setbacks than those proposed in the Council endorsed draft DCP associated with the Planning Proposal, particularly in relation to the southern boundary which adjoins low density residential properties. The SCC indicates a 9m setback from the southern boundary whilst the draft DCP proposes 22m.

The SCC scheme indicates that balconies are expected to be located on the southern edge of the site which adjoins low residential properties. Under Part 2F of the Apartment Design Guide (ADG), a minimum 12m building separation between habitable rooms/balconies is required. The SCC scheme is inconsistent with the ADG in this regard as the SCC scheme provides a 9m setback.

The SCC scheme is also inconsistent with the RFB controls under the Parramatta DCP 2011 (PDCP). The front setback requirement is a minimum of 5m, however, the SCC scheme indicates only 4m. The side setback requirement under the PDCP (particularly in relation to the south of the site adjoining low density lots) reiterates the controls under the ADG which is a minimum building separation of 12m. Additionally, the SCC scheme depicts basement car parking that extends across most of the site with only a small portion of the land to the north and the frontages to Tucks Road and Rausch Street to be used for deep soil. The PDCP requires a minimum of 30% of the site to be used for deep soil, however the SCC scheme provides approximately 13.4% based on the reference design.

Under Condition 1(d) of the Gateway Determination issued to Council for the Planning Proposal, the originally proposed FSR of 1.5:1 across the site at 21-21A Tucks Road, Toongabbie was reduced to 1.25:1 across the site by the DPE in accordance with Council officer's recommendation. Under the SCC application scheme, the proposed FSR is 1.24:1 for the land at 21A Tucks Road, Toongabbie only. It is

considered that the SCC application will result in an increased development on the land within a smaller area than that under the Planning Proposal.

In regards to public benefit, the scheme under the SCC application indicates there are no further public benefits apart from the required 50% residential accommodation to be provided as affordable housing for a 10 year period. However, in comparison, a draft VPA associated with the Planning Proposal is proposing to provide a roundabout at the intersection at Fitzwilliam Road and Tucks Road to alleviate existing traffic pressures and any traffic impacts as a result of increased development on the site.

The Planning Proposal has already undergone formal community consultation with over 700 submissions received from the community, many of which express strong objection to the Planning Proposal. On the other hand, the SCC process only requires consultation between the DPIE and the relevant local council for a period of 14 days after the application for the certificate was made, under Section 37(6)(a) of the ARHSEPP. After this period, the DPIE considers local, regional or State strategic planning documents and makes a recommendation to the Director-General who then makes a decision. The SCC process essentially bypasses the community consultation phase which would normally be undertaken during the Planning Proposal process. As such, community consultation will only be undertaken at the DA stage and not any time before.

Furthermore, it should be noted that the applicant has previously submitted an SCC application for the land at 21A Tucks Road, Toongabbie in August 2018. This first application presented a similar scheme to that proposed under the current SCC application. The current SCC scheme sees a reduction in total dwellings from 88 to 68 and a slight modification to the design to achieve a 'stepped' built form which transitions from two-storeys from the southern boundary up to four-storeys towards the north, as discussed above. That said, the proposed controls under the previous SCC and current SCC generally remain the same with a 9m setback to the southern boundary but with a slight increase of setbacks fronting Tucks Road and Rausch Street from 3m to 4m. Notwithstanding, both schemes remain inconsistent with both the ADG and PDCP controls.

In May 2019, Council received a notification from the DPE with a determination to **not** issue an SCC for this site, stating:

The application for a site compatibility certificate has not demonstrated that the issuing of a certificate would result in a development which is compatible with the surrounding land uses. The reference design is inconsistent with the predominantly low-density residential environment in respect of built form, setbacks, scale and density.

Overall, it is considered that despite the slight decrease in residential yield, the current SCC application is still strongly consistent with the previous SCC application which was ultimately refused by the DPIE.

Recommendation

It is considered that the proposed development under the Planning Proposal results in a better built form outcome than the scheme presented in the SCC application. A site specific DCP accompanies the Planning Proposal to guide any future development in relation to its desired future character, built form and scale, management of future land uses and public domain interface, whereas no further built form controls are proposed for the scheme under the SCC application apart from the reference design submitted to the DPIE as part of the application.

Therefore, Council **objects** to the SCC application.

Furthermore, the matter relating to the initial SCC application has already been considered at Council's meeting of 29 October 2018 where it was resolved:

That consideration of this matter be deferred to enable Council to receive advice from the State Government on the Site Compatibility Certificate.

Since a determination was received from the DPIE in May 2019 for the first SCC application, the Planning Proposal is proposed to be reported at an upcoming Council meeting in August. Therefore, it is regarded premature for the DPIE to issue an SCC prior to Council re-considering this deferred matter formally at an Ordinary Council meeting.

It is therefore requested that the DPIE enable Council to consider the Planning Proposal and the outcome of the previous SCC application prior to making a determination of this current SCC.

Should you have further information, please contact Darren Caballero on 9806 5956 or DCaballero@cityofparramatta.nsw.gov.au.

Regards,



Kevin Kuo

A/Land Use Planning Manager