

State Environmental Planning Policy Housing 2021
Chapter 2 Affordable housing
Division 1 - Infill Affordable Housing

Division 1 Infill affordable housing	Discussion	Compliance Yes or No
<p>15A Objective of division</p> <p>The objective of this division is to facilitate the delivery of new in-fill affordable housing to meet the needs of very low, low and moderate income households.</p>	The development will be compliant with Division 1 in which 81 affordable housing apartments will be delivered.	Yes
<p>15C Development to which division applies</p> <p>(1) This division applies to development that includes residential development if—</p> <p>(a) the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and</p> <p>(b) the affordable housing component is at least 10%, and</p> <p>(c) all or part of the development is carried out—</p> <p>(i) for development on land in the Six Cities Region, other than in the City of Shoalhaven local government area—in an accessible area, or</p> <p>(ii) for development on other land—within 800m walking distance of land in a relevant zone or an equivalent land use zone.</p> <p>(2) Affordable housing provided as part of development because of a requirement under another environmental planning instrument or a planning agreement within the meaning of the Act, Division 7.1 is not counted towards the affordable</p>	<p>The development is sited on the portion of site zoned R4 High Density Residential pursuant to the Cumberland Local Environmental Plan 2021 where residential flat buildings and shop top housing are permitted with consent. Furthermore, the development is also permissible under Chapter 3, Part 4 of the Housing SEPP 2021.</p> <p>The affordable housing component has exceeded 10% (Calculated at 15.035%).</p> <p>The site is located within the Six Cities Region and within an accessible area, being 150metres from Merrylands Train Station.</p> <p>Noted.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Noted</p>

<p>housing component under this division.</p> <p>(3) In this section— relevant zone means the following—</p> <ul style="list-style-type: none"> a) Zone E1 Local Centre, b) Zone MU1 Mixed Use, c) Zone B1 Neighbourhood Centre, d) Zone B2 Local Centre, e) Zone B4 Mixed Use. 		
<p>16 Affordable housing requirements for additional floor space ratio</p> <p>(1) The maximum floor space ratio for development that includes residential development to which this division applies is the maximum permissible floor space ratio for the land plus an additional floor space ratio of up to 30%, based on the minimum affordable housing component calculated in accordance with subsection (2).</p> <p>(2) The minimum affordable housing component, which must be at least 10%, is calculated as follows—</p> <p>(3) If the development includes residential flat buildings or shop top housing, the maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height that is the same percentage as the additional floor space ratio permitted under subsection (1).</p> <p>Example— Development that is eligible for 20% additional floor space ratio because the development includes a 10% affordable housing component, as calculated under subsection (2), is also eligible for 20% additional building height if the development</p>	<p>Clause 16 allows for increases providing an appropriate level of affordable rental housing is achieved within the development. In this regard:</p> <ul style="list-style-type: none"> • 15% of floor space must be allocated as affordable rental housing. • This in turn allows a 30% bonus floor space ratio. <p>As such, a minimum floor area as affordable rental housing for the building of 40,012.115 square metres should be 6001.81725qm.</p> <p>The development has 6016.04sqm of floor area as affordable rental housing which is 15.0355% of the total floor area of the building.</p>	<p>Yes</p>

<p><i>involves residential flat buildings or shop top housing.</i></p> <p>(4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.</p>		
<p>17 Additional floor space ratio for relevant authorities and registered community housing providers</p> <p>(1) This section applies to residential development to which this division applies that is carried out—</p> <p style="padding-left: 40px;">(a) by or on behalf of a relevant authority or registered community housing provider, and</p> <p style="padding-left: 40px;">(b) on land with a maximum permissible floor space ratio of 2:1 or less.</p> <p>(2) The maximum floor space ratio for the development is—</p> <p style="padding-left: 40px;">(a) the maximum floor space ratio calculated in accordance with section 16, or</p> <p style="padding-left: 40px;">(b) the maximum floor space ratio calculated in accordance with subsection (3).</p> <p>(3) The maximum floor space ratio for subsection (2)(b) is the maximum permissible floor space ratio for the land plus an additional floor space ratio of—</p> <p style="padding-left: 40px;">(a) if the affordable housing component is at least 50%—0.5:1, or</p> <p style="padding-left: 40px;">(b) if the affordable housing component is between 20% and 50%—Y:1, where—</p> <p>affordable housing component additional floor space ratio (as a percentage)</p> <p>AH is the affordable housing component.</p>	<p>Not applicable for this application as the applicant is not lodged on behalf of a relevant authority nor a registered community housing provider.</p>	<p>N/A</p>

<p>Y is AH / 100.</p> <p>(4) If development to which this section applies uses the maximum floor space ratio under subsection (2)(a), section 16(3) also applies to the development.</p>		
<p>18 Affordable housing requirements for additional building height</p> <p>(1) This section applies to development that includes residential development to which this division applies if the development—</p> <p style="padding-left: 40px;">(a) includes residential flat buildings or shop top housing, and</p> <p style="padding-left: 40px;">(b) does not use the additional floor space ratio permitted under section 16.</p> <p>(2) The maximum building height for a building used for residential flat buildings or shop top housing is the maximum permissible building height for the land plus an additional building height of up to 30%, based on a minimum affordable housing component calculated in accordance with subsection (3).</p> <p>(3) The minimum affordable housing component, which must be at least 10%, is calculated as follows—</p> <p>affordable housing component = additional building height (as a percentage) divided by 2.</p>	<p>The development relies on clause 16 for the additional floor space ratio and therefore this clause does not apply.</p>	<p>N/A</p>
<p>19 Non-discretionary development standards—the Act, s 4.15</p> <p>(1) The object of this section is to identify development standards for particular matters relating to residential development under this division that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p>	<p>Noted.</p>	<p>Noted.</p>

<p>Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</p> <p>(2) The following are non-discretionary development standards in relation to the residential development to which this division applies—</p> <p>(a) a minimum site area of 450m²,</p> <p>(b) a minimum landscaped area that is the lesser of—</p> <p style="padding-left: 40px;">(i) 35m² per dwelling, or</p> <p style="padding-left: 40px;">(ii) 30% of the site area,</p> <p>(c) a deep soil zone on at least 15% of the site area, where—</p> <p style="padding-left: 40px;">(i) each deep soil zone has minimum dimensions of 3m, and</p> <p style="padding-left: 40px;">(ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site,</p> <p>(d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3 hours of direct solar access between 9am and 3pm at mid-winter,</p> <p>(e) the following number of parking spaces for dwellings used for affordable housing—</p> <p style="padding-left: 40px;">(i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces,</p> <p style="padding-left: 40px;">(ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces,</p> <p style="padding-left: 40px;">(iii) for each dwelling containing at least 3</p>	<p>The development has a site area of 6155.7square metres.</p> <p>30% of 6155.7 squares equates to 1846.71square metres of landscaped area. The proposal provides 793.2 square metres (12.8%), variation of 57.048%.</p> <p>Chapter 4 applies, therefore this sub-part is not applicable.</p> <p>Chapter 4 applies, therefore this sub-part is not applicable.</p> <p>9 x 0.4 = 3.6 41x 0.4 = 16.4 31 x 0.5 = 15.5 Total required = 35.5 (36)</p>	<p>Yes</p> <p>No. Refer to main body of report for a detailed assessment.</p> <p>N/A</p> <p>N/A</p> <p>Yes</p>
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<p>bedrooms— at least 1 parking space,</p> <p>(f) the following number of parking spaces for dwellings not used for affordable housing—</p> <p>(i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces,</p> <p>(ii) for each dwelling containing 2 bedrooms—at least 1 parking space,</p> <p>(iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces,</p> <p>(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,</p> <p>(h) for development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces)—the minimum floor area specified in the Low Rise Housing Diversity Design Guide,</p> <p>(i) if paragraphs (g) and (h) do not apply, the following minimum floor areas—</p> <p>(i) for each dwelling containing 1 bedroom—65m²,</p> <p>(ii) for each dwelling containing 2 bedrooms—90m²,</p> <p>(iii) for each dwelling containing at least 3 bedrooms—115m² plus 12m² for each bedroom in addition to 3 bedrooms.</p> <p>(3) Subsection (2)(c) and (d) do not apply to development to which Chapter 4 applies.</p>	<p>42 x 0.5 = 21 108 x 1 = 108 24 x 1.5 = 36 Total required = 165 car spaces.</p> <p>The proposal meets the minimum internal area as per the ADG. Refer to Attachment 9 for a detailed ADG assessment.</p> <p>Not applicable for this proposal.</p> <p>Noted and addressed above.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>Noted.</p>
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<p>20 Design requirements</p> <p>(1) Development consent must not be granted to development for the purposes of dual occupancies, manor houses or multi dwelling housing (terraces) under this division unless the consent authority has considered the Low Rise Housing Diversity Design Guide, to the extent to which the guide is not inconsistent with this policy.</p> <p>(2) Subsection (1) does not apply to development to which Chapter 4 applies.</p> <p>(3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—</p> <p style="padding-left: 40px;">(a) the desirable elements of the character of the local area, or</p> <p style="padding-left: 40px;">(b) for precincts undergoing transition—the desired future character of the precinct.</p>	<p>Not applicable to this application as no approval is sought for dual occupancies, manor houses or multi dwelling housing (terraces).</p> <p>Noted.</p> <p>The additional storeys to the development are consistent with the design of the remainder of the building.</p> <p>The development application was referred to the Design Excellence Panel and Minutes were prepared and issued to the applicant.</p> <p>The applicant has answered these in a satisfactory manner.</p> <p>The Design Excellence discussion forms part of the assessment report for Panel consideration.</p>	<p>N/A</p> <p>Noted.</p> <p>Yes</p>
<p>21 Must be used for affordable housing for at least 15 years</p> <p>(1) Development consent must not be granted to development under this division unless the consent authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued for the development—</p>		

<p>(a) the development will include the affordable housing component required for the development under section 16, 17 or 18, and</p> <p>(b) the affordable housing component will be managed by a registered community housing provider.</p>	<p>This is addressed as a condition attached to the recommendation for Panel consideration.</p>	<p>Yes, subject to a condition.</p>
<p>(2) This section does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.</p>	<p>Not applicable to this application.</p>	<p>N/A</p>
<p>22 Subdivision permitted with consent</p> <p>Land on which development has been carried out under this division maybe subdivided with development consent.</p>	<p>No sub-division is sought as part of this application.</p>	<p>N/A</p>

State Environmental Planning Policy Housing 2021
Chapter 3 Diverse housing
Part 4 – Build-to-rent housing

Part 4 Build-to-rent housing	Discussion	Compliance Yes or No
72 Development for the purposes of build-to-rent housing permitted with consent		
(1) The objective of this section is to enable certain residential accommodation to be used as build-to-rent housing.	The proposal will provide for 194 Build to rent (BTR) apartments from the overall 449 apartments proposed.	Yes
(2) This Part applies to development for the purposes of multi dwelling housing, residential flat buildings or shop top housing on land— (a) in the following zones— (i) a zone in which development for the purposes of residential flat buildings is permissible under another environmental planning instrument, (ia) Zone E2 Commercial Centre, (ib) Zone MU1 Mixed Use, (ii) Zone B3 Commercial Core, (iii) Zone B4 Mixed Use, (iv) Zone B8 Metropolitan Centre, (v) Zone SP5 Metropolitan Centre, or (a1) in a Transport Oriented Development Area under Chapter 5 in which development for the purposes of residential flat buildings is permissible, or (b) for which a site compatibility certificate has been issued under section 39. (3) Development consent may be granted for development to which this Part applies if—	This part applies to the development as the development is sited on the R4 High Density Residential zone and the development is for a residential flat building and is permissible with consent pursuant to the Cumberland Local Environmental Plan 2021.	Yes
(a) the development will result in at least 50 dwellings occupied, or intended to be occupied, by	The development will result in 194 BTR apartments occupied, or intended to be occupied, by	Yes

<p>individuals under residential tenancy agreements, and</p> <p>(b) all buildings containing the dwellings are located on the same lot of land.</p> <p>(4) Part 7 does not apply to development permitted under this Part.</p>	<p>individuals under residential tenancy agreements, and are on the same lot of land.</p> <p>Noted.</p>	<p>Noted.</p>
73 Conditions of build-to-rent housing to apply for at least 15 years		
<p>(1) Development consent must not be granted to the erection or use of a building for development to which this part applies unless the consent authority is satisfied that, during the relevant period, the tenanted component of the building—</p> <p>(a) will not be subdivided into separate strata lots, and</p> <p>(b) will be owned and controlled by 1 person, and</p> <p>(c) will be operated by 1 managing agent, who provides on-site management.</p> <p>(2) (Repealed)</p> <p>(3) In this section— relevant period means—</p> <p>(a) for development on land in Zone E2 Commercial Centre, Zone B3 Commercial Core or Zone SP5 Metropolitan Centre—a period commencing on the day an occupation certificate is issued for all parts of the building or buildings to which the development relates and continuing in perpetuity, or</p> <p>(b) otherwise—a period of 15 years commencing on the day an occupation certificate is issued for all parts of a building to which the development relates.</p>	<p>Noted. Any consent issued will be conditioned accordingly and as required by Clause 81 of the Environmental Planning & Assessment Regulation 2021.</p>	<p>Yes, via conditions.</p>
74 Non-discretionary development standards—the Act, s 4.15		

<p>(1) The object of this section is to identify development standards for particular matters relating to development for the purposes of build-to-rent housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>Note— See the Act, section 4.15(3), which does not prevent development consent being granted if a non-discretionary development standard is not complied with.</p> <p>(2) The following are non-discretionary development standards in relation to the carrying out of the development to which this Part applies—</p> <p>(a) the building height of all proposed buildings is not more than the maximum building height permitted under Chapter 5 or another environmental planning instrument for a building on the land,</p> <p>(b) for development on land in a zone in which no residential accommodation is permitted under another environmental planning instrument—a floor space ratio that is not more than the maximum permissible floor space ratio for other development on the land under another environmental planning instrument,</p> <p>(c) if paragraph (b) does not apply—a floor space ratio that is not more than the maximum permissible floor space ratio for residential accommodation on the land under Chapter 5 or</p>		
	The proposal does not comply with the maximum building height pursuant to Chapter 2, Division 1, Clause 16 of the Housing SEPP 2021.	No. Refer to main body of the report for detailed assessment.
	N/A. Residential accommodation is permitted in the zone.	N/A
	The proposal complies with the FSR pursuant to Chapter 2, Division 1, Clause 16 of the Housing SEPP 2021.	Yes

<p>another environmental planning instrument,</p> <p>(d) for development carried out wholly or partly on land in the Eastern Harbour City, Central River City or Western Parkland City—</p> <p>(i) for land within an accessible area—0.2 parking spaces for each dwelling, or</p> <p>(ii) otherwise—0.5 parking spaces for each dwelling, or</p> <p>(iii) if a relevant planning instrument specifies a requirement for a lower number of parking spaces—the lower number specified in the relevant planning instrument,</p> <p>(e) if paragraph (d) does not apply—at least the number of parking spaces required under the relevant development control plan or local environmental plan for a residential flat building.</p>	<p>The subject site is on land within the Central River City and is located within an accessible area being 150metres from Merrylands Train Station.</p> <p>0.2 x 194 = 38.8 rounded up to 39.</p> <p>39 car spaces provided for the BTR component of the development.</p> <p>N/A, paragraph d above applies to the development.</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>
75 Design requirements		
<p>(1) This section applies to development to which this Part applies only if Chapter 4 applies to the building resulting from the development.</p> <p>(2) In determining an application for the modification of a development consent or a development application for the carrying out of development to which this section applies, the consent authority must—</p> <p>(a) be flexible in applying the design criteria set out in the Apartment Design Guide, including, in particular, the design criteria set out in Part 4, items 4E, 4G and 4K, and</p>	<p>This section applies as Chapter 4 applies to the building.</p> <p>A full assessment of the ADG including the design criteria set out in Part 4, items 4E, 4G and 4K is covered in Attachment 9.</p>	<p>Noted.</p> <p>Yes</p>

<p>(b) in its consideration of the objectives set out in the Apartment Design Guide, Part 4, consider the following—</p> <p>(i) the amenities proposed to be provided to tenants residing in the building through common spaces and shared facilities and services,</p> <p>(ii) whether the configuration and variety of dwellings in the building will provide adequate options to prospective tenants in relation to the size and layout of the dwellings,</p> <p>(iii) whether tenants residing in the building will be able to relocate to other dwellings in the building that will better accommodate their housing requirements if their requirements change.</p>	<p>The proposal provides for three communal amenity rooms/spaces on the ground floor and an amenity space on level 2. These spaces provide a variety of areas for sitting, dining and cooking.</p> <p>The configuration of dwellings in building D allows for an appropriate mix being:</p> <ul style="list-style-type: none"> • 14 x studio units • 72 x 1 bedroom units • 110 x 2 bedroom units • 6 x 3 bedroom units <p>Of this mix 194 are BTR apartments and 8 are nominated as affordable housing.</p> <p>Tenants residing in the building will have opportunities to relocate to other dwellings in that building to better suit their requirements should the need arise. The flexibility of studio, 1, 2 and 3 bedrooms provides for an appropriate mix to suit the needs of the tenants based on their circumstances.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
76 Active uses on ground floor of build-to-rent housing in business zones		
<p>(1) The objective of this section is to ensure that, in relation to development for the purposes of build-to-rent housing, active uses are provided at the street level in business zones to encourage the presence and movement of people.</p> <p>(2) This section applies to development to which this Part applies if the development is</p>	<p>The development is located on the R4 High Density Residential</p>	<p>N/A</p>

<p>on land in a business zone, including as part of a mixed use development.</p> <p>(3) Development consent must not be granted for development to which this section applies unless the consent authority is satisfied that a building resulting from the development will have an active street frontage.</p> <p>(4) An active street frontage is not required for a part of a building used for 1 or more of the following—</p> <p>(a) entrances and lobbies, (b) access for fire services, (c) vehicular access.</p>	<p>portion of the site. This sub-part is not applicable.</p>	
77 Conditions requiring land or contributions for affordable housing		
Nothing in this Part overrides a requirement to dedicate land or pay a monetary contribution under the Act, section 7.32.	Noted.	Noted.
78 Consideration of Apartment Design Guide for further subdivision of dwellings		
Development consent must not be granted for development involving the subdivision of a residential flat building for which consent has been granted under this Part unless the consent authority has considered the relevant provisions of the Apartment Design Guide in relation to the part of the building affected by the subdivision.	Sub-division is not proposed as part of this application.	N/A