

THE PLANNINGHUB

*by Hawes & Swan*

## APPENDIX B

# STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009 - COMPLIANCE TABLE

28 FISHER ROAD & 9 FRANCIS STREET,  
DEE WHY

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**State Environmental Planning Policy (Affordable Rental Housing) 2009**  
**28 Fisher Rd & 9 Francis St, Dee Why**

Clause	Requirement	Comment	Complies
<b>26 – Land to which Division applies</b>	<p>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—</p> <ul style="list-style-type: none"> <li>(a) Zone R1 General Residential,</li> <li>(b) Zone R2 Low Density Residential,</li> <li>(c) Zone R3 Medium Density Residential,</li> <li>(d) Zone R4 High Density Residential,</li> <li>(e) Zone B1 Neighbourhood Centre,</li> <li>(f) Zone B2 Local Centre,</li> <li>(g) Zone B4 Mixed Use.</li> </ul>	The subject site is zoned B4 Mixed Use and R3 Medium Density under the provisions of the Warringah Local Environmental Plan (LEP) 2011.	✓
<b>27 – Development to which Division applies</b>	This Division applies to development, on land to which this Division applies, for the purposes of boarding houses.	The proposal consists of a mixed-use boarding house development.	✓
<b>28 – Development may be carried out with consent</b>	Development to which this Division applies may be carried out with consent.	This proposal seeks consent for a mixed-use development boarding house development.	✓
<b>29 – Standards that cannot be used to refuse consent</b>	<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>		

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	<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 no residential accommodation is permitted—the existing maximum floor space ratio for any form of development permitted on the land, or</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>2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds—</p> <p>a) <b>building height</b></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>A portion of the site is subject to a FSR of 2.4:1 under the provisions of the Warringah LEP. The proposed development is afforded a FSR bonus of 0.5:1 increasing the maximum allowable FSR to 2.9:1.</p> <p>The proposed development has a total gross floor area (GFA) of 3,312.84m<sup>2</sup> which equates to a Floor Space Ratio (FSR) of 2.38:1.</p> <p>The subject site is subject to a maximum building height of 11m on the western portion fronting Francis Street and 16m on the eastern portion fronting Fisher Road under the Warringah LEP. The proposed development has a maximum building height of 11m on the western portion of the site and 16m on the eastern portion of</p>	<p>✓</p> <p>✓</p>
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	<p>the site in line with the applicable maximum building height controls.</p>	
<p>b) <b>landscaped area</b></p> <p>if the landscape treatment of the front setback area is compatible with the streetscape in which the building is located,</p>	<p>The proposed development has been designed to provide landscape treatment of the front setback areas to be consistent with the existing streetscape.</p>	✓
<p>c) <b>solar access</b></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 living rooms 1 – 4 receives at least 3 hours direct sunlight between 9am and 3pm in mid-winter, as detailed on the shadow diagrams provided in the Architectural Plans (<b>Appendix A</b>).</p>	✓
<p>d) <b>private open space</b></p> <p>if at least the following private open space areas are provided (other than the front setback area)—</p> <p>(i) one area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,</p> <p>(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>	<p>The proposed development is provided with a communal private open space area of 527.7m<sup>2</sup> with a minimum dimension of at least 3m across the two rooftop communal areas. The boarding house manager' residence is provided with a private open space area of 12m<sup>2</sup> with a minimum dimension of 2.5m which is directly accessible from the living space of the residence.</p>	✓
<p>e) <b>parking</b></p> <p>if—</p> <p>(i) in the case of development carried out by or on behalf of a social housing provider in an</p>	<p>The proposed development is being carried out on behalf of a social housing provider and therefore subject to a parking requirement of 0.2 spaces per boarding house unit.</p>	✓

	<p>accessible area—at least 0.2 parking spaces are provided for each boarding room, and</p> <p>(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</p> <p>(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</p> <p>(iv) 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> <p>f) <b>accommodation size</b></p> <p>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—</p> <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>3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room.</p>	<p>The proposed development therefore requires a total of 16 car spaces (80 units x 0.2 spaces). The proposed development is provided with a total of 40 car spaces, 19 motorcycle spaces and 20 bicycle spaces across 2 levels of basement car parking.</p> <p>The proposed development is supported by a Traffic Report (<b>Appendix J</b>) prepared by Northern Transport Planning and Engineering that addresses the car parking and traffic impacts of the proposal.</p> <p>All proposed boarding house units are at least 12m<sup>2</sup> for a single room and 16m<sup>2</sup> for a double room (excluding any area used for the purposes of private kitchen or bathroom facilities).</p> <p>The boarding house units are provided with bathroom facilities and communal kitchen areas.</p>	<p>✓</p> <p>✓</p>
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	4) A consent authority may consent to development to which this Division applies whether or not the development complies with the standards set out in subclause (1) or (2).	The development complies with the standards.	✓
<b>30 – Standards for boarding houses</b>	<p>A consent authority must not consent to development to which this Division applies unless it is satisfied of each of the following—</p> <p>a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,</p> <p>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,</p> <p>c) no boarding room will be occupied by more than 2 adult lodgers,</p> <p>d) adequate bathroom and kitchen facilities will be available within the boarding house for the use of each lodger,</p> <p>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,</p> <p>f) (Repealed)</p> <p>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</p>	<p>Communal living rooms are provided on levels 1, 2, 3 and 4.</p> <p>The maximum gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of a boarding house room is 20.9m<sup>2</sup>.</p> <p>No boarding room will be occupied by more than 2 adult lodgers at any one time.</p> <p>Each boarding room is provided adequate private bathroom and communal kitchen facilities.</p> <p>A manager's residence is provided on the ground floor of the development.</p> <p>A café and church is proposed on the ground floor with frontage to Fisher Road.</p>	<p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p> <p>✓</p>

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	<p>residential purposes unless another environmental planning instrument permits such a use,</p> <p>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.</p>	<p>A total of 19 motorcycle and 20 bicycle spaces are required for the proposed development.</p>	✓
<b>30A – Character of local area</b>	<p>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.</p>	<p>The overall aim of this project is to increase the quality and quantity of affordable housing options available in Dee Why, and in the wider Northern Beaches Local Government Area. The development will provide for a range of housing types to service the needs of a growing population on a site that is within the Dee Why Town Centre and in close proximity to Pittwater Road. The development is also located in close proximity to a range of services and facilities to meet the needs of the residents.</p> <p>The design, scale and height proposed within this application is consistent with the current developments and desired future character of the site's split zoning and two street frontages having regard to its location and site context. The elevations have been carefully designed to achieve an aesthetic outcome and composition based on the developments interface with the site's two street frontages and the adjoining properties. The facades and numerous architectural features provide articulation and interest to the elevations and result in a high-quality built form that contributes positively to the streetscape and the emerging built form.</p>	✓

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		The proposed development therefore considered to be compatible with and will positively contribute to the character of the local area.	
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