

Attachment 1 – State Environmental Planning Policy (Affordable Rental Housing) 2009 compliance table

Clause		Yes	No	N/A	Comment
Part 1 Preliminary					
3	Aims of Policy				
(a)	<i>to provide a consistent planning regime for the provision of affordable rental housing,</i>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposal is consistent with the aim of providing new affordable rental housing.
(b)	<i>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,</i>				
(c)	<i>to facilitate the retention and mitigate the loss of existing affordable rental housing,</i>				
(d)	<i>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,</i>				
(e)	<i>to facilitate an expanded role for not-for-profit-providers of affordable rental housing,</i>				
(f)	<i>to support local business centres by providing affordable rental housing for workers close to places of work,</i>				
(g)	<i>to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.</i>				
Part 2 New Affordable Rental Housing					
Division 3 Boarding Houses					
Clause 26 – Land to which division applies					
This Division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones:					The site is zoned R4 – High Density Residential under HLEP 2013 and as such, division 3 applies.
(a)	Zone R1 General Residential,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
(b)	Zone R2 Low Density Residential,				
(c)	Zone R3 Medium Density Residential,				
(d)	Zone R4 High Density Residential,				
(e)	Zone B1 Neighbourhood Centre,				
(f)	Zone B2 Local Centre,				
(g)	Zone B4 Mixed Use.				
Clause 27 – Development to which division applies					
(1)	This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The proposed development is a boarding house as defined in HLEP 2013.
28 Development may be carried out with consent					
Development to which this Division applies may be		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	This application seeks

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carried out with consent.				consent.
29 Standards that cannot be used to refuse consent				
<p>(1) A consent authority must not refuse consent to development to which this Division applies on the grounds of density or scale if the density and scale of the buildings when expressed as a floor space ratio are not more than:</p> <p>(a) the existing maximum floor space ratio for any form of residential accommodation permitted on the land, or</p> <p>(b) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</p> <p>(i) 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or</p> <p>(ii) 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The development is on land within a zone in which residential flat buildings are permitted and does not contain a heritage item. As such, the maximum floor space ratio that applies is 1.2:1 + 0.5:1 = 1.7:1.</p> <p>The proposed development has an FSR of 1.09:1 (462.2 m²/422.5 m²) which complies with the maximum permitted.</p>
<p>(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p> <p>building height</p> <p>if the building height of all proposed buildings is not more than the maximum building height permitted under another environmental planning instrument for any building on the land,</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The Height of Buildings Map indicates a maximum height of 15 m for this site.</p> <p>The proposed development has a height of 13.95 m which complies with the height standard.</p>
<p>landscaped area</p> <p>if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The landscape treatment of the front setback area is considered to be incompatible with the streetscape in which the building is located. This is included as a reason for refusal in the draft determination.</p>
solar access	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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where the development provides for one or more communal living rooms, if at least one of those rooms receives a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter,				On the basis of the information provided, it appears that the communal room will receive less than 3 hours direct solar access between 9 am and 12 pm at mid-winter. This is included as a reason for refusal in the draft determination.
private open space if at least the following private open space areas are provided (other than the front setback area): (i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers, (ii) if accommodation is provided on site for a boarding house manager—one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The plans show a common area with approximately 40 m ² with minimum dimensions of 3 m at the eastern end of the ground floor. Accommodation for a boarding house manager is proposed on the ground floor with an adjacent terrace area of 11.8 m ² . The manager's terrace has minimum dimensions of 2.9 m which complies with the standard.
parking if: (i) in the case of development carried out by or on behalf of a social housing provider in an accessible area – at least 0.2 parking spaces are provided for each boarding room, and (ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area – at least 0.4 parking spaces are provided for each boarding room, and	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The development is not proposed to be carried out by a social housing provider.
(iia) in the case of development not carried out by or on behalf of a social housing provider - at least 0.5 parking spaces are provided for each boarding room, and	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	With 11 boarding rooms proposed, a minimum of 5.5 (6) parking spaces are required to be provided. 6 parking spaces are proposed, including one accessible space.
(i) in the case of any development - not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No spaces have been provided for the on-site manager.

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accommodation size				
if each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Each boarding room has a minimum area of 12 m ² and is to be used by a single lodger. The area calculated excludes bathrooms and kitchen facilities.
(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or				
(ii) 16 square metres in any other case				
A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Private kitchenette and bathroom facilities have been provided to each proposed boarding room.
A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Noted
30 Standards for boarding houses				
(1) A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following:				
(a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A communal living room is provided at ground level.
(b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 square metres,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Rooms 4 and 7 have gross floor area greater than 25m ² . This is included as a reason for refusal in the draft determination.
(c) no boarding room will be occupied by more than 2 adult lodgers,	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Each room has capacity for either 1 or 2 lodgers. If consent were to be granted, a condition could be imposed stipulating the total number of occupants for the boarding house, and for each room.
(d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Each room has its own bathroom and kitchenette. However, the kitchen facilities do not appear to be adequate given that there is no communal kitchen provided. This is included as a reason for refusal in the draft

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				determination.
(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The maximum occupancy is 16 (based on the room configuration). A manager's room is not required but has been provided at the ground floor. The resultant maximum number of lodgers is 15.
(g) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Site is zoned R4 – High Density Residential
(h) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	A minimum of 2.2 (3) motorbike and 2.2 (3) bicycle spaces are required. Only two bicycle and two motorbike spaces are proposed. This is included as a reason for refusal in the draft determination.
(2) Subclause (1) does not apply to development for the purposes of minor alterations or additions to an existing boarding house.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proposal is for construction of a new boarding house.
30A Character of local area Consent must not be granted unless the proposal is consistent with the character of the local area.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposal is not consistent with the character of the local area and this is included as a reason for refusal in the draft determination. See discussion in the body of this report.
Clause 52 - No subdivision of boarding houses A consent authority must not grant consent to the strata subdivision or community title subdivision of a boarding house.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Subdivision is not proposed as part of the application. If consent were to be granted, a condition could be imposed requiring that no subdivision be carried out.