

# Attachment N: Consistency with applicable State Environmental Planning Policies

*Gateway Question Part 3, Section B, Question 5*

<b>SEPPs</b>	<b>Consistency</b>
<p><i>State Environmental Planning Policy No 1 – Development Standards</i></p>	<p>Consistent.</p> <p>SEPP 1 seeks to provide flexibility in the application of planning controls operating by virtue of development standards in circumstances where strict compliance with those standards would, in any particular case, be unreasonable or unnecessary or tend to hinder development.</p> <p>The proposal is consistent with this policy. In accordance with Council’s resolution, a development control plan will be created for the St Leonards South area and exhibited with the proposal.</p> <p>The intent of the DCP will seek to guide development in order to achieve the 10 planning principles/standards contained within the St Leonards South Masterplan for a high amenity residential precinct.</p> <p>Furthermore, the LEP and DCP controls have been developed with a degree of flexibility already established within them, allowing for specified public benefits while still being cost-effective for a developer. Hence, compliance with these flexible controls should not be considered unreasonable or unnecessary.</p>
<p><i>State Environmental Planning Policy No 19 – Bushland in Urban Areas</i></p>	<p>Consistent.</p> <p>The general intent of this policy is to protect and preserve bushland within specified urban areas.</p> <p>Land within the St Leonards South area does contain nor adjoin any SEPP 19 bushland. It will not result in the removal of any bushland on the site.</p>

<p><i>State Environmental Planning Policy No 26 – Littoral Rainforests</i></p>	<p>Does not apply.</p>
<p><i>State Environmental Planning Policy No 32 – Urban Consolidation (Redevelopment of Urban Land)</i></p>	<p>Repealed on 4 August 2016.</p>
<p><i>State Environmental Planning Policy No 55 – Remediation of Land</i></p>	<p>Consistent.</p> <p>This policy deals with the remediation of contaminated land and is applicable when either rezoning land or considering a development application.</p> <p>Under clause 6, a planning authority (when rezoning) must consider:</p> <ul style="list-style-type: none"> <li>• whether the subject land is contaminated;</li> <li>• if it is, whether the proposed zone is suitable for the permissible uses of the new zone; and</li> <li>• if the land requires remediation to make the land suitable for the proposed zone.</li> </ul> <p>Further advice, in relation to contamination, will be received from Council’s Manager Environmental Health prior to finalisation.</p>
<p><i>State Environmental Planning Policy No 65 – Design Quality Of Residential Apartment Development</i></p>	<p>Consistent.</p> <p>This policy applies to development for purposes of residential flat buildings, shop top housing or mixed use development with a residential component.</p> <p>The St Leonards South Master plan was designed with the aim that all buildings, within &amp; adjoining the precinct, would be able to achieve the requirements of SEPP 65 and the accompanying Apartment Design Guide.</p> <p>Built form analysis focused on buildings within the precinct that would generally be able to achieve the minimum</p>

provisions of the Apartment Design Guide provided that:

- Buildings were orientated in North-South alignment only (as shown in the Master Plan);
- There was a 12 metre building setback from the rear boundary (this allows for 24 metres separation between buildings);
- Given the proximity to adjoining residential houses – a high level of street tree planting is essential to obtain visual transition.

While previous building envelope modelling indicated that most buildings would generally be able to comply with most of the Apartment Design Guide provisions, 2 hours solar access in mid-winter has proved difficult to achieve across the precinct.

Due to the south facing slope of the precinct, some buildings are only able to achieve 1.5 hours solar access in mid-winter. Objective 4A-1 (pg 79) of the ADG makes allowances for this:

*“Achieving the design criteria may not be possible on some sites. This includes:*

- *where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source*
- **on south facing sloping sites**
- *where significant views are oriented away from the desired aspect for direct sunlight*

*Design drawings need to demonstrate how site constraints and orientation preclude meeting the design criteria and how the development meets the objective”.*

These, along with other, controls will be implemented in a site-specific Development Control Plan for the St Leonards South area.

As part of Council’s resolution, a SEPP 65 Design Review Panel will also be established for this precinct.

<p><i>State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)</i></p>	<p>The planning proposal does not contain provisions that would be inconsistent with, or hinder the application of the SEPP.</p>
<p><i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i></p>	<p>The Planning Proposal is not inconsistent with the AHSEPP as it enables a component of affordable housing to be incorporated into the development and contributes toward the supply and diversity of affordable rental and social housing in the state.</p> <p>Council has introduced an ‘incentive-style’ mechanism which previously included site-specific bonuses for a component of Affordable Housing. Although this has now been amended to refer to “Key Worker Housing”, Council’s Planning Proposal is still consistent with the floor space ratio (FSR) bonus scheme provided under the AHSEPP.</p> <p>Clause 13 of the State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP) sets out the rules and formulae for calculating bonus affordable housing floor space.</p> <p><b>13 Floor space ratios</b></p> <p><i>(1) This clause applies to development to which this Division applies if the percentage of the gross floor area of the development that is to be used for the purposes of affordable housing is at least 20 per cent.</i></p> <p><i>(2) The maximum floor space ratio for the development to which this clause applies is the existing maximum floor space ratio for any form of residential accommodation permitted on the land on which the development is to occur, plus:</i></p> <p><i>(a) if the existing maximum floor space ratio is 2.5:1 or less:</i></p> <p><i>(i) 0.5:1—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or</i></p> <p><i>(ii) Y:1—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:</i></p> <p><i>AH is the percentage of the gross floor area of the development that is used for affordable</i></p>

*housing.*

$$Y = AH \div 100$$

or

*(b) if the existing maximum floor space ratio is greater than 2.5:1:*

*(i) 20 per cent of the existing maximum floor space ratio—if the percentage of the gross floor area of the development that is used for affordable housing is 50 per cent or higher, or*

*(ii) Z per cent of the existing maximum floor space ratio—if the percentage of the gross floor area of the development that is used for affordable housing is less than 50 per cent, where:*

*AH is the percentage of the gross floor area of the development that is used for affordable housing.*

$$Z = AH \div 2.5$$

The formulas in Clause 13 of the SEPP (Affordable Rental Housing) 2009 explain that the application of bonus FSR depends on existing maximum floor space ratio and how much gross floor area is used for Affordable Housing.

Therefore, if less than 50 per cent of the gross floor area of the development is used for Affordable Housing then any additional FSR bonus must be less than 20 per cent of the existing FSR.

In terms of the St Leonards South Planning Proposal, it is expected that sites in the precinct will be able to achieve a maximum FSR of 2.75:1 (or above, for certain sites) if the preferred amalgamation pattern and high level of landscaping is provided on site. In order for the sites closest to the St Leonards Train Station to qualify for additional FSR, certain sites were required to deliver specific outcomes, based on economic feasibility testing.

Initial analysis by HillPDA demonstrated that it was not feasible for every site to deliver key worker housing. As a result, the HillPDA analysis (see attachment) only recommended seven sites to deliver key worker housing.

The final results were shown in Table 3 of the document as follows:

<b>Test case no.</b>	<b>Site Area</b>	<b>Maximum FSR available</b>	<b>Affordable Housing Units</b>	<b>% of total stock (by enclosed floor area*)</b>
<i>Base case</i>	<i>2,100m<sup>2</sup></i>	<i>2.75:1</i>	<i>nil</i>	<i>nil</i>
Area 1	3,415m <sup>2</sup>	4:1	10	4.8%
Area 2	2,315m <sup>2</sup>	3.7:1	6	4.6%
Area 3	1,897m <sup>2</sup>	3.7:1	6	5.7%
Area 4	1,669m <sup>2</sup>	3.7:1	5	5.4%
Area 6	1,669m <sup>2</sup>	3.5:1	3	3.4%
Area 13	1,967m <sup>2</sup>	3:1	1	1.1%
Area 14	1,669m <sup>2</sup>	3.5:1	3	3.4%

*\*enclosed floor area is 95% of gross floor area (GFA)*

Using both Table 3 of the HillPDA analysis and the formula provided by the SEPP (Affordable Rental Housing) 2009, the percentage of additional floor space has been calculated as follows:

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Area</b>	<b>No. Of Units</b>	<b>% of total stock (by enclosed floor area*)</b>	<b>Equivalent Gross Floor Area in Column 3 (as a %)</b>	<b>Applicable FSR bonus (Z= Column 4 ÷ 2.5)</b>
<i>Base case</i>	<i>nil</i>	<i>nil</i>	<i>nil</i>	<i>nil</i>
Area 1	10	4.8%	5.05%	2.02%
Area 2	6	4.6%	4.84%	1.94%
Area 3	6	5.7%	6.00%	2.4%
Area 4	5	5.4%	5.68%	2.27%
Area 6	3	3.4%	3.58%	1.43%
Area 13	1	1.1%	1.16%	0.46%
Area 14	3	3.4%	3.58%	1.43%
<i>Max. SEPP case</i>			<i>Less than 50%</i>	<i>Less than 20%</i>

By analysing the formulas in the SEPP, it is clear that the maximum additional Floor Space Ratio bonus (in this instance) for each development cannot exceed 20%. As the

	<p>above table demonstrates, the proposed bonuses are well within the allowable range permitted.</p> <p>In conclusion, Council has utilised incentives in a manner that is consistent with the AHSEPP bonus provisions. The aim is to encourage developments closest to the Train Station to provide Key Worker Housing.</p>
<i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>	The planning proposal does not contain provisions that would be inconsistent with, or hinder the application of the SEPP.
<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>	The planning proposal does not contain provisions that would be inconsistent with, or hinder the application of the SEPP.
<i>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</i>	The planning proposal does not contain provisions that would be inconsistent with, or hinder the application of the SEPP.
<i>State Environmental Planning Policy (Infrastructure) 2007</i>	The planning proposal does not contain provisions that would be inconsistent with, or hinder the application of the SEPP.
<i>State Environmental Planning Policy (Major Development) 2005</i>	The planning proposal does not contain provisions that would be inconsistent with, or hinder the application of the SEPP.
<i>State Environmental Planning Policy (State and Regional Development) 2011</i>	<p>Consistent.</p> <p>While St Leonards South does not contain land that is declared as either 'State Significant development' or 'State Significant Infrastructure' it is within the vicinity of 'Critical State Significant Infrastructure'.</p> <p>Under Schedule 5 the area is associated with the Sydney Metro City and Southwest project. The development is for construction of stations and associated underground rail infrastructure for the Sydney Metro project.</p>

	<p>However, “<i>the development does not include surveys, test drilling, test excavations, geotechnical investigations, contamination investigations or other tests, surveys, sampling or works for the purposes of the design or assessment of Sydney Metro City and Southwest</i>”.</p> <p>The planning proposal is still consistent with this policy as it does not contain provisions that would be inconsistent with, or hinder the application of the SEPP.</p>
<p><i>Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</i></p>	<p>Consistent.</p> <p>This plan is relevant as all of the Lane Cove Local Government Area falls within the Sydney Harbour Catchment Map.</p> <p>However, the St Leonards South area falls outside of the Foreshore Area and Boundary. As a result, the provisions of this plan do not directly apply.</p>