

APPENDIX A

State Environmental Planning Policy Housing 2021 Compliance Table

Chapter 2 – Affordable Housing, Division 2 Boarding houses

Division 2 – Boarding Houses	Discussion	Compliance Yes or No
<p>23 Boarding houses permitted with consent</p> <p>(1) Development for the purposes of boarding houses may be carried out with consent on land on which development for the purposes of boarding houses is permitted with consent under another environmental planning instrument.</p>	<p>The subject site is zoned E1 – Local Centre pursuant to the Cumberland Local Environmental Plan 2021, boarding houses are a permissible land use within the zone.</p>	<p>Yes</p>
<p>(2) Development for the purposes of a boarding house must not be carried out on land in Zone R2 Low Density Residential or an equivalent land use zone unless—</p> <p>(a) for land in the Eastern Harbour City, Central River City, Western Parkland City or Central Coast City—the land is within an accessible area, or</p> <p>(b) otherwise—all or part of the boarding house is within 800m walking distance of land in Zone E1 Local Centre, Zone MU1 Mixed Use, Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use, or an equivalent land use zone.</p>	<p>The subject site is zoned E1 – Local Centre.</p>	<p>N/A</p>
<p>24 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 development for the purposes of boarding houses that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.</p> <p>Note—</p> <p>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 development to which this Division applies—</p> <p>(a) for development in a zone in which residential flat buildings or shop top housing are permitted—a floor space ratio that is not more than—</p> <p>(i) the maximum permissible floor space ratio for residential accommodation on the land, and</p> <p>(ii) an additional 30% of the maximum permissible floor space ratio if the</p>	<p>Noted.</p> <p>The subject site is zoned E1 – Local Centre in which shop top housing is permitted, the applicant seeks an additional 30% on the maximum permissible FSR for the floor space used only for the purposes for the boarding house.</p>	<p>Noted.</p> <p>Yes</p>

additional floor space is used only for the purposes of the boarding house,		
(b) if paragraph (a) does not apply—a floor space ratio that is not more than the maximum permissible floor space ratio for residential accommodation on the land,	Not applicable.	N/A
(c) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument,	Not applicable. The subject site is zoned E1 – Local Centre.	N/A
(d) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument,	Not applicable.	N/A
(e) at least 3 hours of direct solar access provided between 9am and 3pm at mid-winter in at least 1 communal living area,	The communal living areas on levels 6 and 7 will receive solar access from 9am to 3pm and therefore achieve the 3 hours of direct sunlight to at least 1 communal living area in mid-winter.	Yes
(f) for a boarding house containing 6 boarding rooms— (i) a total of at least 30m ² of communal living area, and (ii) minimum dimensions of 3m for each communal living area,	Not applicable.	N/A
(g) for a boarding house containing more than 6 boarding rooms— (i) a total of at least 30m ² of communal living area plus at least a further 2m ² for each boarding room in excess of 6 boarding rooms, and (ii) minimum dimensions of 3m for each communal living area,	30sqm + 598sqm = 628sqm required The boarding house component provides 3 communal living areas across levels 5,6 and 7 with a total area of 655.99 sqm and minimum dimensions of 3 metres.	Yes
(h) communal open spaces— (i) with a total area of at least 20% of the site area, and (ii) each with minimum dimensions of 3m,	20% of 2441sqm = 488.2 sqm Boarding house Proposes on levels 8 and 14 equating to 356sqm.	No. Clause 4.6 submitted. Refer to main body of the report for discussion.
(i) if a relevant planning instrument does not specify a requirement for a lower number of parking spaces—at least the following number of parking spaces— (i) for development on land within an accessible area—0.2 parking spaces for each boarding room,	0.2 x 305 boarding rooms = 61. The basement provides a total of 105 car spaces for the residential component of 61 being allocated to the boarding house.	Yes

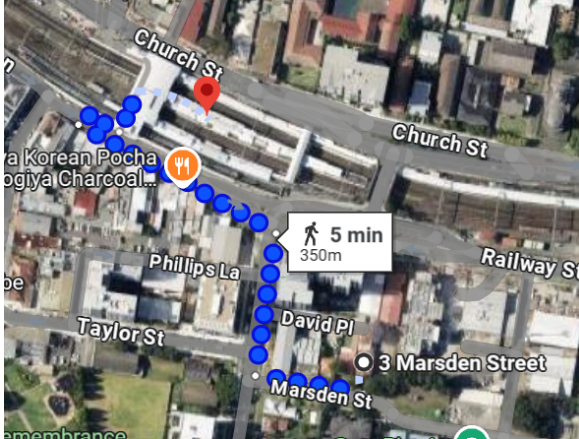
<p>(ii) otherwise—0.5 parking spaces for each boarding room,</p> <p>(j) if a relevant planning instrument specifies a requirement for a lower number of parking spaces—the lower number specified in the relevant planning instrument.</p>		
25 Standards for boarding houses		
<p>(1) Development consent must not be granted under this Division unless the consent authority is satisfied that—</p> <p>(a) no boarding room will have a gross floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of more than 25m², and</p>	<p>All rooms, including the accessible boarding rooms, have an area of 25m² or less when excluding the area, used for the purposes of private kitchen or bathroom facilities</p>	Yes
<p>(b) no boarding room will be occupied by more than 2 adult residents, and</p>	<p>Compliance is achieved and will be verified with a condition of consent.</p>	Yes
<p>(c) adequate bathroom, kitchen and laundry facilities will be available within the boarding house for the use of each resident, and</p>	<p>Each boarding room is provided with a private bathroom, kitchen and laundry facilities. There are also shared bathroom facilities in the communal living rooms on levels 5, 6 and 7.</p>	Yes
<p>(d) for a boarding house on land in Zone R2 Low Density Residential or an equivalent land use zone—the boarding house will not have more than 12 boarding rooms, and</p>	<p>The subject site is zoned E1 Local Centre.</p>	N/A
<p>(e) for a boarding house on land in a business zone—no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use, and</p>	<p>The ground floor that fronts a street will be used for commercial purposes and the communal open space and communal room facing David Place will be for the commercial component.</p>	Yes
<p>(f) for a boarding house containing at least 6 boarding rooms—the boarding house will have at least 1 communal living area, and</p>	<p>The proposed boarding house contains 305 boarding rooms and has three communal living areas located on levels 5, 6 and 7.</p>	Yes
<p>(g) the minimum lot size for the boarding house is not less than—</p> <p>(i) for development on land in Zone R2 Low Density Residential—600m², or</p> <p>(ii) for development on other land—800m².</p> <p>(iii) (Repealed)</p>	<p>The site is zoned E1 and has a site area of 2441m².</p>	Yes
		Yes

<p>(h) each boarding room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of at least the following—</p> <p>(i) for a boarding room intended to be used by a single resident—12m², (ii) otherwise—16m², and</p> <p>(i) the boarding house will include adequate bicycle and motorcycle parking spaces.</p>	<p>Each room accommodates up to 2 residents and have floor area exceeding 16m², excluding the private kitchen and bathroom facilities. The single rooms have a floor area of 12m², excluding the private kitchen and bathroom facilities.</p> <p>The bicycle and motorcycle parking spaces are compliant with this provision. There is one bicycle space per room and motorcycle spaces are allocated at 1 per 5 rooms which is considered adequate.</p>	<p>Yes</p>
<p>(2) Development consent must not be granted under this Division unless the consent authority considers whether—</p> <p>(a) the design of the boarding house will be compatible with—</p> <p>(i) the desirable elements of the character of the local area, or (ii) for precincts undergoing transition—the desired future character of the precinct, and</p> <p>(b) the front, side and rear setbacks for the boarding house are not less than—</p> <p>(i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument, (ii) for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument,</p> <p>(c) if the boarding house has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide.</p> <p>(d) (e) (Repealed)</p>	<p>The development is considered compatible, it consists of a mixed-use development consisting of commercial, a boarding house component and co-living housing. The use of brick and painted finish is consistent with the area and the setbacks are generally comparable with other recent building recently constructed within the vicinity.</p> <p>The subject site is zoned E1 Local Centre.</p> <p>The subject site is zoned E1 Local Centre.</p> <p>Internal building separation to level 8- will not meet the requirement of 18m. Levels 9-13 need 24 metres building separation, and the proposal seeks 12.450m and 16.235m.</p>	<p>Yes</p> <p>N/A</p> <p>N/A</p> <p>No. Acceptable on merit, refer to main body of the report for detailed discussion.</p>
<p>(3) This section does not apply to development for the purposes of minor alterations or additions to an existing boarding house.</p>	<p>Noted. The development is a new building which includes a boarding house.</p>	<p>N/A</p>
<p>26 Must be used for affordable housing in perpetuity</p> <p>(1) Development consent must not be granted under this Division unless the consent authority is satisfied that from the date of the</p>		

<p>issue of the occupation certificate and continuing in perpetuity—</p> <p>(a) the boarding house will be used for affordable housing, and</p> <p>(b) the boarding house will be managed by a registered community housing provider.</p>	<p>A condition is imposed to ensure compliance with this Clause.</p> <p>The details of the registered community housing provider has been provided as part of the application. A condition is imposed ensuring compliance with this Clause.</p>	<p>Yes</p> <p>Yes</p>
<p>(2) Subsection (1) does not apply to development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.</p>	<p>The proposal is not development carried out by or on behalf of the Aboriginal Housing Office or the Land and Housing Corporation.</p>	<p>N/A</p>
<p>27 Subdivision of boarding houses not permitted</p> <p>Development consent must not be granted for the subdivision of a boarding house.</p>	<p>No subdivision is proposed as part of the subject application.</p>	<p>N/A</p>

Chapter 3 – Diverse Housing, Part 3 Co-living housing

State Environmental Planning Policy (Housing) 2021			
Relevant Control		Compliance with Requirements	Satisfactory
Chapter 3 Diverse housing			
Part 3 Co-living housing			
67	<p>Co-living housing may be carried out on certain land with consent</p> <p>Development for the purposes of co-living housing may be carried out with consent on land in a zone in which development for the purposes of co-living housing, residential flat buildings or shop top housing is permitted under another environmental planning instrument.</p>	The land is zoned E1 local Centre under the Cumberland Local Environmental Plan 2021, within which shop-top housing is permitted with consent.	Yes
68 Non-discretionary development standards—the Act, s 4.15			
68(1)	The object of this section is to identify development standards for particular matters relating to development for the purposes of co-living housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.	Noted	Noted.
68(2)	The following are non-discretionary development standards in relation to development for the purposes of co-living housing—	The proposal is not seeking for a 10% floor space ratio bonus under this section.	N/A
	(a) for development in a zone in which residential flat buildings are permitted—a floor space ratio that is not more than—		
	(i) the maximum permissible floor space ratio for residential accommodation on the land, and		
	(ii) an additional 10% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of co-living housing,		
	(b) for co-living housing containing 6 private rooms—	101 Co-living rooms proposed. See control (c) below.	N/A
	(i) a total of at least 30m ² of communal living area, and		
	(ii) minimum dimensions of 3m for each communal living area,		
	(c) for co-living housing containing more than 6 private rooms—	Required: Based on 101 Co-living rooms the proposed requires 220sq m.	Yes
	(i) a total of at least 30m ² of communal living area plus at least a further 2m ² for each private room in excess of 6 private rooms, and		
	(ii) minimum dimensions of 3m for each communal living area,	Proposed: 1 internal communal living area on level 1 measuring 298.21 sq m proposed with minimum internal dimensions of 3 metres.	
	(d) communal open spaces—		
	(i) with a total area of at least 20% of the site area, and	Required: 2441 square metres x 20% = 488.2 sq m.	No. Clause 4.6 provided. Refer to main body of the report for discussion.
	(ii) each with minimum dimensions of 3m,	Proposed: 135.98sq m.	
	(e) unless a relevant planning instrument specifies a lower number—	No car parking rates are prescribed in the CLEP.	Yes

State Environmental Planning Policy (Housing) 2021		
Relevant Control	Compliance with Requirements	Satisfactory
<p>(i) for development on land in an accessible area—0.2 parking spaces for each private room, or</p> <p>(ii) otherwise—0.5 parking spaces for each private room,</p>  <p>The subject site is located within 800m walking distance of a public entrance to a public entrance of a railway station (Lidcombe Train Station) and is therefore in an 'accessible area'.</p>	<p>Required: 101 rooms x 0.2 = 20.2 (21) car spaces.</p> <p>Proposed: The basement provides a total of 105 car spaces for the residential component of 21 being allocated to the co-living housing.</p>	
(f) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument,	The land is zoned E1 Local Centre.	N/A
(g) for development on land in Zone R4 High Density Residential—the minimum landscaping requirements for residential flat buildings under a relevant planning instrument.	The land is zoned E1 Local Centre.	N/A
69 Standards for co-living housing		

State Environmental Planning Policy (Housing) 2021

Relevant Control		Compliance with Requirements	Satisfactory
69(1)	Development consent must not be granted for development for the purposes of co-living housing unless the consent authority is satisfied that— (a) each private room has a floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, that is not more than 25m ² and not less than— (i) for a private room intended to be used by a single occupant—12m ² , or (ii) otherwise—16m ²	Based on the room sizes the co-living housing capacity for 156 occupants.	Yes.
	(b) the minimum lot size for the co-living housing is not less than— (i) for development on land in Zone R2 Low Density Residential—600m ² , or (ii) for development on other land—800m ² , and (iii) (Repealed)	The land is zoned E1 Local Centre with a site area of 2441 square metres.	Yes
	(c) for development on land in Zone R2 Low Density Residential or an equivalent land use zone, the co-living housing— (i) will not contain more than 12 private rooms, and (ii) will be in an accessible area, and	The land is zoned E1 Local Centre.	N/A
	(d) the co-living housing will contain an appropriate workspace for the manager, either within the communal living area or in a separate space, and	The proposal provides an appropriate workspace for the manager in U1.01	Yes
	(e) for co-living housing on land in a business zone—no part of the ground floor of the co-living housing that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use, and	The land is zoned E1 Local Centre. No part of the co-living housing is located on the ground floor.	Yes

State Environmental Planning Policy (Housing) 2021			
Relevant Control		Compliance with Requirements	Satisfactory
	(f) adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant, and	Each room contains private bathroom, kitchen facilities and laundry.	Yes
	(g) each private room will be used by no more than 2 occupants, and	Subject to condition.	Yes
	(h) the co-living housing will include adequate bicycle and motorcycle parking spaces.	The bicycle and motorcycle parking spaces are compliant with this provision. There is one bicycle space per room and motorcycle spaces are allocated at 1 per 5 rooms which is considered adequate. The boarding house component will be provided with 61 motorcycle spaces being 1 per 5 rooms.	Yes
69(2)	Development consent must not be granted for development for the purposes of co-living housing unless the consent authority considers whether—		
	(a) the front, side and rear setbacks for the co-living housing are not less than—		
	(i) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum setback requirements for multi dwelling housing under a relevant planning instrument, or	N/A	N/A
	(ii) for development on land in Zone R4 High Density Residential—the minimum setback requirements for residential flat buildings under a relevant planning instrument, and	N/A	N/A
	(b) if the co-living housing has at least 3 storeys—the building will comply with the minimum building separation distances specified in the Apartment Design Guide, and	<p>Proposed: Levels 1, 2 and 3 propose 8m to the boundary (6m required under the ADG)</p> <p>The communal open space on level 1 has a nil setback (6m) required.</p>	<p>Yes</p> <p>No. Refer to main body of the report for detailed discussion.</p>
	(c) at least 3 hours of direct solar access will be provided between 9am and 3pm at mid-winter in at least 1 communal living area, and	The communal room on level 1 servicing the co-living housing will not achieve any solar access in mid-winter.	No. Refer to main body of the report.
	(f) the design of the building will be compatible with—		
	(i) the desirable elements of the character of the local area, or		
	(ii) for precincts undergoing transition—the desired future character of the precinct.	The development is considered compatible, it consists of a mixed-use development consisting of commercial, a boarding house component and co-living housing. The use of brick and painted finish is consistent with the area and the setbacks are generally comparable with other recent building recently constructed within the vicinity.	Yes

State Environmental Planning Policy (Housing) 2021			
Relevant Control		Compliance with Requirements	Satisfactory
69(3)	(3) Subsection (1) does not apply to development for the purposes of minor alterations or additions to existing co-living housing.	The development is for a new co-living housing development.	N/A
70 No subdivision			
70	Development consent must not be granted for the subdivision of co-living housing into separate lots.	Subdivision is not proposed.	Yes