

State Environmental Planning Policy (Affordable Rental Housing) 2009

Compliance – SEPP (Affordable Rental Housing) 2009 – Boarding House

Compliance with Clause 29 – Standards that cannot be used to refuse consent

<p>Clause 29 (1) Floor Space Ratio</p> <p>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>(c) if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register—the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:</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>	<p>Alternative Solution</p> <p>The <i>State Environmental Planning Policy (State Significant Precincts) 2005</i> (SPP SEPP) applies a maximum FSR development standard of 3:1 to the site and a maximum 1:1 FSR for the residential component. In addition to this base FSR, the Affordable Rental Housing SEPP (ARH SEPP) applies an FSR bonus of 0.5:1 to the site. The site there has a maximum permissible FSR of 3.5:1.</p> <p>Based on a site area of 1,062.1m² and a maximum proposed gross floor area (GFA) of 3,685.63m² the development has a maximum FSR of 3.47:1 and complies with the maximum FSR development standard. However, the residential component of the development, excluding the ground floor café that has a GFA of 102.79m², has a GFA of 3,582.84m². This amounts to a residential FSR of 3:37:1. When excluding the residential FSR bonus of 0.5:1 established by the ARH SEPP, the proposal provides a 1.87:1 variation to the 1:1 residential FSR development standard nominated by the SPP SEPP.</p> <p>A detailed 16A Variation Request included at Appendix 14.</p>
<p>Clause 29 (2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:</p> <p>(a) 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>	<p>Alternative Solution</p> <p>The SPP SEPP applies a maximum Building Height (storeys) development standard of five (5) storeys to the site. The proposal reaches six (6) storeys and therefore contravenes the development standard.</p> <p>A detailed 16A Variation Request to the storey height non-compliance is included at Appendix 14.</p>
<p>(b) 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>	<p>Complies</p> <p>The site is located in a highly urbanised setting. Landscaping within the front setback along Cleveland Street is atypical. The proposed landscaping treatment along Cleveland Street consists of planters which will contribute additional greener to the streetscape. The proposal seeks to retain the existing street tree.</p>

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<p>(c) Solar Access</p> <p>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.</p>	<p>The communal open space areas at Level 5 and Level 6 received the minimum required solar access.</p>
<p>(d) Private Open Space</p> <p>If at least the following private open space areas are provided (other than the front setback area):</p> <ul style="list-style-type: none"> (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. 	<p>Complies</p> <p>The proposal includes multiple internal and external communal areas that exceed the minimum 20sqm requirement and 3m dimension. Cumulatively, the proposal provides 1,209.57m² of private open space comprising 816.64m² of external common area and 392.93m² of internal common area.</p> <p>A private balcony is provided for the manager's room located at Level 5 and meets the minimum sizing requirements. Specifically, it is 4,579m² x 4,915m².</p>
<p>(e) Parking</p> <p>if:</p> <ul style="list-style-type: none"> (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 (iii) 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 (iii) in the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site, 	<p>Complies</p> <p>The proposal is required to provide parking at a rate of 0.5 spaces for each boarding room and a maximum of one (1) parking space for each person employed in connected with the boarding house who resides on the site. The proposal provides 119 boarding rooms for residents. One (1) staff member will reside on the site, necessitating the provision of one (1) parking space. This requires the provision of 60 spaces for lodgers and 1 space for staff.</p> <p>The proposal provides eight (8) vehicle spaces within the basement. This amounts to a shortfall of 52 spaces. Notwithstanding, it is noted that the proposed quantity of parking complies with the rates nominated by the SLEP 2012 which applies maximum rates and is consistent with Council's ambition to reduce the reliance on private vehicles. A detailed justification is provided in the EIS in Section 6.9 and the Traffic and Parking Assessment Report at Appendix 13.</p>
<p>(f) Accommodation Size</p> <p>if each boarding room has a gross floor area (GFA) (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least:</p>	<p>Complies</p> <p>The boarding rooms each accommodate a single bed and well exceed the minimum 12sqm requirement. Specifically, the rooms range in size from</p>

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<p>(i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or</p> <p>(ii) 16 square metres in any other case.</p>	<p>12.08sqm to 24.59sqm when excluding the private kitchen and bathroom facilities.</p>
<p>Clause 29 (3)</p> <p>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.</p>	<p>Complies</p> <p>The proposal accommodates kitchens and bathroom facilities within each boarding room.</p>
Clause 30(1) A Consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following	
<p>Clause 30 (a)</p> <p>If a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</p>	<p>Complies</p> <p>The proposal accommodates a range of communal living spaces as shown in the Architectural Plans at Appendix 5.</p>
<p>Clause 30 (b)</p> <p>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,</p>	<p>Complies</p> <p>The proposed boarding rooms do not exceed 25sqm when the kitchen and bathrooms are excluded from the calculations (refer to Appendix 5).</p>
<p>Clause 30(c)</p> <p>No boarding room will be occupied by more than 2 adult lodgers,</p>	<p>Complies</p>
<p>Clause 30 (d)</p> <p>Adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,</p>	<p>Complies</p> <p>Refer to Architectural Plans at Appendix 5.</p>
<p>Clause 30 (e)</p> <p>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,</p>	<p>Complies</p> <p>A boarding house manager's room is provided.</p>
<p>Clause 30 (h)</p> <p>At least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.</p>	<p>Complies</p>

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The proposal is required to provide 38 bicycle spaces (27 resident spaces and 11 visitor spaces) and 24 motorcycle spaces. The proposal therefore complies with the minimum bicycle and motorcycle requirements.

Clause 30(2) Subclause (1) does not apply to development for the purposes of minor alterations or additions to an existing boarding house.

Clause 30A – Character of local area

A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area.

Complies

The proposal is considered to be compatible with the character of the area. The desired character for the local area is established by the zoning objectives for the applicable Business Zone – Mixed Use which requires development is to:

- Support the development of sustainable communities with a mix of employment, educational, cultural and residential opportunities; and
- To permit residential development that is compatible with non-residential development.

The boarding house will facilitate employment opportunities whilst addressing the demand for high-quality rental accommodation. In this regard, it will foster a mix of employment generating uses and residential accommodation. The proposed use is compatible with the development in the immediate surrounds. This development largely consists of shop top housing that provides retail uses at street level and residential above. In addition and consistent with the proposal, there are a number of boarding house uses in the vicinity of the site, including:

- the Urbanest Student Accommodation facility at the intersection of Cleveland and Eveleigh Streets (40m from the site);
- The Iglu Student Accommodation facility at 60 – 78 Regent Street located to the south (550m from the site); and
- Iglu Student Accommodation facility located to the south at 70 – 88 Regent Street (600m from the site).

In light of the above, the proposal is considered to be consistent with the character of the area in that is consistent with the objectives of the prevailing zoning and provides a boarding house use that is complementary to the existing boarding house developments in the immediate surrounds.

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The desired local character is also established by the *Redfern-Waterloo Built Environment Plan (Stage One) (August 2006)* (the Plan) prepared by the Redfern-Waterloo Authority. Under this Plan, the site is located within the Eveleigh Precinct which is designated as suitable for mixed use residential (medium density) development. It permits increased height and floor space for development adjacent to the railway corridor to provide a buffer to the lower scale development to the west.

The proposal is consistent with the Plan in that it provides a mixed use residential development of a medium density. The proposal complies with the maximum FSR of 3.5:1 which applies to the site and has a perceived five (5) storey height when viewed from the ground plane. For these reasons the proposal is consistent with the envisaged character for the area as established by the Plan.