## **ATTACHMENT 5**

## State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)

The relevant objectives and provisions of the ARH SEPP have been considered in the following assessment table:

Clause		Yes	No	N/A	Comment
Dort 1 Declimin	o.m./				
Part 1 Prelimin 1. Name of Po					
	ate Environmental Planning	<b></b>			
-	Rental Housing) 2009.	$\square$			
2. Commence					
Policy comme	vided by subclause (2), this nces on the day on which it on the NSW legislation	$\boxtimes$			The policy is in force and applicable to the subject DA.
[2]–[4] and commenceme the <u>Environme</u>	[2]–[4], 3.3 [2]–[4], 3.4, 3.11 3.14 commence on the nt of Schedule 3.1 [6] to ental Planning and emendment Act 2008.				
3. Aims of Pol	icy				
The aims of this P	olicy are as follows—				
	onsistent planning regime for of affordable rental housing,	$\square$			The proposed development seeks to meet the objectives of the policy by providing affordable housing.
affordable ren incentives by permissibility,	e effective delivery of new tal housing by providing way of expanded zoning floor space ratio bonuses etionary development				The proposal is not antipathetic to the objectives of the policy.
	e retention and mitigate the gaffordable rental housing,	$\square$			
obligations for loss of existing	alanced approach between retaining and mitigating the g affordable rental housing, for the development of new tal housing,				
(e) to facilitate an profit-provider housing,	expanded role for not-for- s of affordable rental				
providing affor	al business centres by dable rental housing for to places of work,	$\boxtimes$			

Cla	ause	Yes	No	N/A	Comment
(g)	to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.				
4.	Interpretation - General				
(1)	In this Policy— accessible area means land that is within— (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or	$\boxtimes$			The subject land is within an accessible area.
	(b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or				
	(c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the <i>Passenger Transport</i> <i>Act 1990</i> ) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.				
	boarding room means a room or suite of rooms within a boarding house occupied or so constructed or adapted as to be capable of being occupied by one or more lodgers.				
	<ul> <li>(a) when used in relation to the carrying out of development without consent, means development consent and any other type of consent, licence, permission, approval or authorisation that is required by or under an environmental planning instrument, and</li> <li>(b) when used in any other context, means development consent.</li> </ul>				
	existing maximum floor space ratio means the maximum floor space ratio permitted on the land under an environmental planning instrument or development control plan applying to the relevant land, other than this Policy or <u>State Environmental Planning Policy</u> No 1Development Standards. habitable room has the same meaning as in the Building Code of Australia. Note. The term is defined as a room used for normal domestic activities, other than a				

Clause	Yes	No	N/A	Comment
<ul> <li>bathroom, laundry, toilet, pantry, walk in wardrobe, hallway, lobby, clothes drying room or other space of a specialised nature that is not occupied frequently or for extended periods.</li> <li><i>interim heritage order</i> has the same meaning as in the <i>Heritage Act</i> 1977.</li> <li>Land and Housing Corporation means the New South Wales Land and Housing Corporation constituted by the <i>Housing Act</i> 2001.</li> <li>National Rental Affordability</li> <li>Scheme has the same meaning as in the <i>National Rental Affordability Scheme</i> Act 2008 of the Commonwealth.</li> <li>registered community housing provider has the same meaning as in the <i>Housing Act</i> 2001.</li> <li>site area or site means the area of any land on which development is, or is to be, carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Policy.</li> <li>social housing provider means any of the following— <ul> <li>(a) the Department of Human Services,</li> <li>(b) the Land and Housing Corporation,</li> <li>(c) a registered community housing provider,</li> <li>(d) the Aboriginal Housing Office,</li> <li>(e) a registered Aboriginal housing organisation within the meaning of the <i>Aboriginal Housing Act</i> 1998,</li> <li>(f) a local government authority that provides affordable housing,</li> <li>(g) a not-for-profit organisation that is a direct provider of rental housing to tenants.</li> </ul> </li> <li>standard instrument means the standard instrument set out at the end of the <i>Standard Instrument (Local Environmental Plans) Order</i> 2006.</li> <li>State Heritage Register under the <i>Heritage Act</i> 1977.</li> </ul>	Yes	No	N/A	Comment
<u>Environmental Plans) Order 2006</u> . <b>State Heritage Register</b> means the State Heritage Register under the <u>Heritage Act</u> <u>1977</u> .				
<ul> <li>supportive accommodation means the use of an existing building (being a residential flat building or boarding house) for the purposes of—</li> <li>(a) the long term accommodation, in a</li> </ul>				
separate dwelling or boarding room, of a person (such as former homeless person) who needs support services to be provided in the building, and (b) any services in support of such a				
person, including but not limited to, medical services, counselling services or				

Cla	ause	Yes	No	N/A	Comment
(3)	education and training services, and it may include the use of part of the building for the purposes of supervising, or providing administrative services in respect of, such a person. <b>Sydney region</b> means the region having that name declared under section 4 (6) of the Act. <b>Note.</b> The Sydney region means land within the following Local Government Areas— Ashfield, <u>Auburn</u> , Bankstown, Baulkham Hills, Blacktown, Blue Mountains, Botany, Burwood, Canada Bay, Camden, Campbelltown, Canterbury, Fairfield, Gosford, Hawkesbury, Holroyd, Hornsby, Hunters Hill, Hurstville, Kogarah, Ku-ring- gai, Lane Cove, Leichhardt, Liverpool, Manly, Marrickville, Mosman, North Sydney, Parramatta, Penrith, Pittwater, Randwick, Rockdale, Ryde, Strathfield, Sutherland, Sydney, Warringah, Waverley, Willoughby, Wollondilly, Woollahra and Wyong. <b>the Act</b> means the <u>Environmental</u> <i>Planning and Assessment Act 1979</i> . <b>walking distance</b> means the shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings. <b>Note.</b> The Act and the <u>Interpretation Act</u> <i>1987</i> contain definitions and other provisions that affect the interpretation and application of this Policy. A word or expression used in this Policy (other than Schedule 1 or 2) has the same meaning as it has in the standard instrument (as in force immediately before the commencement of the <u>Standard</u> <u>Instrument (Local Environmental Plans)</u> <u>Amendment Order 2011</u> ) unless it is otherwise defined in this Policy.				
5 (1)	Interpretation—references to equivalent land use zones A reference in this Policy to a land use zone that is equivalent to a named land use zone is a reference to a land use zone under an environmental planning instrument that is not made as provided by section 3.20 (2) of the Act—				The proposal is permissible with consent as it is on land zoned B4 Mixed Use as noted in Clause 26.

Clause	Yes	No	N/A	Comment
<ul> <li>(a) that the Director-General has determined under clause 1.6 of <u>State Environmental Planning Policy</u> (Exempt and Complying <u>Development Codes</u>) 2008 is a land use zone in which equivalent land uses are permitted to those permitted in that named land use zone, or</li> <li>(b) if no such determination has been made in respect of the particular zone, is a land use zone in which (in the opinion of the relevant authority)</li> </ul>				
equivalent land uses are permitted to those permitted in that named land use zone. (2) An assessment made by a relevant				
(2) An assessment made by a relevant authority under subclause (1) (b) applies only in respect of the particular development that is proposed to be carried out and more than one such assessment may be made in respect of the same land use zone.				
<ul> <li>(2A) Despite subclause (1), in relation to land— <ul> <li>(a) to which an environmental planning instrument that is not made as provided by section 3.20 (2) of the Act applies, and</li> </ul> </li> </ul>				
(b) to which a draft environmental planning instrument that complies with that section and that has been the subject of community consultation also applies,				
a reference in this Policy to a lot or land in a land use zone that is equivalent to a named land use zone is a reference to a lot or land specified in such a zone in the last such draft environmental planning instrument that was the subject of such community consultation.				
(2B) In subclause (2A), community consultation means community consultation under section 57 of the Act or public exhibition under section 66 of the Act (as continued on by clause 12 of the <u>Environmental Planning and</u> <u>Assessment Regulation 2000</u> ).				
(3) In this clause, <i>relevant authority</i> means—				
<ul> <li>(a) the public authority proposing to carry out the development, or on whose behalf the development is proposed</li> </ul>				

Clause	Yes	No	N/A	Comment
to be carried out, or (b) if the development is to be carried out by or on behalf of a person other than a public authority, the consent				
authority. 6 Affordable housing				
Note. The Act defines affordable housing as follows—	$\boxtimes$			Noted.
affordable housing means housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.				
(1) In this Policy, a household is taken to be a very low income household, low income household or moderate income household if the household—				
<ul> <li>(a) has a gross income that is less than 120 per cent of the median household income for the time being for the Greater Sydney (Greater Capital City Statistical Area) (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or</li> </ul>				
(b) is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.				
(2) In this Policy, residential development is taken to be for the purposes of affordable housing if the development is on land owned by the Land and Housing Corporation.				
7 Land to which Policy applies				
This Policy applies to the State.	$\square$			Noted.
<ul> <li>8 Relationship with other environmental planning instruments</li> <li>If there is an inconsistency between this Policy and any other environmental planning instrument, whether made before or after the</li> </ul>	$\boxtimes$			Noted.

Cla	ause	Yes	No	N/A	Comment
	nmencement of this Policy, this Policy vails to the extent of the inconsistency.				
	Suspension of covenants, agreements and instruments For the purpose of enabling development on land in any zone to be carried out in accordance with this Policy or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.				Noted.
(2)	<ul><li>This clause does not apply—</li><li>(a) to a covenant imposed by the Council or that the Council requires to be imposed, or</li></ul>				
	(b) to any relevant instrument within the meaning of section 13.4 of the <u>Crown</u> <u>Land Management Act 2016</u> , or				
	(c) to any conservation agreement within the meaning of the <u>National Parks</u> <u>and Wildlife Act 1974</u> , or				
	<ul> <li>(d) to any Trust agreement within the meaning of the <u>Nature Conservation</u> <u>Trust Act 2001</u>, or</li> </ul>				
	<ul> <li>(e) to any property vegetation plan within the meaning of the <u>Native Vegetation</u> <u>Act 2003</u>, or</li> </ul>				
	<ul> <li>(f) to any biobanking agreement within the meaning of Part 7A of the <u>Threatened Species</u> <u>Conservation Act 1995</u>, or</li> </ul>				
	(g) to any planning agreement within the meaning of Division 7.1 of the Act.				
(3)	This clause does not affect the rights or interests of any public authority under any registered instrument.				
(4)	Under section 3.16 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3).				

	Part 2 Permitted or prohibited development						
	ision 3 – Boarding houses	r	r	1			
25	Definition						
con boa all l a lo	his Division— <i>munal living room</i> means a room within a rding house or on site that is available to odgers for recreational purposes, such as unge room, dining room, recreation room games room.				Noted.		
	Land to which Division applies						
follo zor	s Division applies to land within any of the owing land use zones or within a land use e that is equivalent to any of those es—				The land is zoned B4 Mixed Use under the Auburn LEP 2010.		
	(a) Zone R1 General Residential,						
	(b) Zone R2 Low Density Residential,						
	(c) Zone R3 Medium Density Residential,						
	(d) Zone R4 High Density Residential,						
	(e) Zone B1 Neighbourhood Centre,						
	(f) Zone B2 Local Centre,						
	(g) Zone B4 Mixed Use.						
27	Development to which Division applies						
(1)	This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.	$\boxtimes$			The proposed development includes a boarding house component.		
(2)	Despite subclause (1), clauses 29, 30 and 30A do not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney region unless the land is within an accessible area.				The land is not within an R2 Low Density Residential zone.		
(3)	Despite subclause (1), clauses 29, 30 and 30A do not apply to development on land within Zone R2 Low Density Residential or within a land use zone that is equivalent to that zone that is not in the Sydney region unless all or part of the development is within 400 metres walking distance of land within Zone B2 Local Centre or Zone B4 Mixed Use or within a land use zone that is equivalent to any of those zones.				The land is not within an R2 Low Density Residential zone.		

28 Development may be carried out with consent			
Development to which this Division applies may be carried out with consent.			Consent is sought by the DA.
29 Standards that cannot be used to refuse consent			
(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than—			
<ul> <li>(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or</li> </ul>			The proposed development satisfies the maximum FSR under the Auburn LEP plus the bonus allowed under this policy.
			i.e.:
			Maximum FSR (ALEP) 0.5:1
			SEPP bonus 20% 0.1:1
			TOTAL MAXIMUM FSR 0.6:1
			The development has a total GFA of 5,630m <sup>2</sup> over a site area of 944m <sup>2</sup> which results in an FSR of 5.97:1.
(b) if the development is on land within a zone in which no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or			
(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus—			The proposed development satisfies the maximum FSR under the Auburn LEP plus the bonus allowed under this policy.
<ul> <li>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or</li> <li>(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.</li> </ul>			
(2) A consent authority must not refuse			

consent to development to which this Division applies on any of the following grounds— (a) building height			Building height is compliant with the maximum prescribed under the Auburn LEP.
if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,	$\boxtimes$		The landscape treatment of the frontage is in keeping with that required by the Auburn DCP.
(b) landscaped area			
if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,			Communal spaces are provided at the ground
(c) solar access			floor, level 1, level 5, level 10 and level 11. 3
where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,			hours solar access is afforded to those areas provided on level 10 and level 11 at mid-winter. Ground floor open space area – 107sqm
(d) private open space			Level 1 – communal terrace – 37sqm
if at least the following private open space areas are provided (other than the front setback area)—			Level 5 – communal terrace – 37sqm Level 10 – communal terrace – 37sqm Level 11 lounge area – 35sqm
<ul> <li>(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</li> </ul>			
<ul> <li>(ii) if accommodation is provided on site for a boarding house manager— one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,</li> </ul>			21sqm provided. Amendments to the proposal from the original scheme have improved the amenity that space.
(e) parking			
if— (i) in the case of development carried out by or on behalf of a social housing provider in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and		$\square$	
<ul> <li>(ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and</li> </ul>		$\boxtimes$	

<ul> <li>(iia) in the case of development not carried out by or on behalf of a social housing provider—at least 0.5 parking spaces are provided for each boarding room, and</li> <li>(iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,</li> </ul>			The proposal provides 64 car spaces including 5 allocated to the commercial tenancy and 1 to be allocated for the manager. This leaves 58 spaces for 140 rooms. A parking statement is provided which justifies the shortfall.
<ul> <li>(f) accommodation size</li> <li>if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least—</li> </ul>			All rooms are double rooms and between 21 and 25m <sup>2</sup> in size excluding kitchen and bathroom areas.
<ul><li>(i) 12 square metres in the case of a boarding room intended to be used</li></ul>		$\square$	
by a single lodger, or (ii) 16 square metres in any other case.	$\boxtimes$		Complies.
(3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.			Noted. Kitchen and bathroom facilities are provided.
<ul> <li>(4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).</li> </ul>			Noted
(5) In this clause—			
social housing provider does not include a registered community housing provider unless the registered community housing provider is a registered entity within the meaning of the <u>Australian</u> <u>Charities and Not-for-profits Commission</u> <u>Act 2012</u> of the Commonwealth.			
30 Standards for boarding houses			
<ol> <li>A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following—</li> </ol>			
<ul> <li>(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</li> </ul>			A number of communal spaces are provided throughout the building which offer communal seating, cooking and dining opportunities.

(b)	no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,			Complies
(c)	no boarding room will be occupied by more than 2 adult lodgers,	$\boxtimes$		Condition of consent can be imposed to this effect.
(d)	adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,			Facilities are provided within each room.
(e)	if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,			A manager's room is provided on the ground floor.
(f)	(Repealed)			
(g)	if the boarding house is on land zoned primarily for commercial purposes, 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 such a use,			The land is a mixed use zone and provides a commercial use to the street front.
(h)	at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.			28 of each required. 30 motorbikes and 33 bicycle parking spaces is provided.
dev alte	oclause (1) does not apply to elopment for the purposes of minor rations or additions to an existing rding house.			
	Boarding houses in Zone R2 Low Density Residential			
A conse develop land wit or withir that zon	ent authority must not grant oment consent to a boarding house on hin Zone R2 Low Density Residential n a land use zone that is equivalent to ne unless it is satisfied that the g house has no more than 12 boarding			The land is not within an R2 Low Density Residential zone.
A conse develop unless i the desi	haracter of local area ent authority must not consent to oment to which this Division applies t has taken into consideration whether ign of the development is compatible e character of the local area.			The local area is considered to be that part of the B4 Mixed Use zone bounded by Kerr Parade, Marion Street, Queen Street and Civic Road as shown below.

				<ul> <li>The local area comprises a number of low rise residential flat buildings, commercial buildings, a church and a school. The local area is transitioning to higher density developments in accordance with the planning controls that apply as evident from the adjoining development. The area is currently subject to a maximum height limit of 38m and maximum floor space ratio (FSR) of 5:1. The emerging character of the area is generally that of mixed use or residential flat buildings approximately 12 storeys in height.</li> <li>The scale of the proposed building is in keeping with that anticipated by the development standards that apply to the land.</li> <li>The physical characteristics of the development do not restrict how other land in the local area may be developed in the future.</li> <li>Overshadowing from the development is reasonable and the proposal has addressed privacy through design measures.</li> <li>The design of the proposed development is considered to be compatible with the character of the local area, noting the emerging character anticipated by the development standards that apply.</li> </ul>
Part 4 Miscellaneous				
52 No subdivision of boarding houses				
A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.	$\square$			Subdivision of the boarding house is not proposed.