

## 4.2 AFFORDABLE MULTI DWELLING HOUSING

### *State Environmental Planning Policy (Affordable Rental Housing) 2009 [SEPP]*

This SEPP provides incentives for the development of affordable housing in its various forms and should be used as the guideline for development for the purpose of affordable in-fill development, **secondary dwellings**, multi dwelling housing and residential flat buildings. The policy applies to the Mid-Western region, however, the SEPP **only** applies where development is within **400m of a B2 Local Centre or B4 Mixed Use Zone**.

The purpose of this part of the DCP is to provide guidelines for the development of affordable multi dwelling housing on land that is further than the 400m prescribed by the SEPP.

#### Definition

##### **“affordable housing”**

In these provisions the definitions in the SEPP Affordable Rental Housing apply

#### ***Affordable Housing Principles***

1. (a) Affordable housing is to be created and managed so that a socially diverse residential population representative of all income groups is developed and maintained in a locality.
2. (b) Affordable housing is to be made available to a mix of very low, low and moderate income households.
3. (c) Affordable housing is to be rented to appropriately qualified tenants and at an appropriate rate of gross household income.
4. (d) Land provided for affordable housing is to be used for the purpose of the provision of affordable housing.
5. (e) Buildings provided for affordable housing are to be managed so as to maintain their continued use for affordable housing.
6. (f) Rental from affordable housing, after deduction of normal landlord's expenses (including management and maintenance costs and all rates and taxes payable in connection with the dwellings), is generally to be used for the purpose of improving or replacing affordable housing or for providing additional affordable housing.
7. (g) Affordable housing is to consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with other dwellings in the vicinity.

#### Application

The following provisions apply to development for the purposes of dual occupancies, multi dwelling housing or residential flat buildings if:

- (a) the development concerned is permitted with consent under another environmental planning instrument, and

(b) the development is on land that 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 under the *Heritage Act 1977*.

This proposal is permitted under the SEPP. It is located in a 'Heritage Conservation' area but has no impact on the 'Streetscape' as the proposed 'Secondary Dwelling' is behind the primary residence. See attached statement

### Location

The following provisions apply to land with two street frontages or a single frontage of 25m and:

- Land Zoned R3 Medium Density Residential in Mudgee,

The proposal is located in the R3 zone in Mudgee with a 2 x Street Frontage

- Within the Conservation Area of Gulgong,
- Within the Village Zones in Kandos and Rylstone, and
- Land within 400m of a Business Zone.

### Landscaping

(a) in the case of a development application made by a social housing provider—at least 35 square metres of landscaped area per dwelling shall be provided, or

(b) in any other case—at least 30 per cent of the site area is to be landscaped,

Full compliance in excess of 40% of lot landscaped

### Solar Access

living rooms and private open spaces for a minimum of 70 per cent of the dwellings of the development shall receive a minimum of 3 hours direct sunlight between 9am and 3pm in mid-winter.

The proposed orientation is 'north facing' – full compliance

### Parking

Parking is to be provided at the following rates:

Type of Parking Spaces provided	
Residential Parking	1 space 1 bedroom flat 1 space per 2 bedroom flat 1.5 spaces per 3 bedroom flat or cluster
Overflow Parking	dwelling 1 space per 3 units

Full compliance

### Dwelling size

Floor areas are to be as follows:

Unit Type	Floor Area SQM
1 Bedroom Units	45
2 Bedroom Units	70
3 Bedroom Units	85

A residential flat building may contain any combination of one, two and three bedroom units.

Habitable floor space is 72sqm / Deck 12 sqm. If council insists on 70sqm then an adjusted plan can be submitted

### Development Density

The following development density applies

Unit Type	Site Area
1 Bedroom unit	1 dwelling per 250 sqm of site
2 Bedroom Unit	1 dwelling per 280 sqm of site
3 Bedroom Unit	1 dwelling per 310 sqm of site

Full compliance

### Design

A consent authority must not consent to development to which this section applies

#### Character of Local Area

#### Must be used for affordable housing for 10 years

unless it has taken into consideration the provisions of the *Seniors Living Policy: Urban Design Guidelines for Infill Development* published by the Department of Infrastructure, Planning and Natural Resources in March 2004, to the extent that those provisions are consistent with this Policy.

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

A consent authority must not consent to development to which this section applies unless conditions are imposed by the consent authority to the effect that:

(a) for 10 years from the date of the issue of the occupation certificate:

(i) the dwellings proposed to be used for the purposes of affordable housing will be used for the purposes of affordable housing, and

(ii) all accommodation that is used for affordable housing will be managed by a registered community housing provider, and

(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 the requirements of paragraph (a) are met.

(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.

Land on which development has been carried out under this Division may be subdivided with the consent of the consent authority.

### **Statement on Heritage Impact of Proposal.**

The proposal to which this DA is subject sits inside the Mudgee Significant Conservation area in Horatio Street MUDGEE.

The proposed location of the 'Secondary Dwelling' is behind the existing primary dwelling and as such has no impact on the heritage implications because it cannot be seen from Horatio Street.

The proposed Secondary Dwelling will in this case have less impact than structures on properties either side of 133 Horatio Street.

Given the proposed location is removed from the view of the public and the impact is nil on the streetscape it is hoped that council will see fit to accept this statement.