

## Annexure 2 – SEPP (Affordable Rental Housing) 2009 – Table of Compliance

The proposal has been assessed against the relevant provisions of SEPP (Affordable Rental Housing) 2009. The assessment against the SEPP is outlined in the following table:

Part 1 – Preliminary and Division 1 – In-fill Affordable Housing			
Clause	Control	Proposal	Complies
<b>6 – Affordable Housing</b>	<p><i><b>affordable housing</b> 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.</i></p> <p>(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—</p> <p>(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</p> <p>(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.</p> <p>(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.</p>	For the purpose of this Policy, the entire development is considered affordable housing if on land owned by Land and Housing Corporation.	Yes
<b>10 – Development to which this division applies</b>	<p>(1) This Division applies to residential development if—</p> <p>(a) the development is permitted with consent under another environmental planning instrument, and</p>	Residential flat buildings are permitted with consent under LCLEP 2009.	Yes

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	<p>(b) the development is on land that does not contain a heritage item that is identified in an environmental planning instrument, an interim heritage order or on the State Heritage Register under the <a href="#">Heritage Act 1977</a>, and</p> <p>(c) the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20%, and</p> <p>(d) for development on land in the Greater Sydney region, Newcastle region or Wollongong region—all or part of the development is within an accessible area, and</p> <p>(e) for development on other land—all or part of the development is within 400 metres walking distance of land within Zone B1 Neighbourhood Centre, Zone B2 Local Centre or Zone B4 Mixed Use, or within a land use zone that is equivalent to those zones.</p>	<p>The land does not contain a specified heritage item.</p> <p>1,142.11m<sup>2</sup> or 42.7% of GFA is to be used for the purpose of affordable housing. (Though note Clause 6, classifies entire development as affordable)</p> <p>An accessible area is defined in the SEPP. The proposal would comply with the bus service provision of the definition.</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
<b>13 – Floor Space Ratios</b>	<p>(2) The maximum floor space ratio for development to which this Division applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus—</p> <p>(a) if the existing maximum floor space ratio is 2.5:1 or less—</p> <p>(i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or</p>	<p>The maximum permitted FSR under LCLEP 2009 is 1.8:1.</p> <p>The applicable FSR bonus under this clause is related to the percentage of affordable housing provided.</p> <p>1,142.11m<sup>2</sup> or 42.7% of GFA is to be used for the purpose of affordable housing Therefore a 0.427:1 bonus FSR would apply.</p> <p>The maximum permitted FSR under the SEPP is</p>	<p>Yes</p>

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	<p>(ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent,</p> <p>where—</p> <p><b>AH</b> is the percentage of the gross floor area of the development that is used for affordable housing.  <math>Y = AH \div 100</math></p>	<p>therefore 1.8:1 + 0.427:1 being 2.227:1</p> <p>The proposed FSR is 1.526:1 housing.</p>	
<b>14 – Standards that cannot be used to refuse consent</b>	(1)(b) <b>Site Area</b> at least 450m <sup>2</sup>	Complies.	Yes
<b>14 – Standards that cannot be used to refuse consent</b>	<p>(1)(c) <b>Landscape Area</b></p> <p>If a social housing provider, at least 35m<sup>2</sup> per dwelling.</p> <p>In any other case 30%.</p>	<p>1,050m<sup>2</sup> required (59% of site area).</p> <p>734.24m<sup>2</sup> (41.9% of site area) proposed.</p>	No
<b>14 – Standards that cannot be used to refuse consent</b>	<p>(1)(d) <b>Deep Soil Zones</b></p> <p>if, in relation to that part of the site area (being the site, not only of that particular development, but also of any other associated development to which this Policy applies) that is not built on, paved or otherwise sealed—</p> <p>(i) there is soil of a sufficient depth to support the growth of trees and shrubs on an area of not less than 15 per cent of the site area (the <b>deep soil zone</b>), and</p> <p>(ii) each area forming part of the deep soil zone has a minimum dimension of 3 metres, and</p> <p>(iii) if practicable, at least two-thirds of the deep soil zone is located at the rear of the site area,</p>	<p>23.12% with minimum 3m dimension.</p> <p>Large deep soil area provided to the rear of the site.</p>	
<b>14 – Standards that cannot be used to refuse consent</b>	<p>(1)(e) <b>Solar Access</b></p> <p>If living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the</p>	SEPP 65 provisions prevail.	Yes

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<b>Clause</b>	<b>Control</b>	<b>Proposal</b>	<b>Complies</b>
	development receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.		
<b>14 – Standards that cannot be used to refuse consent</b>	<b>(2)(a) Parking</b>  (i) in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom, at least 0.5 parking spaces are provided for each dwelling containing 2 bedrooms and at least 1 parking space is provided for each dwelling containing 3 or more bedrooms, or	7 x 1 bedroom units 19 x 2 bedroom units 4 x 3 bedroom units  Total parking required: 16.3 spaces  Parking proposed: 38 residential spaces and 5 residential visitor parking.	Yes
<b>14 – Standards that cannot be used to refuse consent</b>	<b>(2)(b) Dwelling Size</b>  if each dwelling has a gross floor area of at least— (i) 35 square metres in the case of a bedsitter or studio, or (ii) 50 square metres in the case of a dwelling having 1 bedroom, or (iii) 70 square metres in the case of a dwelling having 2 bedrooms, or (iv) 95 square metres in the case of a dwelling having 3 or more bedrooms.	Minimum 1 bed:  Minimum 2 bed:  Minimum 3 bed:	Yes
<b>15 – Design Requirements</b>	Assess against Seniors Living Policy unless SEPP 65 applies.	SEPP 65 applies.	N/A
<b>16 – Continued Application of SEPP 65</b>	Nothing in this Policy affects the application of SEPP 65.	Noted. Separate SEPP 65 assessment completed.	Yes
<b>16A – Character of Local Area</b>	A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.	The proposal is compatible with the local character as outlined in the report.	Yes
<b>17 – Must be used for affordable housing for 10 years</b>	<b>17</b> (1) A consent authority must not consent to development to which this Division applies unless	The applicant has indicated no objection is raised to a condition	Yes

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	<p>conditions are imposed by the consent authority to the effect that—</p> <p>(a) for 10 years from the date of the issue of the occupation certificate—</p> <p>(i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and</p> <p>(ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and</p> <p>(b) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the <a href="#">Conveyancing Act 1919</a>, that will ensure that the requirements of paragraph (a) are met.</p> <p>(2) Subclause (1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by, or on behalf of, a public authority.</p>	requiring compliance with Clause 17 of the SEPP.	
<b>18 - Subdivision</b>	Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority.	Stratum proposed. Separate application for strata subdivision of stratum lots would be required.	Yes