

# State Environmental Planning Policy (Affordable Rental Housing) 2009

## **DIRECTOR-GENERAL'S SITE COMPATIBILITY CERTIFICATE GUIDELINE FOR APPLICATIONS**

October 2009

### **BACKGROUND**

State Environmental Planning Policy (Affordable Rental Housing) 2009 (the SEPP) commenced on 31 July 2009. A Community Guide and facts sheets are available on the Department's website, which outline the provisions of the SEPP.

As part of the Affordable Rental Housing SEPP, there is now a requirement that a site compatibility certificate be issued by the Director-General for certain development by or on behalf of a public authority, social housing provider, or applicant undertaking development with the Land and Housing Corporation in certain locations. These requirements apply to residential flat buildings or multi-dwelling housing near key railway stations and nominated cities and towns.

A site compatibility certificate is required under clause 50(2A) of the Environmental Planning and Assessment Regulation 2000 to accompany development applications for certain classes of development identified in the Affordable Rental Housing SEPP. In particular, consent for development under clause 36 of the SEPP may be granted only if the development is the subject of a certificate from the Director-General certifying that the development is compatible with surrounding land uses.

### **TYPES OF SITE COMPATIBILITY CERTIFICATES**

The purpose of introducing site compatibility certification under the Affordable Rental Housing SEPP is to facilitate redevelopment of land near key railway stations and nominated cities and towns without the need for a rezoning, if the proposed development is compatible with surrounding land uses.

The site compatibility certificate process is a mechanism to ensure that any additional uses or redevelopment of these sites is in keeping with (vis. compatible with) the surrounding land use.

There is one scenario under the Affordable Rental Housing SEPP where a site compatibility certificate might be required. This is outlined below.

#### **Residential flat buildings or multi-dwelling housing near key railway stations and nominated cities and towns**

Under Division 5, the SEPP also allows for a public authority, a social housing provider, or applicant undertaking development with the Land and Housing Corporation to carry out residential flat building developments with consent in certain areas, where residential flat building would otherwise be prohibited under the local council plan. These areas include:

- within 800 metres of a railway station or a light rail station in the Sydney Region, or
- within 400 metres of land in Zone B3 Commercial Core or Zone B4 Mixed Use or an equivalent zone, in 32 nominated major NSW regional cities and towns.

The Sydney Region means land within the following local government areas: Ashfield, Auburn, Bankstown, Baulkham Hills, Blacktown, Blue Mountains, Botany, Burwood, Canada Bay, Camden, Campbelltown, Canterbury, Fairfield, Gosford, Hawkesbury, Holroyd, Hornsby, Hunters Hill, Hurstville, Kogarah, Ku-ring-gai, Lane Cove, Leichhardt, Liverpool, Manly, Marrickville, Mosman, North Sydney, Parramatta, Penrith, Pittwater, Randwick, Rockdale, Ryde, Strathfield, Sutherland, Sydney, Warringah, Waverley, Willoughby, Wollondilly, Woollahra and Wyong.

The 32 nominated cities and towns include: Albury, Ballina, Batemans Bay, Bathurst, Bega, Bowral, Cessnock, Charlestown, Coffs Harbour, Dapto, Dubbo, Glendale–Cardiff, Gosford, Goulburn, Grafton, Lismore, Maitland, Morisset, Newcastle, Nowra, Orange, Port Macquarie, Queanbeyan, Raymond Terrace, Shellharbour, Tamworth, Taree, Tuggerah–Wyong, Tweed Heads, Wagga Wagga, Warrawong, and Wollongong.

## **PROCESS FOR LODGING APPLICATIONS**

An application form for a site compatibility certificate is to be completed by a public authority, social housing provider or applicant undertaking development with the Land and Housing Corporation who wishes to apply to the Director-General of the Department of Planning for a site compatibility certificate under the Affordable Rental Housing SEPP.

The application form is available on the Department website. The flow chart attached outlines the process for assessing applications.

Applications for site compatibility certificates are to be lodged with the Department of Planning by mail or courier. Applications can be lodged with the relevant regional office of the Department of Planning. Please refer to [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au) for contact details.

## **APPLICATION FEE**

Applicants are required to pay a fee for the assessment of an application for a Director General's site compatibility certificate. The prescribed fee under clause 262A of the Environmental Planning and Assessment Regulation 2000 is calculated at \$250 for lodgement, plus an additional \$40 for each dwelling in the development in respect of which the certificate is to be issued. The maximum fee payable is \$5000. Please contact the relevant regional office of the Department of Planning prior to application lodgement to verify the amount payable.

## **INQUIRIES**

Before lodging an application, it is recommended that you consult with the relevant regional office of the Department of Planning concerning your development proposal, including whether a site compatibility certificate is required, what application fee will apply, and what documentation is required.

Any inquiries in relation to the processing of site compatibility certificates should be directed to the relevant regional office of the Department of Planning. Please refer to [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au) for contact details.

**ATTACHMENT. APPLICATIONS FOR A SITE COMPATIBILITY CERTIFICATE**

Applications to the Director-General for site compatibility certificates (affordable rental housing) are required for development under the following clause in SEPP (Affordable Rental Housing) 2009:

- **clause 36** – Residential flat buildings near key rail stations and nominated cities and towns.

The requirement to obtain a certificate will be dependent on:

- whether the provisions apply to the land
- whether residential flat building are **not** already permitted on the land; and
- whether the proposed development is by or on behalf of a public authority or social housing provider, or by a person who is undertaking the development with the Land and Housing Corporation.

Please read the relevant clause in the SEPP to determine whether a site compatibility certificate is required.

Note: Development applications go directly to the consent authority in all other cases.

