

Submitted on Wed, 09/09/2020 - 08:28

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: Jacki

Last Name: Brown

Name Withheld: No

Email: [jackinbrown@hotmail.com](mailto:jackinbrown@hotmail.com)

Suburb/Town & Postcode: 2152

Submission file: [webform\_submission:values:submission\_file]

Submission:

Thanks for the opportunity to comment on this proposed legislation. The SEPP, and all SEPPs dealing with development of land, should include best practice arboricultural/tree management provisions, in line with the Australian Standards AS4970 and 4373, as well as accepted best practice including requiring arboricultural assessment of trees, project arborist certifications, protection of trees, and not letting works proceed where works are an unacceptable encroachment within their Tree Protection Zones (not an arbitrary setback such as 3 metres) as assessed by a qualified arborist. Development works have the potential to kill and destabilise trees, leading to risks and costs for the property owners and occupants. These risks should be addressed within all legislation and regulation relating to development.

Dear NSW Planning

I am writing to express my deep concern that NSW Planning, in the NSW Governments fixation on “build to rent” as a solution to all problems, is proposing to inappropriately loosen planning controls in an effort to incentivize massive buildings that are dedicated to renting.

**NSW Planning should not relax planning controls to incentivize renting over home ownership.**

The land tax discounts already flagged will enable built-to-rent, and in fact incentivizes build-to-rent over home ownership due to the high stamp duty costs that disproportionally impacts home ownership. Build-to-rent can be further supported with enhancements to tenancy agreements or even land title reform to create a bridge to ownership.

Planning controls are and must be treated as a separate beast. These are necessary to maintain a standard of amenity and access to infrastructure, and are inherently agnostic of whether the building is owned or rented, managed or strata-schemed. It makes no sense to compromise planning controls to promote renting over owning.

Taken together with the unexplained restrictions on small-scale development and the need for State Significant Development designations, cynical interpretations can be made about the “build-to-rent” drumbeat amounting to “jobs for the boys”.

NSW Planning needs to do a better job at explaining why it is in the interests of residents to have large scale, rent-only buildings constructed – and further, why this needs to be imposed on local councils through their strategies they have been hand-held to develop. If it is not in the interests of residents – or at least makes no difference to residents overall – then it does not make sense to be engineering planning controls that promote rent-only developments over other types of developments.

Specifically I would suggest a number of tweaks to the proposal to achieve genuine diversity and reduce the perverse interest in large “institutional investors”.

1. The proposal to tweak Standard Instrument clause 5.4 with respect to Secondary Dwellings is sound. It should be further extended as follows.

1. All LEPs should have Secondary Dwellings listed in their R1/R2/R3 zones to be consistent with the Affordable Housing SEPP. They are missing only because the SEPP was developed after the LEPs were developed.

It is highly confusing to home buyers to have Secondary Dwelling listed as a possible development for one property but not another – when in fact the SEPP means the development is available on both properties (subject to other controls).

2. Clause 5.4 (9)(b) of the Standard Instrument should be broken down to allow local councils to specify a maximum size of a secondary dwelling as a percentage of an existing dwelling, but also as a percentage of an existing dwelling if built entirely within the existing dwelling.

The reason for this is there are very few secondary dwellings being built (legally) “inside” a Dwelling House. This is unfortunate as this type of Secondary Dwelling is of lower impact. Allowing councils to nominate a (potentially larger) percentage of the dwelling house size for a secondary dwelling if it is built within the house – will encourage more of this lower impact development.

An example of what the clause 5.4 (9) could look like.

**(9) Secondary dwellings** If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—

- (a1) [insert number] square metres, if the zone is [insert zones]
- (a2) [insert other number] square metres, if the zone is [insert other zones]
- (b1) [insert number]% of the total floor area of the principal dwelling, if the secondary dwelling is detached from the principal dwelling.
- (b2) [insert number]% of the total floor area of the principal dwelling, if the secondary dwelling is located wholly within the principal dwelling.

2. Boarding Houses should continue to be permitted in the R2 zone in order to resolve confusion over whether rooms-to-let is legal (it presumably is) – and then resolve the next question about how to ensure safety and standards.
3. Similarly, Boarding House development should not be limited to nonprofit Community Housing Providers. Being approved by consent, it is better to leave pathways towards diversity open for possible merit assessment rather than using legislation to shut them down as a blunt instrument at the state level.
4. Car ownership and use is changing. NSW Planning may want to consider
  1. Provide ways to convert garages to other uses such as home office (currently an illegal use of a garage).
  2. The proposed car parking ratio of 0.5 for affordable housing looks far too high and “backwards looking” considering existing parking lots are progressively going to need to be repurposed, and car ownership – especially among the lowest income members of society – can reduce thanks to availability of car sharing and other new technologies.
5. More needs to be done to promote social housing through LAHC. This is only a start.

Submitted on Wed, 02/09/2020 - 22:02  
Submitted by: Anonymous  
Submitted values are:  
Submission Type:I am making a personal submission  
First Name: Fr. James  
Last Name: Collins  
Name Withheld: No  
Email: [rector@stpaulsburwood.anglican.asn.au](mailto:rector@stpaulsburwood.anglican.asn.au)  
Suburb/Town & Postcode: Burwood 2134  
Submission file: [webform\_submission:values:submission\_file]

Submission: The number of people coming for help to St. Paul's has quadrupled since the beginning of the year. We are now feeding around 500 people per week and the number coming for help increases every week. We are most grateful to all who give food and supplies to the Parish Pantry each week and we are extremely grateful to the team of volunteers who get, sort, pack, distribute, and deliver the food and supplies for the Parish Pantry each week.

Despite all of the unhelpful opinion pieces that are making people so fearful and anxious we can all work together to maintain and even create civil society during this pandemic. I don't want social distancing to become social disconnection, dislocation, and dysfunction. It will be very difficult to put society back together again if we let it fall apart (and as I walk the streets of Burwood caring for everyone I can sense that this is happening – people feel abandoned). I am glad that we can continue with the Parish Pantry as it is unconscionable that we deprive the needy of food.

Because all people are created in God's image we need to keep caring for the elderly, the poor, the homeless, those affected by domestic violence, and those affected by physical and mental illness. The queues at Centrelink are the harbingers of things to come. However we will do all that we can to help everyone. With more people to be made unemployed and an effective unemployment rate of around 15% by Christmas, the moratorium on mortgage repayments ending at some point soon, JobSeeker and JobKeeper being cut back, business insolvencies sky rocketing due to the reprieve on reporting ending in September, and self funded retirees receiving fewer and less dividends and interest – our national and global economies will be facing conditions not experienced since the Great Depression. Now is the time to get policies and funding in place to head this looming disaster off. As with Finland, Singapore, and Scotland, and as with Chifley's post-war reconstruction efforts, we can do this. The financial saving to society will be huge and the saving to people's mental health and physical well being will be even greater. We can see what's coming. Do we have the will to do something about it? I hope so.

The Federal Treasurer is forecasting a further increase in unemployment as the year progresses and this will negatively impact on many individuals, families, communities, and our nation.

The various economic stimulus packages that have been spoken about at a Federal and State level could go a long way to averting this looming catastrophe and help ameliorate the existing shortfall in adequate affordable/social housing.

It would seem that vested interests are stifling the opportunity to build adequate affordable/social housing as developers influence policy at the local and state level when, in

fact, building adequate affordable/social housing will stimulate the economy, provide well being to those in need, and save society a fortune. There can be no other reason, other than a lack of imagination, that is preventing our state and nation from building adequate affordable/social housing.

Submitted on Tue, 08/09/2020 - 13:04  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: janene  
Last Name: oconnor  
Name Withheld: No  
Email: [janene.spence@gmail.com](mailto:janene.spence@gmail.com)  
Suburb/Town & Postcode: charlestown  
Submission file: [webform\_submission:values:submission\_file]  
Submission: W

hile the community continues to suffer from the inability to find affordable housing, the rules proposed to change New Generation Boarding House(NGBH) and Share Housing will make it practically impossible for investors like me to help in the area of providing housing for the following reasons:

- In talking with local RE agents in the area (Hunter Region) the vacancy rates are under 1% in our area. This is already pushing the rent prices further for entry level people.
- The demand is increasing for SINGLE people looking for somewhere with their own privacy and something affordable.
- There is limited supply of residence for single people or couples The proposed amendment do not assist the investors who will supply the stock nor the person looking to rent, and I feel that there should be varied levels available for Share Housing. # 1 . Up to 6 people in an R2 zone and # 2. 6+ people with a CDC approval process, so that private certification is possible
  - If a house is an older home, (built pre May2011) NO universal modification should be required. This is hugely expensive and becomes cost prohibitive as the investor, when I believe the govt should be supporting and even encouraging such improvements of share accommodation. • An exemption of Universal Access for older pre-existing stock makes sense
  - Share houses should be allowed in all Residential zoning that offer access to public transport.
  - Where up to 5 people are living together, the QLD policy are effective to build to as an investor. Consider these rules for NSW
  - I feel NGBH should be available though-out all areas of living, not limited to only education centres like Universities . The single people looking are not only students, but also widows, young working professionals , people on support, and those who have face a 'life situation' that has caused a need for an affordable living option.
  - The co -living rules should not have a minimum of 10 private rooms as this would create more illegal share housing.
  - Having minimum standards that are regulated would make this much clearer as an investor: Eg House built Pre May 2011
  - No universal access required
  - 1B standard
  - Limit to 6 people • No more than 5 bedroom Built Post 2011
  - Universal access required
  - CDC approval up to the 6 people limit
  - 6 plus people not allowed in the R2 zone All residents may have their own kitchenette and bathroom but can also share facilities within the dwelling I DO NOT agree that the smaller NGBH should be managed by a Community Housing Provider. These tenants would be easily assisted by using the standard Lease Policy in place through Fair Trading, and this is done by the real estate agents. No special circumstances are needed here. I am looking to build a small 6 room boarding house in our region for women who have suffered domestic violence. The cost of building the NGBH will NOT be feasible as an investor, if they can only be built in the more expensive zones.

URL: <https://pp.planningportal.nsw.gov.au/proposed-new-housing-diversity-sepp>

Submitted on Tue, 08/09/2020 - 15:34  
Submitted by: Anonymous  
Submitted values are:  
Submission Type: I am making a personal submission  
First Name: Jeff & Tracey  
Last Name: Harrison  
Name Withheld: No  
Email: [jetra.harrison@aussiebb.com.au](mailto:jetra.harrison@aussiebb.com.au)  
Suburb/Town & Postcode: Sunrise Beach Estate/ Byron Bay 2481  
Submission file: [webform\_submission:values:submission\_file]

Submission: Our home is in Sunrise Beach Estate, Byron Bay. This area is zoned R2 Low Density Residential. In recent years two multi-dwelling developments complying with the ARHSEPP have been built in our neighbourhood, and another has been approved. These developments have not satisfied the 'accessible area' criteria but have been approved because they are within 400m of a B2 or B4 zone. It may be arguable that these developments meet the more subjective 'character' or 'affordable' ARHSEPP criteria, but a demonstrable negative impact on existing neighbourhoods results from the allowed parking space discounts. Where these developments have been built there is an overflow of parked vehicles onto the street verges, cluttering the streetscape and compromising the safety of pedestrians. The ARHSEPP 'accessible area' criteria is likely appropriate in Sydney, as may be the idea that people can live nearby to a B2 or B4 zone and not need to own a car. But car ownership in the regions is practically essential. For example, in Byron Bay, there is no medical specialist centre, no surgery facility, not even an electrical appliance retailer within easy walking or public transport range. Employment opportunities are also widely spread. Your Department's own document 'Draft Urban Design for Regional NSW' notes on page 37: "... in practical terms, private cars will continue to be the dominant form of transport in many regional areas." In our region, and I expect it is similar in other non-metropolitan regions, there is at least one vehicle per dwelling and, often, two or more vehicles. Consequently the ARHSEPP 'Minimum car parking provision' for 'Build-to-rent housing' of '0.5 spaces per dwelling' is woefully insufficient. The Government's stated aim in this proposed policy is to ensure "...there is an adequate supply of new dwellings that are affordable, well-designed and located in places that people want to live." We submit this aim is achievable with a more realistic appreciation of car ownership in the regions and a subsequent change to the minimum car parking provision in the ARHSEPP. "Well-designed" should imply that new developments do not negatively impact on existing communities.

URL: <https://pp.planningportal.nsw.gov.au/proposed-new-housing-diversity-sepp>

Submitted on Tue, 08/09/2020 - 14:53  
Submitted by: Anonymous  
Submitted values are:  
Submission Type:I am making a personal submission  
First Name: James  
Last Name: Collins  
Name Withheld: No  
Email: [james@jlcvaluation.com.au](mailto:james@jlcvaluation.com.au)  
Suburb/Town & Postcode: Strathdale  
Submission file: [webform\_submission:values:submission\_file]

Submission:

The Hon. Rob Stokes MP, I have reviewed the Explanation of intended effect for proposed Housing Diversity State Environmental Planning Policy published by the NSW government in July 2020 and I would like to make the following comments:

Whilst the NSW Government has stated it "is committed to facilitating the delivery of housing that meets the needs of our current and future communities by maintaining supply and increasing housing choice and diversity" some of the proposed policy settings may constrain supply from the private sector and seems to exclude smaller property investors from the solution. The focus appears to be on community housing providers and institutional investors.

I do not agree that smaller style boarding houses should only be managed by Community Housing Providers. There are many private investors who currently operate boarding style or co-living houses throughout the state. Many of these are not just for disadvantaged, disabled or low-income tenants but also for single women, often over the age of 50 who are either unable to obtain conventional rental accommodation in the area of their choice due to having no rental history, only have part-time work or prefer to live with others for security or companionship reasons. If diversity of housing supply is truly an aim of the government then investment in this market from all participants should be encouraged, not restricted.

I do not agree that the definition for co-living in the Standard Instrument LEP, which would refer to a building held in single ownership should have at least 10 private rooms. There are many sites particularly in inner city areas that could be modified to provide appropriate co-living accommodation but which would obviously be smaller than this threshold. Imposing an actual minimum size precludes innovation and re-purposing of existing buildings that may otherwise be perfectly located and able to be economically refurbished. Prescriptive minimum room numbers are more likely to create more illegal share-housing. Instead there needs to be regulations that state the minimum standards for clarity. Share housing should be allowable in R2 residential zones and New Generation Boarding House Policy should be allowable in all zones. People will rent these properties if the financial and location options are available to them. The NSW State government should include an exemption for universal access for existing stock. Kind Regards, James Collins AAPI JLC Valuation & Consulting M 0409 990 012

URL: <https://pp.planningportal.nsw.gov.au/proposed-new-housing-diversity-sepp>





Submitted on Wed, 09/09/2020 - 22:39

Submitted by: Anonymous

Submitted values are:

Submission Type:I am making a personal submission

First Name: JOHN

Last Name: BAKER

Name Withheld: No

Email: john\_baker@westnet.com.au

Suburb/Town & Postcode: ALBURY/2640

Submission file: [webform\_submission:values:submission\_file]

Submission: RE: PROPOSED CHANGES TO NSW SEPP There does not appear to be any consideration for share housing or co living with 5 or 6 rooms as per current New Gen Boarding house regulations permit, existing housing being converted to self contained accommodation. I propose that consideration be given to 2 layers of Shared housing and co living. 1 up to 6 people 5 room properties built before may 2011 not needing universal access but to general 1b standard . this means that the proposed min of 10 private rooms be removed. The need for Community Housing Providers for these small residents be removed.

URL: <https://pp.planningportal.nsw.gov.au/proposed-new-housing-diversity-sepp>

25/8/2020

Submission Type: I am making a personal submission

First Name: John

Last Name: O'Connor

Email: [dipaccount@iinet.net.au](mailto:dipaccount@iinet.net.au)

Suburb/Town & Postcode: Vaucluse 2030

### **Submission Regarding Boarding Houses.**

Thank you for the opportunity to make a submission regarding boarding houses.

I consider myself well qualified to comment about the boarding house business having been a direct investor therein continuously for the past 41 years in Sydney and having served as President of the Property Owners Association for 5 years and for several years as Chairmen of the Boarding House Division of the POA. I have had the pleasure of the acquaintance with many boarding house owners both of small and large buildings.

I have studied the new Housing Diversity SEPP and raise two areas of concern which are:

- 1) The management of all boarding houses by a registered not – for- profit community housing provider (CHP) and
- 2) The affordable rental requirement.

Firstly, regarding all boarding houses being placed under the management of a (CHP). The vast majority of owners would not want to transfer management of their asset to an external operator. The reasons for this are:

- a) Control of who occupies their building
- b) Control of the maintenance of their asset
- c) Impediments to mortgaging and sale
- d) Ability to improve and upgrade their building physically.

In my experience by far the majority of owners run their buildings competently to provide a good standard of accommodation service in line with the rent levels. As in any field there are slack operators but this can be addressed through enforcing registration.

Given the above my question is, from where is it proposed the necessary supply of boarding house would come?

Secondly, to deal with the matter of affordability may I suggest the best way to ensure boarding house rents are kept lower is through incentive. An attempt at arbitrarily capping rents would be regarded as rent control the experience of which in Sydney has proven not to work, indeed, resulting in disaster by way of building deterioration to a degree unacceptable as conditions for habitation by tenants and a reduction in supply.

The definition of a boarding house for land tax purposes should also allow for the use of the residential tenancy agreement as there are many owners who use it as a management tool, especially in the smaller buildings, and currently may not be accessing the exemption.

Councils should enforce closure of unregistered boarding houses. This would encourage more registration and help to weed out the below par operations.

There is currently an oversupply of boarding house accommodation so there is certainly no immediate pressure on supply.

The reason there is presently the number of traditional boarding houses still in operation is unquestionably due to the land tax exemption. This is crucial as without it stock numbers one way or the other would be drastically cut. The exemption is one of the key attractions to investors enabling rents to be kept below prescribed limits. The exemption could be made more effective by targeting rent eligibility levels according to LGA's.

In summary a good level of interest exists in the boarding house sector but it needs to be recognised that boarding house owners are primarily investors who will deploy their capital in the asset classes providing the best returns. Retention and expansion of affordable boarding house stock can be significantly encouraged by employing meaningful incentives such as:

- The boarding house definition for land tax exemption eligibility allowing for the use of the residential tenancy agreement
- Targeting the land tax exemption eligibility according to LGA's
- Concession for insurance , a major cost
- Exemption from council rates
- Concessions for water rates
- Concession for electricity costs, a major impost.

Thank you for your consideration of this submission.

I am happy to answer any questions.

John O'Connor BBus

Qualified accountant.

Submitted on Wed, 09/09/2020 - 16:55

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: [REDACTED]

Submission file: [webform\_submission:values:submission\_file]

Submission: Hello, In relation to boarding houses, there are 2 key areas in the explanation of intended effect I would like to address. As a boarding house owner, operator and manager I oppose the recommendation by the working group that all boarding houses must be managed by the Not for Profit Community Group. Their business model is not inline with the way my boarding house is managed. My registered boarding house provides high level budget accommodation in a key area for key workers, young professionals and students. I think that the boarding houses not managed by the group due to refusal by the owners would become de registered as boarding houses thereby becoming unable to operate legally. This would result in an over supply of stock. In relation to the affordable rental requirement, I suggest the rents be capped in line with the current land tax thresholds. The current land tax rent threshold is very affordable and are still profitable for the proprietor and I suggest operating costs should then be lowered inline with any capped rent. Incentive for genuine boarding house owners to continue operating their legal boarding houses is crucial to maintain and expand stock for this essential accommodation.

URL: <https://pp.planningportal.nsw.gov.au/proposed-new-housing-diversity-sepp>

Submitted on Mon, 07/09/2020 - 12:20

Submitted by: Anonymous

Submitted values are:

Submission Type: I am submitting on behalf of my organisation

First Name: Kim

Last Name: Jones

Name Withheld: No

Email: [kim@jsastudio.com.au](mailto:kim@jsastudio.com.au)

Suburb/Town & Postcode: Rozelle

Submission file:

Submission: Re: Housing Diversity SEPP – SUBMISSION

JSA Studio is a firm of architects that has been involved in the design of boarding houses, student accommodation and co-living developments over the past decade, in accordance with SEPP ARH Part 2 Division 3.

Generally, these projects have been of the 'new generation' configuration. In most instances we have found local councils have adopted an antagonistic attitude towards this type of development, resulting in many DA's proceeding to appeal in the NSW L&E Court. The resistance of many councils to support this type of development we have found to be predominately due to the following factors:

- A reluctance to accept the mandated criteria for non-refusal outlined in Clause 29 of the existing SEPP ARH Part 2 Division 3.
- Persistent misinterpretation of parts of Clause 29, particularly 29(2)(b), (d) & (e)
- Reliance on the vagueness of Clause 30A as the ultimate fallback when the consent authority seeks to refuse a scheme that meets all of the specific requirements of SEPP ARH Division 3, together with the quantified LEP and DCP provisions.

The new Housing Diversity SEPP does attempt to clarify the different types of 'boarding house style' of development by introducing two new categories, being student accommodation and co-living. However, in its proposed form it is likely to undermine any future development of this asset class by the private sector and although recognition of co-living as a specific form of BTR new generation typology is appreciated, it remains mystifying as to why the DPIE wishes to exclude all but the non-profit social housing providers from the development of the proposed separately defined boarding houses.

Appropriate aspects of the proposed legislation include introduction of the requirement of 'boarding houses' to be affordable and the removal of the requirement for boarding houses to be mandated within the R2 zone. The existing, ill-considered limitation of 12 rooms in the politically sensitive R2 zones lacked any planning logic, as generally R2 zones do not have suitable social or transport infrastructure to accommodate any form or size of boarding house. It is also appropriate for the FSR bonus of at least 20% to apply at any FSR level, but co-living developments should not be excluded from the bonus. Inappropriate aspects of the proposed legislation include the 30-35sqm minimum size of co-living rooms and the car parking provision of 0.5 spaces per room for co-living (and private boarding houses if they are even permitted, which is currently unclear). It is also inexplicable why, under the proposed legislation, co-living developments are not permitted in B2 zones – if one is permitted to develop shop-top housing, then why not co-living? There are many B2 zones with excellent accessibility to public transport options.

While it is logical to allow for larger co-living rooms given that there is no restriction on rent or eligibility, the notion that a developer would build rooms of 30-35sqm, when it is possible to build strata titled studio apartments of 35sqm, is ingenuous and fails to comprehend the factors that drive the development of this asset class. Why would any developer build a 30-35sqm co-living room, which is ineligible to qualify as a strata-titled apartment, when they can build a 35sqm studio which does? A further disincentive is a requirement for private open space at a rate of 4sqm per room, which is the same as studio apartments.

Co-living rooms don't need private open space, but if it is provided, then there should be a corresponding reduction in the required communal open space. With regard to the suggested requirement for 25% of the site area to be provided as communal open space, this figure has not been considered in the context of co-living residents – it has just been imported from the ADG. However, the ADG sizing contemplates the use of communal open space by families as well as singles and couples and is excessive for co-living and boarding houses. Like mandated private open space, oversized rooms, unnecessarily high parking rates, and removal of the floor space bonus, it effectively undermines the feasibility of co-living and no one will seek to develop co-living projects.

With regard to the parking requirements, the rate of 0.5 parking spaces per room in an accessible area is too high. Investigations over a number of years have shown that, for the most part, residents in boarding houses of all types, including 'new generation' co-living, have a low demand for car parking as car ownership rates are low: anywhere between one in seven to one in ten own cars. However, it is acknowledged that this car ownership rate varies dependent on location – lower in the inner urban areas and higher in the more remote suburban town centre locations.

There is also an inconsistency in applying a 0.2 parking rate for social housing providers, while others are required to provide parking at a 0.5 rate. Given that rent control is imposed on the newly defined boarding houses, regardless of whether they are run privately or through a social housing provider, what is the logic that determines those renting boarding rooms from a social housing provider only have 40% of the car ownership of those renting from others? Furthermore, anecdotal evidence from co-living operators suggests that most of the higher rent boarders that occupy the inner urban co-living developments likewise do not own cars. DPIE should also understand that the combination of oversized rooms and 0.5 parking rates is a significant disincentive to the development of this much needed form of accommodation.

The cost of basement parking in a large boarding house or co-living development is around \$35K per car, but it is much higher for a small development. Parking requirements for boarding houses and co-living developments need to be flexible and provide for the sort of alternatives that can supplement the basic parking requirements. While the use of conventional car-share arrangements can effectively replace the need for extensive on-site parking, provision in the legislation should also be made for car-share. To take this even further, the sharing of cars provided by the operator exclusively for the use of the residents and managed by the boarding house or co-living manager would ensure excellent amenity for the residents, as it is even more convenient.

Any legislation formulated in the 21st Century would be irresponsible if it did not recognise and take account of this alternative – legislation should lead, not play catch-up on social realities. We suggest that the parking rate for all boarding houses and co-living developments should revert to a base of 0.2 spaces per room (as a reason for non-refusal) and clarity included in the legislation for the partial substitution rate that may be provided as on-site car share exclusively for the residents of the facility, or as conventional car share.

Regardless of the above, it has been observed that most councils and a number of Commissioners at the L&E Court tend to treat the 'must not refuse' parking provisions as requirements that MUST be met, irrespective of the location of the development and the alternative transport amenity (such as dedicated car share or additional bicycles) that the proponent may be offering. Over the decade that the SEPP ARH has been in force, most consent authorities never seemed to comprehend that these parking requirements were not mandatory.

The Housing Diversity SEPP, perhaps in response to consent authorities lazy interpretation of 'must not refuse' standards, seems to contemplate the introduction of 'minimum' parking requirements in place of 'must not refuse' standards in Table 1 of the explanation. In this respect it is completely out of step with the general tendency to encourage lower car use. A more progressive approach would be to retain the 'must not refuse' designation of parking rates (while explaining to consent authorities the correct interpretation of the language) or in keeping with the more enlightened councils, identify the parking rates as 'maximums' rather than 'minimums'.

It may also help to provide some clarity on the interpretation of Clause 29(2)(e)(iii) as many council officers fail to understand that 'not more than 1 parking space' means one OR LESS. There is some inconsistency between the DPIE Table 1 'minimum' parking rates and statements elsewhere in the document where parking rates are identified as 'must not refuse'. DPIE must be aware that most suburban councils treat the parking rates as absolute minimums, so the suggestion by the DPIE that councils may prepare LEP's with lower parking rates is naive in the extreme.

There is another glaring inconsistency in Table 1 between the fact that two parking rates are provided for boarding houses, depending on whether or not the facility is for a social housing provider, while elsewhere in the document at Table 4 the proposed definition of a boarding house states that it MUST be managed by a registered not-for-profit community housing provider. Why bother with two parking rates in Table 1 if only the social housing providers are permitted to run them by definition? In any case, with respect to the above inconsistency, it makes no sense to restrict the managing of boarding houses to social housing providers. If rent control is in place, it can apply equally to social housing providers as it can to others. Indeed, there are many locations in Sydney where the market rent achievable for a new generation boarding house room would not exceed the required percentage of the 'low' or even 'very low' average household income.

Some of the suggested standards for co-living developments will mean that development of these will simply cease. The absurdity of room sizes and private open space requirements that are almost indistinguishable from studio apartments has already been identified. These requirements alone are likely to kill of the co-living form of development. But if design guidelines for such things as storage, external amenity, solar access and natural ventilation (which the DPIE will probably draw directly from the ADG) are piled on top of the oversized rooms and high parking rates, the demise of the co-living form is more than likely – it is a certainty. In even suggesting the above, the DPIE reveals a complete lack of understanding of building design. Small rooms simply cannot be provided in an economical building envelope without double loaded corridors. It is evident to anyone with design knowledge that double loaded corridors prevent flow through ventilation.

Furthermore, unlike apartments, 2 or 3 hours of solar access can only be provided to about half the rooms on any floor of a co-living development. Now to the most troublesome aspect of SEPP ARH Part 2 Division 3. The vagueness of Clause 30A – the character clause – is the part of the legislation most in need of clarification. However, it seems that this is the one

aspect that has been ignored by the DPIE in its explanation of the new Housing Diversity SEPP. Clause 30A desperately needs parameters by which to determine how a design should be considered to be compatible or otherwise with the character of a local area. Without clear parameters, a consent authority is free to impose the personal opinions of the individuals assessing the proposal. These individuals are often planners, who are essentially paralegals with little or no education in design. Yet they presume to tell architects, our society's most highly educated design professionals, how the design of a building should relate to the context. From a planning standpoint, character can be determined by reference to planning and design controls. There are key elements that could be outlined in Clause 30A which would at least remove the uninformed subjectivity to which consent authorities often refer when assessing a proposal under Clause 30A. Experience has shown that if a consent authority doesn't wish to approve a DA which has been well-considered and addresses all the SEPP, LEP and DCP requirements, that consent authority will rely almost exclusively on the vague subjectivity encouraged by Clause 30A.

A recent L&E Court judgment refused consent on the basis of character, despite the proposal meeting 99% of the quantifiable controls. The Commissioner in that instance determined that the Applicant gave too much weight to the desired future character and the medium density DCP controls which were to inform that character. In the Commissioner's opinion the 1950's and 1960's fibro and weatherboard bungalows which dominated the existing streetscape were of greater significance in determining character than the future desired character outlined in the medium density DCP (*Kohler Bros Property Group Pty Ltd v Penrith City Council* [2020] NSWLEC 1364). Ultimately it was left to the Court to decide character conformity based on architectural style.

Regards Kim Jones BSc. BArch.(Hons1) MUrbDes. RAIA Principal Architect JSA Studio



Submitted on Mon, 03/08/2020 - 20:43

Submitted by: Anonymous

Submitted values are:

Submission Type: I am submitting on behalf of my organisation

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: 2516

Submission: The following points are critical for boarding houses.

1. CHP providers do not have the capacity or management expertise to operate boarding houses. Real estate agents and owner operators are more skilled in making sure the properties run at the correct level of management.

2. R2 Zones should be limited to 10 rooms which is a nice size for a small development. Keeping the existing sepp requirements or at council discretion.

3. You cannot remove the ability of small providers to build boarding houses by telling us we have to employ a CHP. since when was our country communist. Telling us the little guy that we can't compete against slow-moving CHP providers. They can't even answer the phone. The affordability problem will not be solved by reducing the small players in the market.

Submitted on Tue, 08/09/2020 - 19:21

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: [REDACTED]

Last Name: [REDACTED]

Name Withheld: Yes

Email: [REDACTED]

Suburb/Town & Postcode: [REDACTED]

#### Submission:

The ABS reported a 34% drop in new residential construction and the AHURI reported that at the end of 2019, demand for affordable rental properties in NSW exceeded supply by approximately 212,000. Both the government and private developers will need to work together to resolve this shortage of housing stock and provide more flexible housing options for lower income earners and singles and couples. This demographic needs housing choices in all zones particularly near education hubs and public transportation.

I also believe there should not be a 'minimum' number of 10 private rooms for each property. The creation of boutique and smaller, family styled housing options will appeal to many.

I would personally choose a smaller boarding house with the potential of developing a sense of community amongst a smaller number of residents than the stark reality of a 10 bed boarding house. And family owned and operated boarding houses have been run successfully for generations. There is a need for the larger style 10 bedroom boarding houses, but it's important to provide options and the need for affordable housing is steadily growing. Please consider working 'with' smaller developers and let them assist the government in solving this housing crisis.

27 August 2020

Inner West Councilors

Marrickville Council

2-14 Fisher St  
PETERSHAM NSW 2049

Dear Councillors,

Re: **OBJECTION to DA/2020/0578**

Dear Councillors,

Re: **OBJECTION to DA/2020/0578**

Marrickville is one of Australia's most populated suburbs in the inner west, Sydney and Australia.

To place 244 people on a single site at the busiest cross section of Marrickville directly neighboring single storey long standing houses and right at front of 4 storey unit blocks and surrounding houses along parallel streets is clearly an objectionable DA for hundreds of long standing residents in;

- Schwebel Street
- Leofrene Street
- Blamire Lane
- Grove Street
- Warburton Street

We completely OPPOSE this 10 storey building and prior to any development being considered we request that a **comprehensive independent IMPACT STUDY and DETAILED SURVEY to ALL Marrickville residents** should be conducted by the Council as to most effective, low impact and cohesive renewal of this area should be proposed.

As the Schwebel Street & South Marrickville Community Group which includes 6 building blocks and over 350 street residential single storey houses surrounding this excessive 10 storey proposal, we will be objecting to this DA through petitions, media and community support.

To further substantiate our concerns, we have also added points raised in the Marrickville Urban Strategy report following our concerns pointed out as hundreds of local residents.

The **fundamental objections** to this excessive and non-compliant DA are.

**1. HEIGHT is NON-COMPLIANT – BULK & SCALE**

The height of this building is in breach of the LEP's 5 storeys with this DA's proposal for a 10 storey building of 34.26m does not comply with 26m in Marrickville LEP 2011. This excessive DA would be up by 8.7m equivalent of a 33% contravention. The site's capacity is suitable for a total of 10 x 2-bedroom units over 5 storeys not 120 single studios in an excessive non-compliant 10 storey high rise.

**2. MULTI SIDED BUILDING**

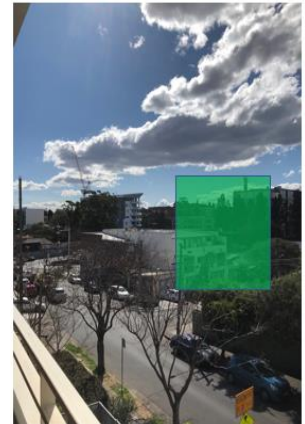
The transition of this 10 storey DA from 1 on 3 sides in Station Street and 10 to 3 on South side **should not be approved** as it does not provide an appropriate transition. The site's capacity is suitable for a total of 10 x 2-bedroom units over 5 storeys not 120 single studios in an excessive non-compliant 10 storey high rise.

**3. TRAFFIC & SAFETY**

This non-compliant DA is seeking to offer 42 car spaces which would add excessive congestion, traffic, safety hazards to one of Marrickville's most dangerous and congested crossroads as well as being in a flood zone.



Overshadowing and privacy 360 degrees surrounding single storey houses and low rise units



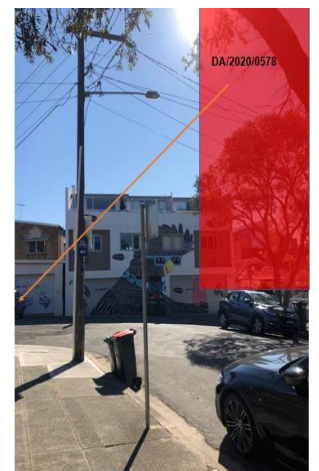
Compliant Marrickville LEP heights of 5 storeys



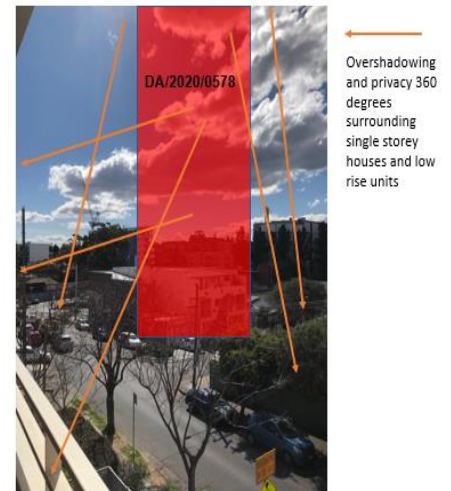
Overshadowing and privacy 360 degrees surrounding single storey houses and low rise units 2 – 10 Schwebel Street



Overshadowing and privacy 360 degrees surrounding single storey houses and low rise units Leofrene Street houses backyards



Overshadowing and privacy 360 degrees surrounding single storey houses and low rise units Leofrene Street houses backyards



#### 4. FSR is NON-COMPLIANT

This excessive and non-compliant DA proposes a Floor Space Ratio from 3.1 to 4.99.1 is not compliant- extent of proposed contravention 1.99.1 (3,467.6m<sup>2</sup>) up 66%

#### 5. URBAN Strategy Breach

Marrickville Urban Strategy P34 states.

'Sites will only be considered for future detailed master planning if they substantially meet the following criteria;

- Development can occur that responds to aircraft, road and rail noise
- **Is not located close to strategic assets (port, airport and freight lines)**

The proposed development does not meet the above two Criteria points.

Our overarching **OBJECTIONS** on behalf of local residents cover.

1. **NEGATIVE** Impact on Local Community and Neighboring properties
2. **SHADOWING** Loss of Significant Sunlight with excessive and unprecedented shadowing along more than 80 long standing homeowners and residents
3. **LOSS OF PRIVACY** with the proposed DA will be directly overlooking all surrounding property owners and residents directly into their personal homes, balconies and backyards
4. **SAFETY HAZZARD** - Issues relating to fragility of Illawarra Road Bridge proximity and infrastructure with flood zone and high impact of a congested area
5. **STREETScape effect** will be shocking with only 2 – 4 storey buildings along all surrounding residents across 5 streets
6. **TRAFFIC pressure** and **SOCIAL congestion** in one of Marrickville's busiest crossroads through car parking
7. **LACK of Consultation and Notification Procedures**

#### 1 – NEGATIVE IMPACT on Local Community Issues

- i. Marrickville Urban Strategy P48 states 'Increased **car use in Marrickville is constrained by the character of the built environment.**'
- ii. The present streetscape of Illawarra road is that of buildings which are single storey houses and 4 storey unit buildings will be completely overshadowed and usurped all personal privacy of surrounding residents by this excessive non-compliant DA.
- iii. This proposed non-compliant DA aims to house 244 residents and 42 cars which would significantly increase traffic noise and safety for the pedestrian traffic which is well known for numerous crime and traffic / pedestrian accidents.
- iv. Major changes to Marrickville's existing **unique** character and heritage /perspective in Marrickville will be changed forever with this excessive high rise and non-compliant DA is not aligning with the heritage and character of Marrickville.
- v. This excessive and non-compliant DA adds to the HIGH-DENSITY population of Marrickville within 300m radius of the local area which has already seen more than 5 new apartment buildings and along narrow fragile lanes and streets surrounding this excessive DA.
- vi. The proposed 244 residents both is an obstructive and excessive development seeking to remove the amenities of PRIVACY and LIGHT through the proposed towering 10 storey bulk of a building that will be a complete offense to the hundreds of long standing single house dwellers and low rise unit dwellers.
- vii. This DA refers to a HERITAGE report that was conducted based on an excessive 8 storey proposal and now this DA is seeking 10 storeys so the heritage report will need to be redone in addition to a comprehensive detailed study and survey to local residents.
- viii. Garbage and loading times will mean large vehicles and noise would be traveling through the surrounding narrow and dangerous streets impacting on the noise in the local area
- ix. Marrickville Urban Strategy zones the surrounding Marrickville Station area as a 'Small Village' and states that this area is 'small sized concentrations of retail and other local services integrated with **medium density residential** with public transport services.' The proposed DA would completely override this zoning.
  - a. Respect heritage
  - b. The proposed DA does not keep unique character of local neighborhoods
- x. Does not provide for environmental sustainability in development with excessive 244 residents one a single site with no amenities



- xi. This DA is proposing studio units in a non-compliant 10 storey boarding house does not offer sustainable housing nor support the streetscape and residential nature of the area with rentals for studios between \$290 - \$370 per room.

**2. SHADOWING** by the proposed DA towering over existing local residential single storey homes and street apartment blocks that have bedrooms and living rooms street facing directly facing the proposed DA.

Note: properties that in whole valued more than \$10M of property ownership.

#### Issues

Our compliant residential block (4 storeys high only) has afternoon sunlight of the city from out north and street facing **balconies and bedrooms**. (please see photographs attached) The value and perspective of our properties would be greatly affected by this high rising proposed development as we would **LOSE** our privacy from our bedrooms and living rooms. **This both impacts the quality and value of hundreds of residential single storey houses and low rise compliant unit blocks.**

With more than 20 apartments facing this proposed non-compliant DA the amenities of **PRIVACY AND LIGHT** will be removed and obstructed.

#### SCWEBELSTREET APARTMENTS BEDROOM AND LIVING ROOM WINDOW VIEWS



View from Schwebel Street Residents' Bedrooms – LOSS OF PRIVACY

#### Proposed Station Street South Marrickville DA/2020/0578 Visual to scale



←  
Overshadowing and privacy 360 degrees surrounding single storey houses and low rise units

### **3 – PRIVACY LOSS along SCHWEBEL STREET, LEOFRENE STREET, BLAMIRE LANE & GROVE STREET**

#### Issues

The present streetscape of Illawarra road is that of buildings no higher than 4 storeys high to cater for traffic noise, aircraft noise and safety for the pedestrian traffic. To propose building a 10 storey, single site would be a clear breach of the Marrickville streetscape and the local area.

The single storey houses and compliant unit blocks all along Leofrene, Schwebel and Blamire Lane will be directly impacted by this proposed 10 storey DA that will overlook all these residents homes by looking into their bedrooms, backyards and living rooms as well as bathrooms.

The facing compliant low rise apartment buildings along Schwebel Street all have bathrooms, bedrooms and living rooms facing this non-compliant DA which will mean ALL PRIVACY will be lost which then means natural light will be lost due to the need to keep all windows closed and shut closed.

#### **4 – SAFETY HAZZARD** Pressure on Transport / Local Infrastructure with a flood zone and danger to Illawarra Road Bridge **Issues**

This DA is seeking to house 44 car spaces which would add an intense amount of traffic to Illawarra Road and the smaller surrounding streets in the area

Marrickville Urban Strategy P15 states under Transport Accessibility that 'Future planning also needs to take into considerations levels of crowding and congestion during peak periods.

Marrickville Urban Strategy P47 states; 'Public Transport use in Marrickville is high for work trips. It stands at 28% across all travel purposes and it accounts for around 13%'.....'37% of Marrickville residents work in the city.'...' The busiest railway stations during morning peak are Newtown, Sydenham and Marrickville. **Many services are crowded during the commuter peak periods.'**



Illawarra Road Bridge is of original state and the proximity and hazard of such an excessive and high level development is a SAFETY HAZARD to the bridge.

Marrickville Urban Strategy P45 states;

'However there are limitations to the transport choices available that were highlighted. Traffic levels (including freight) on the major through route road corridors were a concern as not only safety and noise issue but in adding to travel times and unreliability of bus services. **...The rail stations and bus services have no or limited access of people with disabilities, older people or people with children and strollers.'** ...'the high use of buses and trains mean that many services are overcrowded and unable to take additional passengers.'

Adding to the SAFETY elements of a fragile structured bridge the proposed DA to build such an aggressive and excessive structure would be a SAFETY HAZZARD hundreds of cars, accidents and traffic to one of the most congested, flooded and dangerous cross roads in Marrickville, this DA is not conducive for the future of our community or Marrickville.

#### **5 STREETScape**

##### **Issues**

Marrickville Urban Strategy P48 states 'Increased **car use in Marrickville is constrained by the character of the built environment.'** The present streetscape of Illawarra road is that of buildings which are single storey houses and 4 storey unit buildings will be completely overshadowed and usurped all personal privacy of surrounding residents by this excessive non-compliant DA.

Marrickville Urban Strategy zones the surrounding Marrickville Station area as a 'Small Village' and states that this area is 'small sized concentrations of retail and other local services integrated with **medium density residential** with public transport services.' The proposed DA would completely override this zoning.

Respect heritage

The proposed DA does not keep unique character of local neighborhoods

For Marrickville to consider building a monstrosity of 10 storeys high would be like a tower aligned to the railway would flush noise to all the surrounding areas and tower over all the local residential single storey houses as well directly look into the surrounding 4 storey apartment units' bedrooms and living rooms.

Keep unique character of local neighborhood this does not meet the Marrickville Urban Strategy, Heritage nor Sustainability reports.

## 6 – Traffic

### Issues

As one of the main roads in Marrickville Illawarra road already has peak period traffic from 8am and from 3pm onwards to increase the car capacity for our local area. There has been no investment or revisions made to Illawarra Road, Schwebel St and or any surrounding streets in the last 10 years. To cater for an additional 42 cars and motorbikes is not possible!

### DANGER

As local residents we are seeing daily aggressive encounters by cars, trucks, buses and pedestrians as well as car accidents. Unless a **cohesive and strategic** approach to the urban planning of Marrickville is delivered, Marrickville's future will only create havoc, chaos and pressure to our existing troublesome local streets and area.

The location of this proposed DA as a boarding house **should not have ANY car spaces** provided at all due to the bulk and scale of the site .and being located 8 metres away from the train station

Based on the Marrickville Traffic report - Trip Generation Estimates 25 Vehicle trips/hour 5 in & 20 out in am peak and 20/hour, 16 in & 4 out in pm peak. Net increase of no more than 12 vehicle movements in an hour period along any one sector of Illawarra Rd. Traffic impacts assessed considered acceptable.

**\* NOTE: There has NOT BEEN ANY acknowledgement that Station St traffic already steady in am & pm will increase with more train passengers.**

Garbage and loading times will mean large vehicles and noise would be traveling through the surrounding narrow and dangerous streets impacting on the noise in the local area

Parking along Schwebel and Leofrene Street is at maximum capacity so this proposed non-compliant DA seeking to house 244 people will increase the need for more street parking which is not possible. The scale and size of this excessive proposal is unrealistic and unfeasible for the local hundreds of local residents to sustain a standard of living that is acceptable for a high density and highly populated area and suburb.

We do not understand that beyond our concerns as a local residents that in the Marrickville Urban Strategy (adopted by Marrickville Council April 2007) the report repeatedly reiterates the same concerns raised below.

- **Traffic, safety and noise issues** on sites close to Freight lines
- The **value** in **maintaining** the **Heritage** and **Character** in the area,
- The **high use** of **buses** and **trains** mean that many services are **overcrowded** and unable to take additional passengers.
- **Increased car use** in Marrickville is **constrained** by the character of the built environment.

## 7 - Consultation and Notification Procedures

### Issues

Marrickville Urban Strategy Renewal Approaches Table 3. Page 18 states; 'Community Consultation noted a preference for up to three storey residential development where appropriate...Marrickville Station'.

Based on the local area and the views from the ascending and descending streets surrounding Schwebel Street, Leofrene Street, Blamire Lane, Grove Street and Warburton Street, the proposed development would clearly create a wall structure obstructing local resident's views, light, privacy, safety and increase road traffic. There must be community discussion on the impact and options as well as other proposals this site could be used for.

To conclude the clear non-compliance of this excessive DA are:

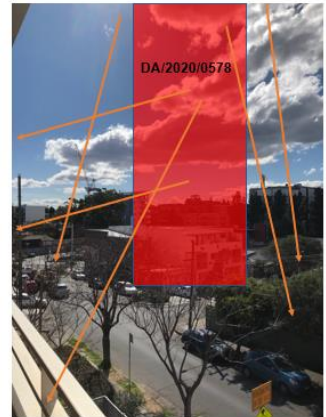
### 1. HEIGHT NON-COMPLIANT – BULK & SCALE

The height of this building is in breach of the LEP's 5 storeys with this DA's proposal for a 10 storey building of 34.26m does not comply with 26m in Marrickville LEP 2011. This excessive DA would be up by 8.7m equivalent of a 33% contravention. The

Proposed Station Street South Marrickville

DA/2020/0578

Visual to scale



Overshadowing and privacy 360 degrees surrounding single storey houses and low rise units



site's capacity is suitable for a total of 10 x 2 bedroom units over 5 storeys not 120 single studios in an excessive non-compliant 10 storey high rise.

**2. MULTI SIDE BUILDING**

The transition of this 10 storey DA from 1 on 3 sides in Station Street and 10 to 3 on South side **should not be approved** as it does not provide an appropriate transition. The site's capacity is suitable for a total of 10 x 2 bedroom units over 5 storeys not 120 single studios in an excessive non-compliant 10 storey high rise.

**3. TRAFFIC & SAFETY**

This non-compliant DA is seeking to offer 42 car spaces which would add excessive congestion, traffic, safety hazards to one of Marrickville's most dangerous and congested cross roads as well as being in a flood zone.

**4. FSR NON-COMPLIANT**

This excessive and non compliant DA proposes a Floor Space Ratio from 3.1 to 4.99.1 is not compliant- extent of proposed contravention 1.99.1 (3,467.6m<sup>2</sup>) up 66%

The present maximum building heights are based on existing Marrickville Council policies of only 5 storeys let alone proposing such a site right next to single storey houses and surrounding low rise apartment residents. Surely it would be logical and strategic for Marrickville Council to be developing policies that are beneficial and aligned with the future of Marrickville rather than be catering for certain proposed developments. **Marrickville Council is required to represent the local residents and not supporting building companies who seek profit and gain at the cost of our community and future generations.**

On a final note - this is not a suitable proposal that is harmonious to the area socially, legally or culturally. If this site were to meet the present Marrickville policy of 5 storeys high than it would be more suitable and agreeable proposal. There are already 5 new apartment blocks that have been build along in the last 36 months so this proposal is not required at all as there is sufficient housing supply in Marrickville already. This is not a suitable DA and we request that a **DETAILED INDEPENDENT STUDY AND SURVEY BE CONDUCTED.**

As stated in the introduction, Marrickville is one of the oldest, over populated and previously horse and cart streets and infrastructure that does NOT need any further housing supply in South Marrickville and the site can only permit for 10 x 2 bedroom units NOT 120 Studios – 244 people in a single non-compliant 10 storey DA.

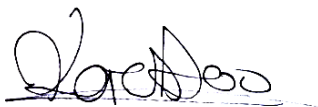
The scale and size of this excessive proposal is unrealistic and unfeasible for the hundreds of local residents to sustain a standard of living that is acceptable for already highly populated area and suburb.

Where-ever possible local residents and groups will oppose this proposed development to ensure Marrickville retains a positive environment conducive of a consistent standard of living and safety for all residents and groups.

We trust that you will address these serious issues relating to this excessive and non-compliant DA so that it meets the needs legally, socially and historically for our Marrickville.

We are happy to meet with you to further discuss this with you so please let us know.

Yours faithfully,

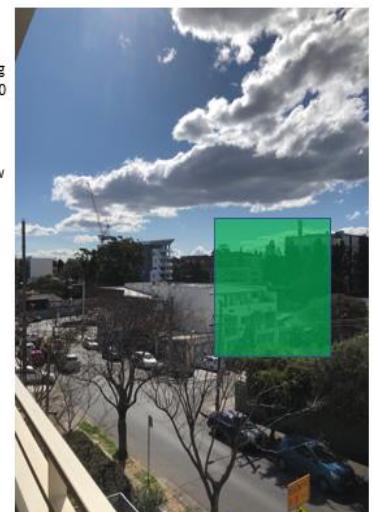


Karen Soo  
Schwebel Street  
South Marrickville Community  
Representative  
Schwebel Street, Leofrene Street, Blamire  
Lane, Grove Street and Warburton Street

Proposed Station Street South Marrickville  
**DA/2020/0578**  
**Visual to scale**



←  
Overshadowing  
and privacy 360  
degrees  
surrounding  
single storey  
houses and low  
rise units



Compliant  
Marrickville LEP  
heights of 5  
storeys



Submitted on Wed, 09/09/2020 - 16:17

Submitted by: Anonymous

Submitted values are:

Submission Type: I am submitting on behalf of my organisation

First Name: Katherine

Last Name: Sundermann

Name Withheld: No

Email: [ksundermann@mgsarchitects.com.au](mailto:ksundermann@mgsarchitects.com.au)

Suburb/Town & Postcode: Melbourne 3000

Submission file: [webform\_submission:values:submission\_file]

Submission: I am an architect, urban designer and urban researcher specialising in affordable and diverse housing. My work has encompassed the regulation, design and financing of a range of development typologies locally as well as abroad, with a particular focus on Collaborative Housing models. As an extension of this work I have been developing a Cooperative Rental Housing model which was a winner of both the City of Sydney Alternative Housing Ideas Challenge, and more recently a Lord Mayors Charitable Foundation Affordable Housing Challenge grant. I appreciate the opportunity to provide a submission to the Housing Diversity SEPP, an important policy tool to ensure appropriate definitions and tailored regulation for Boarding House typologies, which have not achieved the purported affordability outcomes. I explicitly support the decision to continue to support Boarding House typologies if they achieve prescribed affordability outcomes – if this can be delivered by both CHP and other non-profit delivery models. I am writing to suggest two principal amendments to the Housing Diversity SEPP: • The inclusion of collaborative housing in the SEPP to provide targeted support to increase the uptake of these models • An amendment to the controls for secondary dwellings to secure minimum standards of amenity

Collaborative Housing What is collaborative housing? Collaborative Housing is an umbrella term used to describe housing where future residents actively participate in the design, development, and/or shared ongoing operation of their homes. This level of participation can range from buyer-funded townhouse or apartment developments (such as Baugruppe) where participation reduces following completion, through to intentional cohousing communities where residents collectively contribute to community operation. They can include rental models, such as cooperative rental housing or limited equity co-operatives, or models where residents own the title to their home. A key difference to corporatized models such as build-to-rent or co-living is the presence of active community management, and the absence of an ongoing profit-making entity in the operation of the housing. What are the benefits of collaborative housing? A significant body of research locally and internationally has established the benefits of Collaborative Housing models over other corporatized or government managed housing models. This can include greater affordability benefits for residents, more tailored homes to respond to complex needs, the establishment of higher resilience and social capital outcomes which accrue to the building and immediate neighbourhood, and consistently high sustainability outcomes. This research base has led to active government support in the form of the Resilient Melbourne 100 Cities program, where collaborative housing models in Melbourne are being promoted to enhance community resilience to environmental or economic shock. Collaborative Housing models in Australia to date have mostly occurred within the private market through values driven organisations or non-profits with no government support. Some examples also exist with active CHP support including co-operative rental housing administered by Common Equity (NSW) and Common Equity Housing Limited (Victoria). By contrast, study into Collaborative Housing models in Northern Europe and North America has revealed a complex web of government support including discounted land provision or ground leases, favourable planning arrangements and government supported finance. Collaborative Housing models in various forms have existed since the early 20th century at the fringe of mainstream urban development, but have experienced a renaissance since 2000 with a particular surge in uptake following the

2008/2009 Global Financial Crisis. This is particularly acute within Germany, Austria, The Netherlands, Belgium and Switzerland, with emerging hubs now in Spain, UK and Japan. For instance, immediately following the 2008/2009 Crisis, Baugruppe projects in Berlin accounted for up to 10% of all dwelling completions. The City of Zurich currently has 25% of all housing stock in co-operative ownership with an active program to grow this figure to 33% making it a mainstream way of delivering affordable, community-orientated housing. As the strata title sector falters in response to the current economic shock, Collaborative Housing models are well placed to stimulate supply of high quality, more affordable housing outcomes, both within existing areas and urban renewal precincts. There are already a growing number of established models within the Melbourne context including Nightingale, Assemble, Property Collectives and start-up organisations Tripple, Codev and Third Way. Each of these models have taken hold in Melbourne due to a citizen backlash to poor apartment standards, clever marketing and increased awareness as well as favourable land values. In the NSW context these models have not yet taken hold, due to high land values, however this competition for land could be supported actively through tools such as FSR bonuses. Recommendations Introduce a definition for Collaborative Housing which could include:

- Innovation in the design and function of shared community space
- Evidence of resident participation in the design of project
- Evidence of resident contribution to the financing of project
- A formal commitment to the ongoing governance and operation of the project by residents
- Commitment to fossil fuel free in operation
- Minimum NatHers rating of 8 Star
- Commitment to decoupling parking from individual dwelling titles
- Commitment via legal agreement to secure perpetual affordability

Consider incentives to support Collaborative Housing such as:

- 10% FSR uplift
- Any FSR uplift to be contingent on the recommendations of the relevant Independent Design Review Panel
- Access to car parking reduction / waiver
- Commitment to active planning facilitation and assistance to expedite assessment and reduce resident exposure to holding costs

Secondary Dwellings  
Secondary dwellings can provide housing diversity, especially in established suburbs. However, in some circumstances they can deliver low levels of amenity, with limited outdoor space, inadequate space for canopy planting and problematic relationships with neighbouring dwellings. In recent years there have been several studies into improving the amenity and incentivising the uptake of secondary dwellings and group homes on un-subdivided land, such as the Right Size Service (finalist in the City of Sydney's Housing Ideas Challenge) and Cohousing for Ageing Well (University of SA). Additionally, the Victoria government is currently trialling the Secondary Dwelling Code to support secondary dwellings. Recommendations From the above examples there are several recommendations that could dramatically improve the amenity of these types of dwelling without negatively impact the viability of this important type:

- Increase maximum sizes to 75m<sup>2</sup> to improve liveability of the dwelling and tie the size more closely to demographic need.
- Increase minimum open space % to allow for increased amenity and to provide adequate space for deep soil planting.
- Ensure each dwelling has a dedicated private 'address' and high amenity pedestrian access.

Thank you for this opportunity to make a submission to the Housing Diversity SEPP. I am happy to discuss these concepts further with the Project Team.

URL: <https://pp.planningportal.nsw.gov.au/proposed-new-housing-diversity-sepp>

**Submission on the Explanation of Intended Effect**  
**for the new Housing Diversity SEPP by Kathryn McConnochie**

I am a long-time resident of Byron Shire. There is a well recognised need for Affordable Housing in this Shire. I fully understand that this is a pressing issue, considering the high real estate prices in this area. Younger generations than mine are unable to purchase a first home in this area due to the excessive prices for land and houses.

I am writing a submission on the Housing Diversity SEPP as I have seen the massive disadvantages and damage caused to neighbourhoods in Byron Shire by development arising from the 'SEPP for Affordable Rental Housing' (ARH SEPP), 'Part 2. New Affordable Rental Housing'. This SEPP has been applied to Byron Shire by the State Government, overriding local planning controls.

Multi – dwelling housing, terraces & manor houses consisting of more than 2 residences on one block in R2 Low Rise Medium Density Residential Zonings, are totally incompatible with the R2 zoning. They should not be built in R2 zonings, regardless of how close they will be to B2 and B4 Zonings. The minimum block size for Low Density zoning is one dwelling per 600m<sup>2</sup>. This must be maintained (allowing a granny flat only), in order to honour the basis on which residents have previously purchased houses and land in this zoning.

The new housing Diversity SEPP is suited to city suburbs and regional cities, with access to regular public transport, such as trains, buses & ferries. Byron Shire and most rural towns and villages do not have this, there are only private bus companies and one small solar train track. The train covers 3kms only from Byron town, north to Sunrise Estate, near the Industrial Estate. The train currently has hourly services between 11am to 3.30 pm each day.

The private bus company has limited services in Byron Shire, starting at 8 am & finishing between 5 & 6 pm on weekdays, there are only 3 services daily to most areas on the weekends. There are no services to the major employment centres of Tweed Heads (67 kms away) or Lismore (50 kms away). Therefore, there is a need for each working person and parent to own a car.

Parking chaos has occurred in the Sunrise Beach area near a recently built Boarding House & multi dwelling housing as a result of inadequate off-street parking for the residents of these housing developments. Narrow streets have not been planned for this level of parking on both sides and they have virtually become one way as a result. There must be adequate off-street parking provided by housing developments for each dwelling and for visitors, to alleviate parking congestion and overload in the surrounding streets.

In the Housing Diversity SEPP, only .5 of a parking space is required for each dwelling in Build to Rent dwellings (BTR); .5 car spaces per room for Co-living and Boarding Houses. This level of off-street parking is totally inadequate in Byron Shire, where high rents mean that couples share accommodation and there are commonly 2 people requiring cars in each and every bedroom of a dwelling.

Higher density Affordable Housing areas must include peripheral parking areas linked to the housing by walk and or cycle paths and bus routes, to help ameliorate congestion caused by this lack of off-

street parking. If State Govt regulations do not provide adequate off-street parking in housing, then the State must take some responsibility in funding appropriate infrastructure for parking.

Neighbourhood Character has been severely impacted in areas where developments have gone ahead under the ARH SEPP: buildings that dominate the block with inadequate common landscaped areas; loss of privacy for neighbours; removal of trees within the blocks and on the Council verge; overcrowding in dwellings with no constraints enforced on the number of occupants allowed; above market rents charged, noise issues etc. etc. All of these impacts must be taken into consideration, and steps taken to offset them, so that higher density affordable housing does not end up creating ghettos in Byron Shire

The design requirements of the “Seniors Living Policy: Urban Design for Infill Development” must be made mandatory for all type of medium density dwellings. Private and Common Landscaped areas must also comply with the Landscaping requirements of the current Byron Shire Council DCP.

Inclusivity of all community members must be provided for in Affordable Housing. There is a well recognised need by Byron Council & various community services, for affordable housing for the elderly in Byron Shire. Ground level units must be provided for the accessibility of elderly and disabled community members.

A restriction must be placed on all dwellings built for Affordable Rental Housing to prevent them being rented out as short-term holiday rentals.

The proposed amalgamation and amendment of the Affordable Rental Housing SEPP, the Housing for Seniors and Disabilities SEPP and SEPP 70 provides some positive changes but it also raises some issues that i think needs addressing.

I strongly agree with all of the points raised in the following submission by Community Alliance Byron Shire (CABS) on the proposed Housing Diversity SEPP. **I have added extra comments to it in red:**

1. In-fill affordable housing under the SEPP should be used as affordable housing for 20 years instead of the current 10 years
2. Secondary dwellings are now permitted under most LEPs independent of the SEPP
3. CABS supports the new Built to Rent housing definition but acknowledges that it may have limited appeal in Byron Shire where real estate in B3, B4 and R3 zones is limited and developing a minimum 50 dwellings may not be easily achievable **or acceptable in small towns and villages.**
4. BTR Housing must not be mandated in R1, R2 or B1 zones unless Councils deliberately include this in their LEPs through Planning Proposals.
5. It is important that Councils be permitted to increase the car parking ratio above 0.5 car parking spaces per dwelling for built to rent housing as in some case in regional areas a higher ratio will be appropriate. (where public transport is not to a high enough standard)
6. CABS support the new definition of student housing and that it is not mandatory in any zones but may be included at Councils discretion. **Bicycle parking should be increased to 1 space per bedroom and motorbike parking to one space per 3 bedrooms.**
7. CABS support a new definition for Co-living by removing it from the current boarding house definition, but we are concerned about some of the proposed planning provisions.

- a. In Byron Shire some areas zoned B4 Mixed Use are inappropriate for this type of development particularly in Brunswick Heads. Co-living should not be mandated in the B4 zone but should be included at the discretion of individual councils.
  - b. Areas Zoned R1, R3, R2, B1, B2, B3 and B5 should not be mandated to include co-living development but should be included at the discretion of local councils
  - c. Building height and FSR should be determined by LEPs and not the SEPP
  - d. In Byron Shire reduced car parking rates for Co-living developments are not appropriate. Individual Councils should be able to set their car parking rates higher than 0.5 car parks per bedroom to reduce the impact of on street parking in the neighbourhood. A car parking rate of 1 car park per bedroom is appropriate in Byron Shire, **due to lack of adequate transport to work centres.**
  - e. The proposed minimum Room size, communal living space, and private open space all seem acceptable
  - f. The communal open space should remain at 25% of the site area even if private open space exceeds the minimal requirements. Car parking areas, rubbish bin areas, access paths, bike racks, boundary buffers and vegetated landscaping must be specifically excluded from the communal open space area calculation.
8. CABS support the change in boarding house definition to make it affordable and that it is managed by a community housing provider
  9. CABS recommend that the rooms in boarding housing remain affordable in perpetuity or at a minimum 20 years and does not agree with them only remaining affordable for 10 years.
  10. CABS support removing the mandate that boarding houses must be permitted in the R2 zone
  11. CABS also recommend that boarding houses not be mandated as permissible in R1 or B1 zones. They are currently mandated in these two zones and this decision should be left up to the local council.
  12. CABS support a flat 10% FSR bonus for boarding house developments and opposes the 20% bonus suggested by the Department
  13. Car parking rates for boarding houses in Byron Shire are currently too low as there is not sufficient public transport so all tenants require private vehicles. Local Councils in regional areas should be able to apply higher car parking rates if the area is not adequately serviced by public transport.
  14. CABS supports the proposed amendment to allow the conversion of an existing dwelling to a group home as exempt or complying development
  15. CABS supports the amendment that the onus for providing evidence that a building did not contain a low-rental dwelling at the relevant time rests with the applicant
  16. CABS supports the amendment that councils have the discretion to set a maximum size for secondary dwellings in rural zones

17. CABS supports changes that amend the provisions for 'location and access to facilities' in the Seniors SEPP so that point-to-point transport, including taxis, hire cars and ride share services, cannot be used for the purpose of meeting the accessibility requirement
18. CABS support the proposal to amend the SEPP Seniors provisions to clarify that development standards in an LEP prevail to the extent of any inconsistency with the SEPP
19. CABS opposes including manor houses and terraces, in the list of developments that can attract a density bonus. Byron Council has prepared its draft residential strategy based on assumptions of potential housing development. Including this additional density bonus will skew these calculations.
20. CABS STRONGLY OPPOSES the proposed changes to expand density bonus outside the Sydney metropolitan region. This is possibly the single most concerning recommendation in the new proposed SEPP. At present Byron Shire has already experienced far too many inappropriate developments that have taken advantage of the density bonus by being within 400m of a B2 or B4 zone. Unfortunately, in Byron Shire there are many areas in villages which are zoned B2 or B4 but are not suitable for density bonuses because they do not have enough local services to meet the needs of residents.
21. The major concern with the proposed change is that density bonuses will apply to all land within 800m of a railway station and 400m of a bus station.
  - a. In Byron Shire this will open up vast swathes of the community to development if they are within 800m proximity of the current three operating train stations at Sunrise, Belongil and Byron Bay North.
  - b. Byron Council is currently proposing to reopen the train stations at South Byron Bay, Lilypily, Bangalow, Mullumbimby, Ewingsdale, Tyagarah, Myocum and Billinudgel. If this were to occur, then density bonuses would apply within 800m of all eight of these train stations. **Some of these potential stations are in close proximity to Environmentally Sensitive areas, Nature Reserves and similar, where higher density development would be unsuitable.**
  - c. Blanches Bus Services currently operates six regular public bus services that run through Byron Shire. It also runs dozens of regular school bus services which are still classified as regular bus services. The regular public bus services stop at just over 30 bus stops throughout Byron Shire. While at present there are not enough bus services running every hour between 6.00am and 9.00 pm each day to meet the proposed definition even a slight change to scheduling would open up 30 new R2 zoned areas in Byron Shire to multiple dwelling density bonuses.
    - The Passenger Transport Act 1990 defines **regular bus service** means any regular passenger service conducted by bus (including any transitway service).
    - The Passenger Transport Act 1990 defines **regular passenger service** means a public passenger service conducted according to regular routes and timetables, but does not include a tourist service or a long-distance service.

These definitions, include all regular SCHOOL bus services. In regional NSW regular school bus services far exceed regular public bus services. It is completely inappropriate to include school bus services in the calculations of the number of bus services operating from a bus stop. **Adults who are unrelated to students are not allowed on school bus services for safety reasons, therefore school bus services do not cater for transporting the general population.**

22. CABS strongly recommend that the affordable housing density bonuses are not applied in Byron Shire at all as they are not having the positive desired effect that occurs in larger cities and towns. **They should only be applied to regional cities.**
23. CABS also recommend that the affordable housing density bonuses are reduced to a flat 10% rate in regional areas
24. Local Councils should be given the discretion to increase the minimum car parking spaces per dwelling above those currently states in the SEPP for development applications that are not by a social housing provider. Reduced car parking rates in the SEPP should still apply to social housing providers. The reduced car parking rates in the SEPP are having a negative impact on small rural villages.
25. The in-fill affordable housing provisions currently require at least 20% of the gross floor area of the development be managed by a community housing provider for 10 years. CABS strongly recommends this be changed to 30% and to 20 years. 20% and 10 years is simply not enough area or time to meet the affordable housing needs of the community.



9 September 2020

Department of Planning, Industry &amp; Environment

Dear Sir/Madam

**Explanation of Intended Effect for a new Housing Diversity SEPP**

The exhibited Explanation of Intended Effect (EIE) for a proposed new Housing Diversity State Environmental Planning Policy (Housing Diversity SEPP) explains that the new SEPP will:

- 1.introduce new definitions for build-to-rent housing, student housing and co-living;
- 2.amend some state-level planning provisions, particularly for boarding house and seniors housing development;
- 3.amend some state-level planning provisions to support social housing developments undertaken by the NSW Land and Housing Corporation (LAHC) on government-owned land; and
- 4.consolidate three housing-related SEPPs:
  - State Environmental Planning Policy (Affordable Rental Housing) 2009
  - State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004
  - State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes).

The exhibited EIE makes reference to proposed changes to existing provisions in the three housing-related SEPP and the Standard Instrument Local Environmental Plan (SILEP) (i.e. rural secondary dwellings, BTR standards etc.). The exhibited EIE does not clarify what these changes are. Surely these changes need to be public exhibited rather than simply producing an EIE with vague statements regarding proposed changes to planning instruments. By not providing the relevant information the Department of Planning, Industry and Environment are failing to meet the objectives of their Community Participation Plan.

Kiama Municipal Council is supportive of the Department's intention to consolidate the existing SEPPs and sees merit in some of the proposed amendments. However insufficient information has been provided for Council and the community to fully appreciate the potential impacts of the proposed amendments.

**New Definitions**

The EIE outlines that the new SEPP will introduce definitions and planning provisions for three new types of housing, being:

- Build-to-rent (BTR)



- Purpose built student housing, and
- Co-living.

The EIE outlines that councils can determine the relevant height and Floor Space Ratio (FSR) controls for BTR housing through their LEP. However, by not publicly exhibiting a draft SEPP the Department are not providing councils with the opportunity to prepare, exhibit and finalise Planning Proposals to introduce these controls before BTR housing becomes permissible. The implementation of this new definition should be deferred until such time as councils have introduced BTR housing controls in their LEPs.

#### Secondary dwellings in rural zones

The EIE outlines that it is proposed to amend the ARHSEPP so that councils have the discretion to set a maximum size for secondary dwellings in rural zones. While Council supports this proposed amendment, it is unclear how the amendment will be enacted. It is assumed that this amendment will be enacted via an order to the SILEP and will require councils to prepare Planning Proposals to establish a new maximum size for secondary dwellings in rural zones. It would be appreciated if the EIE could confirm this or if a state-wide maximum will be established.

#### Proposed amendments to seniors housing provisions

The Seniors SEPP does not apply to land identified in Schedule 1 – Environmentally Sensitive Land. The EIE outlines that that Schedule 1 – Environmentally Sensitive Land of the Seniors SEPP will be updated, to be better aligned with current legislation and planning conditions. No further information/clarity has been provided regarding this proposed update. As such, Council are unable to comment on the appropriateness of this proposed amendment.

The EIE outlines that it is proposed to amend the provisions for ‘location and access to facilities’ in the Seniors SEPP so that point-to-point transport, including taxis, hire cars and ride share services, cannot be used for the purpose of meeting the accessibility requirement. Council supports this proposed amendment.

#### Exclusions of seniors housing SEPP in Greater Sydney Region

Recent amendments have been made to the seniors housing SEPP to exclude land identified as being within a heritage conservation area (HCA) and certain rural land within the Greater Sydney Region. Similar exclusions should be provided to regional councils.

The recently adopted Kiama Local Strategic Planning Statement (LSPS) 2020 contains the following Planning Priorities:

- Plan for and balance housing supply and demand
- Support the delivery of required infrastructure
- Protect viable agriculture and agricultural lands
- Protect scenic rural landscapes
- Identify and safeguard areas & items of heritage significance.

Throughout the community consultation, associated with the preparation of the Kiama LSPS, the following key priorities and areas of importance were identified by the Kiama community:

- the need to control and manage development to ensure that Kiama does not lose its distinctive character

- environmental sustainability, including the conservation of the natural environment and promoting use of sustainable energy to move towards a carbon neutral future
- the economic sustainability of the organisation and the need to support local businesses and promote tourism
- protect existing heritage buildings
- protect existing agricultural land for farming
- encourage local job creation.

The two (2) issues that were of the highest concern for Kiama residents were:

- over-development: pressure on infrastructure, urban sprawl and disappearance of heritage
- over-population: challenging existing character and causing infrastructure and parking concerns.

In recent times, site compatibility certificates, and subsequent approvals, have been issued for seniors living development on rural land within the Kiama Municipality. This recent seniors living development is contrary to the vision of the LSPS and its Planning Priorities. In its current state, the seniors living SEPP has no regard for the agricultural viability or scenic qualities of rural land within the Kiama Municipality, something which significantly contributes to the heritage and character of the area and acts as a major draw card for the local tourism industry. This 'un-planned' development will also have impacts on the existing infrastructure within the Municipality. Sydney Water have recently advised Council that much of its infrastructure is at capacity.

Similarly, the seniors living SEPP has no regard for areas identified as HCAs outside of the Greater Sydney Region.

The community have gone to great lengths to articulate their concerns regarding impacts associated with urban sprawl and housing development, with the late introduction of a Kiama LSPS action to prepare and implement a local Housing Strategy. The Kiama LSPS also contains actions to finalise the State's Agricultural Land Mapping project, as identified by the Illawarra-Shoalhaven Regional Plan, and subsequently review rural zonings and landuse tables within the *Kiama Local Environmental Plan (LEP) 2011* to protect agricultural lands. Actions to holistically review the existing heritage register, contained in Schedule 5 of the Kiama LEP, and to create HCAs within the Municipality.

The community's effort and the actions of the LSPS will continue to be undermined if the new Housing Diversity SEPP does not provide regional councils with similar exclusions afforded to councils within the Greater Sydney Region.

Yours faithfully



Ed Paterson  
**Manager Strategic Planning**



# Proposed Housing Diversity SEPP

KJA Submission to NSW Department of  
Planning, Industry and Environment

---

9 September 2020



an ERM Group company

---

# Contents

01 Introduction ..... 3

02 Our Submission ..... 4

03 Evidence Base ..... 5

04 Planning Reform ..... 6

05 Areas for Clarification ..... 7

06 Tenancy Options..... 8

07 Homelessness ..... 9

08 New Technology ..... 10

09 Communication..... 11

10 Conclusion ..... 12

---

## 01 Introduction

**Established in 2001, KJA is recognised as one of Australia’s leading specialist stakeholder engagement and communication consultancies, with more than 75 staff across offices in NSW and Victoria.**

Our strategic engagement approach is risk-based and considers stakeholders and issues analysis. By anticipating issues, communicating clearly and establishing strong stakeholder and community relationships, we deliver successful engagement outcomes.

Our submission offers in-principal support for the proposed new Housing Diversity SEPP, and draws on experiences in the communications and stakeholder engagement field to provide feedback on aspects of the proposed policy.

---

## 02 Our Submission

The NSW Government's proposed new Housing Diversity SEPP is of particular interest and relevance for the work that KJA does in stakeholder and community engagement. We believe that having clarity provided both to industry and the community through this policy will assist in smoothing the way for the delivery of greater diversity of housing for the people of NSW. The policy also represents a step forward in terms of articulating the priorities for Government.

We wish to congratulate the NSW Government on its delivery of this important initiative, and particularly recognise the work of the Minister for Water Housing and Property the Hon. Melinda Pavey MP.

At this difficult time during COVID-19, the economic demands on families and individuals has never been greater. With property ownership an increasingly ambitious goal for many, providing options for the delivery of more housing diversity is particularly timely as NSW recovers from the impacts of the pandemic.

---

### 03 Evidence Base

KJA recognises the high level of detail and quantitative data reflected throughout the discussion paper and believe that it greatly assists in articulating the challenges associated with population growth, uneven population dispersion, and the existing variety of housing options. Of particular note is the consistent reference throughout the discussion paper regarding the importance of collecting and using data. This is consistent with the ethos of the Government's new Customer Service department, and will ensure evidence based decisions can continue to be made into the future.

We would note the importance of also utilising data obtained from external sources, beyond the Department of Planning, Industry and Environment. While it is expected that much of the relevant information will be collected directly by the Department, there are many other sources, particularly within government, where the ability to cross-check and compare data will improve the veracity of decisions. This is particularly important with respect to planning around schools and public transport hubs, where the needs of the community can be measured by data collected by each respective department.

Finally, it is encouraging to see a general delineation between the roles and responsibilities of Local, State and Federal government agencies when it comes to planning. This is often a major cause of confusion in communities, and leads to a lack of accountability among decision making bodies.

---

## 04 Planning Reform

The discussion paper is consistent with public statements from the Minister for Planning, the Hon. Rob Stokes MP, who has expressed concern about the impacts of certain externalities, such as income, determining which suburbs a person is able to live. The discussion paper goes some way to offering greater prioritisation for alternative forms of housing, such as Build-to-Rent. While Build-to-Rent is not necessarily an affordable housing alternative as a matter of course, Minister Stokes has recognised its potential, under specific circumstances, to meet this requirement. Therefore, by offering a more affordable level of housing stock, those priced out of buying in higher valued suburbs are offered new alternatives. While this does not necessarily address housing unaffordability in its own right, the creation of options appears to be consistent with the NSW Government's support for individual choices when it comes to housing.

Similarly, the discussion paper looks to simplify planning legislation by inserting new definitions around Build-to-Rent, boarding houses and other medium density housing options that will streamline their consideration throughout the planning process. To date, many new styles of development have attracted community opposition due to the lack of clarity concerning their purpose.

As council's and communities familiarise themselves with these new definitions, careful attention should be paid to building quality engagement with stakeholders, to raise awareness of, and grow appreciation for, new development styles and land uses, and ease the way for greater supply into the future.



---

## 05 Areas for Clarification

Further information and detail will be needed as the policy is refined. In particular, we would draw the Department's attention to the requirements for Build-to-Rent. By creating a \$100 million threshold for urban State Significant status and \$50 million for rural State Significant status, this policy may inadvertently create a barrier to entry for Build-to-Rent developers. Even in Sydney where land values are high, a \$100 million threshold ensures Build-to-Rent is targeted at larger-scale developments. While larger scales will often be more cost-effective, consideration should be given to Local Government Areas (LGAs) where high-density opportunities are limited, but demand for this housing typology may still exist. In many instances, this will occur in suburbs with high property values exacerbated by strict or low-density planning controls.

This relates to how Local Environment Plans (LEPs) and the Apartment Design Guide (ADG) impact on local planning approvals. Some LEPs may not have been developed with Build-to-Rent in mind, while others may not allow large-scale Build-to-Rent developments.

Given these local policies play a large role in determining permissible developments, further clarification will be required about how this proposed SEPP impacts on communities and how Build-to-Rent options that are not eligible for the State Significant planning pathway can be developed for the benefit of prospective occupants.

---

## 06 Tenancy Options

A less well documented affordability challenge is the high cost of renting. As has been mentioned earlier, while Build-to-Rent is not necessarily an affordable housing option, by injecting greater supply into the rental market through the encouragement of this relatively new style of rental housing, downward pressure can be applied to rental costs. In many cases, however, a tenant is only a temporary participant in the rental market. As much as Build-to-Rent, boarding houses and increased supply of private rental dwellings will continue to service the needs of the long-term rental market, setting thresholds of three year minimum leases for Build-to-Rent could be an overly onerous requirement. Only those seeking long-term arrangements will be eligible under such a scheme, which may result in lower than expected uptake, particularly as these new forms of housing stock are developing.

We suggest creating opportunities for people to access these styles of housing on shorter-term bases, at least in the industry's infancy. Creating standard 12 month leases with opportunities for renewal may be a more successful way to ensure Build-to-Rent in particular is afforded the opportunity to grow in the NSW market.

Alternatively, opportunities may exist to 'quarantine' segments of these new developments for key or strategic workers in a region. For example, nurses and midwives may benefit from three-year contracts in health precincts, as would students in university or education precincts. This will have the added benefit of reducing demand on the NSW road and public transport networks, where employees are able to live and work within a close proximity.

---

## 07 Homelessness

Very few planning policies make specific reference to the challenges associated with homelessness, which we note has been one of the Premier's Priorities since her re-election in March 2019. Only through integrated planning and social services policy can this ambitious priority be realised. It is encouraging to see this highlighted in the report, and we believe that offering more affordable housing will not only help lift some citizens out of homelessness altogether, but help to ensure many more who are at risk of homelessness never end up on the streets in the first place.

---

## 08 New Technology

The discussion paper is forward-looking with respect to embracing new technology, particularly the expected demand for electric and autonomous vehicles, and proliferation of micro-grids for power generation and transmission. While not yet at a stage of general consumption, these technologies represent the future of society, and it is appropriate that they are given adequate consideration with a policy that is set to chart a pathway forward for several decades.

---

## 09 Communication

Many of the impacts of this discussion paper will be felt most significantly in local communities. These communities are not always engaged with government policy, and may only encounter these proposed changes once a development is proposed near to their own residence. In order to ensure a smooth implementation and community acceptance of new developments in housing, a clear and concise explanation is required.

As many of the deliverables associated with planning are enacted at a local government level, we believe that councils must be empowered with the information necessary to engage directly with their communities. Specifically, where there is an expectation that an LEP is to be reformed so as to permit new definitions within local suburbs, all residents and stakeholders should be given an opportunity to consider the changes and have their say.

Further, where strategic locations are identified for housing diversity options, comprehensive consultation with relevant stakeholders is necessary to not only explain the benefits, but also to obtain buy in. Stakeholders seeking to gain from an intended rezoning should be required to support the local community through infrastructure delivery and a holistic contribution to the precinct, beyond their immediate site. Importantly, any contribution should be focused on delivering for the immediate vicinity of the development, and is preferably delivered by the developer in consultation with the council. This will shift the focus from planning and development to community building, and engender a greater level of community support which is needed to support the viability of future diverse and affordable development.

---

## 10 Conclusion

KJA supports the NSW Government's focus on delivering more housing diversity options to its citizens. While it has been acknowledged that there are many inputs to creating safe, affordable and liveable cities, this discussion paper sets out a forward looking plan that places individual choice at the centre of housing in NSW. We look forward to seeing this policy refined in response to stakeholder and community feedback, and hope to continue working with the Department and local councils to support the delivery of strategic planning decisions in local communities across NSW.



an ERM Group company

**Sydney office**

Level 15, 309 Kent Street, Sydney, NSW 2000  
Locked Bag 3012 | Australia Square NSW 1215  
T 02 9955 5040 F 02 9955 5901

**Melbourne office**

Suite 101, 620 Bourke Street Melbourne VIC 3000  
PO Box 16215, Collins Street West VIC 8007  
T 03 9005 2030

E [info@kjassoc.com.au](mailto:info@kjassoc.com.au) | [www.kjassoc.com.au](http://www.kjassoc.com.au)



8th September 2020

Mr Rob Stokes  
Minister for Planning and Public Spaces and Member for Pittwater  
Department of Planning, Industry and Environment

Dear Mr Stokes,

**RE: SUBMISSION PROPOSED NEW HOUSING DIVERSITY SEPP**

I refer to the NSW Government's proposed New Housing Diversity SEPP and would like to make the following submission on behalf of our Members.

Our Association fully supports the consolidation of SEPP (Affordable Rental Housing) 2009, SEPP (Housing for Seniors & People with a Disability) 2004 and SEPP No. 70 into the New Housing Diversity SEPP and congratulates the Minister in his proactive stance in addressing housing diversity and affordability in Sydney and throughout all NSW.

Our members are particularly encouraged by the Draft SEPP to prohibit Boarding Houses in the R2 Low Density Residential zone. We concur with a lot of other community groups that consider Boarding Houses are fundamentally incompatible with other developments in the R2 zone and we expressed this view to the Government back in February 2019 when the standards for Boarding Houses were being reviewed.

Our Association also fully supports the proposed definition for a Boarding House particularly the clauses requiring them to be affordable rental buildings and that Boarding Houses must be managed by a registered not-for-profit Community Housing Provider.

Our members also support the new SEPP with the introduction of definitions and planning provisions for '*built to rent housing*', '*purpose built student housing*' and '*co-living*'.

With these 3 new types of housing criteria being introduced and the amendment to the Boarding House definition requiring Boarding Houses to be affordable and managed by a Community Housing Provider, we believe the new SEPP will achieve greater diversity in housing choice and also provide





more affordable housing for people in the Sydney Metropolitan area and throughout all of NSW.

Our Association appreciates the opportunity to make this submission on this New Housing Diversity SEPP and again congratulates the Minister and the NSW State Government in its proactive stance for affordable housing in NSW.

Kind Regards

A small, square, light grey box containing a handwritten signature in dark ink. The signature appears to be 'Elise Borg' in a cursive script.

Elise Borg – Hon Secretary  
Kogarah Bay Progress Association Inc  
[kogarahbayprogress@gmail.com](mailto:kogarahbayprogress@gmail.com)

818 Pacific Highway, Gordon NSW 2072

Locked Bag 1006 Gordon NSW 2072

T 02 9424 0000 F 02 9424 0001

DX 8703 Gordon TTY 133 677

E [kmc@kmc.nsw.gov.au](mailto:kmc@kmc.nsw.gov.au)

W [www.kmc.nsw.gov.au](http://www.kmc.nsw.gov.au)

ABN 86 408 856 411



## Submission – Proposed Housing Diversity SEPP

Ku-ring-gai Council welcomes the opportunity to provide feedback on the exhibited Explanation of Intended Effects for the proposed new Housing Diversity SEPP.

This submission has been prepared by Ku-ring-gai Council staff. Due to the lead time for reporting to Council Meetings, it has not been reported to or endorsed by the elected Council,

Council staff are generally supportive of proposed Housing Diversity State Environmental Planning Policy (Housing Diversity SEPP) and a number of the proposed updates and amendments to the existing *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP); and *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* (SEPP Seniors); and *State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)* (SEPP 70) provisions.

However, there are a number of matters which are of a concern, or there is insufficient information detailed in the Explanation of Intended Effect in order for Council to fully determine the potential implications.

The detailed comments are outlined on the following pages 2 – 7.

If you have any questions regarding this submission, please contact Alexandra Plumb, Urban Planner on [aplumb@kmc.nsw.gov.au](mailto:aplumb@kmc.nsw.gov.au) or 9424 0795.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A. Fabbro', is positioned above the printed name.

Antony Fabbro  
Manager, Urban and Heritage Planning

## **Ku-ring-gai Council Submission – Proposed Housing Diversity SEPP**

### **General**

#### **1. Consolidation three existing housing related SEPPs**

The concept of reducing the number of state policies is supported. Council supports the consolidation and streamlining of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP); and *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* (SEPP Seniors); and *State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)* (SEPP 70) into a single instrument which contains all state level housing-related planning provisions to facilitate the delivery of diverse housing types to meet the needs of the people of NSW. The consolidation of these housing-related SEPPs is logical and will help to streamline the NSW planning system by reducing the number of State Environmental Planning Policies.

#### **2. Explanation of Intended Effect**

The current public exhibition material does not include a draft version of the proposed new Housing Diversity SEPP, only the Explanation of Intended Effect. It is difficult to determine the full extent of potential implications arising from the new SEPP based solely on the EIE. Council strongly encourages the Department of Planning, Industry and Environment to also release the Draft Housing Diversity SEPP for public exhibition to provide the full detail of the proposed amendments, and enable Council to determine the full extent and impacts of proposed amendments.

### **Seniors Housing**

#### **3. Seniors Housing – Update Schedule 1 Environmentally Sensitive Land**

The Seniors SEPP does not apply to land identified in Schedule 1 – Environmentally Sensitive Land. The EIE notes that it is proposed that Schedule 1 of the Seniors SEPP will be updated to '*be better aligned with current legislation and planning conditions*'. However the EIE does not provide any detail about what updates or changes are to be made to Schedule 1.

Schedule 1 currently states:

*Land identified in another environmental planning instrument by any of the following descriptions or by like descriptions or by descriptions that incorporate any of the following words or expressions—*

- (a) coastal protection,*
- (b) conservation (but not land identified as a heritage conservation area in another environmental planning instrument),*
- (c) critical habitat,*
- (d) environment protection,*
- (e) open space,*
- (f) escarpment,*

- (g) floodway,
- (h) high flooding hazard,
- (i) natural hazard,
- (j) (Repealed)
- (k) scenic (but not land that is so identified if—
  - (i) the land is within a residential zone in which development of two storeys or more in height is permitted, or
  - (ii) an adjacent residential zone, also identified as scenic, permits development of two storeys or more in height),
- (l) water catchment,
- (m) natural wetland.

***Land shown cross-hatched on the bush fire evacuation risk map.***

Of particular importance to Council is 'Land shown cross-hatched on the bush fire evacuation risk map'. Ku-ring-gai Council currently has 15 areas identified with cross-hatching on the [Bushfire Evacuation Risk Map](#), which prevents the Seniors SEPP from applying in these areas. The map was prepared under the *State Environmental Planning Policy SEPP 5 (Housing for Older People or People with a Disability)* by the Department of Planning in consultation with the NSW RFS and Council. The map was first published in 2002.

The areas identified with the cross-hatching are areas that are susceptible to evacuation difficulties in the event of bushfire due to the limited egress or access from these areas. It was considered in identifying these areas the potential increased population density from senior's developments and the fact that these development by the nature of their use present mobility issues as it is difficult to evacuate residents, and they may be susceptible to smoke impacts, in addition to the significant egress/access problems.

It is crucial that any amendments to Schedule 1 of the Seniors SEPP **do not remove** (either purposely or inadvertently) these existing and long standing exclusion areas within the Ku-ring-gai local government area. These areas need to be retained as exclusion areas within the proposed Housing Diversity SEPP.

Also, the phrase "(but not land identified as a heritage conservation area in another environmental planning instrument)" should be deleted from section subclause (b) of Schedule 1 to provide a permanent exclusion from the application of the SEPP in heritage conservation areas. This matter is discussed further under point 6. Below.

#### **4. Seniors Housing – Application of Local Development Standards**

Council and the Ku-ring-gai community have consistently raised concerned with State policies which override local planning controls, in particular the Senior SEPP, which by overriding local planning controls results in developments that are incompatible with the surrounding context, particularly in the R2 Low Density Residential zone, due to their bulk and scale. Council is extremely supportive of the proposed amendment to the Seniors SEPP

provisions to clarify that development standards in an LEP prevail to the extent of any inconsistency with the SEPP.

However, concern is raised with the proposal to permit development standards to be varied using clause 4.6 to a maximum of 20%. A variation of 20% is not a minor variation, and specification of a 20% maximum variation could result in proposals being designed to the maximum variation rather than to the development standards.

#### **5. Seniors Housing – Location and access to facilities provisions**

Council is supportive of the proposed amendments to provisions relating to location and access to facilities so that point to point transport including taxis, hire cars and ride share services cannot be used for the purpose of meeting the accessibility requirement.

#### **6. Seniors Housing - Heritage Conservation Areas**

On 30 June 2020 Ku-ring-gai Council resolved to apply for a permanent exemption from Seniors SEPP applying within Heritage Conservation Areas. A letter was sent to the Department of Planning, Industry and Environment on 21 July 2020 setting out the evidence to support this request for permanent exemption, which includes:

- Heritage conservation areas of Ku-ring-gai – predominantly characterised by vegetation, high quality building stock and evidence of key historical development phases. Ku-ring-gai highly values its significant built and natural heritage, through heritage programs and policies to identify and protect the areas heritage.
- Local Strategic Planning Statement – identifies HCAs as a key contributor to local character of the area, and the need to maintain appropriate settings and curtilages for heritage items and conservation areas. Includes an action to seek permanent exemption.
- Local Housing Strategy – HCAs constitute only 13.6% of residential areas of Ku-ring-gai, so there are substantial opportunities for the realisation of seniors housing to meet the needs of a growing and ageing population.
- Development Assessment Context – Built form outcomes of SEPP are incompatible with the established character of Ku-ring-gai's HCAs.

This submission reiterates Council's request for a permanent exemption from the Seniors SEPP from applying within HCAs within Ku-ring-gai. It is assumed that should Ku-ring-gai be granted a permanent exemption from the Seniors SEPP within HCAs, this would be transferred into the consolidated Housing Diversity SEPP.

#### **Boarding Houses**

#### **7. Boarding Houses – No longer mandated in R2 zone**

The EIE proposes that boarding houses would no longer be a mandated within the R2 Low Density Residential zone in response to concerns regarding compatibility of these developments in the low density residential areas. Council is supportive of this proposed amendment. However, it is not clear



from the EIE whether this would be an amendment to the Standard Instrument LEP, resulting in amendments to all Councils R2 Low Density Residential zone within the Land Use Table or whether individual Councils would be required to undertake their own amendment to their LEP. It is Councils preference that this be via an amendment to the Standard Instrument LEP.

It is also noted that it is proposed that provisions will be included to enable Land and Housing Corporation (LAHC) to develop boarding houses on government owned land in the R2 zone regardless of the LEP permissibility. It is suggested that to ensure consistency, that where an LEP prohibits boarding houses in the R2 zone this should apply to LAHC developments also.

#### **8. Boarding Houses – requirement to be affordable**

The EIE proposes that the definition of boarding houses would be amended to require management by a registered not-for-profit community housing provider (CHP). Council is supportive of this proposed amendment, noting the objectives of the ARHSEPP and the intended purpose of boarding houses.

#### **Group Homes**

##### **9. Group Homes – Conversion of existing dwellings**

The EIE notes that there is currently a complying development pathway for development of new group homes, but no exempt or complying pathway to convert an existing dwelling into a group home, and this change of use currently requires DA consent from Council. The EIE notes *'is proposing to introduce a quicker and easier process to allow an existing dwelling to be used as a group home'*. The EIE does not contain any detailed information about what this *'quicker and easier process'* is to be, but is assumed to be either exempt or complying development provisions. There is also no detail about whether the *'quicker and easier process'* is purely for change of use, or whether it would also permit alterations to the existing dwelling. Heritage items and dwellings within HCAs should be excluded from any proposed exempt and complying development pathways.

#### **Introduction of New Housing Types**

##### **10. Co-Living**

It is understood that with the proposed requirement to make boarding house developments affordable, the introduction of the 'Co-Living' housing typology is to enable the continued development of 'new generation' boarding houses (typically self-contained, with private bathroom and kitchenette).

The EIE notes that it is proposed to make co-living developments a mandatory permitted use wherever residential flat buildings are currently permitted – for Ku-ring-gai this would be within the R4 High Density Residential zone and B4 Mixed Use zone. Council supports the proposal for the HOB and FSR development standards for co-living developments to be in accordance with the relevant LEP.

Council supports the proposed requirement which prohibits strata subdivision of co-living development, requiring them to be held in a single ownership.

It is noted that Design Guidelines for co-living may be developed to accompany the new SEPP. It would be essential that the design guidelines address internal and external amenity of co-living, noting the potential for amenity impacts arising from the small room size.

The reasoning behind the proposed requirement to limit co-living developments to a minimum of at least 10 private dwellings has not been detailed in the EIE, and it is questioned whether this would be an unnecessary constraint.

### **11. Build-to-rent**

The EIE notes that it is proposed to make Build-to-Rent housing a compulsory permitted use in the R4 High Density Residential, B3 Commercial Core, B4 Mixed Use and B8 Metropolitan Centre zones, as well as R3 Medium Density zones where residential flat buildings are permitted. In Ku-ring-gai this would only apply to R4 and B4, as there is no land zoned B3 or B8, and the R3 zone does not permit residential flat buildings. However, it is suggested that the definition of Build-to-Rent containing a minimum of 50 dwellings would not be compatible with the R3 Medium Density Residential zone in many local government areas.

Council supports the proposal to allow Council's to determine the relevant heights and floor space ratio for Build-to-Rent housing through their LEPs, ensuring this type of development is compatible with the surrounding local character.

It is noted that it is proposed that Build-to-Rent housing projects should be guided by the design quality principles in State Environmental Planning Policy No.65 and that the department will develop specific advice about those parts of the SEPP that are particular to the Build-to-Rent typology. It is suggested that as Build-to-Rent housing is high density development and comprising a minimum 50 self-contained dwellings then all the SEPP 65 design quality principles should apply, as well as the Apartment Design Guide.

Concern is raised with the proposed minimum car parking rate of 0.5 spaces per dwelling, which is not dependent on the size or number of bedrooms in a dwelling, or proximity of the development to public transport. The car parking rates for Build-to-Rent developments should be in accordance with the Council DCP provisions relating to residential flat buildings.

Council supports the requirements that Build-to-Rent housing would be subject to a minimum lease terms, and would not be available for short-term rental accommodation.

The EIE does not specify any requirements for room or apartment sizes for Build-to-Rent housing, and notes a new design guide will be developed. In order to ensure adequate internal amenity and *'high quality dwellings'* (as

described in the EIE), it is suggested that minimum dwelling sizes are in accordance with the SEPP 65 Apartment Design Guide.

## **12. Student housing**

The EIE notes that it is not proposed to make student housing a compulsory permitted use in any of the land use zones, and it is proposed that Councils will be able to determine permissibility for this use through their LEPs. This approach of allowing individual Councils to decide permissibility for this use is supported, due to the wide ranging land use and local contexts across local government areas.

Council supports the proposal for the HOB and FSR development standards for student housing developments to be in accordance with the relevant LEP.

The EIE does not include any detail regarding locational requirements for student housing. It is suggested that student housing is only permitted in areas that are in close proximity to educational establishments. Additionally the EIE does not contain any details about how it is intended to ensure these developments are solely used for the purpose of student housing.

It is noted the EIE states the minimum room size is proposed to be a minimum 10sqm, which is based on similar standards in other jurisdictions. Concern is raised that this proposed minimum 10sqm standard is to be discretionary, allowing developers to provide smaller room sizes resulting in poor amenity. The minimum room size should not be a discretionary standard.

## **Land and Housing Corporation**

### **13.ARHSEPP – Increase to maximum number of dwellings and types of development that LAHC can self-assess**

The EIE notes the proposal to increase the maximum number of LAHC self-assessable dwellings from 20 to 60 for any type of residential accommodation (private, affordable and social housing) undertaken by or on behalf of LAHC on any land owned by the state government. Concern is raised with the proposal to increase the self-assessment cap to developments of significantly greater size and density.

### **14.ARHSEPP – Subdivision of Government owned land**

There is insufficient detail provided in the EIE regarding the proposal to permit subdivision of Government-owned land without consent.



Submitted on Mon, 07/09/2020 - 20:07

Submitted by: Anonymous

Submitted values are:

Submission Type:I am making a personal submission

First Name: kye

Last Name: stamp

Name Withheld: No

Email: [kye\\_stamp@hotmail.com](mailto:kye_stamp@hotmail.com)

Suburb/Town & Postcode: albion park

Submission file: [webform\_submission:values:submission\_file]

Submission: this comes from a personal level, in my early twenties i lived in shared house arrangements, co living, boarding houses and very terrible staff accomodation, the depth of these living arrangements is very vast and combining 3 seperate SEPP's into a single instrument is irresponsible of the government there is also no need for these types of houses and especially boarding houses to ONLY be managed by community housing organisations, why..... because there are simply not enough of these to cater to the need of these styles of housing arrangements, and previously there was an allowance for floor floor space ratios in certain zones which made sense considering the density of these houses, they simply dont need the full lot of "open space" when the internal space could be put to better use. we cant lie and say there isnt a housing shortage in NSW, i dont mean houses, i mean housing, late teenagers, twenty, thirty year olds and the fastest growing demographic of single 50+ women need accomodation and their single wage is not enough to rent a regular "studio" apartment let alone a 2-3 bedroom home at the end of 2019 we had an abundance of needed "affordable accomodation" properties, somewhere in the excess fo 400,000 were needed in 2016 and this has only gotten worse. what is the point of allowing massive houses to be built when family houshold numbers are decreasing (no, we aren't having 5 kids each nowadays) yet bedrooms per property are increasing. from living in many (28 at last count) co living properties of various styles i think there is no one size fits all approach, there needs to be a scale of sorts, upto 6 people (people, not rooms) in standard R2 zoning, if this did go higher then 6 then a CDC through a private certifier (to not bog down our already overworked councils). i personally think co living "shared houses" should be allowed and welcomed in R2 zonings, for one reason, there is more space then build up areas to accomodate the "extra people" (that would not even be more then a large family) co living properties should be set up around education hubs, transport hubs, and "places of interest" to accomodate a vast array of living conditions and lifestyles, shoul db e allowed within 400m of transport similar to new generation boarding house R2 zoning rules an issue that arrises with "co living" can be universal access, which it fari enough. a possibility is properties built pre to 2011 not require universal access

BUT! still come inline with 1B building class, and properties build post 2011 should not require upgrades to universal access i DO NOT think there is a need for a minimum of 10 private rooms per property for co living, all this will do is create more illegal "shared houses", shared housing could follow a similar set up of no universal access required (this is taken care of in designated accessible houses) 1B standard, no more then 6 people and no more then 6 rooms (this still allows for flexibility is style of property) if a house is built after 2011 no universal access for co living, CDC approval for upto and including 6 people if co living is within R2 zoning there should be a maximum of 6 people, no unrelated parties "sharing" rooms (basically only couple and or siblings could share a room) and again the same pre and post 2011 ruling for universal access, but all of these still to be approved by CDC with private certifier sign off i know what your thinking (what about parking), a simple 0.5 per room (approval by council) if we are talking co living, communal areas should still have a FULL working kitchen as a minimum requirement, but also residents could have their own bathrooms, kitchenette (sink, but no fixed cooking equipment) but also shared facilities

(bathrooms etc) when we move onto actual boarding houses these should be allowed in ALL zones (to prevent "ghetto" style suburbs and cater to a larger demographic) people will definitely rent these if the location is available in areas they wish to live in (and its financially possible in all areas)i DO NOT think there is a need for these to be managed by community housing providers, a expereinced property manager or simply a structured mother or father is more then capable of managing these i know we cannot have everything, a negotiating tactic would be that boarding houses could be removed from R2 zones IF co0living properties were allowed, this frees up "boarding houses" to be directed to certain zones if needed but still allow a vast array of demographics to be "sharing" to cater for affordability, simply removing boarding houses from R2 zones does not create a diverse demographic of residents my parents for most of their lives have owned and operated boarding houses in NSW, it can be done by people other then community housing providers (leave them to their own work) as a closing statement, the proposed changes that NSW is trying to put into place would make it very difficult for your private middle class developer (we are not talking big corporations, but skilled mom and dad investors) from developing co living or boarding houses because the costs to them just would not add up i do hope the proposed changes are thought over with actual experienced input and not by people who have never lived in these types of accomodation many thanks for yout time reading, thank you

URL: <https://pp.planningportal.nsw.gov.au/proposed-new-housing-diversity-sepp>