

State Environmental Planning Policy Housing 2021
Division 1 - Infill Affordable Housing
Table of requirements

Division 1 Infill affordable housing	Discussion	Compliance Yes or No
15A Objective of division <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 12 affordable housing apartments will be delivered.	Yes
15C Development to which division applies <p>(1) This division applies to development that includes residential development if— (a) the development is permitted with consent under Chapter 3, Part 4 or another environmental planning instrument, and (b) the affordable housing component is at least 10%, and (c) all or part of the development is carried out— (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 (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 housing component under this division.</p> <p>(3) <i>In this section— relevant zone means the following—</i></p> <p class="list-item-l1">a) <i>Zone E1 Local Centre,</i></p> <p class="list-item-l1">b) <i>Zone MU1 Mixed Use,</i></p> <p class="list-item-l1">c) <i>Zone B1 Neighbourhood Centre,</i></p> <p class="list-item-l1">d) <i>Zone B2 Local Centre,</i></p> <p class="list-item-l1">e) <i>Zone B4 Mixed Use.</i></p>	The development is in a E1 Local Centre pursuant to the Cumberland Local Environmental Plan 2021 where shop top housing is permitted with consent. The affordable housing component has exceeded 10% (Calculated at 17.5%). The site is located within the Six Cities Region and within an accessible area, being within 400 metres from Wentworthville Train Station.	Yes Yes Yes
	Noted.	Noted

<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> $\text{affordable housing component} = \frac{\text{additional floor space ratio}}{2} \text{ (as a percentage)}$ <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 involves residential flat buildings or shop top housing.</p> <p>(4) This section does not apply to development on land for which there is no maximum permissible floor space ratio.</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 5904.08 sqm be 885.612 sqm.</p> <p>The development has 1034sqm of floor area as affordable rental housing which is 17.5%.</p>	<p>Yes</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> <ul style="list-style-type: none"> (a) by or on behalf of a relevant authority or registered community housing provider, and (b) on land with a maximum permissible floor space ratio of 2:1 or less. 	<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>(2) The maximum floor space ratio for the development is—</p> <ul style="list-style-type: none"> (a) the maximum floor space ratio calculated in accordance with section 16, or (b) the maximum floor space ratio calculated in accordance with subsection (3). <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> <ul style="list-style-type: none"> (a) if the affordable housing component is at least 50%—0.5:1, or (b) if the affordable housing component is between 20% and 50%—Y:1, where— <p>affordable housing component additional floor space ratio (as a percentage)</p> <p>AH is the affordable housing component.</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> <ul style="list-style-type: none"> (a) includes residential flat buildings or shop top housing, and (b) does not use the additional floor space ratio permitted under section 16. <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>The development relies on clause 16 for the additional floor space ratio and therefore this clause does not apply.</p>	<p>N/A</p>

affordable housing component = additional building height (as a percentage) divided by 2.		
<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>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>	Noted.	
<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> <ul style="list-style-type: none"> (i) 35m² per dwelling, or (ii) 30% of the site area, 	<p>The development has a site area of 1622 square metres.</p> <p>The subject site requires a landscaped area of 486.6 square metres, the proposal provides 31.5 square metres.</p>	<p>Yes</p> <p>No. A clause 4.6 variation request has been submitted and considered acceptable.</p>
<p>(c) a deep soil zone on at least 15% of the site area, where—</p> <ul style="list-style-type: none"> (i) each deep soil zone has minimum dimensions of 3m, and (ii) if practicable, at least 65% of the deep soil zone is located at the rear of the site, <p>(d) living rooms and private open spaces in at least 70% of the dwellings receive at least 3</p>	<p>Subsection (2)(c) does not apply to this development given that Chapter 4 applies.</p>	<p>NA</p>
		N/A

<p>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> <ul style="list-style-type: none"> (i) for each dwelling containing 1 bedroom—at least 0.4 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 0.5 parking spaces, (iii) for each dwelling containing at least 3 bedrooms—at least 1 parking space, 	<p>development given that Chapter 4 of SEPP Housing 2021 applies</p> <p>$2 \times 0.4 = 0.8$ $9 \times 0.5 = 4.5$ $1 \times 1 = 15.5$ Total required = 6.3 (7) car spaces.</p>	Yes
<p>(f) the following number of parking spaces for dwellings not used for affordable housing—</p> <ul style="list-style-type: none"> (i) for each dwelling containing 1 bedroom—at least 0.5 parking spaces, (ii) for each dwelling containing 2 bedrooms—at least 1 parking space, (iii) for each dwelling containing at least 3 bedrooms—at least 1.5 parking spaces, 	<p>$23 \times 1 = 23$ $24 \times 1.5 = 36$ Total required = 59 car spaces.</p> <p>Proposal provides a total of 87 residential (including visitor) car spaces.</p>	Yes
<p>(g) the minimum internal area, if any, specified in the Apartment Design Guide for the type of residential development,</p>	<p>The proposal meets the minimum internal area as per the ADG. Refer to Attachment 8 for a detailed ADG assessment.</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>Not applicable to this proposal.</p>	
<p>(i) if paragraphs (g) and (h) do not apply, the following minimum floor areas—</p> <ul style="list-style-type: none"> (i) for each dwelling containing 1 bedroom—$65m^2$, (ii) for each dwelling containing 2 bedrooms—$90m^2$, 	<p>Noted and addressed above.</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>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>Not applicable to this application as no approval is sought for dual occupancies, manor houses or multi dwelling housing (terraces).</p>	<p>N/A</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>(a) the desirable elements of the character of the local area, or</p> <p>(b) for precincts undergoing transition—the desired future character of the precinct.</p>	<p>The development is 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>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>(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>This is addressed as a condition attached to the recommendation for Panel consideration.</p>	<p>Yes, subject to a condition.</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>The only sub-division proposed as part of this application relates to the Torrens title of the proposed land dedication.</p>	<p>Yes, satisfactory.</p>