

## SITE COMPATIBILITY CERTIFICATE APPLICATION

### 1 Panorama Avenue, WOOLLOOWARE, NSW 2230



Pacific Community Housing

Submitted to Department of Planning  
Industry and Environment

June 2020

## Table of Contents

### Contents

1.	Introduction .....	1
1.1	Overview .....	1
1.2	Affordable Rental Housing SEPP .....	1
2.	Site Description and Context .....	4
2.1	Site Description .....	4
2.2	Site Context .....	10
2.3	Existing Environment .....	11
3	Description of the Proposal .....	12
3.1	Development Overview .....	12
3.2	Development Background.....	12
3.3.1	Development Overview .....	13
3.3	Development and Design Principles .....	14
3.3.1	Built Form and Scale.....	14
3.3.2	Apartment Size and Layout .....	15
3.3.3	Landscape and Common Areas.....	15
3.3.4	Access and Vehicles.....	16
3.3.5	Amenity .....	16
3.3.6	Infrastructure and Services .....	17
4	Statutory Context.....	18
4.1	Environmental Planning & Assessment Act 1979 .....	18
4.2	State Environmental Planning Policies.....	19
4.2.1	SEPP (Affordable Rental Housing) 2009.....	19
4.2.2	Relationship with other environmental planning instruments.....	27
4.2.3	SEPP 55 Remediation of Land .....	27
4.2.4	SEPP 65 Design Quality of Residential Apartment Development .....	28
4.3	Sutherland LEP 2015 .....	28
4.3.1	Zoning.....	29
4.3.2	Height of Buildings .....	32
4.3.3	Floor Space Ratio.....	33
4.3.4	Heritage.....	35

---

5	Strategic Context.....	38
5.1	A Metropolis of Three Cities – The Greater Sydney Region Plan.....	38
5.2	South City District Plan.....	40
5.3	Draft Sutherland Shire Local Strategic Planning Statement .....	42
5.4	Sutherland Shire Housing Strategy 2014 .....	42
6	Need for Affordable Housing .....	44
6.1	Social and Economic Impact .....	44
6.1.1	Strategic Context.....	44
6.1.2	Affordable Housing Taskforce Report.....	45
6.1.3	Development Under the ARH SEPP.....	46
6.1.4	Objectives of the EP&A Act.....	46
7	Conclusion.....	48

---

## LIST OF TABLES

TABLES	NAME	PAGE No.
<b>Table 1:</b>	Site description	4
<b>Table 2</b>	Proposal Overview	12
<b>Table 3</b>	Assessment of Affordable Housing SEPP	21-27
<b>Table 4</b>	Site Development Standards	28

## LIST OF FIGURES

FIGURE	NAME	PAGE No.
<b>Figure 1</b>	Distance of site from Woollooware railway station – approx. 10 metres	2
<b>Figure 2:</b>	Site Description (Source: SixMaps)	4
<b>Figure 3:</b>	Aerial view of the subject site (Source: SixMaps)	5
<b>Figure 4:</b>	Subject site in context of Woollooware station	5
<b>Figure 5</b>	Distance from site to station entrance	6
<b>Figure 6</b>	View north along Swan Street towards train station	6
<b>Figure 7</b>	Opposite residential flat development: 2 -4 Swan Street	7
<b>Figure 8</b>	3 to 4 storey development on south side of The Kingsway	7
<b>Figure 9</b>	View along Swan Street looking south towards The Kingsway	7
<b>Figure 10</b>	View corner of Swan Street and Panorama Avenue	8
<b>Figure 11</b>	Nearby development: 6 Panorama Avenue	8
<b>Figure 12</b>	Nearby development: 117 Kingsway	9
<b>Figure 13</b>	View east along Panorama Avenue	9
<b>Figure 14</b>	Zoning Map under Sutherland LEP 2015	10
<b>Figure 15</b>	Site Context	11
<b>Figure 16</b>	Indicative south elevation	14
<b>Figure 17</b>	Indicative east elevation	15
<b>Figure 18</b>	Green/Open Space Provision	16
<b>Figure 19</b>	Sutherland LEP 2015 Land Zoning Map	30
<b>Figure 20</b>	Maximum Height of Buildings Map	32
<b>Figure 21</b>	Height of Building 'FOG' diagram	33
<b>Figure 22</b>	Maximum Floor Space Ratio Map	34
<b>Figure 23</b>	Heritage Map	36
<b>Figure 24</b>	2 Swan Street – “Wyndam Flats” heritage item	36
<b>Figure 25</b>	Eastern Harbor City Structure Plan	39
<b>Figure 26</b>	Extract from South District Structure Plan	41

**APPENDICES**

APPENDICES	TITLE
Appendix A	Survey Plan
Appendix B	Architectural Design Concept
Appendix C	Architectural Design Statement
Appendix D	SEPP 65 Compliance Statement
Appendix E	Authority to lodge
Appendix F	Social Housing Provider Letter
Appendix G	Transport Report
Appendix H	Shadow Diagrams

---

## Contact

This report has been prepared on behalf of Pacific Community Housing Pty Ltd by:

James Matthews  
June 2020 (Version 1)

### **Pacific Planning Pty Ltd**

PO Box 8  
Caringbah  
NSW 1495

M 0437 521 110  
E [jmatthews@pacificplanning.com.au](mailto:jmatthews@pacificplanning.com.au)  
ABN: 88 610 562 760

All Rights Reserved. No material may be reproduced without prior permission of Pacific Planning Pty Ltd. Pacific Planning Pty Ltd while working on this project has tried to ensure the accuracy of the information in this publication, it accepts no responsibility or liability for any errors, omissions or resultant consequences including any loss or damages arising from reliance in the information in this publication.

---

# 1. Introduction

## 1.1 Overview

This Report has been prepared by Pacific Planning on behalf of Pacific Community Housing to accompany an application to the NSW Department of Planning Industry and Environment (DPIE) for a Site Compatibility Certificate (SCC) under Division 5 of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP). The application relates to land located at 1 Panorama Avenue, Woollooware.

The SCC supports the development of the site which will facilitate 16 dwellings, of which 50% (8 dwellings) will be designated affordable housing units, managed by Pacific Community Housing, a registered and accredited housing provider, for a period of 10 years in accordance with the provisions of the ARH SEPP.

The subject site is zoned R3 Medium Density Residential within which zone development for the purpose of a 'residential flat building' is prohibited. The site adjoins the public entrance to Woollooware railway station and is therefore within the 800 metres designated by the ARH SEPP. As per Section 34(a) the provisions of Division 5 of the ARH SEPP therefore apply.

This report describes the site, its context and existing environment. It also outlines the proposal, the project justification and provides an environmental assessment of the concept facilitated by the SCC against the provisions of the ARH SEPP and relevant matters for consideration, including relevant legislation, environmental planning instruments, planning policies and strategies.

The SCC application is supported and should be read in conjunction with the following reports and documentation:

- Survey Plan, prepared by DC Surveying, dated 7 March 2020
- Concept Design Report and Shadow Diagrams, prepared by Stanisic Architects, dated 7 May 2020
- SEPP 65 Design Compliance Statement, prepared by Stanisic Architects, dated 7 May 2020
- Architectural Design Statement, prepared by Stanisic Architects, dated 7 May 2020
- Confirmation of Community Housing Provider, prepared by Pacific Community Housing
- Transport Plan

## 1.2 Affordable Rental Housing SEPP

The Affordable Housing SEPP was introduced on 31 July 2009 to increase the supply and diversity of affordable rental and social housing throughout NSW by promoting infill affordable rental housing in existing residential areas that are accessible by public transport. Developments are required to be well located and to be designed to be compatible with the character of the locality.

Throughout NSW there is a strong need for a range of affordable housing options amongst the community, and it is well recognised that government at all levels, private industry and the non-government sector must



work in partnership towards finding innovative ways to provide more affordable housing. The Affordable Housing SEPP is a policy mechanism to facilitate this co-operation.

As stated above, the ARH SEPP applies to the subject land. Clause 34 Land to which Division applies, states:

*This Division applies to the following land, but not if development for the purposes of a residential flat building is permissible on the land under another environmental planning instrument:*

- (a) *land in the Sydney region that is within 800 metres of:*
  - (i) *a public entrance to a railway station or light rail station, or*
  - (ii) *in the case of a light rail station with no entrance—a platform of the light rail station,*
- (b) *land in one of the following towns that is within 400 metres of land in Zone B3 Commercial Core, Zone B4 Mixed Use or a land use zone that is equivalent to either of those zones:*

*Albury, Ballina, Batemans Bay, Bathurst, Bega, Bowral, Cessnock, Charlestown, Coffs Harbour, Dapto, Dubbo, Glendale–Cardiff, Gosford, Goulburn, Grafton, Lismore, Maitland, Morisset, Newcastle, Nowra, Orange, Port Macquarie, Queanbeyan, Raymond Terrace, Shellharbour, Tamworth, Taree, Tuggerah– Wyong, Tweed Heads, Wagga Wagga, Warrawong, Wollongong.*

Therefore, the SEPP applies as follows:

- the land adjoins the entrance to Woollooware railway station (see Figure 1 below) and is therefore within the 800 metre requirement; and
- is zoned R3 Medium Density Residential under the Sutherland LEP 2015 under which ‘*residential flat buildings*’ are not permitted.



**Figure 1:** Distance of site from Woollooware railway station – approx. 10 metres



Further, in accordance with the requirements of the SEPP, this report will demonstrate:

- Compatibility with surrounding land uses;
- Acceptable impact, in respect to bulk and scale, on existing and approved uses;
- Sufficient services and infrastructure to meet the demands arising from the development; and
- That the development concerned will not have an adverse effect on the environment.

## 2. Site Description and Context

### 2.1 Site Description

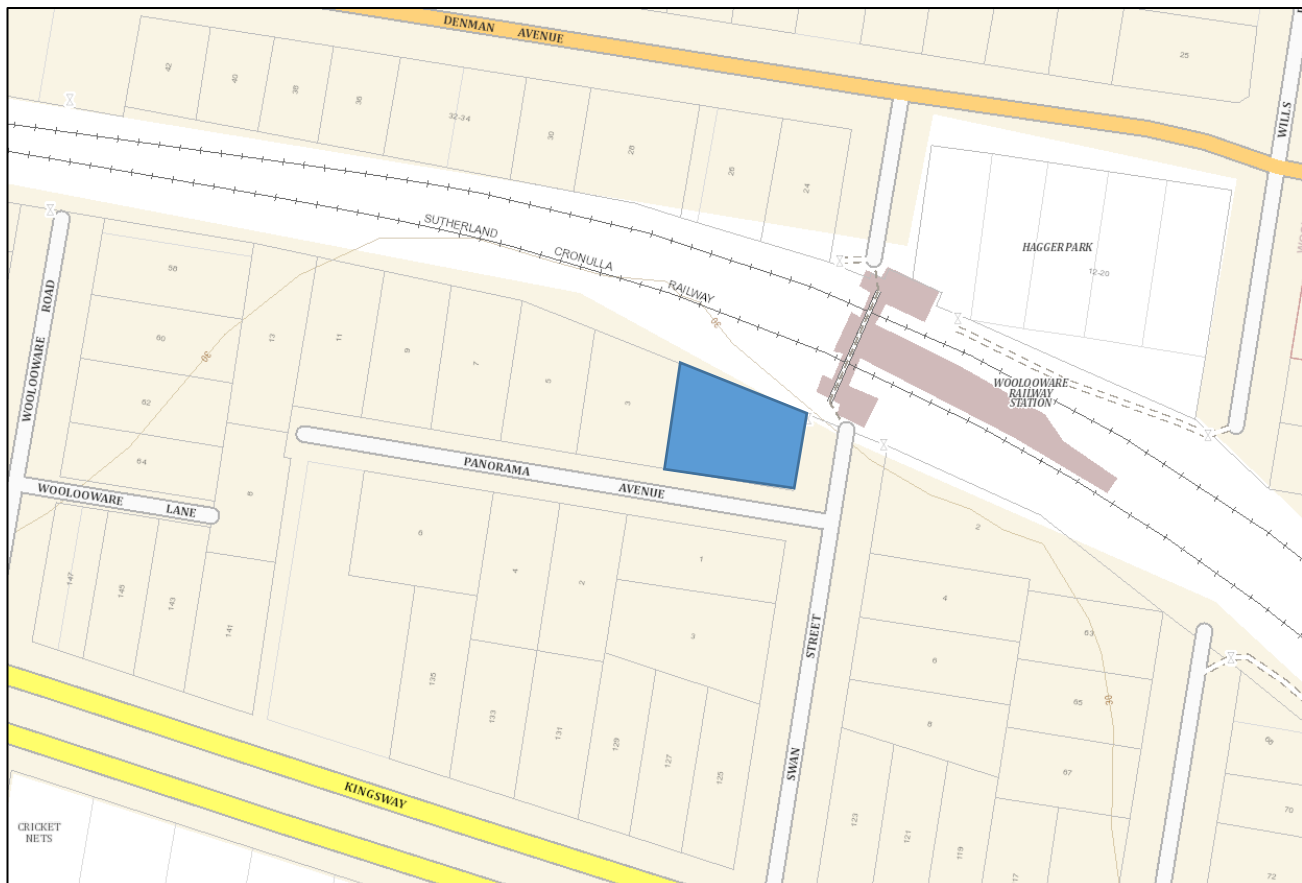
The land to which this SCC application applies is located at 1 Panorama Avenue, Woollooware. The site is located on the south side of the Woollooware railway station and immediately adjoins its southern entrance. The site is known legally as Lot 11 in DP 1967.

As shown in the attached survey plan (Appendix A), the site has a frontage of 18 metres to Swan Street and 31 metres to Panorama Avenue. The interface with the railway line is 32 metres and a common boundary to 3 Panorama Avenue of 24.6 metres. The land the subject of this SCC application is identified in Figures 2 and 3.

The subject site comprises one lot and is known legally as follows:

Address	Lot details	Area (m <sup>2</sup> )
1 Panorama Avenue	Lot 11 in DP 19678	674.9sq.m

**Table 1:** Site description



**Figure 2:** Site Description (Source: Sixmaps)



**Figure 3:** Aerial view of the subject site (Source: SixMaps)



**Figure 4:** Subject site in context of Woollooware station





**Figure 5:** Distance from site to station entrance



**Figure 6:** View north along Swan Street towards train station





Figure 7: Opposite residential flat development: 2 -4 Swan Street



Figure 8: 3 to 4 storey development on south side of The Kingsway



Figure 9: View along Swan Street looking south towards The Kingsway





Figure 10: View corner of Swan Street and Panorama Avenue



Figure 11: Nearby development: 6 Panorama Avenue





Figure 12: Nearby development: 117 Kingsway



Figure 13: View east along Panorama Avenue

## 2.2 Site Context

The site is currently zoned R3 Medium Density Residential under the Sutherland Local Environmental Plan 2015. As 'Residential flat buildings' are prohibited in the R3 Medium Density Residential zone, Division 5 of the Affordable Rental Housing SEPP applies.

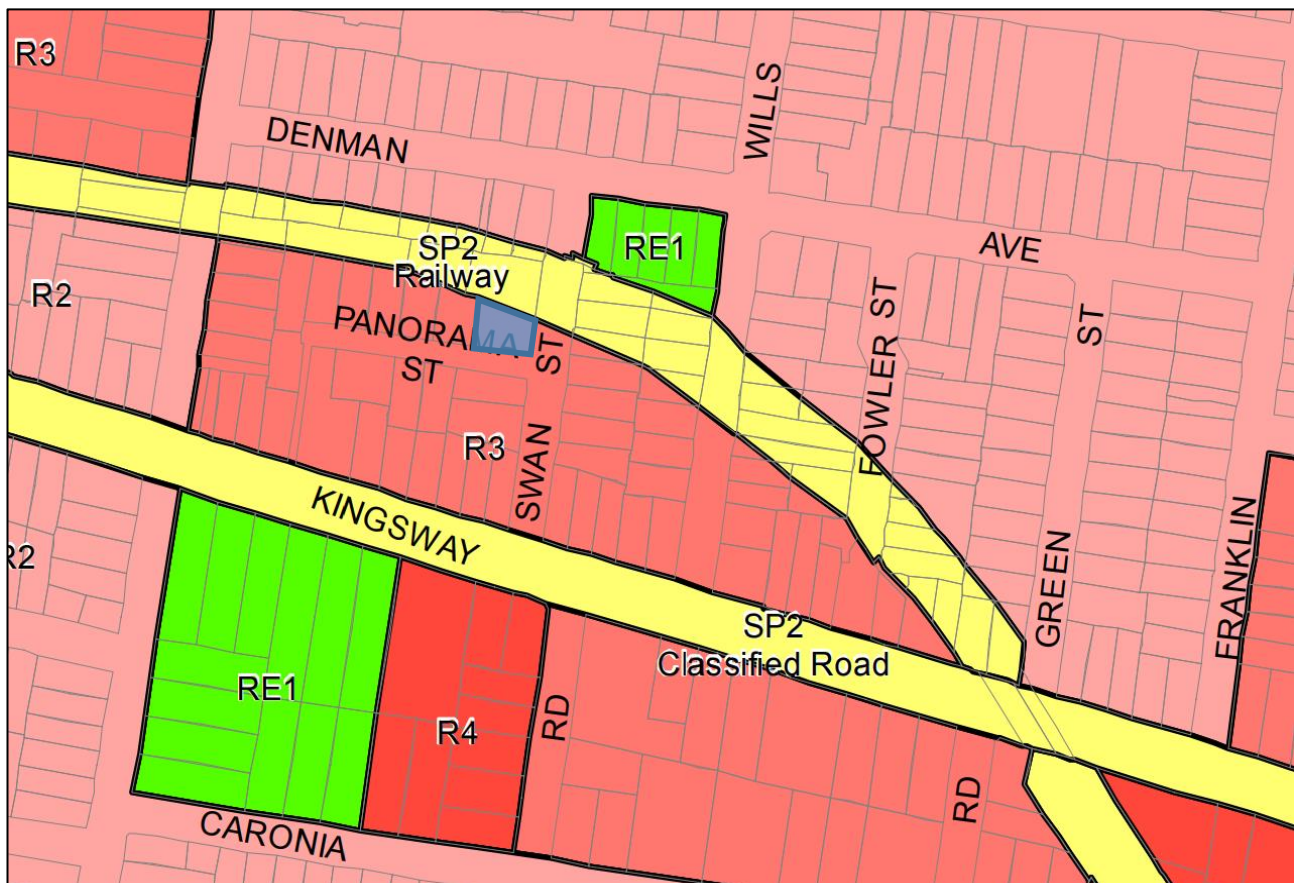


Figure 14: Zoning Map under Sutherland LEP 2015

The site is within a developed residential urban environment. It is bound by the T4 Cronulla railway line and the Woollooware railway station to the north, Panorama Avenue to the south, Swan Street to the east and residential development to the west.

The area is characterised by a mixture of single dwelling houses and residential flat buildings. Swan Street in particular contains a number of two storey residential flat buildings. On the south side of the Kingsway, development includes up to three to four storey development in a R4 High Density Residential environment.

The site itself only has one residential interface with 3 Panorama Avenue. The site benefits from being a corner site next to the train station entry. This also provides an opportunity for a form of ground floor commercial use to complement the transport infrastructure without creating a land use conflict with other nearby residential development. The location of the site in the context of surrounding development is illustrated in Figure 15 below.



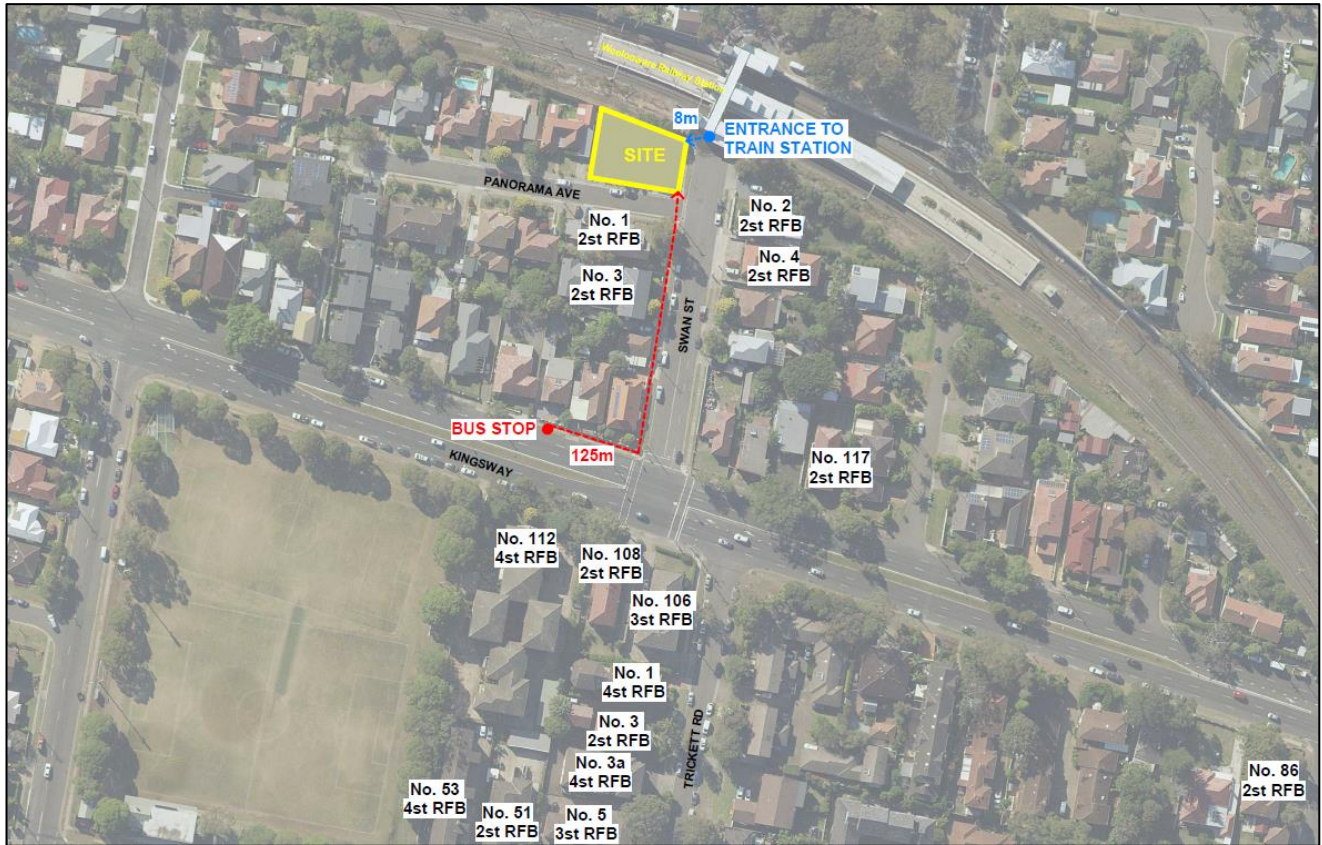


Figure 15: Site Context

## 2.3 Existing Environment

The site is currently occupied by a single storey detached residential dwelling with ancillary garage and swimming pool. The site is substantially cleared of significant vegetation with a landscaped setback associated with the front garden. Some existing remnant vegetation is located on Sydney Trains land to the north, unaffected by the proposed development.

The site is relatively flat, with a slight slope along Panorama Avenue to the east.

The site is in an urban context and there are no known hazards or other natural constraints to the site.

### 3 Description of the Proposal

This report provides a detailed description of the development proposal in support of the application for a SCC that will facilitate 16 dwellings, of which 50% (8 dwellings) of the accommodation will be used for the purpose of affordable housing. The dwellings include a small retail/café component to complement the strategic location adjoining the railway station.

#### 3.1 Development Overview

An overview of the development proposal is included in Table 2 below:

Address	1 Panorama Avenue, Woollooware
Site Description	Lot 11 in DP 19678
Area	674.9sq.m
Community Housing Provider	Pacific Community Housing
LGA	Sutherland
Zoning	R3 Medium Density Residential
Permissibility	The site is zoned R3 Medium Density Residential under the Sutherland LEP 2015. 'Residential flat buildings' are prohibited in the R3 Medium Density Residential zone. Therefore, Division 5 of the Affordable Rental Housing SEPP applies.
Development Description	The application seeks a SCC to facilitate the demolition of existing development on the site and the construction of a three storey (9 metre) residential flat building with ground floor café/retail immediately interfacing with the entry to the Woollooware train station.

**Table 2:** Proposal Overview

#### 3.2 Development Background

The NSW Communities & Justice Local Government Housing Kit database, states that as of September 2017, only 14.9% of rental stock was affordable for low income housing households and 1.1% of rental stock was affordable for very low-income households. As a comparison to NSW standards as a whole, 54.1% of rental stock was affordable for low income housing households and 1.1% of rental stock was affordable for very low-income households. The comparison to NSW as a whole paints a very bleak future for low income families in the Sutherland Shire.

Further, the 'Supporting Economic Recovery in NSW' report, released on 14 May 2020 to help the state recover from the COVID-19 pandemic argues the most immediate challenges are rapidly rising unemployment, the widespread failure of small and medium enterprises, falling incomes and wealth, and rising inequality and

disadvantage. The ideal policy response would simultaneously address these issues, with greater investment in social and affordable housing presenting a possible solution, the report states.

"This is a prime opportunity for the NSW government to work with the community housing sector and the construction industry to invest in social and affordable housing, and support jobs, SMEs and NSW's vulnerable citizens," NCOSS chief executive Joanna Quilty is quoted as saying when the report was released. .

The Equity Economics modelling was commissioned by the NSW Council of Social Service, Homelessness NSW, Shelter NSW, the Community Housing Industry Association and the Tenants' Union of NSW.

Further, the Council's draft Local Strategic Planning Statement, notes the important role of community housing providers and the private sector in the delivery of affordable housing in the region, going some way to reversing the trend of extremely limited supply in the Sutherland Shire of rental accommodation of low and very low income households.

There is a unique opportunity to support the supply of affordable housing, adjoining a major piece of transport infrastructure in an area that already accommodates a number of residential flat buildings. The primary LEP land use controls specifically assist the economic dynamics of the project to support a significant local social need. If the proposed use of a residential flat buildings was able to be provided without the incentives of an additional permitted use under Division 5 of the ARHSEPP2009, the ability to provide the social need in the form of lower cost housing for those in the community that qualify would not be possible. History shows that new housing supply generated in the local market is targeted at significantly higher cost housing. The increased value created through the additional use, specifically enables those gains of increased value into the financial model of the project to support the provision of the social need without the burden of a specific levy that transfers those deadweight costs to other market sectors.

The proposal is compatible within its context and supports the Government's and Council's objectives to increase the provision of affordable housing while promoting the efficient use of public transport and existing infrastructure.

### **3.3.1 Development Overview**

Future development proposes the demolition of the existing dwelling house and clearing of the site, followed by the construction of a three-storey residential flat building comprising 16 dwellings. The development is depicted in the indicative architectural drawing set prepared by Stanisic Architects at Appendix B.

The proposed development outcome for the site follows the key design principles established for the future development of the site having regard to the context and strategic location of the site, the need for affordable housing in the Sutherland Shire, and the compatibility of future development with the existing and preferred future development surrounding the site. The key design principles include:

- A building height that is compatible with surrounding existing heights and preferred future heights under the Sutherland LEP maximum height of building control;
- Respond to the opportunities associated with two street frontages, with an activated frontage as development interfaces with the Woollooware train station; and

- Consider built form and orientation in the context of the site location, including northern exposure and proximity to railway line.

The development facilitated by this SCC application has been designed in accordance with the design principles of SEPP 65 and demonstrates compatibility within its context. In particular, the proposed development seeks to achieve the following outcomes for the site:

- A maximum height of 3 storeys within a 9-metre height. While the ARH SEPP prevails where there may be an inconsistency with the principle development controls within an LEP, it is important in demonstrating compatibility with existing and future development in the surrounding area to respond to the local context.
- To provide for a 3 metre setback to Panorama Avenue, a 3 metre setback to the T4 Cronulla railway line and a 4.5 metre to the adjoining residential property at 3 Panorama Avenue.
- To provide a commercial/retail frontage to Swan Street as the development interfaces with the entrance to the Woollooware train station.
- To incorporate glazed winter gardens to capture northern sun and maximise acoustic privacy.
- To incorporate a design that complements a residential setting and its location and design of the railway station.
- To maximise the amount of communal open space, to be accessible to residents and planted with flowering trees, lush planting with a mix of colour and texture and low-level planting with trailing plants along the edges of planters

### 3.3 Development and Design Principles

#### 3.3.1 Built Form and Scale

The building comprises a single form on a corner site with dual street frontages, with a 3 metre setback to Panorama Avenue and nil setback to Swan Street. Swan Street is activated with a retail premises/cafe at the ground level interface.

The proposed built form is generally below 9 metres, with the exception of a small section of the roof towards the north of the site along the railway station at the lowest part of the site. The lift has been located so that the overrun is not viewed from Panorama Avenue.

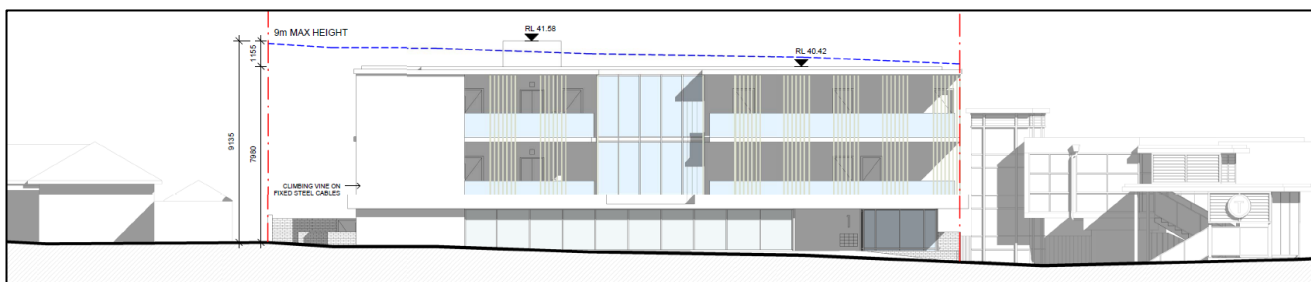
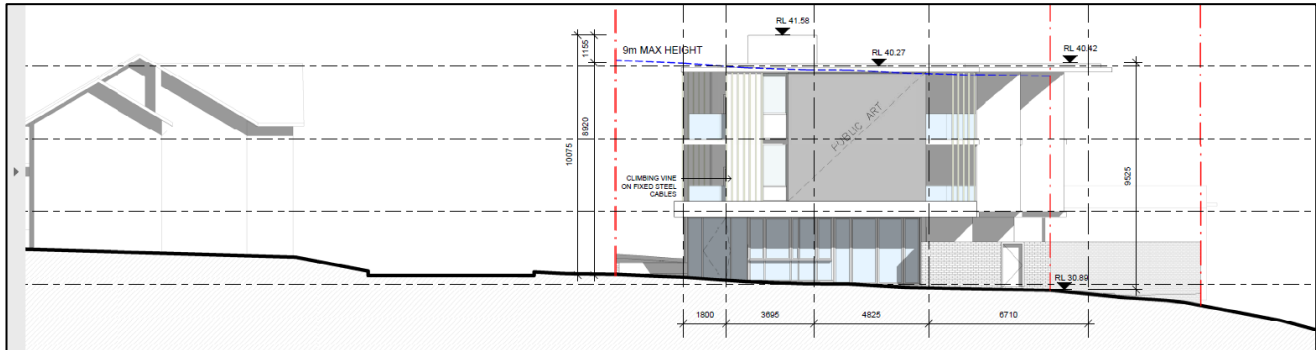


Figure 16: Indicative south elevation





**Figure 17:** Indicative east elevation

The southern elevation to Panorama Avenue is expressed as an open gallery with a simple arrangement of equally spaced modules, comprising green wall panels and balustrades. This achieves a fine grain that is complementary to the surrounding residential apartments, multi-dwelling housing and dwelling houses. These modules wrap around the corners of the building and unify the architectural expression.

Along the railway line, the built form steps with the tapered boundary and is unified by a wide cantilevered roof with a low profile that finishes with ballast. Winter gardens maximise solar access to living areas and district outlook from apartments, while achieving aural privacy which is a common technique along railway lines. The built form achieves more than 2 hours of direct sunlight to all residential apartments at mid-winter.

### 3.3.2 Apartment Size and Layout

The proposal includes 16 x affordable studio apartments that are suited to older people, people with a disability, essential key workers and first home buyers. This type of new quality housing is not readily available within the immediate context. Each apartment varies in size between 35sq.m and 39sq.m, and includes 25sq.m at ground level of retail/café.

100% apartments will be designed to achieve 'silver level' Liveable Housing Guideline's universal design features and a minimum of 3.2 of the 16 (20%) apartments will be designed as adaptable achieving compliance with AS 4299.

### 3.3.3 Landscape and Common Areas

The future development outcome seeks to facilitate a landscaped design sympathetic to its setting, being a residential street that adjoins a major piece of public transport infrastructure. It is important that the built form is softened by the landscaping and communal open space areas provide an essential experience for future residents.

Communal open space of 188m<sup>2</sup> (27.9% of the site area) is provided within the side and rear setback zones and the front entry forecourt. These spaces will be landscaped communal open spaces and areas of active and passive recreation include seating areas, planter boxes, BBQ facilities. There is an additional 54m<sup>2</sup> of landscaped area within the secondary front setback zone that contributes to the experience of the galleries

and streetscape. Landscaped area of 218m<sup>2</sup> (32% site area) is provided as deep soil, in excess of the minimum 30% required by SSLEP2015.



**Figure 18:** Green/Open Space Provision

### 3.3.4 Access and Vehicles

Due to the proximity of the site to transport, parking is not proposed on the site. Division 5, Clause 36(4) does not require car parking in relation to development to which it applies. There are 8 x lockable bike stores located on the ground level, which are accessed by a side gate to the rear of the site. An internal access pathway connects the bicycle parking with the entry lobby and lift.

### 3.3.5 Amenity

The development provides excellent amenity to all residents:

- All living rooms exceed the minimum width of 3.6m for studios and 1 bed apartments. All apartments have a private open space accessed directly from the living area with a minimum depth of 2m which meet the guidelines of the ADG.
- Private open spaces achieve an external area of 6sqm to studios, 10sqm to 1 and 2 bed apartments which satisfy the guidelines of the ADG.
- Visual and acoustic privacy is achieved through orientation, internal layouts and acoustic treatment internally and between communal open spaces.
- To the north, along the railway, there are winter gardens that maximise solar access to living areas and district outlook from apartments, while achieving aural privacy - a common technique along railway lines.

- All apartments achieve in excess of 2 hours of direct sunlight to all living rooms and private open spaces at mid-winter which meets the guidelines of the ADG.
- 60% of apartments are naturally cross ventilated utilising corner ventilation and roof vents at the top of the building. The ADG guidelines recommend 9/16 apartments to be naturally cross ventilated.
- All apartments will have 100% storage within the apartment.
- 100% apartments will be designed to achieve 'silver level'.
- A minimum of 3.2/16 (20%) of apartments will be designed as adaptable apartment and achieve compliance with AS 4299, in accordance with the SSDCP2015 requirement.
- Communal open spaces will achieve a high level of acoustic privacy along the Railway to ensure that it is a pleasant space for passive and active recreation and a place for social interaction.
- All adaptable apartments will also meet the Specialist Disability Accommodation (SDA) design requirements under the National Disability Insurance Scheme (NDIS).

### **3.3.6 Infrastructure and Services**

The site is part of a long established residential urban area, which is well served by all urban services and infrastructure. The site is well serviced by utilities infrastructure required to support residential land uses in accordance with the ARH SEPP.

Notwithstanding, a utilities, infrastructure and services will be addressed and relevant utility providers consulted as part of future development applications for the site to support the provision of gas, water, sewer and electricity.

## 4 Statutory Context

### 4.1 Environmental Planning & Assessment Act 1979

The proposal is consistent with the objects of the EP&A Act as it is considered to promote the orderly and economic use and development of land without resulting in an adverse impact on the environment while promoting the delivery and maintenance of affordable rental housing.

Relevant objectives under Section 1.3 Objects of the Act of the EP&A Act 1979 include:

- (c) to promote the orderly and economic use and development of land,*
- (d) to promote the delivery and maintenance of affordable housing,*
- (g) to promote good design and amenity of the built environment,*

The development is consistent with the above objectives as follows:

- The application for a SCC will facilitate the orderly and economic development of a site that currently contains a single dwelling house next to a major piece of public transport infrastructure in Sydney.
  - The development is orderly in that it reaches a height consistent with the maximum building height control of the LEP, which is a reflection of the existing and preferred future heights within the surrounding area. A number of residential flat buildings are located within the near vicinity, and given the proximity to major public transport infrastructure the proposed development will contribute to meeting the needs of the community within a medium density environment.
  - The development is economic in that the site adjoins the southern entrance to the Woollooware train station. Given the connectivity of the site to Cronulla, Sutherland and the Sydney CBD, the site could be considered underutilised in its ability to support a social and community need for affordable housing without the need for private transport use.
  - At the scale and yield proposed future development can provide additional affordable housing supply to meet the social needs of the community.
- The Development will directly achieve the objectives of Section 1.3 of the EP&A Act 1979 to promote the delivery and maintenance of affordable rental housing. It does this by facilitating the development of 16 dwellings, of which 8 will be affordable homes in accordance with the Affordable Housing SEPP in an area of Sydney with increasingly significant housing stress;  
the design and layout of future development
- The design, layout and bulk of future development facilitated by this application has been advanced with particular attention to the following:
  - Compatible height with existing and future development surrounding the site;
  - An architectural response to the site's location within a residential environment, next to the entrance of a train station;
  - The architectural character is compatible with the existing developments in the immediate context, but is clearly defined to give a variety of grain and character within this framework. Its limited

- palette of materials and simple form gives the building its own strength without attempting to mimic the existing context; and
- Layout and orientation of apartments have been designed to maximise amenity.

## 4.2 State Environmental Planning Policies

### 4.2.1 SEPP (Affordable Rental Housing) 2009

The State Environmental Planning Policy (Affordable Rental Housing) 2009 (Affordable Housing SEPP) applies to land in the Sydney region within 800 metres of a public entrance to a railway station of light rail station “*but not if development for the purposes of a residential flat building is permissible on the land under another environmental planning instrument*”.

The aims of the Affordable Rental Housing SEPP are to:

- (a) *to provide a consistent planning regime for the provision of affordable rental housing,*
- (b) *to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*
- (c) *to facilitate the retention and mitigate the loss of existing affordable rental housing,*
- (d) *to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*
- (e) *to facilitate an expanded role for not-for-profit-providers of affordable rental housing,*
- (f) *to support local business centres by providing affordable rental housing for workers close to places of work,*
- (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.*

Point (2) above provides for incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards. As the site is zoned R3 Medium Density Residential, under which “*Residential flat buildings*” are prohibited, this application is made to the Department of Planning, Industry and Environment for a SCC pursuant to the provisions of Division 5 of the ARH SEPP.

The critical provision of the SEPP is clause 37(6), which provides:

- (6) *The Director-General must not issue a certificate unless the Director-General:*
  - (a) *has taken into account any comments received from the council within 14 days after the application for the certificate was made, and*
  - (b) *is of the opinion that the development concerned is compatible with the surrounding land uses having regard to the following matters:*
    - (i) *the existing uses and approved uses of land in the vicinity of the development,*

- (ii) the impact that the development (including its bulk and scale) is likely to have on the existing uses, approved uses and uses that, in the opinion of the Director-General, are likely to be the preferred future uses of that land,*
- (iii) the services and infrastructure that are or will be available to meet the demands arising from the development, and*
- (c) is of the opinion that the development concerned is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land.*

There are six express factors for consideration. First it must take into account any comments received from the Council. The second matter is under the general rubric of compatibility with surrounding land uses. This is an opinion which must be formed before the certificate can be issued.

In forming the opinion about compatibility, the SEPP requires the Secretary to have regard to three matters: existing and approved neighbouring uses, the impact of the development on those uses and "uses that, in the opinion of the Secretary, are likely to be the preferred future uses of that land" and the availability of services and infrastructure. By far the most important matter in this context is the likely preferred future uses of neighbouring land. Subclause (7) provides that the certificate if issued may certify that the development is only compatible if it satisfies the requirements specified in the certificate.

Finally, another opinion must be formed, that the development is not likely to have an adverse effect on the environment or cause any unacceptable environmental risks to the land.

What is a mandatory consideration is the question of compatibility. It is unnecessary to imply any further factors for consideration and it would seem to be contrary to the scheme of compatibility certification that other issues should interfere with the express statutory purpose, which clearly is not to set aside existing prohibitions unless the Secretary considered that the proposal was or could be made compatible with surrounding land uses.

The opinion of compatibility is wholly concerned with surrounding land, not the land proposed for development. Paragraph (ii) requires regard to be had to the impact of the development including its bulk and scale "... on the existing uses, approved uses and uses that... are likely to be the preferred uses of **that land**". The reference to existing and approved uses picks up the reference in the preceding paragraph to the uses of land "in the vicinity of the development". The reference in paragraph (ii) to "that land" is to the land referred to in paragraph (i), and there can be no other construction of that provision, given that the opinion to be formed related to compatibility with "the surrounding land uses".

In this context, the surrounding land contains a number of residential flat buildings that define the character of the area. This is already the highest and best use and is therefore unlikely to change in the future. The clustering of existing residential flat buildings is illustrated in Figure 15 on page 11.

Compatibility is not a question of how well the proposed development measured up against the standards and requirements of the LEP for the subject land. Rather, it was a comparison between the proposed development and the surrounding land, including existing and future uses.



In that context, the surrounding land also contains single dwellings houses, such as the adjoining property at 3 Panorama Avenue. Given the R3 Medium Density zoning, a height control of 9 metres and FSR control of 0.7:1, it is reasonable to anticipate that a single dwelling house is not the preferred future use of that land, given the objectives for the R3 zone, which include:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*

A detailed consideration of Division 5 of the Affordable Housing SEPP is included below:

SEPP (Affordable Housing) 2009	
Clause	Comment
<b>3 Aims of Policy</b>	
(a) to provide a consistent planning regime for the provision of affordable rental housing,	The SCC will facilitate the development of 8 affordable dwellings (50% of the development) to be managed by a social housing provider for a minimum of 10 years in an area where it is urgently required.
(b) to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,	
(c) to facilitate the retention and mitigate the loss of existing affordable rental housing,	The NSW Communities & Justice Local Government Housing Kit database, states that as of September 2017, only 14.9% of rental stock was affordable for low income housing households and 1.1% of rental stock was affordable for very low-income households. As a comparison to NSW standards as a whole, 54.1% of rental stock was affordable for low income housing households and 1.1% of rental stock was affordable for very low-income households. The comparison to NSW as a whole paints a very bleak future for low income families in the Sutherland Shire.
(d) to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,	
(e) to facilitate an expanded role for not-for-profit-providers of affordable rental housing,	Further, the 'Supporting Economic Recovery in NSW' report, released on 14 May 2020 to help the state recover from the COVID-19 pandemic argues the most immediate challenges are rapidly rising unemployment, the widespread failure of small and medium enterprises, falling incomes and wealth, and rising inequality and disadvantage. The ideal policy response would simultaneously address these issues, with greater investment in social and affordable housing presenting a possible solution, the report states.
(f) to support local business centres by providing affordable rental housing for workers close to places of work,	
(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.	
	In response to this, the development facilitated by the subject SCC supports the aims of the ARH SEPP by providing affordable dwellings next to the Woollooware train station and subsequently places of work, services and amenities and entertainment and recreation.

	<p>The subject site is such land that the SEPP contemplates for such development. A site within the middle of an industrial area for example, surrounded by industrial land would not necessarily be the right location for affordable housing under the SEPP as it is not compatible with the surrounding land. The subject site, however, is zoned residential, is surrounded by residential flat buildings and adjoins major transport infrastructure. Then ability to gain the additional permitted use not available to other market sectors specifically supports the project financial model to deliver the social need.</p> <p>The proposed development is therefore consistent with the objectives, and meets the locational requirements for compatibility.</p>
<p><u>34 Land to which Division applies</u></p> <p>This Division applies to the following land, but not if development for the purposes of a residential flat building is permissible on the land under another environmental planning instrument:</p> <p>(a) land in the Sydney region that is within 800 metres of:</p> <p>(i) a public entrance to a railway station or light rail station, or</p> <p>(ii) in the case of a light rail station with no entrance—a platform of the light rail station,</p> <p>(b) land in one of the following towns that is within 400 metres of land in Zone B3 Commercial Core, Zone B4 Mixed Use or a land use zone that is equivalent to either of those zones:</p> <p>Albury, Ballina, Batemans Bay, Bathurst, Bega, Bowral, Cessnock, Charlestown, Coffs Harbour, Dapto, Dubbo, Glendale–Cardiff, Gosford, Goulburn, Grafton, Lismore, Maitland, Morisset, Newcastle, Nowra, Orange, Port Macquarie, Queanbeyan, Raymond Terrace, Shellharbour, Tamworth, Taree, Tuggerah–Wyong, Tweed Heads, Wagga Wagga, Warrawong, Wollongong.</p>	<p>As illustrated in Figure 1 on page 2, the land is within 800 metres of the entrance to Woollooware train station. In fact, the site adjoins the train station southern entry, being about 8 metres away.</p> <p>The site is zoned R3 Medium Density Residential under the Sutherland LEP 2015 under which ‘residential flat buildings’ are prohibited.</p> <p>Therefore, Division 5 of the ARH SEPP applies to the subject site.</p>
<p><u>35 Development to which Division applies</u></p>	<p>Future development will be on behalf of Pacific Community Housing who will manage the affordable housing component of the future development for a</p>

<p>(1) This Division applies to development, on land to which this Division applies, for the purposes of a residential flat building:</p> <ul style="list-style-type: none"> <li>(a) by or on behalf of a public authority or social housing provider, or</li> <li>(b) by a person who is undertaking the development with the Land and Housing Corporation.</li> </ul> <p>(2) Despite subclause (1), this Division does not apply to development to which Division 1 applies.</p>	<p>period of 10 years. See Appendix F for communication from the community housing provider.</p>
<p><u>36 Development may be carried out with consent</u></p> <p>(1) Development to which this Division applies may be carried out with consent.</p> <p>(2) A consent authority must not consent to development to which this Division applies unless it is satisfied that:</p> <ul style="list-style-type: none"> <li>(a) the Director-General has certified in a site compatibility certificate that, in the Director-General's opinion, the development is compatible with the surrounding land uses, and</li> <li>(b) if the development is in respect of a building on land zoned primarily for commercial purposes, no part of the ground floor of the building that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use.</li> </ul> <p>(3) Nothing in this clause prevents a consent authority from:</p> <ul style="list-style-type: none"> <li>(a) consenting to development on a site by reference to site and design features that are more stringent than those identified in a site compatibility certificate for the same site, or</li> <li>(b) refusing consent to development by reference to the consent authority's own assessment of the compatibility of the development with the surrounding land uses, or</li> <li>(c) having regard to any other matter in determining a development application.</li> </ul> <p>(3A) (Repealed)</p>	<p>This application seeks a SCC for land at 1 Panorama Avenue, Woollooware for the purpose of a residential flat building with a 50% component of affordable housing in accordance with the ARH SEPP.</p> <p>The land use is currently prohibited in the existing R3 Medium Density Residential zone.</p> <p>The development outcome facilitated by the SCC application seeks to provide a 3 storey building, with a 32sq.m café/commercial ground floor use as the development interfaces with the entrance to the train station. This is to complement the transport interchange on the southern side of the station, provide convenience items or recreational area for passengers and residents.</p> <p>Further, the development provides 16 units (8 affordable units), 218sq.m of open space, a landscaped 3 metres setback to Panorama Avenue, and bike lockers for residents to store their bikes.</p> <p>This application specifically considers the compatibility of residential flat buildings within the context of the surrounding area. A number of older residential flat buildings surround the subject site, despite the use not being permitted within the zone. Therefore, the use itself is not uncommon.</p> <p>In terms of the compatibility of the bulk and scale, the proposed future development facilitated by the SCC at 9 metres in height, generally complies with the maximum height limit under the Sutherland LEP 2015. This informs the existing and anticipated future height</p>

<p>(4) Car parking is not required to be provided in relation to development to which this Division applies.</p>	<p>of development within the surrounding area to which the proposed development is consistent with.</p> <p>The density is slightly above that permitted under the LEP, noting that the density is below that which would be permitted under a boarding house application. The development has been designed to complement its strategic location next to a train station, with a ground floor commercial use and zero setback, and a 4.5 metres setback to the single storey residential dwelling at 3 Panorama Avenue, minimising any impact on this site until it redevelops in accordance with the medium density zone and planning controls in the future.</p> <p>Having addressed the issues of compatibility, the proposed development will be subject to further assessment and refinement at the development application stage.</p> <p>Finally, given the proximity of the site to the train station and broader rail network, and the bus station on The Kingsway, no car parking is proposed on the site, however parking spaces for 8 bicycles is proposed.</p>
<p><u>37 Site compatibility certificates</u></p> <p>(1) An application for a site compatibility certificate under this Division may be made to the Director-General:</p> <p>(a) by the owner of the land on which the development is proposed to be carried out, or</p> <p>(b) by any other person with the consent of the owner of that land.</p> <p>(2) An application under this clause:</p> <p>(a) must be in writing in a form approved by the Director-General, and</p> <p>(b) must be accompanied by such documents and information as the Director-General may require, and</p> <p>(c) must be accompanied by such fee, if any, as is prescribed by the regulations.</p> <p>(3) The Director-General may request further documents and information to be furnished in connection with an application under this clause.</p>	<p>This report supports the application for a SCC to facilitate the development of affordable housing, in an area, being the Sutherland Shire, in urgent need, on land within an established residential area on a site adjoining a train station.</p> <p>The report addresses in detail the issues of compatibility with the surrounding uses, the impact the development may have on surrounding approved uses and uses that, in the opinion of the Director-General, are likely to be the preferred future uses of that <i>surrounding</i> land. In summary, the key findings of the assessment of compatibility with surrounding development include:</p> <ul style="list-style-type: none"> <li>• The site is ideally situated with two street frontages, and ideally located next to a major infrastructure in the form of the Woollooware train station.</li> <li>• The existing character of the area is already defined by a number of residential flat buildings,</li> </ul>

<p>(4) Within 7 days after the application is made, the Director-General must provide a copy of the application to the council for the area in which the development concerned is proposed to be carried out, unless the Director-General refuses, before those 7 days have elapsed, to issue a certificate.</p> <p>(5) The Director-General may determine the application by issuing a certificate or refusing to do so.</p> <p>(6) The Director-General must not issue a certificate unless the Director-General:</p> <ul style="list-style-type: none"> <li>(a) has taken into account any comments received from the council within 14 days after the application for the certificate was made, and</li> <li>(b) is of the opinion that the development concerned is compatible with the surrounding land uses having regard to the following matters: <ul style="list-style-type: none"> <li>(i) the existing uses and approved uses of land in the vicinity of the development,</li> <li>(ii) the impact that the development (including its bulk and scale) is likely to have on the existing uses, approved uses and uses that, in the opinion of the Director-General, are likely to be the preferred future uses of that land,</li> <li>(iii) the services and infrastructure that are or will be available to meet the demands arising from the development, and</li> </ul> </li> <li>(c) is of the opinion that the development concerned is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land.</li> </ul> <p>(7) A certificate may certify that the development to which it relates is compatible with the surrounding land uses only if it satisfies certain requirements specified in the certificate.</p> <p>(8) A certificate continues to apply to the land in respect of which it was issued despite any change in the ownership of that land.</p>	<ul style="list-style-type: none"> <li>• While there are a number of single storey dwelling houses in proximity of the site (including the adjoining number 3 Panorama Avenue), the proposed development is generally within the height limit of 9 metres, which is also the height limit of adjoining and surrounding land. It is therefore reasonable to assume that future surrounding development could be of a medium density character with heights of up to 9 metres.</li> <li>• In relation to the compatibility of the height to surrounding development, the height of the train station lift overrun is equivalent to 3 residential storeys in height. Further, the residential height character of the surrounding area is single storey dwelling houses and residential apartments ranging in height from 1 to 3 storeys where Swan Street meets The Kingsway.</li> <li>• A shadow analysis has also been prepared to ensure the height impact of the 9 metre height is acceptable. As can be seen from the shadow analysis attached at Appendix H, the shadow created by the development only effects the road, and does not impact any adjoining buildings between 9am and 3pm on the winter solstice.</li> </ul>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<p>(9) A certificate is valid for 5 years or such other period specified in the certificate.</p>	
<p><u>38 Must be used for affordable housing for 10 years</u></p> <p>(1) A consent authority must not consent to development to which this Division applies unless conditions are imposed by the consent authority to the effect that:</p> <ul style="list-style-type: none"> <li>(a) for 10 years from the date of the issue of the occupation certificate: <ul style="list-style-type: none"> <li>(i) at least 50 per cent of the accommodation to which the development application relates will be used for the purposes of affordable housing, and</li> <li>(ii) all the accommodation that is used for affordable housing will be managed by a registered community housing provider, and</li> </ul> </li> <li>(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 Conveyancing Act 1919, that will ensure that for 10 years from the date of the issue of the occupation certificate: <ul style="list-style-type: none"> <li>(i) at least 50 per cent of the accommodation to which the development application relates will be used for the purposes of affordable housing, and</li> <li>(ii) all the accommodation that is used for affordable housing will be managed by a registered community housing provider.</li> </ul> </li> </ul> <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>	<p>It is proposed that 50% of the accommodation of the future development will be used for the purpose of affordable housing.</p> <p>The community housing provider that will manage the affordable housing is Pacific Community Housing. See Appendix F for confirmation.</p>
<p><u>39 Continued application of SEPP 65</u></p> <p>Nothing in this Policy affects the application of State Environmental Planning Policy No 65—</p>	<p>It is noted that SEPP 65 applies to any DA lodged against the site compatibility certificate as it relates to the land.</p>



Design Quality of Residential Flat Development to any development to which this Division applies.	<p>While this application is for a new SCC and is not for development, the development of the site has been refined to a level where compliance with SEPP 65 will be achieved.</p> <p>The SCC application is supported by a SEPP 65 compliance statement prepared by Stanisic Architects. that addresses the principles of the SEPP including of most relevance context and neighbourhood character, built form and scale, and density. The Statement is included at Appendix D, and discussed in more detail under section 4.2.4.</p>
---------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**Table 3:** Assessment of Affordable Housing SEPP

#### 4.2.2 Relationship with other environmental planning instruments

The purpose of the Affordable Rental Housing SEPP is to expand zoning and permissibility. The maximum building height of 9 metres and an FSR of 0.7:1 apply to the subject site, however the ARH SEPP and Sutherland LEP 2015 contemplates provisions of a SEPP that may prevail over the LEP under Section 3.28 of the EP&A Act 1979. In this context, the SEPP has provided for a development that is not permitted by the subject zone (R3 Medium Density Residential).

This application demonstrates the proposed development of a residential flat building at the controls sought, is compatible with the existing and future surrounding uses of the land. Further, the development is consistent with the objectives of the SEPP as follows:

- (a) *to provide a consistent planning regime for the provision of affordable rental housing,*
- (b) *to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*
- (c) *to facilitate the retention and mitigate the loss of existing affordable rental housing,*
- (d) *to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*
- (e) *to facilitate an expanded role for not-for-profit-providers of affordable rental housing,*
- (f) *to support local business centres by providing affordable rental housing for workers close to places of work,*
- (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.*

#### 4.2.3 SEPP 55 Remediation of Land

The site is currently utilised for residential purposes, and there is no evidence to suggest that the site was ever historically utilised for any other use except residential.

The development proposal facilitated by the SCC involves the continuation of residential uses on the site. Further, the proposal does not involve excavation or basement parking.

Therefore, the possibility of contamination is very low, and the department can be satisfied that issuing a site compatibility certificate will not have any adverse environmental impact or cause any unacceptable environmental risks to the land.

The certificate can be conditioned accordingly if this is of concern, but further assessment can also occur in relation to this matter at development application stage.

#### 4.2.4 SEPP 65 Design Quality of Residential Apartment Development

Compliance with SEPP 65 and the Apartment Design Guidelines informed the building footprint and proposed massing envelope sought by the proposed development outcome.

The architectural design concept illustrates how the design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context. This is included in the Architectural Design Report at Appendix B and supports the layout and orientation of buildings.

A SEPP 65 Design Compliance Statement has been prepared in support of the application. This is attached to this SCC application at Appendix D. The Statement demonstrates that the future development of the site complies with SEPP 65 Design Principles. This is also demonstrated by the indicative floor plans attached at Appendix B. Additional detailed assessment against SEPP 65 and the Apartment Design Guidelines will support future applications for development.

### 4.3 Sutherland LEP 2015

Sutherland Local Environmental Plan (LEP) commenced on the 23 June 2015 when it was published on the NSW Government Legislation website.

Table 4 below summarises the Sutherland LEP 2015 principle development standards that currently apply to the subject site:

Land Zoning	Maximum Building Height	Maximum Floor Space Ratio (FSR)	Minimum Lot Size
R3 Medium Density Residential	9 metres	0.7:1	550sq.m

**Table 4:** Site Development Standards

The development is consistent with the objectives of the Sutherland LEP 2015. The following are of relevance:

- (a) to deliver the community's vision for Sutherland Shire by achieving an appropriate balance between development and management of the environment that will be ecologically sustainable, socially equitable and economically viable,*
- (b) to establish a broad planning framework for controlling development, minimising adverse impacts of development, protecting areas from inappropriate development and promoting a high standard of urban design,*
- (c) to protect and enhance the amenity of residents, workers and visitors in all localities throughout Sutherland Shire,*
- (e) to concentrate development in localities with adequate infrastructure that is accessible to transport and centres,*
- (i) to meet the future housing needs of the population of Sutherland Shire.*

In particular, (e) and (i) above are of most relevance. The site adjoins the train station entrance so couldn't be better located with regards to access to public transport infrastructure. This also connects residents to Cronulla, Sutherland, the Sydney CBD and Greater Sydney. Concentrating development, such as that proposed, in such a location, that is compatible with its surroundings therefore directly achieves this objective, while also providing housing choice for residents within the Sutherland Shire.

#### 4.3.1 Zoning

The site is zoned R3 Medium Density Residential under the Sutherland LEP 2015. 'Residential flat buildings' are prohibited in the R3 Medium Density Residential zone. Therefore, Division 5 of the Affordable Rental Housing SEPP applies.

### R3 Medium Density Residential

#### 1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage the supply of housing that meets the needs of the Sutherland Shire's population, particularly housing for older people and people with a disability.
- To promote a high standard of urban design and residential amenity in a high quality landscape setting that is compatible with natural features.
- To allow development that is of a scale and nature that provides an appropriate transition to adjoining land uses.

#### 2 Permitted without consent

Home occupations

### 3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Centre-based child care facilities; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Flood mitigation works; Group homes; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing; Tank-based aquaculture

### 4 Prohibited

Pond-based aquaculture; Any other development not specified in item 2 or 3

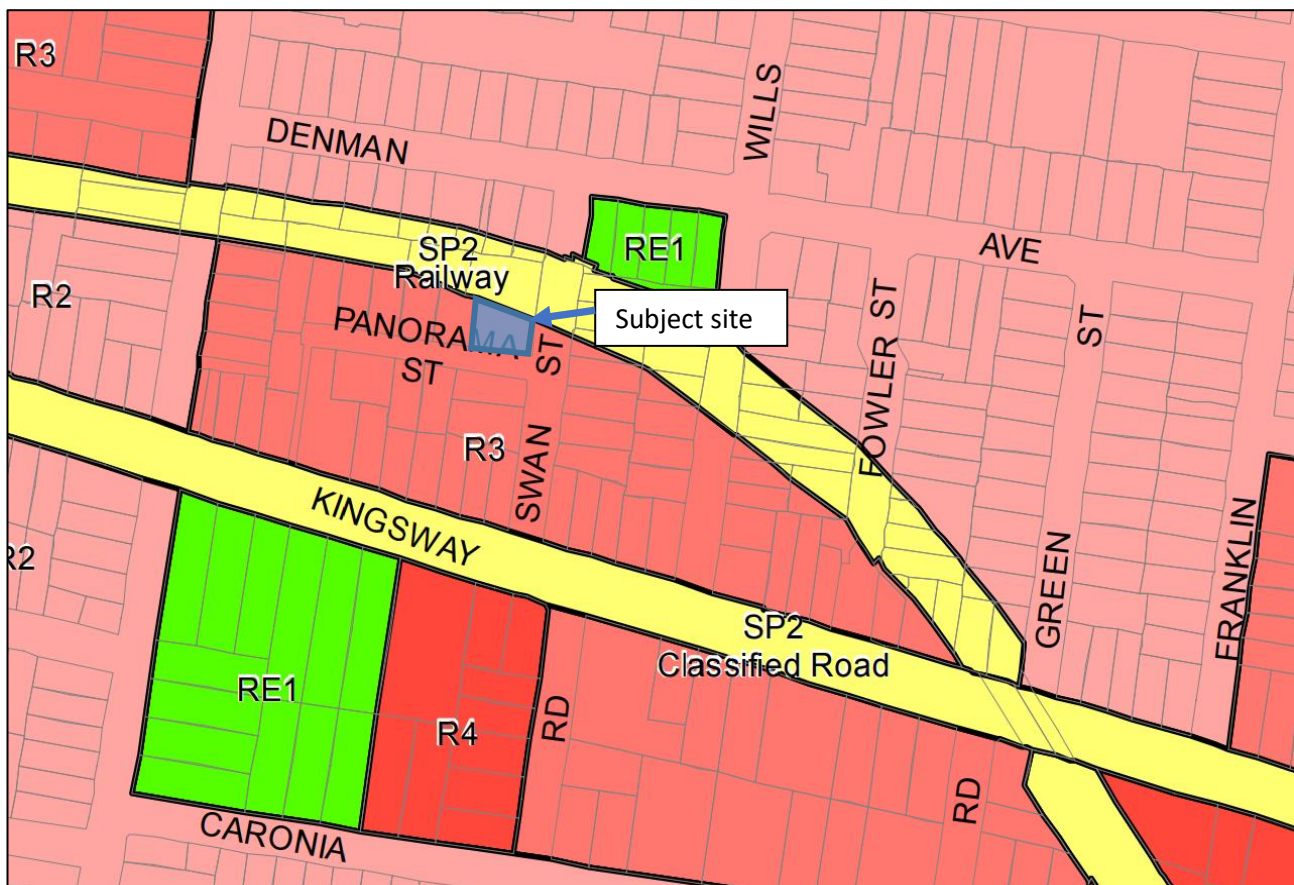


Figure 19: Sutherland LEP 2015 Land Zoning Map

Clause 35 Division 5 of the Affordable Housing SEPP states:

*This Division applies to the following land, but not if development for the purposes of a residential flat building is permissible on the land under another environmental planning instrument:*

- (a) *land in the Sydney region that is within 800 metres of:*
  - (i) *a public entrance to a railway station or light rail station, or*
  - (ii) *in the case of a light rail station with no entrance—a platform of the light rail station,*



As discussed, residential flat buildings are not permitted in the R3 Medium Density Residential zone. The site also adjoins the Woollooware train station and is 8 metres from the entrance. Further, approximately 100 metres away on the south side of The Kingsway is land zoned R4 High Density Residential with 3 to 4 storey residential flat buildings.

The site currently includes a single detached dwelling house and is within an established residential area. Swan Street contains a number of residential flat building developments, including no.2 and no.3 Swan Street opposite, and no. 1 Swan Street directly opposite.

In this regard, the extension of permissibility of 'residential flat building' development to this site would be consistent with existing development opposite and nearby. Residential development is also unencumbered immediately to the west as the train station adjoins. The introduction of a small retail/café land use at this interface would complement the use of the station.

Therefore, considering the objectives of the R3 zone, the development achieves the following:

To provide for the housing needs of the community within a medium density residential environment.

- The application will facilitate a future development that provides for the housing needs of the community, as identified by the Greater Sydney Plan, the South District Plan and the draft Sutherland Shire Local Strategic Planning Statement.

To provide a variety of housing types within a medium density residential environment.

- The application will facilitate a housing product which is currently very short on supply but high in demand. The provision of affordable housing directly supports the need to supply housing that meets the needs of the Shire's population, "particularly housing for older people and people with a disability".

To enable other land uses that provide facilities or services to meet the day to day needs of residents.

- The proposal includes the provision of a small retail/café use on the ground floor of approximately 25sq.m. The commercial land use provides for the day to day needs of local residents and is intended to complement the location of the entrance to the Woollooware train station.

To encourage the supply of housing that meets the needs of the Sutherland Shire's population, particularly housing for older people and people with a disability.

- A minimum of 3.2/16 (20%) of apartments will be designed as adaptable apartment and achieve compliance with AS 4299, in accordance with the SSDCP2015 requirement.
- All adaptable apartments will also meet the Specialist Disability Accommodation (SDA) design requirements under the National Disability Insurance Scheme (NDIS). From 1 July 2021, all dwelling enrolment applications for SDA will be required to include a certificate from an Accredited SDA assessor, nominating the Design Category the dwelling to be enrolled satisfies based upon Design Standards in the NDIS Specialist Disability Accommodation Design Standard.

To promote a high standard of urban design and residential amenity in a high-quality landscape setting that is compatible with natural features.

- While the development will be subject to a separate development assessment process, Stanisis Architects (of whom the principle of the firm is the immediate past Chair of the Sutherland Architectural Design Excellence Panel) have prepared a detailed design and façade treatment to demonstrate compatibility of future built form and design with the surrounding area. This includes a high standard of urban design, landscaped setbacks, softened facades through greenery and

treatment, public art along the Swan Street frontage, and high standards of amenity for future residents.

- The application is also supported by a detailed assessment of the SEPP 65 design principles and an architectural design statement prepared by Stanisic Architects.

To allow development that is of a scale and nature that provides an appropriate transition to adjoining land uses.

- The proposed development is generally a maximum of 9 metres in height except for the roof towards the north of the site along the railway station at the lowest part of the site and the lift overrun. The lift has been located within the plan so that the overrun is not viewed from Panorama Avenue.
- The setback to 3 Panorama Avenue is 4.5 metres and this area is landscaped to minimise visual impact. Further, to maintain privacy no habitable windows are located on the western façade.
- As the building generally complies with the 9 metre height limit, which is the same control for the adjoining site, at 3 Panorama Avenue, it is reasonable to anticipate that in the future development may occur that also achieves a maximum height of 9 metres.
- Notwithstanding, the development has been designed to respond to the existing adjoining development in addition to the likely preferred uses of adjoining land in accordance with Clause 37(6)(b)(ii) of the AFH SEPP.

#### 4.3.2 Height of Buildings

Under the Sutherland LEP 2015, the maximum height of building control that applies to the subject site is 9 metres, as illustrated in Figure 20 below.

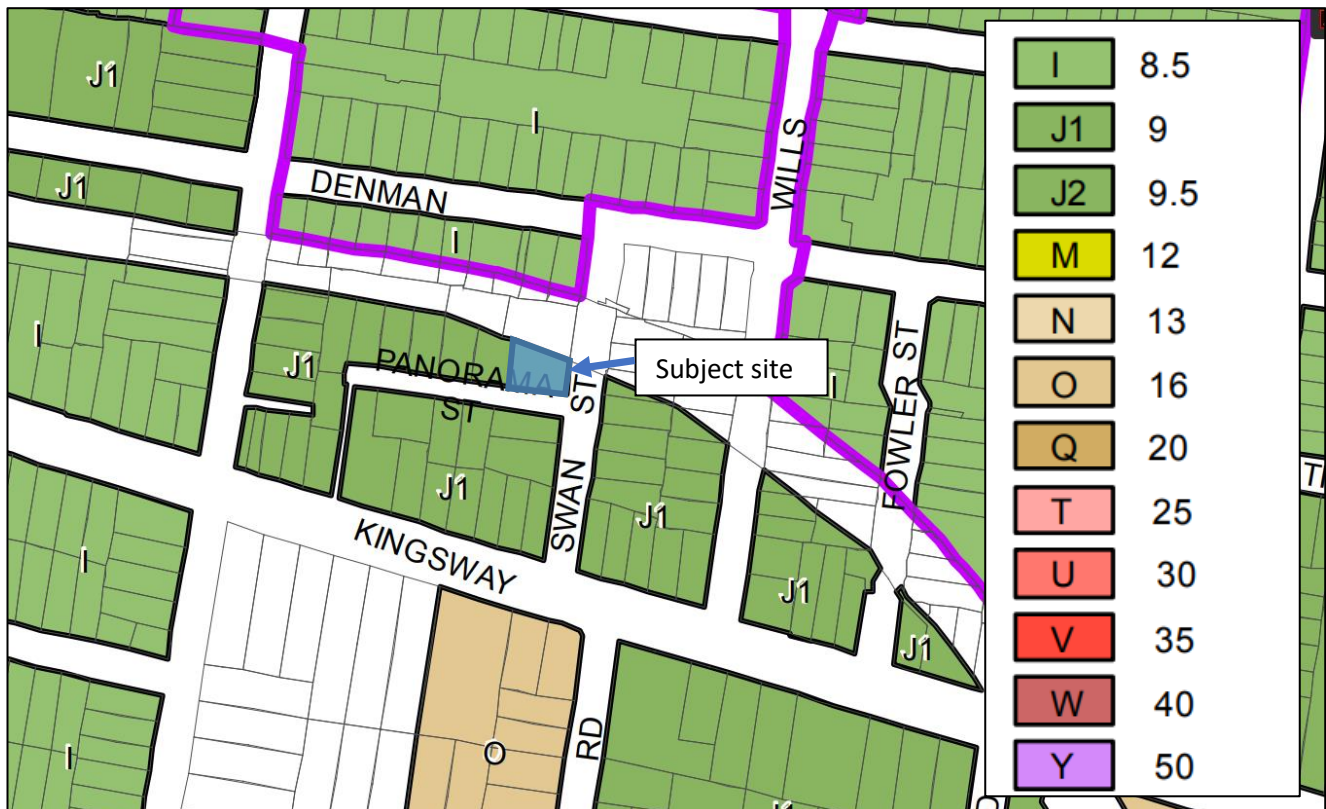


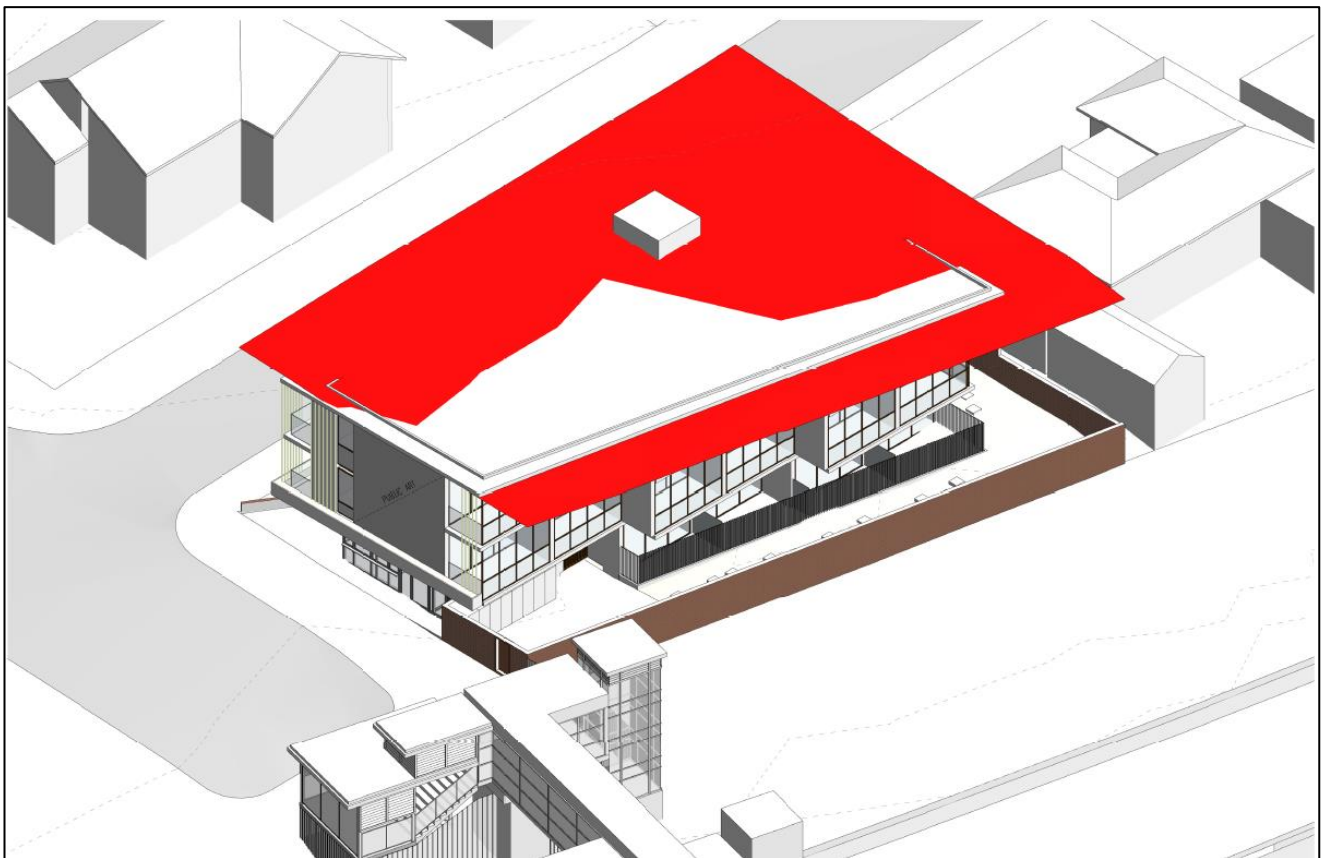
Figure 20: Maximum Height of Buildings Map

The proposed development sought that will be facilitated by the SCC is generally below the 9m maximum HOB, except for the roof towards the north of the site along the railway station at the lowest part of the site and the lift overrun. The lift has been located within the plan so that the overrun is not viewed from Panorama Avenue. Importantly, the built form along Panorama Avenue is below the maximum building height.

In relation to the compatibility of the height to surrounding development, the height of the train station lift overrun is equivalent to 3 residential storeys in height. Further, the residential height character of the surrounding area is single storey dwelling houses and residential apartments ranging in height from 1 to 3 storeys where Swan Street meets The Kingsway.

It is also noted that the maximum building height for surrounding land is 9 metres, with the maximum height on the south side of The Kingsway up to 16 metres in height.

The height and slight exceedance is illustrated in Figure 21 below.



**Figure 21:** Height of Building 'FOG' diagram

#### **4.3.3 Floor Space Ratio**

Under the Sutherland LEP 2015, the maximum floor space ratio (FSR) control that applies to the subject site is 0.7:1, as illustrated in Figure 22. The development concept that supports this SCC application provides for 16 units at a density of 1.068:1.

To put the density in context, if an application were made for a boarding house under Division 3 of the ARH SEPP, the maximum floor space ratio could be increased by 0.5:1 to 1.2:1 (808.8m<sup>2</sup> GFA). The development proposal facilitated by the SCC for affordable housing is 92.8m<sup>2</sup> below the maximum permitted by Division 3 of the ARH SEPP.

Notwithstanding, it is important to consider the built form, bulk and scale of the proposed development to ascertain its compatibility with the surrounding area. The objectives of Clause 4.4 Floor space ratio of the Sutherland LEP 2015 are therefore worth considering:

#### 4.4 Floor space ratio

(1) The objectives of this clause are as follows—

- (a) to ensure that development is in keeping with the characteristics of the site and the local area,
- (b) to ensure that the bulk and scale of new buildings is compatible with the context of the locality,
- (c) to control development density and intensity of land use, taking into account—
  - (i) the environmental constraints and values of the site, and
  - (ii) the amenity of adjoining land and the public domain, and
  - (iii) the availability of infrastructure to service the site, and
  - (iv) the capacity of the road network to accommodate the vehicular and pedestrian traffic the development will generate, and
  - (v) the desirability of retaining the scenic, visual, and landscape qualities of the area.

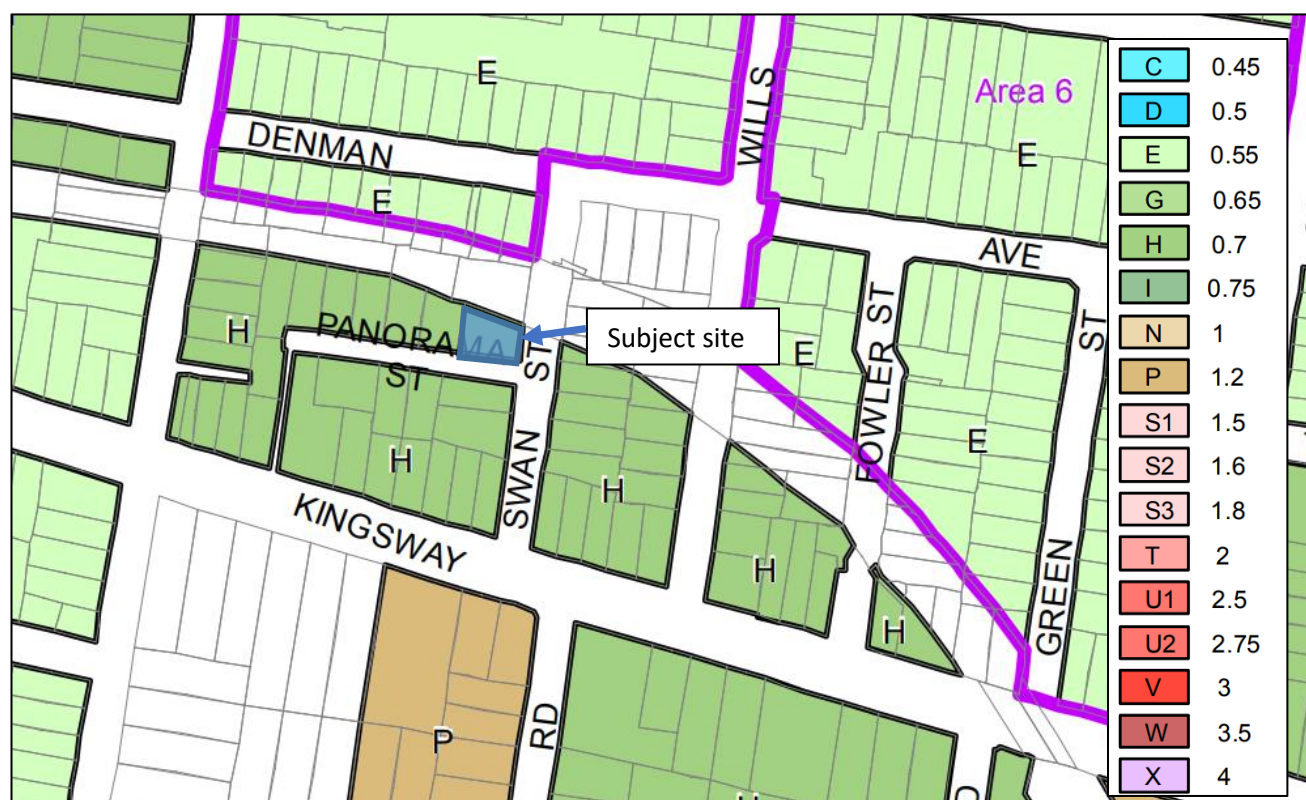


Figure 22: Maximum Floor Space Ratio Map



The application is supported by a SEPP 65 Statement prepared by Stanisis Architects which specifically considers the design principles. Principle 1: Context and neighbourhood character, Principle 2: Built Form and Scale and Principle 3: Density are relevant to addressing the objectives of the FSR control to inform compatibility of the development with the surrounding area.

In this regard, the following observations are made:

- The site is ideally situated with two street frontages, and ideally located next to a major infrastructure in the form of the Woollooware train station.
- The existing character of the area is already defined by a number of residential flat buildings, notwithstanding that residential flat buildings are prohibited in the zone. While there are a number of single storey dwelling houses in proximity of the site (including the adjoining number 3 Panorama Avenue), the proposed development is generally within the height limit of 9 metres, which is also the height limit of adjoining and surrounding land. It is therefore reasonable to assume that future surrounding development could be of a medium density character with heights of up to 9 metres.
- The site has a desirable long, northern orientation which will allow 2 hours of direct solar access to apartments at mid-winter with a high level of amenity.
- The proposed density is compatible with other types of residential accommodation that are also permissible on the site and surrounding sites. There is a significant shortage of affordable housing, in close proximity to public transport within the Sutherland Shire, and the addition of 16 units will provide important supply and opportunities for future residents and will meet the needs of the Sutherland Shire's population, particularly housing for older people, people with a disability or essential key workers.
- The proposed uses (residential apartments and retail premise) and a 3.0m secondary frontage setback (Panorama Avenue) is consistent with the surrounding context. A nil setback to Swan Street, at the station entry that is activated by a retail premises at street level is compatible and desirable.
- The increased housing density is supported by the close proximity of the site to public transport; train station (8m) and major bus route (125m), as well community services, shopping, jobs, community facilities and the environment at Cronulla, Caringbah and Miranda – all that can be accessed by train or bus. The site is also well connected to the Sydney CBD.

#### 4.3.4 Heritage

The subject sites are not located within a heritage conservation area, is not identified as a heritage item, and is not affected by any nearby heritage. The nearest item is at 2 Swan Street, opposite the site. It is identified as a local heritage item – general (I4110), "Wyndam Flats". The building is two storeys in height and categorised, as per its name, as a residential flat building.

This two-storey freestanding residential flat building dates from the Interwar period, likely constructed between 1930 and 1942. The building displays features of the Interwar style, and is set on an average site immediately adjacent to the railway station that has partially lost its historic context. The facade presents an asymmetrical elevation and is constructed of face brick and rendered brick with a scribed finish, which has likely been modified. The roof is concealed with a stepped facebrick parapet.

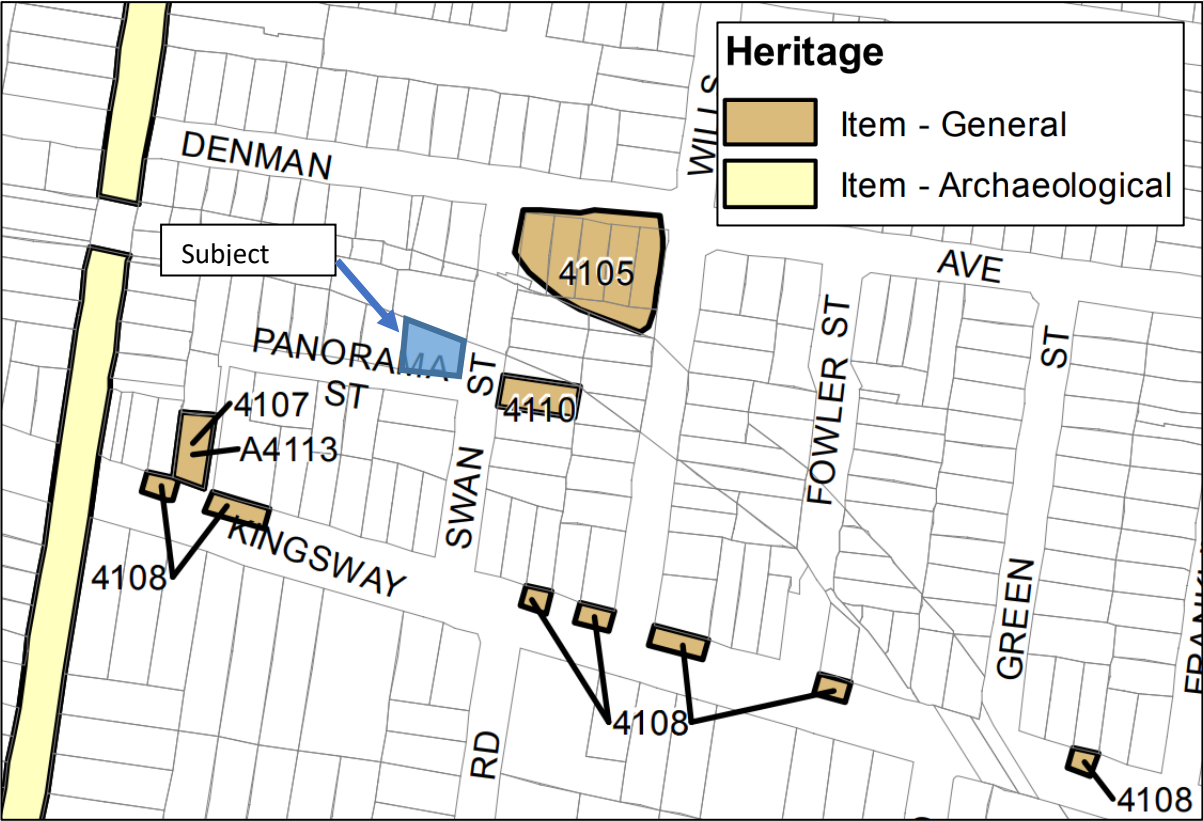


Figure 23: Heritage Map



Figure 24: 2 Swan Street – “Wyndam Flats” heritage item

The building is surrounded by more modern development, including the train station itself. The development proposal at the subject site has been designed with a flat roof and presents in a similar elevation to the item. The current design does not undermine the integrity of the item in the existing context of the surrounding area. Notwithstanding, a heritage impact assessment and public art plan will be prepared in support of a future development application.

## 5 Strategic Context

This section considers the strategic planning framework relevant to the subject site. The strategic context is considered having regard to the existing zone, the surrounding zones and development patterns and the proposal for the site that seeks to facilitate future development of the site for a three storey residential flat building supporting an important affordable housing contribution to the Sutherland Shire.

### 5.1 A Metropolis of Three Cities – The Greater Sydney Region Plan

In March 2018, the NSW Government published A Metropolis of Three Cities – The Greater Sydney Region Plan (The Plan). The Plan is built on a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. This is consistent with the 10 Directions in Directions for a Greater Sydney which establish the aspirations for the region over the next 40 years and are a core component of the vision and a measure of the Plan's performance.

To meet the needs of a growing and changing population the vision seeks to transform Greater Sydney into a metropolis of three cities:

- the Western Parkland City
- the Central River City
- the Eastern Harbour City.

The site is located in the Eastern Harbour City. The population of the Eastern Harbour City is projected to increase from 2.4 million people to 3.3 million people over the next 20 years.

The subject site adjoins the Woollooware train station, being 8 metres from the entrance. The T4 Cronulla railway line connects the site to Cronulla in approximately 1 minute, Sutherland in approximately 12 minutes, and the Sydney CBD in approximately 45-50 minutes. Further, a small cluster of convenience shops are located a 200 metres to the north of the train station. The site therefore achieves many of the locational attributes identified in the Plan having excellent proximity to public transport, jobs and employment opportunities within a walkable catchment area.

The Plan projects the population of Greater Sydney to grow to 8 million over the next 40 years. The Plan seeks to rebalance the economic and social opportunities and leverage that growth and deliver the benefits more equally across Greater Sydney. The goals are for:

- residents to have quick and easy access to jobs and essential services;
- housing supply and choice to increase and meet the growing and changing needs of the community;
- the environment and precious resources to be protected; and
- Infrastructure to be sequenced to support growth and to be delivered concurrently with new homes and jobs.



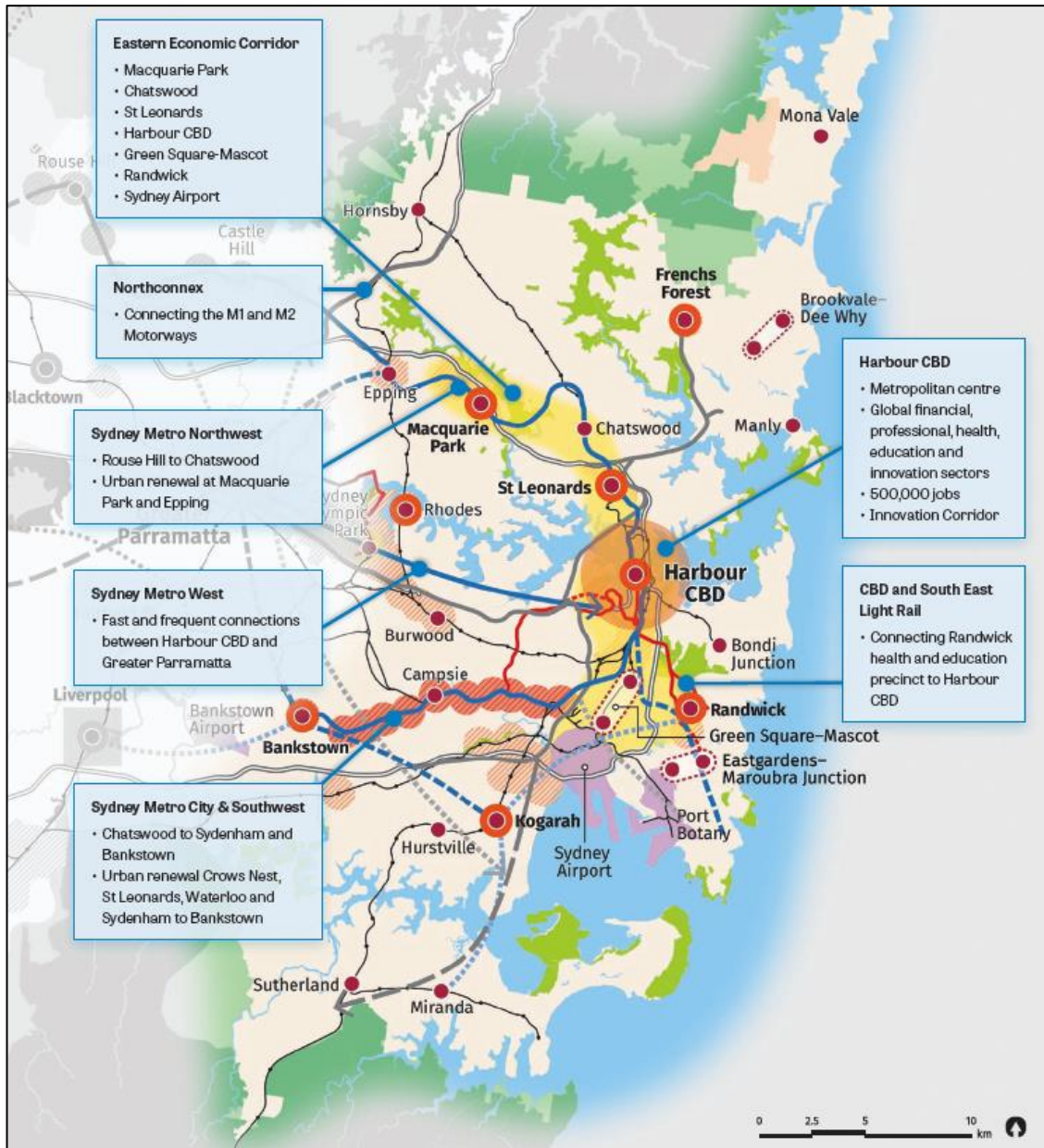


Figure 25: Eastern Harbor City Structure Plan

To achieve the objectives for the Eastern Harbour City, the plan includes 10 directions and 40 objectives, supporting actions and priorities for each “City”.

To improve liveability, The Plan seeks to create new great places, with well-connected communities which have access to a range of jobs and services, starting with public places, open spaces and transit-oriented developments. This SCC application seeks to deliver affordable housing close to public transport connecting residents to a network of jobs and opportunities.

Direction 4 “Housing the City” of the Greater Sydney Plan seeks to provide housing choice for people, which can be achieved through “greater housing supply”, “increased housing completions” and “more diverse and affordable” housing.

The NSW Communities & Justice Local Government Housing Kit database, states that as of September 2017, only 14.9% of rental stock was affordable for low income housing households and 1.1% of rental stock was affordable for very low-income households. As a comparison to NSW standards as a whole, 54.1% of rental stock was affordable for low income housing households and 1.1% of rental stock was affordable for very low-income households. The comparison to NSW as a whole paints a very bleak future for low income families in the Sutherland Shire.

This application for a SCC will facilitate and contribute 16 dwellings increasing housing supply, 50% of which will be affordable homes. The site benefits from its location next to the Woollooware train station. This connects the site to Cronulla, Miranda Westfield, and Sutherland within a matter of minutes. The site is an underutilised in its context of being located next to a train station entrance. The site has the ability to redevelop in the short term, meeting the desire and strategic planning framework of urban renewal in this location, connecting new residents with other parts of the Sutherland Shire, the Harbour CBD and nearby residents with new jobs. The site is within the 30-minute city objective.

The purpose of the ARH SEPP is to provide for expanded permissibility on sites that are compatible with their surroundings and context. The provisions of the SEPP therefore allow variations to the LEP controls, where development is compatible with its surroundings, in order to provide a social need.

The site is adjoined by residential development with similar controls and is located within an established urban residential area. It can be concluded that the application for an SCC meets a key objective of the Act, meets the objectives of the SEPP, and is consistent with the provisions of the LEP which contemplates provisions of a SEPP that may prevail over the LEP under Section 3.38 of the EP&A Act 1979.

While the subject SCC application does not seek consent for any development, it will facilitate the provision of additional housing while balancing this with high standards of amenity and design. The actions of the Greater Sydney Region Plan will be realised through future applications for development.

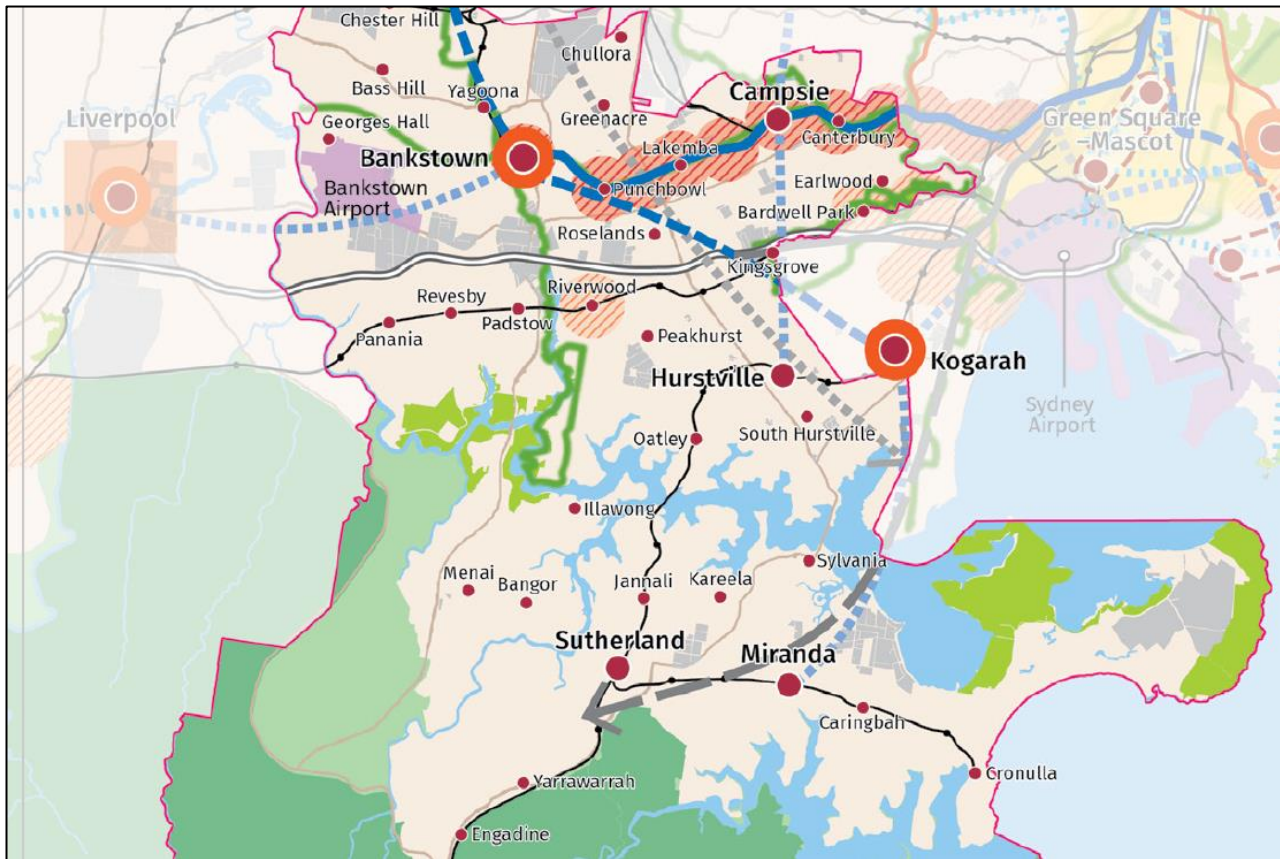
## 5.2 South City District Plan

Greater Sydney’s three cities identified in the Greater Sydney Region Plan – A Metropolis of Three Cities reach across five districts. The South District covers the Canterbury- Bankstown, Georges River and Sutherland local government areas. The District connects to the Central River City through Bankstown and to the Western Parkland city through Liverpool.

The South District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. The goal of the Plan is to “*have well-coordinated, integrated and effective planning for land use, transport and infrastructure*”. The District Plan provides the means by which the Greater Sydney Region Plan can be put into action at the local level.

*“The South District will continue to grow over the next 20 years with demand for an additional 83,500 dwellings. This will be provided through urban renewal, around new and existing infrastructure, and infill developments. The focus of growth will be on well-connected, walkable places that build on local strengths and deliver quality public places.”*

In undertaking strategic planning processes, and/or preparing or considering planning proposals, planning authorities must give effect to the District Plan, specifically the Planning Priorities and Actions. While this application is not for development and does not seek to amend the Sutherland LEP 2015, it does seek to facilitate a significant benefit of affordable rental housing through the provisions of the ARH SEPP, which will be realised through future DAs.



**Figure 26:** Extract from South District Structure Plan

In the South District the greatest increase in population is expected in Canterbury-Bankstown Local Government Area, where 70 per cent of new residents (142,450 additional people by 2036) will be accommodated due to anticipated urban renewal. The next largest increase is anticipated to be in the Sutherland Local Government Area, where the population will increase by 13 percent. *“The South District will continue to grow over the next 20 years with demand for an additional 83,500 dwellings. This will be provided through urban renewal, around new and existing infrastructure, and infill developments.”*

Further, the Plan sets a 0-5 year housing target for the District of 23,250, with 5,200 of these new dwellings targeted to be built in the Sutherland Shire. The SCC application will facilitate future development applications that support an additional 174 dwellings of which 50% will be affordable.

### 5.3 Draft Sutherland Shire Local Strategic Planning Statement

The Sutherland Shire draft Local Strategic Planning Statement sets out a coordinated vision for how places in the Sutherland Shire are to be planned and managed in the future.

The draft Planning Statement was publicly exhibited from September to October 2019 and is now in the final stages of completion.

The LSPS articulates the vision of how places and land use in Sutherland Shire will be described in 20 years' time. Of particular relevance is Council's vision that *"young people can start families in more affordable houses close to where they grew up. There are opportunities for residents to live in homes that suit their family structures, lifestyle and income"*.

Planning Priority 10 of the LSPS addresses the need for housing choice in order to ensure the Sutherland Shire community is provided with a choice of housing by making available opportunities for a range of housing sizes and types within each community. As discussed earlier, as of September 2017, only 14.9% of rental stock was affordable for low income housing households and 1.1% of rental stock was affordable for very low-income households. There is therefore a significant shortage of affordable housing supply in the area.

Opportunities are therefore required to facilitate the provision of affordable housing where appropriate. Specifically, Action 10.4 seeks to ensure Council "collaborate with the Community Housing Providers Industry Association, Community Housing Providers and charities to deliver affordable rental housing and to explore ways that supply can be enhanced.

Provision of affordable housing through the incentives of the ARH SEPP directly seek to support Action 10.4 while also achieving the objectives of Council's policy and strategic outcomes for the Sutherland Shire.

### 5.4 Sutherland Shire Housing Strategy 2014

The Sutherland Shire Housing Strategy is the Sutherland Shire Council's commitment to guide future housing supply to 2031. It is intended to create the framework that will deliver housing to meet the needs of today's community and the needs of future generations.

Council's goal is to ensure that there is a sufficient supply of housing over time so that residents will have comfortable and lively neighbourhoods with good access to jobs, shops, public transport, health facilities, community centres, and open space.



Through the Housing Strategy it is Council's objective to make it *"easier for younger people leaving home and young families to set up home in the Sutherland Shire. Young families need affordable houses or larger flats to buy or rent. Many younger people want to live in smaller dwellings close to centres, for reasons of cost, convenience and access to social activities"*.

The Housing Strategy's aims are:

1. To meet the needs of an ageing population, creating opportunities for people who want to downsize to small dwellings close to shops and services
2. To consider environmental constraints when locating additional housing
3. To provide suitable dwellings for an increasing number of small households
4. To increase housing choice
5. To revitalise town centres
6. To promote the efficient use of public transport and existing infrastructure
7. To retain the established residential character of mostly low density housing in landscaped settings

This application supports the provision of affordable housing next to major transport infrastructure.

## 6 Need for Affordable Housing

### 6.1 Social and Economic Impact

The proposed development would be built under the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP). The ARHSEPP requires that 50 per cent of the units in a development are rented out as affordable housing by a community housing provider (CHP) for no less than 10 years. Under the proposed scheme, 8 apartments would be leased and managed by Pacific Community Housing.

The proposed development is likely to have few negative social impacts. It is likely that the positive impacts will far outweigh the negative impacts, with affordable housing need significantly increased in the Sutherland Shire.

#### 6.1.1 Strategic Context

An examination of housing needs reaffirms the critical importance of providing a diversity of housing across the housing continuum in Greater Sydney. The continuum recognises the fundamental importance of household income on the ability to access housing of different types, cost and tenure. Households on moderate, low or very low incomes, who spend more than 30 per cent of their income on housing, are impacted in their ability to pay for essential items like food, clothing, transport and utilities.

Lower income households (earning up to approximately \$67,600 per annum) without other financial support cannot afford the average rental cost for even more moderately priced areas of Greater Sydney, which are generally on the outskirts of Greater Sydney.

Cities require a range of workers to be close to centres and jobs. An absence of affordable housing often results in workers having to commute for long distances.

Many moderate-income households face housing diversity and affordability challenges – typically households with incomes of \$67,400–\$101,400 per annum. Recent research indicates that about half of young Greater Sydney residents are considering leaving Greater Sydney within the next five years, with housing affordability being a key issue. It also highlights that smaller well-located dwellings are considered an acceptable approach to reducing housing cost.

As previously discussed, the NSW Communities & Justice Local Government Housing Kit database, states that as of September 2017, only 14.9% of rental stock was affordable for low income housing households and 1.1% of rental stock was affordable for very low-income households. As a comparison to NSW standards as a whole, 54.1% of rental stock was affordable for low income housing households and 1.1% of rental stock was affordable for very low-income households. The comparison to NSW as a whole paints a very bleak future for low income families in the Sutherland Shire.

Further, the ‘Supporting Economic Recovery in NSW’ report, released on 14 May 2020 to help the state recover from the COVID-19 pandemic argues the most immediate challenges are rapidly rising unemployment, the

widespread failure of small and medium enterprises, falling incomes and wealth, and rising inequality and disadvantage. The ideal policy response would simultaneously address these issues, with greater investment in social and affordable housing presenting a possible solution, the report states.

"This is a prime opportunity for the NSW government to work with the community housing sector and the construction industry to invest in social and affordable housing, and support jobs, SMEs and NSW's vulnerable citizens," NCOSS chief executive Joanna Quilty is quoted as saying when the report was released. .

The Equity Economics modelling was commissioned by the NSW Council of Social Service, Homelessness NSW, Shelter NSW, the Community Housing Industry Association and the Tenants' Union of NSW.

The Council's draft Local Strategic Planning Statement, notes the important role of community housing providers and the private sector in the delivery of affordable housing in the region, going some way to reversing the trend of extremely limited supply in the Sutherland Shire of rental accommodation of low and very low income households.

There is a unique opportunity to support the supply of affordable housing, adjoining a major piece of transport infrastructure in an area that already accommodates a number of residential flat buildings. The primary LEP land use controls specifically assist the economic dynamics of the project to support a significant local social need. If the proposed use of a residential flat buildings was able to be provided without the incentives of an additional permitted use under Division 5 of the ARHSEPP2009, the ability to provide the social need in the form of lower cost housing for those in the community that qualify would not be possible. History shows that new housing supply generated in the local market is targeted at significantly higher cost housing. The increased value created through the additional use, specifically enables those gains of increased value into the financial model of the project to support the provision of the social need without the burden of a specific levy that transfers those deadweight costs to other market sectors.

The proposal is compatible within its context and supports the Government's and Council's objectives to increase the provision of affordable housing while promoting the efficient use of public transport and existing infrastructure.

### **6.1.2 Affordable Housing Taskforce Report**

The NSW Affordable Housing Taskforce released their interim report in March 2012. In this report, the Taskforce said that, *"Housing NSW has strategically facilitated the growth of the community housing sector in recent years, providing a range of capacity building opportunities. NSW government now has the opportunity to benefit from this increased capacity."*

Furthermore, the Taskforce said that inclusionary zoning policies do not work to provide affordable housing in all markets. While these policies provide a level of certainty about the type of contribution required for affordable housing and avoid the need for site based negotiation processes and the mandatory nature of the provisions support the delivery of scale, they have been shown to work most effectively in very high value land locations and have limited application in lower cost markets.

Inclusionary zoning provisions may be considered to increase the costs of development which may be passed on to individual home purchasers. The application of such policy is complicated and can lead to a lowering of dwelling supply and an increase in market costs as suppliers seek to pass on the inclusion cost by raising general market prices or lowering delivery costs or both which can lead to lower supply and higher costs thus exacerbating the affordability problem.

### 6.1.3 Development Under the ARH SEPP

The proposed development would be built under the ARH SEPP. The ARH SEPP requires that 50 per cent of the units in a development are rented out as affordable housing by a community housing provider for no less than 10 years (which allows for asset recycling). Under the proposed scheme, 8 apartments would be leased and managed by Pacific Community Housing.

The ARH SEPP gives the state and council the opportunity to work with a community housing providers to get an affordable outcome that provides housing choice and access for housing singles, families and couples. Specifically, the draft Sutherland Local Strategic Planning Statement observes:

*“Community Housing Providers such as St George Community Housing and charities play an important role in the delivery of affordable rental housing. NSW Land and Housing Corporation is the agency responsible for social housing provision. Ways to enhance housing supply can be explored through greater collaboration with these stakeholders.”*

The subject site is underutilised in its locational context next to the entrance of a train station that connects the site to major centres in just a few minutes, such as Cronulla, Miranda and Sutherland. This application has demonstrated that the development will avoid any perceived land use conflict, is a logical residential development, and enables the capture of the increased permissibility gains to be deliberately and directly applied to support the provision of affordable housing in an unaffordable area for low and very low income families.

### 6.1.4 Objectives of the EP&A Act

When performing functions under the Act, authorities will be guided by three additional new objects promoting:

- good design and amenity of the built environment
- the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)
- the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants.
- to promote the delivery and maintenance of affordable housing

The new objects of the Act commenced from 1 March 2018.

The objects of the Act are guiding principles that need to be considered by planning authorities, such as councils and Local Planning Panels, when making decisions under the Act.



According to the Department's own explanatory notes guiding how the new objects are to be interpreted, *"promoting social equity through the provision of Affordable Housing and directly dealing with the issues of housing stress in Sydney is already a relevant consideration that may be considered by decision-makers."*

The explanation goes on to highlight the increased importance of affordable housing as a consideration: *"Having an affordable housing object elevates the importance of promoting and facilitating the provision of Affordable Housing as part of the planning system as a whole and will ensure that affordable housing provision is considered and balanced with the other objects of the Act."*

The Department also notes that the ARHSEPP: *"Enables a consistent planning regime for the provision of affordable rental housing, to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards, to facilitate the retention and mitigate the loss of existing affordable rental housing, to facilitate an expanded role for not-for-profit-providers of affordable rental housing and to support local business centres by providing affordable rental housing for workers close to places of work."*

As noted earlier, the Affordable Housing Taskforce report that was released in 2012, provides further evidence analysis of the need for the planning system to support the delivery of Affordable Housing.

It is clear that, despite the fact that the new Act postdates the ARHSEPP by nearly 10 years, the Department and the Parliament had it in mind that the objectives could be met by the already existing EPI.

Therefore, it can be seen that there is a deliberate planning approach applied about the practical application of the objectives of the Act and the use of an EPI to achieve the objective.

.

## 7 Conclusion

This report supports an application to the NSW DPI&E for a SCC under Division 5 of the State Environmental Planning Policy (Affordable Rental Housing) 2009. The subject site, at 1 Panorama Avenue, Woollooware

The SCC supports the development of the site which will facilitate 16 dwellings, of which 50% (8 dwellings) will be designated affordable housing units, managed by Pacific Community Housing, for a period of 10 years in accordance with the provisions of the ARH SEPP.

The subject site is zoned R3 Medium Density Residential within which development for the purpose of a 'residential flat building' is prohibited. Further, the site adjoins the entrance to the public entrance to Woollooware train station, and is therefore within the 800 metres requirement and as per Section 34(a) the provisions of Division 5 of the ARH SEPP apply.

Due to the high unmet demand for affordable housing in the Sutherland Shire, the site at 1 Panorama Avenue, Woollooware offers a real opportunity in a suitable/compatible location to support the provision of affordable housing. The subject site is underutilised in its locational context next to a train station entrance that connects the site to a number of centres within just a few minutes, directly achieving the aims and objectives of the strategic planning framework, including the Greater Sydney Plan, South City District Plan, the Sutherland Housing Strategy 2014 and the draft Sutherland Local Strategic Planning Statement.

As discussed in this report, the purpose of the ARH SEPP is to expand zoning and permissibility to facilitate the provision of a social need. This application demonstrates that proposed residential flat development at the height and density proposed will not have any unacceptable environmental impact and is compatible with the surrounding land uses having regard to existing and approved land uses and the bulk and scale and the preferred future land uses on land surrounding the subject site.