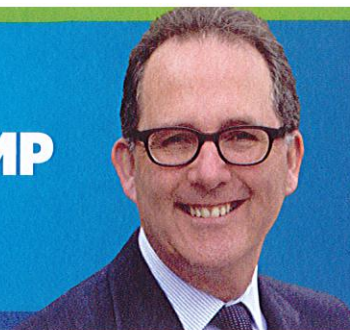


# Alister Henskens sc MP

## Member for Ku-ring-gai



12 August 2020

The Hon Rob Stokes MP  
Minister for Planning  
GPO Box 5341  
SYDNEY NSW 2001

Email: [office@stokes.minister.nsw.gov.au](mailto:office@stokes.minister.nsw.gov.au)

*Rob*

Dear Mr Stokes

I bring to your attention representations received from Mr Warwick Cumming of 145 Livingstone Avenue Pymble regarding a recently approved seniors living development at 149-153 Livingstone Avenue, Pymble

A copy of Mr Cumming's email is attached.

As you may recall, I have raised this development with your office previously, supporting resident's calls for the heritage listing of 149 Livingstone Avenue, Pymble and their concerns about the development.

Mr Cumming makes some suggestions regarding the SEPP and a general observation about social significance as a criteria for heritage listing.

Your advice on the issues raised would be appreciated.

Yours sincerely

Alister Henskens SC MP

Contact  
Alister

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**From:** wmcumming <[wmcumming@bigpond.com](mailto:wmcumming@bigpond.com)>

**Date:** 30 July 2020 at 10:36:34 pm AEST

**To:** ElectorateOffice Ku-Ring-Gai <[ElectorateOffice.Ku-Ring-Gai@parliament.nsw.gov.au](mailto:ElectorateOffice.Ku-Ring-Gai@parliament.nsw.gov.au)>

**Subject:** 149 Livingstone avenue - legeslative changes.

Dear Alister,

Thankyou for your efforts in support of residents trying to get 149 Livingstone Avenue heritage listed. We could not have asked for better representation. I am disappointed by the outcome and disillusioned by the process. The process gives the appearance of community participation in decision making but in reality that is not the case. Developers are aware of the loopholes and are using established Land and Environment Court criteria to their advantage. I would like to suggest two specific legislative (administrative) changes for you to consider to the SEPP and one general observation as to how the Heritage Act is being implemented that needs attention.

The two aspects of the implementation of the SEPP relate to parking and distance from public transport. My general observation is with respect to the criteria of social significance as a criteria in Heritage listing.

#### **Parking.**

Residents argued repeatedly that there was inadequate parking being provided and that this would compound an already difficult traffic situation on Livingstone Avenue. This arose from the development being described as apartments with 2 bedrooms and a study ( some with two studies) This reduced the parking requirement by half compared to what would be required if the apartments were three bedrooms. This potential traffic problem was acknowledged in the Land and Environment Court hearing and addressed by what is apparently the standard response of the Court. That is, that the Council have the right to enforce the use of the study as a study and not a bedroom. This is an impractical recommendation as the Council does not have the resources to enforce it, nor would the public accept council inspectors knocking on one's door to see how a room is being used.

My request to you is that the State Government amend the legislation to make the room definition ( ie what is a study) and the parking requirements consistent with what the local Council requires of similar developments in the area.

#### **Access to Public Transport.**

The Act requires that the development be 400 metres from public transport. It is 600 – 700m to the epicentre of the development at 149 Livingstone Avenue. It is uphill on a western slope which will be

challenging, especially in summer, for the elderly and disabled who are supposed to be occupying this development. Again this point was made repeatedly in public hearings. When I asked the barrister representing the Council at the hearing why he hadn't raised it, he said that the criteria is that it be 400 metres to the closest point. Again this is being exploited by developers and making a mockery of the Act. The development could be at the bottom of the Grand Canyon and comply as long as the entry at the top was 400 metres from the bus stop.

My request in this case is simply that the criteria be that public transport be no more than 400 metres from the furthest point of the proposed development.

### **Social Significance in Heritage Listing**

Social Significance is deemed a criteria for Heritage Listing. As you are aware at two Council meetings there was a near unanimous vote in favour of referral for listing, there were 325 letters in opposition to the proposed development, there were three kerbside meetings with over 100 residents in attendance each time and there was over \$6,000 raised to fund two heritage reports. Dr Anne Warr, one of Sydney's preeminent Heritage Architects in a report to the Council, deemed the property as having no social significance prior to seeing the sustained extent of the support for the property. As you know this support continued for two years until the Minister's unannounced decision. The public servants making the decision relied on this report. They also repeated the arguments of the developer that there was no interest shown in Heritage listing until the DA was proposed. In both cases the arguments are backward looking and failed to take account of the extent of public support being shown. If the support shown for the listing of 149 Livingstone Avenue does not constitute social significance, then it is difficult to see any residential property meeting the criteria.

Unless the loopholes in the SEPP are closed and more weight is given to broad based community opinion, more of our heritage will be lost.

Thankyou for your consideration. I look forward to hearing from you.

Best regards

Warwick Cumming

145 Livingstone Avenue

Pymble.

Our ref: A12/0147

September 2, 2020

Director, Housing Policy  
Department of Planning and Environment  
GPO Box 39 Sydney NSW 2001

Dear Sir / Madam

**Re: Submission to the Exhibition of the Housing Diversity SEPP Explanation of Intended Effect**

We wish to thank the Department of Planning, Industry and Environment (DPIE) for inviting Council to make this submission to the exhibition of the *Housing Diversity SEPP Explanation of Intended Effects* (EoIE).

## Background

The Housing Diversity SEPP (HDSEPP) aims to consolidate the following three existing SEPPs:

- *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP)
- *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* (Seniors SEPP)
- *State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)* (SEPP 70)

Council welcomes the consolidation of these SEPPs as Council has advocated extensively for amendments to the ARHSEPP, pointing out key flaws in this instrument that prevented it from being used in the way it was intended.

## Overview of submission

This submission is broken into three parts, analysing the changes to each of the existing SEPPs individually and finally any new changes that are being implemented that were not in the previous SEPPs. The format will read as follows:

1. Affordable Rental Housing SEPP Discussion;
2. Seniors Housing SEPP Discussion;
3. Further comments.

Each of these sections will outline the more significant changes being proposed as relevant to Waverley Council (i.e.. proposed changes in rural areas haven't been examined).

Overall, we suggest that the new SEPP should include the word 'affordable' in the title given it is replacing two SEPPs with this title and this is one of the overarching intents of the SEPP.



## Affordable Rental Housing SEPP

### **Reducing the FSR bonus incentive for providing affordable housing from 0.5:1 increase to a 20% increase**

#### ***Proposed change***

Currently, clause 29 of the ARHSEPP includes a floor space ratio (FSR) bonus on land within a zone in which residential flat buildings are permitted of:

- 0.5:1 if the existing maximum floor space ratio is 2.5:1 or less, or
- 20% of the existing maximum floor space ratio (FSR), if the existing maximum floor space ratio is greater than 2.5:1.

It should be noted that the bonus only applies in zones where residential flat buildings are permissible.

#### ***Rationale for change***

Stakeholders advised the DPIE that, in the case of an existing maximum FSR of 2.5:1 or less, when the existing FSR is low, for example 0.5:1, the 0.5:1 bonus effectively doubles the allowable FSR and can contribute to excessive bulk and scale of boarding house development. For example, in an R3 zone where residential flat buildings are permissible with an existing maximum 0.7:1 FSR, the current bonus would allow boarding house development to have an FSR of 1.2:1, which is significantly higher than that of other development.

#### ***Waverley Council position***

We support this proposed change. Currently in Waverley's R3 Medium Density Residential zone (FSR 0.9:1) developers are currently getting a 55% bonus. Capping this bonus to 20% will ensure developments remain sensitive to the surrounding context whilst still providing an affordable housing option. However, if a boarding house is proposed to be developed by a Community Housing Provider (CHP) for the purposes of 100% affordable housing (in perpetuity), then the DPIE could consider whether a 0.5:1 FSR bonus would be appropriate in this circumstance; albeit subject to being consistent with the prevailing character and density of the surrounding area.

### **Boarding houses will not be mandated in the R2 Low Density Residential zone**

#### ***Proposed change***

Boarding houses are currently mandated in the R2 Low Density Residential zone. It is now proposed that boarding houses will not be mandated within the R2 zone.

It is proposed that provisions will be included in the new SEPP to ensure NSW Land and Housing Corporation (LAHC) will be able to develop boarding houses on government-owned land in the R2 zone, regardless of whether an LEP allows or prohibits boarding houses in that zone. Where boarding houses are permitted in the R2 zone under an environmental planning instrument, the 12-room limit will continue to apply.

#### ***Rationale for change***

Some councils and communities consider that boarding houses are fundamentally incompatible with other development in the R2 Low Density Residential zone due to their bulk, scale and nature of use. In February 2019, in response to these concerns, the ARHSEPP was amended so boarding houses are limited to a maximum of 12 boarding rooms per site within

the R2 zone to better reflect the scale and built form of the surrounding area. The DPIE has gone one step further and is no longer mandating them in the R2 zone.

#### ***Waverley Council position***

Council supports the proposed change to allow Councils to decide the permissibility of boarding houses in the R2 zone. This will allow Councils to determine if boarding house developments are suitable within the existing context in the LGA's R2 zones.

In relation to LAHC developments being permissible in the R2 zone, Council would not support any development that could contravene the objectives of this zone. However, given the significant need for new social and affordable housing stock, especially in places like Waverley, this proposal may be acceptable as long as there were sufficient safeguards ensuring new development would be in keeping with the context of the surrounding area.

### **Boarding houses will now have to provide affordable housing as a requirement**

#### ***Proposed change***

The NSW Government is proposing to change the 'boarding house' definition to require this product to be affordable housing and be managed by a registered not-for-profit CHP

The Government is seeking feedback on whether it would be more appropriate to require rooms in new boarding houses to be rented at affordable rates for a minimum of 10 years, after which they could revert to market rates.

#### ***Rationale for change***

Since the introduction of the ARHSEPP, councils and communities have raised concerns about the boarding house provisions in the ARHSEPP. Key community and council concerns have centred around the lack of affordability of boarding house rooms; the use of the boarding house provisions to develop student housing; the excessive scale and bulk of some boarding house developments; the compatibility of boarding house development with low-density residential areas; and the clustering of boarding house development in certain areas..

#### ***Waverley Council position***

Council supports the proposed changes to the definition of 'boarding house' to include the requirement that boarding house rooms be affordable. Waverley financially contributed to an SSROC funded study on the ARHSEPP, which found that boarding houses were not providing affordable products. The report found that 'new generation' boarding houses have no requirement to be let as affordable housing and are often charged at market or above market rates for similar sized residential products; particularly on a dollar per square metre basis.

Council believes that providing affordable boarding house rooms for a period of only 10 years is a tokenistic solution to the affordable housing problem, not a complete one. After the 10 years period these rooms would revert to market rates and as such the supply of affordable housing in the LGA would decrease, these would not reflect the true supply of affordable housing in Waverley. However, if the DPIE decides to pursue only a 10 year quarantining of rents before reverting to market rate rentals, then the DPIE could consider a two tier system: 1) 10 year affordable rate boarding houses with a 20% FSR bonus or 2) boarding houses affordable in perpetuity, managed by a CHP with access to an 0.5:1 FSR bonus.

**'Student Housing' will be a new LEP definition so that developers can no longer use boarding houses primarily for student accommodation. Student accommodation won't get a bonus FSR.**

***Proposed change***

It is proposed that the definition for 'student housing' would be contained within the Standard Instrument LEP and would refer to a building that:

- provides accommodation and communal facilities principally for students enrolled to study at an education establishment during teaching periods; and
- may incorporate some fully self-contained dwellings.

***Rationale for change***

Under the current planning framework, student housing does not have a separate definition and the boarding house provisions of the ARHSEPP, including their incentives, are used to develop student housing. Councils and communities have raised concerns with the use of boarding house provisions in the ARHSEPP to facilitate student housing developments. The issues raised include the parking rates, compatibility with local character and lack of affordability.

***Waverley Council position***

Council supports the creation of the 'student housing' land use definition to be added to the Standard Instrument LEP. Further consideration should be given to implementing more controls relating to proximity of the student housing to educational establishments. In order for this housing to be truly beneficial to students it needs to be close to the educational establishment and have good access to public transport. Consideration should also be given to increasing the room size from 10m<sup>2</sup> to 12-16m<sup>2</sup> as seen in the standards set for boarding houses.

Council supports the proposal to develop design guidelines that would further inform this type of development similar to relationship between the Apartment Design Guide and SEPP 65.

**Removing the January 28 2000 date for low rental housing analysis and the onus of proving that the dwelling did not contain low-rental housing is on the applicant**

***Proposed change***

Clause 49 of the ARHSEPP states that Part 3 of the ARHSEPP only applies to buildings that were low-rental residential buildings as at 28 January 2000. This date was transferred directly from SEPP 10 – Retention of Low-Cost Rental Accommodation (SEPP 10), when its provisions were rolled into the ARHSEPP in 2009.

It is proposed to amend the provisions by removing the reference to the 28 January 2000 date. The proposed SEPP will instead allow a council to levy monetary contributions to offset the loss of dwellings that were low-rental at any time within the 5 years preceding the lodgement of the development application.

The Department is also aware of concerns with the application of Part 3 of the ARHSEPP following a 2016 court case<sup>1</sup> which found that the onus of proving that a building contained a low-rental dwelling at the relevant date rests with the local council. To address this concern, it is proposed to clarify in the new SEPP that the onus for providing evidence that a building did not contain a low-rental dwelling at the relevant time rests with the applicant.

#### ***Rationale for change***

Councils and industry groups have advised the Department that some 20 years later, it can be difficult to establish whether a building was a low-rental residential building as at the 28 January 2000 date because rental data from that period is not readily available.

#### ***Waverley Council position***

Council supports this change as it is something Council has advocated for a number of years as this clause singlehandedly undermines the purpose of Part 3 of the ARHSEPP and actively stops it from operating in its intended use. Applicants regularly challenge the application of Part 3 'Retention of existing affordable rental housing' and subsequently avoid the payment of affordable housing contributions without providing satisfactory rental evidence.

Case law from the Land and Environment Court has further exacerbated the problem by upholding an appeal under similar circumstances; setting a precedent and emboldening applicants to challenge the application of the ARHSEPP. The Court also found that the evidence required to utilise Part 3 of the ARHSEPP is unlikely to be able to be obtained, and accordingly that a condition is therefore unable to be imposed by a Council on many developments that do remove existing affordable rental housing from an area. This results in a significant loss of State affordable housing contributions at a time when housing affordability generally has emerged as a critical issue of State significance. In 2020 alone, Council has forgone some \$825,000 in affordable housing contributions due to the issue of the 28 January 2000 date.

Currently funds raised as a result from Part 3 are to generally be sent to the NSW Government/ Council requests that the SEPP be updated to allow any contributions levied from Part 3 of the ARHSEPP to be collected by the local LGA and hypothecated to an affordable housing fund. For example, funds would be used only in an affordable housing fund for Waverley LGA so that the loss of AH in Waverley is offset in Waverley.

### **Seniors Housing SEPP**

#### **Application of LEP development standards to prevail over the SEPP development standards**

##### ***Proposed change***

Currently, the Seniors SEPP allows development for the purpose of seniors housing to be carried out 'despite the provisions of any other environmental planning instrument'. It is proposed to amend the SEPP provisions to clarify that development standards in an LEP prevail to the extent of any inconsistency with the SEPP.

It is proposed that the development standards in the Seniors SEPP could be varied using clause 4.6 of the Standard Instrument LEP, but only to a maximum of 20%.

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<sup>1</sup> Hampstead Home Units Pty Limited v Woollahra Municipal Council [2016] NSWLEC 169



A detailed rationale has not been provided by the DPIE, but it seems that this change is to ensure that any new seniors housing is consistent with the character of an area.

***Waverley Council position***

Council supports the proposal to amend the SEPP provisions to clarify that development standards in an LEP prevail to the extent of any inconsistency with the SEPP. A

Council accepts that the development standards in the Seniors SEPP could be varied using clause 4.6 of the Standard Instrument LEP to a maximum of 20% so long as sufficient justification is provided similar to any Clause 4.6 request. However, further clarity around how this variation relates to Councils development standards needs to be provided. For example, would Council's local development standards now prevail if a 20% variation to the Seniors SEPP creates an FSR or height greater than Councils controls? If Council's development standards always prevail, then any variation to the Seniors SEPP development standards seems null and void.

**Proposal to remove point-to-point transport (taxis, rideshares etc.) from meeting the location and access to facilities requirement of the Seniors Housing SEPP**

***Proposed change***

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.

***Rationale for change***

A detailed rationale has not been provided by the DPIE, but it seems that this change would ensure that new Seniors Housing is located in areas accessible to public transport.

***Waverley Council position***

Council supports the proposed change as this is not a type of transport option is not cost effective when compared with the use of public transport on a senior's concession card. This will also help to ensure that Seniors Housing is built closer to public transport nodes, services and facilities.

**Site compatibility certificate (SCC) five year validity timeframe**

***Proposed change***

A Site Compatibility Certificate (SCC) is usually valid for 24 months. Once an SCC has been issued, development consent is sought through a development application lodged with the consent authority, which is usually the local council.

It is proposed to introduce provisions in the new SEPP so that a SCC is valid for 5 years, provided that a development application is lodged within 12 months of the date on which the SCC is issued.

### ***Rationale for change***

Given the time needed to prepare and assess seniors housing proposals, SCCs sometimes expire before a development application has been determined.

### ***Waverley Council position***

Council supports the proposed change providing a development application is lodged within 12 months of the approval of the SCC. The proposed changes will provide certainty for developers, Council, the community and importantly the populace who will occupy the seniors housing.

### **A portion of Seniors Housing development should be affordable rental**

Waverley believes that a certain percentage of seniors housing should be dedicated towards affordable rental housing. An issue in inner city gentrified areas is that old apartments and boarding houses are knocked-down and displace older residents with established ties to the LGA. These old residents often are forced to move to the outskirts as they are priced out of the market.

## **Further Comments**

### **Co-living (new age boarding houses) added as a land use term**

#### ***Proposed change***

It is proposed to introduce a new definition for co-living in the Standard Instrument LEP would refer to a building held in single ownership that:

- provides tenants with a principal place of residence for 3 months or more;
- includes on-site management;
- includes a communal living room and may include other shared facilities, such as a communal bathroom, kitchen or laundry; and
- has at least 10 private rooms, some or all of which may have private kitchen and/or bathroom facilities, with each private room accommodating not more than two adults.

#### ***Rationale for change***

As with student housing, the boarding house provisions of the ARHSEPP are currently being used to develop co-living developments, otherwise known as 'new generation' boarding houses. These are developments that share many features with traditional boarding houses, such as small private rooms for one or two people and access to communal living areas and other facilities. However, new generation boarding rooms are typically self-contained, with private bathroom and kitchenette facilities. The proposed introduction of an affordability requirement for boarding house development as set out above in this EIE would mean that this type of housing is no longer facilitated by the planning system.

#### ***Waverley Council position***

Council supports the addition of the co-living development term to the Standard Instrument LEP. The new age boarding houses, which have been a popular development in high land value areas like Waverley in recent years, can currently access the bonus FSR incentive under the ARHSEPP with no commitment to affordability. Separating this type of development from the traditional boarding house is a positive change as there is a demand for it in the market and allows traditional boarding houses to be rented out on the market at an affordable rate.

## **Build-to-rent definition and mandating in the B3 Commercial Core Zone**

### ***Proposed change***

It is proposed that the definition for 'Build-to-rent housing' would be contained within the Standard Instrument – Principal Local Environmental Plan and would refer to a building or place that:

- contains at least 50 self-contained dwellings that are offered for long term private rent;
- is held within a single ownership;
- is operated by a single management entity; and
- includes on-site management.

It is proposed to make BTR housing a compulsory permitted use in the R4 - High Density Residential, B3 – Commercial Core, B4 - Mixed Use and B8 – Metropolitan Centre zones. It will also be permitted in R3 – Medium Density Residential where residential flat buildings are permitted. Councils could make BTR housing permissible in other land use zones through amendments to their LEPs.

Generally, consent authorities, when assessing development applications for BTR housing projects, should be guided by the design quality principles in State Environmental Planning Policy No 65 - (Design Quality of Residential Apartment Development) (SEPP 65). The Department will develop specific advice about those parts of SEPP 65 that are particular to the build-to-rent typology.

BTR housing would be subject to minimum lease terms and would not be available for short-term rental accommodation.

BTR housing is a different investment product to traditional residential flat buildings. Because it is held in single ownership, it will be much easier for the asset to be recycled at a later date. With this in mind, it is proposed that it would not be possible to strata subdivide a BTR housing development for the first 15 years and to prohibit subdivision in a B3 – Commercial Core zone, in perpetuity. BTR development would be subject to a 50% land tax discount, as well as other tax concessions that are currently being determined by the NSW and Commonwealth Governments.

### ***Rationale for change***

In recognition of the growing need for secure, long term rental options and support new investment, especially in the recovery phase of COVID-19, the Government is proposing to incentivise the delivery of build-to-rent (BTR) housing through the NSW planning system.

BTR housing is purpose-built rental housing, held in single ownership and professionally managed. It is designed to attract institutional investment and provide for a more stable rental sector. BTR housing has been an established sector in the United States over several decades. It has also recently experienced rapid growth in the United Kingdom.

According to the DPIE, BTR housing has the potential to provide long lasting community benefits, with greater housing choice for tenants who would have access to high-quality dwellings, in a stable rental environment. Increased rental security may also have wider social and economic benefits, with tenants better able to establish themselves in a community.

### ***Waverley Council position***

The justification for the creation of this new land use definition in the Standard Instrument LEP appears weak. Build to rent is not a land use planning problem. Institutional owners could develop a residential flat building, with additional amenities and services, and hold the asset rather than sell. Similarly, the only difference between BTR and 'serviced apartments' is that the former requires stays longer than 3 months and the latter less than 3 months. Meriton and other providers have been able to develop serviced apartment towers across Sydney without subsidy.

Notwithstanding the above reservations, Waverley does not have strong objections to the creation of this new defined land use. However, Council does strongly object to the following matters, which are addressed in detail below:

- BTR should not be a compulsory land use in the B3 Commercial Core zone
- A portion of new BTR developments should be mandated as affordable, given generous subsidies
- SEPP 65 should apply to BTR

### **BTR should not be a compulsory land use in the B3 Commercial Core zone**

Mandating BTR as a compulsory permissible land use in the B3 Commercial Core zone ignores the very purpose of this zone and would contradict key strategic planning principles for centres planning and undermine efforts that have been long-standing in this regard since the post-war era. Indeed, one of the 'general objectives' of Sydney 1968 *Sydney Region Outline Plan* was for "a wider and more balanced distribution of commercial activity should be established so that over-concentration of employment in the metropolitan centre can be avoided".

The very purpose of the B3 Commercial Core zone is to facilitate commercial development, rather than residential development. The B3 zone (and its various previous iterations) has prohibited residential development for several decades. Councils do not permit residential accommodation in the B3 Commercial Core to reduce a land use conflicts between commercial development and residential namely and prevent residential development cannibalising commercial floor space potential in its commercial cores. Mandating BTR as a permissible use in the B3 zone would not only be inconsistent with the objectives of that zone, but would also have adverse economic and land use impacts (despite the fact that it would not allowed to be subdivided).

It is clear from the current suite of GSC plans, including the Region and District Plans that employment is the main strategic objective of Strategic Centres. According to the Eastern City District Plan, 20% of jobs are within the trade gateways and strategic centres. In relation to Waverley LGA, some of the key objectives include to "Strengthen Bondi Junction through approaches that protect capacity for job targets and a diverse mix of uses to strengthen and reinforce the economic role of the centre". Inclusion of BTR in the B3 zone is inconsistent with the vision for Bondi Junction, specifically in terms of realising our job growth targets and encouraging commercial development. The other Strategic Centres across the District have a similar objective.

Strategic Centres across Sydney, including larger ones on the North Shore / Macquarie Park office market play a significant role in meeting the state's employment targets and GDP



outputs. There is a risk of displacing employment and compromising an important contributor to GDP and growth.

The B3 zone would be an 'easy target' for BTR developments as land values are much lower than the B4 zone (for example in Bondi Junction land values are around 50% lower in the B3 compared to the B4). Without access to these lower land values, it is very difficult for commercial development to compete with residential. In addition, to the access to low land values, developers will get a 50% discount to land tax for developing BTR, but the BTR product won't be affordable.

Residential development can erode the commercial character and the desirability of centres for businesses – a centres 'corporate identity' or 'sense of commercial address'. Research indicates that businesses want to locate with other businesses and don't like to be collocated with residential development. For example, no company wants the view from the boardroom to be overlooking the undies on the balcony clothesline of the neighbouring residential building.

Residential can also make it more difficult for neighbouring sites to develop for business uses by having to address overshadowing and views. This is then supported by the literature on the importance of business clustering and agglomeration benefits. Businesses rarely try to locate in residential areas but have always seen the benefit of locating with other businesses. Changes to zones cannot be considered only from a housing supply point of view and need to consider the effect on other strategic objectives.

Presentations from DPIE staff and the Minister on this B3 issue justified allowing BTR in the B3 due to access to stations, COVID related decline in demand for office and that BTR could be converted to office in the future. Understandably, BTR should be located in accessible locations, which typically means near train stations. However, there are 175 stations in Greater Sydney but only 14 with B3 zones surrounding stations; of these most are surrounded by B\$ Mixed Use or R4 High Density Residential zones. Therefore, precluding BTR from the B3 will still facilitate BTR development near stations. Since the 1980s there has been commentary on the death of offices, with people working from home in the future. Contrary to this argument, business location and office development in Sydney has become more important over time. While COVID will likely result in structural changes to the way people work, it is far too early to understand the long-term implications. Therefore planning must maintain a long-term view and strategic approach, embodied by the 'precautionary approach', rather than a short-term, construction employment focussed approach. The final justification being that BTR can be converted to office in the future, is completely at odds with the fact that residential development is more profitable than commercial development (especially given the record high prices in Sydney) and the empirical evidence across Sydney of office towers being converted to residential; not the other way around.

#### SEPP 65 should apply to BTR

SEPP 65 should apply to BTR developments. The ownership of a home shouldn't change the expected amenity of a home. Given that BTR can be strata subdivided after a relatively short time of 15 years (in the context of a buildings life), not applying SEPP 65 would create a class of potentially substandard dwellings in the near future. And the question needs to be asked if the government and development industry are spruiking BTR as a new asset class for investment with the ability to be recycled at a later date, then why is it proposed to be subdivided? For these reasons Council does not support the ability of BTR housing to be able to strata subdivided after 15 years.

A portion of new BTR developments should be mandated as affordable, given generous subsidies

Using the example of the recently completed Mirvac *Liv Indigo* BTR development at Sydney Olympic Park, BTR achieves rents on average 20-40% higher than the median rental price for the suburb (Table 1 –‘average vs. median’ row). Based on the higher price point BTR apartments – of which there were a considerable number – the BTR option is 40-47% higher than the suburb median price (Table 1 –‘average vs. median’ row).

**Table 1 – BTR rental prices (average & maximum) compared to suburb median rental**

	1 Bed	2 Bed	3 Bed
Suburb median	\$470	\$580	\$775
Average BTR price	\$560	\$750	\$1,090
Average vs. median	19%	29%	41%
Maximum price	\$685	\$817	\$1,139
Maximum vs. median	46%	41%	47%

Given that BTR does not provide a housing typology or tenure that the market is failing to provide, and is subject to generous subsidies, this product should have a mandated percentage being dedicated as affordable housing

A further justification from DPIE staff and the Minister is that BTR will address rental security. The major issue in the Sydney housing market is affordability and the social implications this has on where people can live and work. There is no strong evidence indicating that rental security is a major issue in the Sydney housing market. However, if the government genuinely wanted to address the rental security issue then action must first focus on legislative changes to improve tenants rights across the 99.9% of the rental market which isn't BTR. Furthermore, if the government was serious about addressing rental security and affordability, while propping up the construction sector, it should embark on a large-scale social housing program.

### Concluding comments

With the exception of recommended changes to BTR development, Council is supportive of measures that will increase the provision of social and affordable housing in NSW and policy that will meet the needs of the State's growing and diverse population. Council is supportive of this EIE being developed with an aim of making the provisions of the relevant SEPPs fit for purpose and aligned with Government priorities set out in the *NSW Housing Strategy – Discussion Paper* in collaboration with stakeholders such as Council.

Thank you for your consideration of Waverley's submission. Should you require any additional information or explanation of the matters above, please do not hesitate to contact Tim Sneesby (Manager, Strategic Planning) at [tim.sneesby@waverley.nsw.gov.au](mailto:tim.sneesby@waverley.nsw.gov.au) or on 9083 8172.

Regards,



Peter Monks

Director, Planning Environment and Regulatory Services



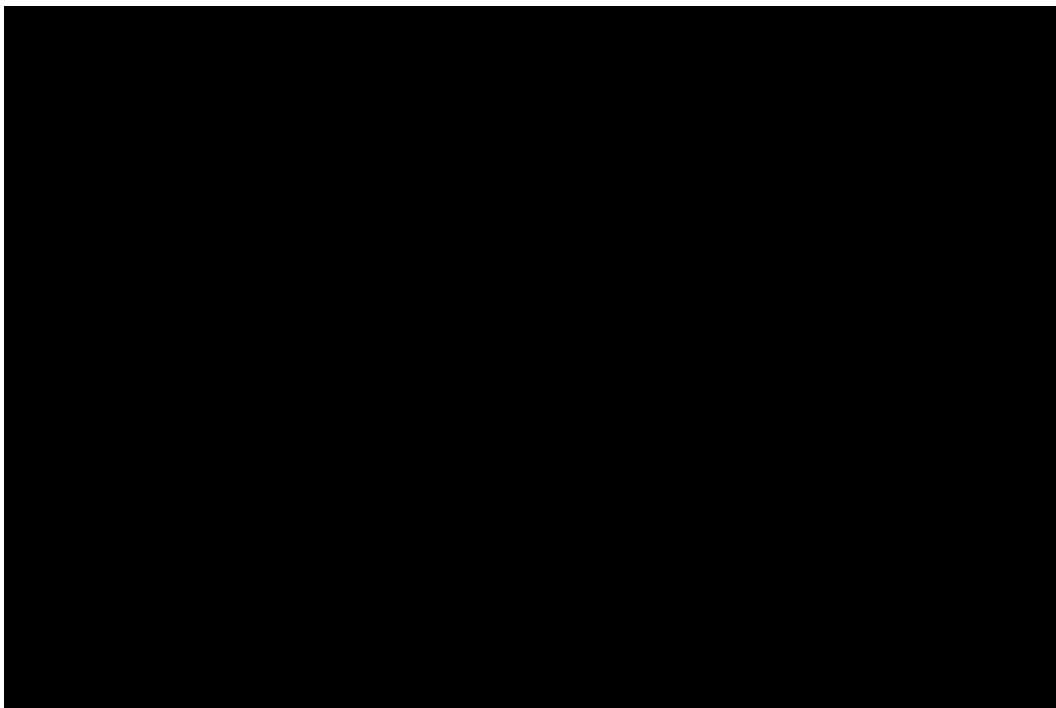
03 September 2020

NSW Department of Planning  
Industry and Environment  
4 Parramatta Square  
12 Darcy Street  
Parramatta  
NSW 2150

Dear Sir/ Madam,

**The proposed new Housing Diversity SEPP**

We congratulate you for being proactive and taking the lead in introducing a new policy which reflects the changing housing needs in this increasingly mobile generation. Recognising "Co-living" as an asset class is a step in the right direction to showcase that the need of the hour is to address the housing needs which not only provides communal areas and facilities to its residents but also offers a range of accessible rental price points within proximity to work locations.





The proposed new Housing Diversity SEPP

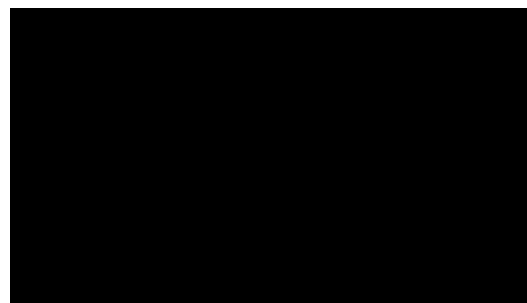
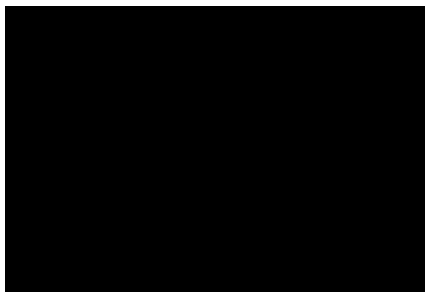
We are excited to see the government's proactive steps in boosting the build to rent sector and recognition of Student Housing and Co-living as asset classes which require their own specific set of development guidelines.

Unfortunately, the current proposed draft of regulations for co-living, will make development and delivery of institutional grade facilities practically unviable. A combination of large room sizes (30-35 sqm), car parking requirement of 0.5 car spaces per room, compulsory requirement of private open spaces and removal of bonus FAR together make the product offering not only financially unviable but also not suited for co-living.

The idea behind co-living is to provide services and amenities in communal spaces in the building and thereby reducing the need for larger room sizes. This is what enables us to offer an attractive price point to the end-user and also differentiates the product from a traditional multi-family rental housing solution. We have seen tremendous demand and appreciation for our product in our properties in Hong Kong and believe the concept will work exceptionally in NSW as well.

We have discussed in detail each parameter of the development guideline in the new SEPP and have a broad consensus with other operators through an industry forum organised by Savills and urge you to consider the recommendations being submitted by the co-living industry.

As outlined above we are keen to start our business in Australia, but may find it difficult to proceed with our Australia investment plans in case the current draft is implemented. We strongly believe that with the right amendments, the policy will build a solid foundation for the co-living sector and there will be a strong flow of domestic and international capital to grow the housing availability within the state.







8 September 2020

Department of Planning, Industry and Environment

On-line submission via website:

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

Dear Sir/Madam,

## **SUBMISSION TO PROPOSED HOUSING DIVERSITY SEPP | PURPOSE-BUILT STUDENT ACCOMMODATION | WEE HUR CAPITAL PTE LTD**

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This correspondence has been prepared by [REDACTED] and is in response to the public exhibition of the Explanation of Intended Effect (EIE) for the proposed new Housing Diversity State Environmental Planning Policy (Housing Diversity SEPP).

The following sections of our correspondence include:

- Details of [REDACTED] active involvement in the Purpose-Built Student Accommodation sector, including existing and proposed developments within Australia and NSW.
- Response from [REDACTED] to the public exhibition of the EIE for the proposed new Housing Diversity SEPP and its potential implications for the future delivery of purpose-built student accommodation (PBSA).
- Recommended actions to incorporate additional industry feedback from the PBSA sector and deliver the core aims of the new SEPP to support and stimulate economic recovery.

Wee Hur would welcome the opportunity to discuss their submission with you in further detail and provide additional feedback regarding the PBSA sector.

### **1. [REDACTED] PURPOSE-BUILT STUDENT ACCOMMODATION**

[REDACTED] provides quality purpose-built student accommodation to tertiary students. Our existing and proposed facilities are strategically located close to universities, public transport and amenities within major capital cities. Our developments are designed based on the needs of students, providing a range of indoor and outdoor communal open spaces for students to interact and supporting amenities with create a conducive living environment.

[REDACTED] is proposing to deliver 5,700 beds of PBSA within Australia, including completed projects in Adelaide and Brisbane and additional developments planned for Adelaide, Melbourne, Canberra and Sydney. This includes a State significant development application currently under assessment by the Department of Planning, Industry and Environment (DPIE) for [REDACTED]. A second PBSA proposal is planned nearby at [REDACTED] which is in its final detailed design phase and is expected to be lodged with DPIE in the immediate future.

[REDACTED] takes an active interest in the strategic and statutory planning framework which underpins the successful and timely approval of PBSA developments. This submission has been prepared to highlight the potential implications of the proposed Housing Diversity SEPP on the delivery of student housing within NSW and the significant potential flow-on effects to the international education sector which is already heavily impacted by the COVID-19 crisis.



## 2. SUBMISSION TO PROPOSED HOUSING DIVERSITY SEPP

█ has undertaken a comprehensive review of the EIE to understand the potential implications of the proposed new Housing Diversity SEPP for the PBSA sector and the delivery of future housing developments which meets the needs and expectations of the international and domestic student population.

Overall, the proposed new SEPP is well-intentioned as it seeks to recognise the importance of PBSA to the higher education sector. It also seeks to address the core differences between the requirements of more traditional boarding houses and PBSA developments which are currently being assessed under the same planning assessment framework in Part 2 Division 3 of *State Environmental Planning Policy (Affordable Rental Housing) 2009 (the ARH SEPP)*.

However, significant concern is raised regarding the implications of the proposed changes to the land use planning framework to the ongoing delivery of PBSA within NSW. The proposed new land use definition does not recognise that student housing may be occupied throughout the year and fails to provide for student housing as a mandatory permitted use. Further, the key development standards and future design guidelines could have a significant impact on the viability of future PBSA proposals.

### 2.1. AIMS OF THE NEW HOUSING DIVERSITY SEPP

The aims of the new Housing Diversity SEPP are listed in the EIE as delivering a planning framework that:

- *will assist the State's economic recovery following COVID-19;*
- *consolidates existing State level housing-related planning provisions into a single instrument;*
- *is in a format capable of being expanded and amended as future needs may require; and*
- *facilitates the delivery of housing that meets the needs of the State's growing population.*

█ supports the general aims and objectives of the new Housing Diversity SEPP as listed above. It is considered critical that the NSW government review the current planning framework to ensure it will facilitate new projects which stimulate the economy and contribute to the retention and creation of jobs. This is considered particularly important for the tertiary education section which has been heavily impacted by COVID-19.

However, the detailed provisions for '*purpose-built student housing*' as outlined within the EIE may have the opposite effect. Concern is raised that the absence of mandatory land use zoning provisions and the spatial requirements imposed by the key development standards will result in significant impacts to the viability and delivery of future student housing supply. Each of these matters is addressed in further detail within the following sections of our submission.

### 2.2. PROPOSED LAND USE DEFINITION

The EIE proposes a new land use definition for '*student housing*' which would be contained within the Standard Instrument LEP and would refer to a building that:

- *provides accommodation and communal facilities principally for students enrolled to study at an education establishment during teaching periods; and*
- *may incorporate some fully self-contained dwellings.*

It is important that the new land use definition recognises that some students, especially international students, are likely to remain within their accommodation outside of the teaching periods, particularly during the shorter mid-year term breaks.

It is considered the above definition should be re-worded to clearly allow for students to occupy their room outside of the teaching periods. This could be achieved by deleting the associated reference as shown below (our recommended deletion shown in strike-through):

- *provides accommodation and communal facilities principally for students enrolled to study at an education establishment ~~during teaching periods~~; and*
- *may incorporate some fully self-contained dwellings.*



Alternatively, the land use definition could be re-worded as outlined below (our recommended addition shown in bold):

- *provides accommodation and communal facilities principally for students enrolled to study at an education establishment **and primarily** during teaching periods; and*
- *may incorporate some fully self-contained dwellings.*

## 2.3. PERMISSIBILITY

The EIE indicates '*student housing*' would not be listed as a compulsory permitted use in any of the land use zones under the Standard Instrument LEP. Further, it states that feedback is being sought from stakeholders regarding the best way to incorporate locational requirements for student housing in environmental planning instruments.

It is recognised that the land use zoning controls surrounding tertiary institutions vary across NSW. However, it is considered essential that '*student housing*' should be accommodated as a mandatory permitted use within appropriate land use zones to provide adequate certainty for the delivery of this type of residential accommodation. It is not considered appropriate to allow for local Councils to potentially prohibit '*student housing*' in all land use zones surrounding tertiary institutions, particularly when international students make such a significant contribution to the NSW economy. Concern is also raised that a lack of supply of student housing could place additional pressure on the private rental market and/or require students to travel from less accessible locations.

The compulsory land use zones listed in the EIE for build-to-rent housing are also appropriate to accommodate student housing, ie R4 - High Density Residential, B3 – Commercial Core, B4 - Mixed Use and B8 – Metropolitan Centre zones, as well as R3 – Medium Density Residential where residential flat buildings are permitted. Councils could still permit student housing in other land use zones, where considered appropriate based on the local context and land use planning framework.

If required, the new Housing Diversity SEPP could include site-related requirements similar to those provided within *SEPP (Housing for Seniors or People with a Disability) 2004*. Consideration could be given to the proximity of student housing sites to tertiary institutions by walking or cycling or proximity to high-frequency public transport that provides adequate services to meet student needs.

It is strongly recommended that any proposal to include locational requirements within the new SEPP involve comprehensive consultation with the PBSA sector to ensure the relevant provisions are appropriate to meet student needs, while avoiding unnecessary or unreasonable restrictions on where student housing can be located.

## 2.4. PROPOSED PLANNING PROVISIONS

The EIE indicates the new Housing Diversity SEPP '*could*' include key development standards for student housing to be applied across the State. The following table lists each of the development standards identified within the EIE and provides feedback from Wee Hur regarding their potential implications for the PBSA sector and their planned future developments.

Table 1 - Review of key development standards for student housing



Development Standard	Proposed Standard	Wee Hur Feedback
Height of buildings	In accordance with relevant LEP	The proposed building height development standard is consistent with the current controls for 'boarding houses' under the ARH SEPP.
Floor space ratio	In accordance with relevant LEP	<p>The ARH SEPP currently provides a floor space 'bonus' of 20% for 'boarding houses' where the floor space ratio (FSR) is greater than 2.5:1 or 0.5:1 if the FSR is 2.5:1 or less.</p> <p>It is understood the above provision was intended to facilitate the delivery of affordable rental accommodation comprising more traditional 'boarding house' style developments. However, the bonus floor space provision has also enabled the effective delivery of student housing, particularly in areas surrounding tertiary institutions which could otherwise be developed for non-residential uses or residential apartments.</p> <p>It is critical that an adequate supply of student housing is provided to support the tertiary education sector. It is also important that adequate student housing is provided to avoid impacts on supply and demands for other affordable housing types.</p> <p>It is considered the new Housing Diversity SEPP should include provisions to incentivise the delivery of PBSA close to tertiary institutions and/or high-frequency public transport. Otherwise, it may be difficult to provide for an adequate supply of student housing in appropriate locations.</p> <p>On this basis, it is considered appropriate to retain the potential to obtain up to a 20% floor space bonus on the basis of improved outcomes such as design excellence provisions.</p>





Car parking	No minimum spaces required	<p>It is considered entirely appropriate to remove the minimum car parking provisions for student housing.</p> <p>Based on Wee Hur's experience, students are highly unlikely to own a car, particularly where student housing is located within walking distance of tertiary institutions or high-frequency public transport services. A recent survey of 919 beds in Sydney indicated only 2% of students used a car.</p> <p>The new approach outlined within the EIE is consistent with assessment of current proposals within the City of Sydney where on-site car parking has not been required for student housing developments which are close to tertiary institutions and/or the public transport network.</p>
Bicycle parking	1 space minimum per 3 bedrooms	<p>The current provision of one bicycle parking space per five rooms under the ARH SEPP has been demonstrated to be appropriate to meet student demands.</p> <p>Wee Hur's PBSA buildings are located close to tertiary institutions and/or the public transport network. A recent survey of 919 beds in Sydney indicated only 3% of students ride their bikes to their place of study. This is due to students predominantly preferring to walk to campus (78%) whilst 15% catch public transport.</p> <p>Based on the above, it is considered the minimum requirement in the new Housing Diversity SEPP should be one space per five bedrooms, rather than one space per three bedrooms. Consideration should also be allowed for site specific impacts such as accessibility to public dedicated bike routes.</p>



Motorcycle parking	1 space minimum per 5 bedrooms	<p>The provision of one motorcycle space per five rooms has been translated from the current boarding house standards in the ARH SEPP and is not considered to be aligned with student demands.</p> <p>Based on Wee Hur's experience, students are highly unlikely to own a Motorbike, particularly where student housing is located within walking distance of tertiary institutions or high-frequency public transport services. A recent survey of 919 beds in Sydney indicated 1% of students ride a Motorcycle to their place of study.</p> <p>Wee Hur propose that it is entirely appropriate to treat Motorbike parking in the same way as car parking and remove the need for minimum Motorcycle parking rates.</p> <p>Given the significant investment into public transport infrastructure, Wee Hur support controls which would further support increase public transport patronage. We will be sending a wrong message to the students by having unproportionate amounts of car parking/motorbike/cycling spaces in the facility, indicating and encouraging them to own these private vehicles rather than taking public transport.</p>
Room size	Minimum 10m <sup>2</sup>	<p>The minimum room size for student housing is reduced from the minimum of 12m<sup>2</sup> for a single lodger or 16m<sup>2</sup> for a shared room in accordance with the ARH SEPP. It is understood the new minimum room size of 10m<sup>2</sup> for student housing is based on standards from other States.</p> <p>However, the proposed change is considered unlikely to result in additional room yield that would compensate for the loss of the 20% floor space bonus under the current ARH SEPP controls. Based on Wee Hur's experience and expertise within the PBSA sector, Wee Hur would prefer that room sizes are maintained at their current sizes.</p> <p>The longer term effects of the COVID-19 pandemic could also result in increased demand for larger-sized rooms that enable students to live, study and sleep within their own personal space.</p>



Communal area (indoor)	15m <sup>2</sup> per 12 students	<p>The current 'boarding house' provisions under the ARH SEPP require only a communal living room to be provided with no minimum area requirement.</p> <p>It is considered appropriate to provide indoor communal spaces that meet the demands of the student population, including opportunities to interact and provide supporting amenities.</p> <p>The rate proposed within the EIE equates to 1.25m<sup>2</sup> of communal indoor space per student to meet study, social and religious needs.</p> <p>Wee Hur recommends that consideration should also be given to the individual room sizes and private study areas within a development when determining the amount and type of indoor communal floor space that is deemed to be appropriate or required for a particular development.</p>
Communal area (outdoor)	Consider access to open space	<p>The current 'boarding house' provisions under the ARH SEPP require only 20m<sup>2</sup> of communal open space to be provided with a minimum width of 3 meter's for use by lodgers.</p> <p>The EIE states that it '<i>may</i>' be possible to rely on open space provided on campus for student housing developments located within 400 meter's of the '<i>relevant university</i>'. Otherwise, outdoor space is to be provided at a rate of 2.5m<sup>2</sup> per student.</p> <p>It is considered appropriate to provide for adequate outdoor communal space to meet the needs of the student population. However, the rate of outdoor space should be determined based on the proximity to public open space, as well as open space associated with a university campus.</p> <p>Consideration should be given to PBSA building which are located outside of university campuses, but are located close to public transport network which allow for higher density developments. In these instances, it is inappropriate, impractical and unsustainable to provide such high rates of outdoor space. Wee Hur have undertaken a review of current benchmarks and propose that any amendments to the current ARH SEPP communal open space requirement for PBSA should be limited to a maximum rate of 0.5m<sup>2</sup> per student.</p>

The EIE also states that design guidelines for student housing '*could*' also be developed, addressing issues such as built form, internal and external amenity, storage, solar access, natural ventilation, visual and acoustic privacy.

Insufficient information is available to understand the implications of the design guidelines for the siting and design of future student housing and whether the guidelines could impose further restrictions that would impact on potential room yields and maintaining an adequate supply of PBSA.



It is strongly recommended that any design guidelines for student housing are developed in consultation with student housing providers – including [REDACTED] – who have a comprehensive working knowledge of the PBSA sector. Consideration should be given to student expectations and potential cost implications of imposing additional requirements which may impact upon the supply and/or cost of student accommodation.

### 3. OVERVIEW

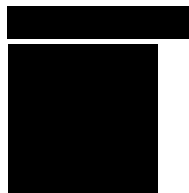
[REDACTED] welcomes the recognition being given to the importance of student housing in supporting the tertiary education sector and the NSW economy. It is considered appropriate that the proposed new Housing Diversity SEPP includes a new land use definition and development standards that will support the ongoing supply of student housing within appropriate locations.

However, it is considered that key changes are required to ensure the proposed SEPP will meet these objectives, including:

- Re-wording the land use definition for '*student housing*' so it recognises that students may remain within their accommodation during semester breaks.
- Providing '*student housing*' as a mandatory permitted use within Zones R4 - High Density Residential, B3 – Commercial Core, B4 - Mixed Use and B8 – Metropolitan Centre zones, as well as Zone R3 – Medium Density Residential where residential flat buildings are permitted.
- Maintaining a floor space 'bonus' for delivery of student housing close to tertiary institutions and high-frequency public transport.
- Minimum bicycle parking and motorcycle parking space requirements that are aligned with student demands and avoid the need to deliver under-utilised facilities and associated costs. Given the significant investment into public transport infrastructure Wee Hur request controls which would further support increased public transport patronage.
- Providing flexibility in the requirement for communal indoor spaces where larger room sizes provide for private study areas, as well as sleeping and bathroom facilities.
- Communal outdoor space requirements that recognise access to existing public open spaces, as well as university campuses.
- Consultation with student housing providers regarding future design guidelines to ensure these will deliver high-quality accommodation that meets student demands, while avoiding unnecessary requirements that impact upon the viability of future developments and/or accommodation costs.

[REDACTED] would welcome the opportunity to provide additional feedback to the DPIE, including participating in further discussions regarding the above matters and any future detailed requirements.

Please contact me should you wish to arrange a date/time to meet or to discuss any aspect of our submission.



[REDACTED]  
[REDACTED]  
[REDACTED]  
W | [www.weehur.com.sg](http://www.weehur.com.sg)

[REDACTED]

[REDACTED]

[REDACTED]

Hi [REDACTED]

Thank you for getting back to me. I have attached my submission and some photos. I am concerned about the introduction of student housing, as the space required for this type of housing is smaller, all developers will only submit DA for student housing.

I have some questions about how and why developers can go to the Land Environment Court if their development application has been refused or is still to be determined.

6 Edith street, Kingswood

The Development Application for this site was refused in February 2019, November 2019 and in March 2020 it went to a Land and Environmental conciliation conference.

One of the reasons this DA has been refused is Environmental Site Assessment dated September 2019.

Conclusion and Recommendation

Part of Summary: As the filling material which has been investigated at the site has been found to be unsuitable for both the current and proposed site use, immediate action is recommended from a human health perspective to protect the tenant, visitors and surrounding properties.

This developer has taken the DA back to the Land and Environment on 14 October 2020.

It has been almost 12 months since the first Environmental site Assessment, for 6 Edith Street, Kingswood was submitted. There has been no change to the Environment Assessment recommendation in this time, No steps have been undertaken during this time by the developer to rectify the issue.

A Remedial Action Plan has now been submitted.

Why should a Development application that could be valid for 5 years be considered when the site is currently unsuitable for both the current and proposed site use?

3 Edwards street, Kingswood

Development application lodged with the council on 7 August 2020

Advertised in the Weekender 28 August 2020, Closing date 14 September 2020.

On the 2 October 2020, we have been advised, "Today Council has been served with an Appeal to

the Land and Environment Court concerning a proposed 14-bedroom boarding house at 3 Edwards Street" listed for the 29 October 2020

As of 3 October 2020, on the Council tracking site this development application is Not Determined.

Why should a developer be able to appeal before a decision is made.

Isn't there guidelines or procedures that should be followed. It just looks like the developers have all the rights and there is very little consideration given to the community or the residents.

Hopefully you can supply some information, contact me if you have any questions.

Thank you

Wendy Spinks

[REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED]  
[REDACTED]  
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[REDACTED]

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[REDACTED]  
[REDACTED]



One policy can not meet the requirements of every local council area.

The area of Kingswood that is being affected by BOARDING HOUSES is zoned R3, and I cannot see anything in the policy changes that will stop the destruction of this area.

This area maybe R3 but if there is no change to the policy there could be up to 100 boarding houses within this small area. This will create a social problem in the years to come. The government should be looking at what will be best for the long-term future of an area. Changes will and should come to this area, but with the current increase of boarding house in Kingswood this area could be destroyed. There is currently 26 to 30 boarding houses and this number is growing.

As a long-term resident, I feel that the area should not have been changed from zone R2 to R3. A lot of the blocks are small, about 650 sqm.

The developers are only looking at the quick and cheapest way to make a profit. They have purchased properties, these properties are unkept and are rented out for 3 to 5 years. When the Development application is approved these properties stay vacant and unkept for 1 to 2 years. This does not do anything to welcome new families to the area.

### **What has Kingswood got to offer,**

#### **Employment:** Western Sydney University

Kingswood TAFE NSW Construction Hub

New shopping centre at Cadden

Nepean Hospital, \$1 billion redevelopment

Nepean Private Hospital

Six Schools – State primary and high, private and religion

Four- or five-day care centre

Werrington Park Corporate Centre

#### **Transport:** Kingswood train station

Position near the Orchard Hills station for the airport line

Position near St Marys station, future metro line

There are sporting grounds and play grounds, most within 5 to 15 minutes' walk. Just think of the exercise that people can get

## **Parking spaces**

Limited onsite parking can create problems, who get to park on site.

As there is only limited onsite parking, most boarding houses will charge an additional fee for onsite parking, residents will not pay the additional fee for an onsite parking space. So, cars are parked on the street. All boarding houses should be required to have a car space per room, to reduce the parking on street.

## **Purpose-built student housing.**

**This change could destroy Kingswood, as the University is located within this area.**

There is currently 310 on campus accommodation rooms, at Western Sydney University-Kingswood. Fees from \$180 to \$250.00 which including Furniture, free WIFI, free onsite parking, 24-hour support/security-. and current vacancies

TAFE Kingswood has proposed to build low income accommodation on campus.

There has been an educational College on the Kingswood site since 1973 and the University started on this site from 1989. In the last 30 years there has never been a problem with students living on the street around Kingswood. Since 2015 to 2018 the student enrolments on the Kingswood campus has reduced by over 4 %, students are undertaking studies on one of the other Western Sydney campus or online. COVID-19 pandemic will increase the number of students undertaking studies on line.

**I strongly feel that some of the proposed change to the policy will only assist the developers and not the community. WHO decides if student accommodation is required or Co-Living development?**

**The developer will put all development application in for student accommodation as they will be able to have more rooms, which means more profit. Even if student accommodation is not required.**

Co-Living, the increase in the size required should reduce the number of rooms that can fit on a small block in zone R3.

One problem that needs to be looked at is the number of boarding houses/co-living/ student housing that should be allowed in any street or area. Too many will destroy an area, they also excluded families with children living within an area.

It is proposed to review the provisions of the new SEPP within 24 months of its introduction. We need the policies changes to be right, Kingswood would be destroyed by 2022 or 2023 if there is not a reduction to boarding houses within our area.

We would also love someone from the Department of Planning to visit our area and see the problem that the policy and proposed changes to policy will and are creating within this area.

Wendy Spinks

Email: [w.p.spinks@gmail.com](mailto:w.p.spinks@gmail.com)

[REDACTED]

[REDACTED]

The background of the slide features an abstract design composed of various shades of green. These shades range from a light, pale green to a deep, forest green. The shapes are geometric, primarily consisting of triangles and polygons of different sizes and orientations, creating a layered, mountain-like effect. The overall composition is dynamic and modern.

The destruction of Kingswood,  
by bad policy and bad decision by Penrith  
Council and the NSW State Liberal Government.

36 Manning street,

DA approved April 2017.  
This property has been  
unkept for 3 years before  
work started.



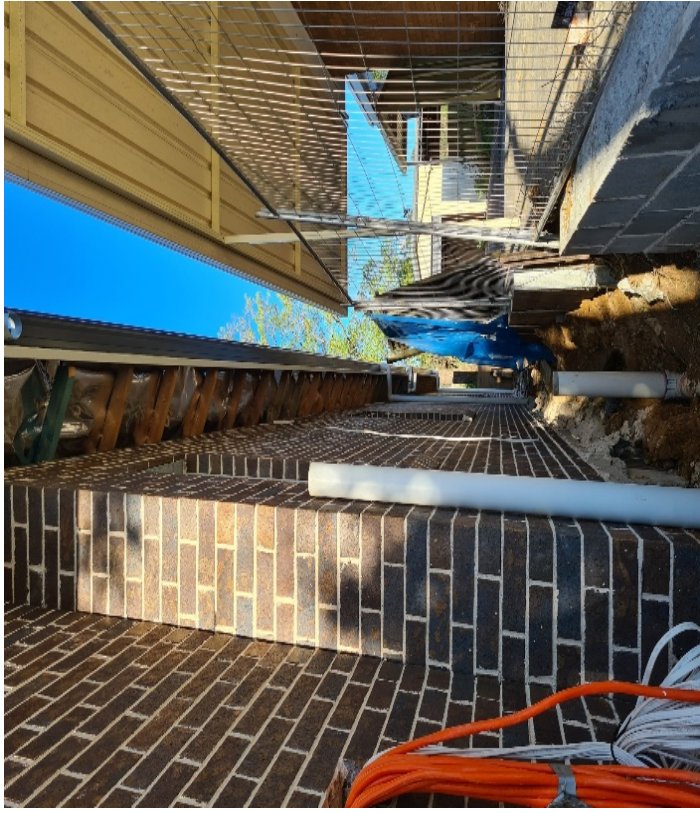


36 Manning street, DA application was approved July 2017. Residents have put up with mess and problems with this site for over three years





This boarding house is so close to the house next door



Is this what you would like next to your  
bedroom window.





Rubbish left by the tenants in May 2019,  
clean up by council on 28 June 2019. DA  
approved May 2019, property is still vacant



# Traffic and parking in Second Ave near Kingswood Primary school during school hours





40 Manning St, DA approved January 2019, this property and 38 Manning street, are still unkept.





# Residents of Kingswood







## Your details

Mrs

Title

First name

Wendy

Last name

Spinks

Phone

Email

[w.p.spinks@gmail.com](mailto:w.p.spinks@gmail.com)

Street address

12 Edith Street

Suburb

KINGSWOOD

State

New South Wales

Postcode

2747

## Your enquiry

Subject

Boarding Houses

Type of enquiry

Meeting request

Message

To the Minister Planning and Public Spaces.

Boarding Houses in R3 zone  
It would be good if the Minister Planning Industry and  
Environmental could read this letter before it is referred to Luke  
Walton to send another stock standard letter.  
Can the Minister please let me know why the Liberal State  
Government is only looking after the  
My home was not in R3 when I bought it, the zone was change

by the Council/NSW Government without much information given to the residents.

Under your current policy and the New Housing Diversity SEPP, Kingswood could become the suburb with over 100 Boarding houses, street with only boarding houses in them. This is not in the interest of any community to have too many boarding houses located in any one area.

The average block of land is about 650m, all the Developer say that these blocks are not conducive to undertake redevelopment for multi dwelling housing.

Under your current policy there is no way to stop the developers from only building boarding houses in Kingswood.

Manning street, Edna street, Edith street an Edward street about 100 blocks in these streets.

Currently Manning street about 40 blocks, three boarding houses built, two boarding houses approved to be built, and a minimum of 6 to 8 block in the hand of developers. Five of these boarding houses backs on to the play ground of the primary school.

Edwards street, one boarding built, one boarding house under construction and one DA for another boarding house.

Second Ave, there is about 32 blocks of land in a section of Second Ave, currently there is 4 boarding houses built or under construction, with a minimum of 3 to 4 Development Application currently under assessment. One development application for a boarding house next to a child care day centre.

There maybe up to 150 to 200 blocks, located within a 5 to 10 minutes "WALK" from the local government school (Kingswood Primary School), also there is Catholic and private school and State and Catholic High school and 4 to 5 day care centres.

Under the current affordable rental policy boarding houses can built on all these blocks.

We are not saying that there should not be any development within this area, but the government should not interduce a policy that allow developers to destroy an area.

Maybe villa's, duplex or townhouses should be constructed.

Homes for families, with a small yard where children can play.

This area is very family friend, day care centre, schools (primary, high school, public, religion, private) new shopping centre under construction, improvement to Nepean hospital, employment, university, TAFE and Business centre and public transport. All within 10 to 15 minutes' walk.

There has been 26 boarding houses built/under construction or approved, this would be approximately over 400 affordable rooms within this area.

Boarding houses are excluding families and children from our area, there is no community when children are excluded.

The government need to look at what the current affordable rental housing policy is doing. Development should improve a community, not destroy it.

There have been many letters sent to the government and the council, but no one will give the residents a truthful answer, just pass the buck.

Will this Liberal government allow the developers to turn Kingswood into Boarding house city and destroy the value of our homes?

Wendy Spinks  
24 August 2020.

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**I would like a response**

Yes

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Submitted on Thu, 30/07/2020 - 14:18

Submitted by: Anonymous

Submitted values are:

Submission Type: I am making a personal submission

First Name: Willem

Last Name: van Wyk

Name Withheld: No

Email: [willempvanwyk@gmail.com](mailto:willempvanwyk@gmail.com)

Suburb/Town & Postcode: Coalcliff, 2508

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

Submission:

I am generally supportive of the proposal to combine the SEPPs and create consistency in the definitions. My comments for potential improvements to the SEPPs are as follows:

SEPP Seniors - it is fantastic that the Site Compatibility Certificate (SSC) period is being extended, particularly as there are no rights of appeal. I have witnessed the first SSC being approved and a proposal proceeding on that basis, only for the Council's assessment to take too long and a second SCC being entirely inconsistent with the first, basically terminating the DA with no appeal rights. The industry requires greater certainty than this. – If a proposal is for a non-compliance with a development standard over 20%, would this require a planning proposal?

ARH SEPP - Low-rental dwellings are often dilapidated buildings in need of renovation. If the contribution for replacing affordable rental housing is too high, there is no incentive to do improvement works on these dilapidated sites; - SEPP 65 should not be stringently applied to boarding houses as it undermines the affordability objective - Joe Touma v Bankstown Council [2012] NSWLEC 1157 (see attached) – unfortunately some Councils still want an assessment against SEPP 65 in accordance with Clauses 16 and 39 of the ARH SEPP • Clauses 17 and 38 only require the provision of affordable housing for 10 years. This seems very strange and arbitrary.

The main concern with affordable housing is that the tenants will not fit in with the demographic of the rest of the development. However, after 10 years they are surely part of the community and the affordable housing should be retained in perpetuity. We need affordable housing to be provided as part of private developments to prevent the creation of ghettos. It is also unclear if this 10 years applies to affordable places approved as part of vertical villages under Clause 45 of SEPP Seniors. –

Clause 30 requires motorcycle parking. This becomes ridiculous in a Council like City of Sydney which has max rather than min parking controls –

Only since Issue 122 (September Quarter 2017) has the Rent Tables in the Rent and Sales Report included 'Bedsitter' data. Before this all studios were considered 1 bedroom units resulting in an unjustifiably large proportion being classified as 'affordable' in accordance with the definition of Low Rental Dwellings in Clause 47 - Clause 49(2)(a) should be revised to exclude all strata subdivisions from contributions. Many Councils have already adopted this approach as the Strata Schemes (Freehold Development) Act 1973 has been repealed and all strata is clearly the intent of the Clause; - There is no standard interpretation of how to determine the matters in Clause 51(5). The guidelines provide some assistance but are over 10 years old and are not followed by some Councils. For example, some Councils define 'the period' as 1 year and others as 2 years - It would be helpful if Council would provide a list of registered community housing providers in the LGA so private

developers can more easily fulfil their obligations under the ARH SEPP. I trust this is of some assistance.

Regards Willem van Wyk

Mr Luke Walton  
Executive Director  
Department of Planning, Industry and Environment  
Locked Bag 5022, Parramatta NSW 2124  
E: [Luke.Walton@planning.nsw.gov.au](mailto:Luke.Walton@planning.nsw.gov.au)

9<sup>th</sup> September 2020

Dear Mr Walton

### Draft Housing Diversity SEPP- Explanation of Intended Effect

I write in relation to the Proposed new Housing Diversity SEPP Explanation of Intended Effect (the draft SEPP) placed on public exhibition by the Department.

██████████ welcomes the creation of proposed new housing types and the consolidation of the SEPPs, however if the SEPPs are proposed to be changed, they should be changed for the better.

In its current form, we do not support the proposed changes.

**Table 1 Comparison of development standards for new housing types**

	Build-to-rent housing	Co-living	Student housing	Boarding houses
<b>Tenant</b>	No restriction for market rent dwellings	No restriction	Students	Eligibility based on income
<b>Affordable</b>	Local provisions apply	No minimum requirement	No minimum requirement	Yes – 100%
<b>Tenancy</b>	3 years or more	Minimum 3 months	No minimum	Minimum 3 months
<b>Communal living area</b>	New design guidance will be developed	Required	Required	Required
<b>Room/Apartment size</b>	New design guidance will be developed	30 - 35 m <sup>2</sup>	10 m <sup>2</sup>	12 - 25 m <sup>2</sup>
<b>Minimum car parking provision</b>	0.5 spaces per dwelling	0.5 spaces per room	No minimum requirement	0.5 spaces per room, or 0.2 spaces for social housing providers

With reference to the above table it is apparent that certain housing types such as Build-to-rent and Student Housing are being given preferential treatment at the expense of other housing type such as Co-living and Boarding Houses, thus creating exclusionary zoning, killing competition, innovation and driving up property prices.

### EXAMPLES OF BIASED POLICY:

1. Build-to-rent housing: is proposed to have the same minimum parking provisions as boarding houses and Co-living, despite the fact that Build-to-rent housing is several times larger per unit and is designed to accommodate several times more occupants per dwelling who would typically have a significantly higher rate of car ownership per household due to the demographic.
2. Co-living: is proposed to have a minimum parking requirement of 0.5 spaces per room as well as the minimum size of room of 30m<sup>2</sup>, **thus rendering Co-living unviable**.
3. Student Housing: is proposed to have zero-parking requirement and boarding houses to have a minimum 0.5 parking spaces, despite both housing types being very similar in terms of size and number of occupants per room.
4. Boarding Houses: should have similar parking requirements and room size controls as student housing. Boarding houses are affordable by virtue of the product and imposing rent control and mandating management by social housing providers **will ensure that this form of housing is unviable for private developers** and will very rarely be built.

### WE STRONGLY OBJECT FOR THE FOLLOWING REASONS:

1. Build to rent:
  - a. It is clear that the proposed definition (below) is created to effectively exclude SME's from participating in the Build to rent space.
  - b. Build to rent projects of various sizes (ranging from 4 units to hundreds of units) have been successfully built by developers in NSW for decades and have been well managed and maintained over time. Therefore, the minimum requirement of 50 self-contained dwellings is not necessary and inappropriate.
  - c. It is clear that the proposed policy favours larger developers and institutions and if implemented in its current form would give an unfair competitive advantage to large developers and institutions and effectively exclude SME's from participating and contributing to the build to rent space. This is anti-competitive policy and should be revised to allow equal opportunity for all whilst maintaining a high quality of product and service.

#### Proposed definition

It is proposed that the definition for '*Build-to-rent housing*' would be contained within the Standard Instrument – Principal Local Environmental Plan and would refer to a building or place that:

- contains at least 50 self-contained dwellings that are offered for long term private rent;
- is held within a single ownership;
- is operated by a single management entity; and
- includes on-site management.

2. Co-Living
  - a. Should have a smaller minimum room size in order to allow for the market to provide diversity of housing in a similar way to which student housing is allowed to provide diversity of housing types (within one project at the discretion of the developer whom delivers product that caters to the needs of the market), which often results in a mix of room sizes and types which typically vary from 12m<sup>2</sup> ensuited rooms to 25m<sup>2</sup> fully self-contained studios.



- b. The proposed minimum room size would result in the Co-living sector becoming unviable and as a result this would kill innovation, diversity of housing and competition.
- c. Parking requirements are excessive, not substantiated by research and should be similar to student housing.

### 3. Boarding Houses:

- a. Allowing for councils to remove Boarding Houses from the R2 zone is a form of exclusionary zoning and not in the spirit of the ARH SEPP. If this takes place then the ARH SEPP effectively achieves the opposite of the desired effect as it would act to restrict and reduce the number of affordable housing being developed, thus further driving up prices.
- b. Name Change: much of the negative publicity for New Generation Boarding House development and anti-boarding house lobbying is as a result of the community having a misconception about the product that is being proposed, which is predominantly caused by the name "Boarding House". From experience the community resistance to "Boarding Houses" typically takes place at the DA assessment stage due to misconceptions regarding the type of product and occupant.

It is our experience that once the development is completed it is usually well received by the community and we have on many occasions spoken with neighbours where they have told us that they would not have opposed the development, had they realised what it actually was.

Government should consider a name change for New Generation Boarding Houses as the word "Boarding" is outdated, has negative connotations and is not appropriate for "New Generation" type of housing it is meant to describe. Potential names could be: Micro Housing, Tiny Housing, Mini House etc.

- c. Parking: Parking rate should be reduced and be similar or equivalent to student housing as it is most similar to that form of housing (where located in an accessible location). It is not reasonable or justifiable to require Boarding Houses to have more parking spaces than residential units / housing as is currently the case
- d. Definition: Boarding Houses are affordable by virtue of their nature / room sizes. It should also be noted that rental rates often **include** furniture and utilities which makes them even more affordable.  
The proposed requirement for Boarding Houses to be managed by social housing providers will kill the viability of the projects and result in the private sector no longer being able to fund the development of new Boarding Houses.
- e. Room sizes & Parking: Should be similar to what is proposed for student housing (similar tenure and number of occupants per room)
- f. Permissibility in the R2 zone: Boarding houses should be permissible in the R2 zone where it is in an accessible location.

The SEPP for Affordable Housing should not function to prohibit the development of Affordable Housing (**that would make it the ANTI Affordable Housing SEPP**).

Why are Boarding Houses being excluded in the R2 zone whilst uses such as Child Care Centres, Hospitals, Places of Public Worship, Seniors Housing etc are permissible? R2 zone land can be located across the road from a town centre, hospital, train station etc.. So why is it not no longer considered suitable for Boarding Houses?

If the Housing Diversity SEPP is adopted in its current form it will have far reaching and devastating consequences which may not be intended and it should therefore be amended to avoid these adverse and unintended outcomes.

#### **UNDESIRE EFFECT OF THE PROPOSED POLICY:**

1. Reduced housing diversity
2. Boarding Houses and Co-Living effectively killed off and made unviable
3. Less affordable housing being developed
4. Less studios being developed
5. We are not putting our best workers where they are most valuable as they are being pushed out to regions where there are cheaper rents and house prices.
6. Anti-competitive policy which favours large and tier one organisations at the expense of SME's
7. Driving SME's out of the sector resulting in less jobs, less competition and less innovation
8. Exclusionary zoning
9. Social engineering as it will result in less housing options for key workers to live in the areas that they work (particularly in less affordable areas)
10. Worsening of undersupply of Studio accommodation
11. Increased cost of housing
12. Crony Capitalism where the vested interests control the market and are able to artificially manipulate pricing
13. Stopping the good function of the market

#### **RECCOMENDATIONS:**

1. Rename New Generation Boarding Houses: As part of the creation of the new housing types we strongly recommend that traditional boarding houses be uncoupled from new generation boarding houses and that new generation boarding houses be renamed (i.e. micro house or tiny house) and be given their own set of controls similar to what is proposed for student housing
2. Reduce Parking Requirements for Boarding Houses and Co-Living where in an accessible location
3. Encourage use of care share (1 car share is effectively equivalent to 10 car spaces)
4. Typically, occupants of student housing, boarding houses and co living have low numbers of car ownership and are more reliant on walking, bicycles and public transport
5. Maintain 0.5:1 FSR bonus
6. Maintain permissibility of Boarding Houses in the R2 Zone
7. No rent control on Boarding Houses
8. Do not mandate a minimum size project (number of units) for Build to Rent or any other type of development
9. Minimum room size to be consistent for Boarding houses, Co-living and Student housing
10. Environmental impact of having to build basement parking which is not needed and redundant
11. If the housing Diversity SEPP is implemented it should include savings provisions for any DA's that are submitted prior to the implementation of the new policy

**CONCLUSION:**

Over the past 5-10 years next generation boarding houses have increased in popularity and have served as a critical form of housing which has provided an important stepping stone into the rental market as well as convenient and affordable accommodation to key workers and low to medium income earners allowing them to choose to live in the communities where they work, which may not have otherwise been possible.

Sadly since its inception there have been four major changes to the SEPP ARH (Boarding House Provisions). The frequency and nature of the changes have resulted in a lot of planning uncertainty, delays, increased costs development risk which has resulted in developers and funds leaving the sector, thus putting pressure on prices and worsening the shortage of studios in the market.

Based on the proposed amendments to the SEPP It is evident that student housing and build-to-rent housing is being given preferential treatment at the expense of Co-living and Boarding houses. This policy would create an anti-competitive environment and exclusionary zoning which is not in the public interest.

**The proposed Housing Diversity SEPP if adopted in its current form would give way to CRONY CAPITALISM** as it would give an unfair competitive advantage to large developers, student housing providers and community housing providers and exclude SME's.

We need to stop politicising planning policy and start creating planning policy that is based on international best practice, is outcome driven and addresses the needs of everybody. Not just the large institutions, councils and the loud members of the community who are working to maintain the status quo no matter the cost to the greater community and those most in need (such as the key workers and low-income earners).

The noisy minority does not speak for the majority, nor has council or state government been advocating for those in the community who are most vulnerable to price increases in housing.

**We sincerely hope that the draft SEPP will be amended to ensure the benefit of the greater good and the community including the stimulation of economic activity at a time when it is desperately needed.**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

## PLANNING & INFRASTRUCTURE DEPARTMENT

Planning Unit

8 September 2020

Department of Planning Industry and Environment  
Website submission

Dear Sir/Madam,

### Explanation of Intended Effects for Proposed new Housing Diversity SEPP

I am writing with regard to the exhibition of Explanation of Intended Effects (EIE) relating to the proposed new *Housing Diversity SEPP (new SEPP)*.

Given the limited period of exhibition for the EIE, it should be noted that this submission is an officers' response as it has not been possible to report the matter formally to Council.

It is understood that the *new SEPP* will be part of a suite of planning system initiatives to stimulate economic recovery in response to the COVID-19 pandemic.

Willoughby Council has completed its Local Strategic Planning Statement (LSPS) and Local Housing Strategy, and the Department will be aware that based on this strategic foundation, work has commenced on a new comprehensive LEP to accommodate housing growth and diversity.

### Consolidation of existing SEPPs

The *Explanation of Intended Effects (EIE)* explains that the *new SEPP* aims to combine:

- *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP);
- *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* (Seniors SEPP); and
- *State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)* (SEPP 70).

This consolidation and simplification of SEPPs has the potential to be useful provided the *new SEPP* is not overly long and difficult to navigate for the user. A first comment is in relation to the name of the *new SEPP*, as it is already creating confusion with the recently re-named "*Low Rise Housing Diversity Code*." As such it is suggested the *new SEPP* simply be called the NSW Housing SEPP.



The Standard Instrument already includes a number of definitions which comprise *residential accommodation*. Adding to and changing definitions can be confusing for the community and other users. It is suggested that DIPE offer a plain English explanation of dwelling types on its web page when the new SEPP is completed.

It is disappointing that the *new SEPP* does not take the opportunity to address the affordable housing crisis in NSW by simplifying processes under SEPP 70 for Councils to apply. SEPP 70 is challenging for councils requiring complex feasibility calculations and justifications for affordable dwelling provision. Willoughby has applied a simple 4% rate contained in the LEP since 1999 (which is to be updated as indicated in Council's CSP and LSPS). A simple, generally applicable, upfront rate like this is clear and transparent and has easily allowed developers to include it in feasibility calculations at the earliest stages of proposals.

### **New housing types**

#### **Build to Rent (BTR)**

The *EIE* has provided no evidence to substantiate why the BTR model is a unique and separate typology requiring a different planning response. Apart from being in single ownership, it is a residential flat building and presents no differently to any other such residential building.

This being the case, there can be no justification for it to be mandated in the B3 Commercial Core zone as proposed. Council has undertaken substantial local strategic planning work in line with the *North District Plan* to retain B3 areas as critical for meeting jobs targets in our strategic centres. To now have to accept residential towers in those areas would undo all the strategic work done in recent years and undermine community confidence in the planning system.

Mandating *build to rent* in the B4 zone is also a concern. Currently, the only residential component that can occur in Council's B4 zone is through *shop top housing* which enables delivery of an employment component to the development. *Build to rent* would undermine this and potentially dominate the zone with entirely residential buildings.

The *EIE* suggests that as BTR developments are in single ownership it would be easier for a building to be recycled back to a commercial use at a later date. However, this view is not evidence based and considered highly improbable, with the erosion of current commercial sites an ongoing concern. It is too early to determine the impacts that COVID will have on the office sector and at the very least it is recommended that a precautionary approach be adopted until we are able to assess the impact on our cities. Mandating residential towers in the commercial hearts of our cities is not seen as a prudent way forward to stimulate local economies nor the best use of very expensive new city shaping infrastructure such as the Sydney Metro.

It is proposed to prohibit subdivision of BTR for the first 15 years in the R3, R4 and B4 zones but it is unclear why this is seen as beneficial. Theoretically BTR can currently be



## Willoughby City Council

carried out in these zones and there is nothing to stop a single owner providing this type of accommodation under existing LEP controls for residential flat buildings.

BTR should only be allowed where residential flat buildings are permitted in a council LEP.

The *EIE* states that BTR is generally “*high density development*.” It also states that it will be permitted in the R3 zone where residential flat buildings are permitted. However R3 allows “medium density” residential flat buildings; therefore LEP controls for residential flat buildings should apply. There should not be a new loop hole created that allows high density (R4) in the R3 medium density zone as this again would undermine community confidence in the planning system.

Should BTR proceed as a ‘new development type’, it is recommended that Councils are responsible for assessment of all such development applications in line with our LEP and DCP to manage the issues discussed above in relation to permissibility, site constraints, and to ensure the built form is compatible with surrounding uses.

### Student housing

A new definition for *student housing* is welcomed. It is noted that previous proposals for this type of land use has been assessed as “boarding house” accommodation.

The proposal to introduce design guidelines for student accommodation is supported. There is concern in relation to the proposed minimum room size suggested and consideration should be given to increasing this. It is our view that 10m<sup>2</sup> is too small for everyday living space for student wellbeing and mental health.

The design guidelines should include consideration of loading facilities due to the seasonal arrivals /departures of students. Loading facilities will also be required if the accommodation provides onsite catering for students.

Accessibility to public transport needs to be a prime consideration for student accommodation

### Co-living

New generation boarding houses or ‘co living’ again allows a smaller room size resulting in quite high density living. It is recognised that there is a need for this type of dwelling particularly in metropolitan areas with predominantly high rents, and although smaller units should result in improved affordability this may not necessarily eventuate.

The development intensity of this type of accommodation will need to be carefully monitored in order for local councils to be able to supply supporting infrastructure. Local open spaces and public recreational facilities will be necessary for residents of small dwellings with very limited access to private open space.

Reference: Housing Diversity SEPP

Phone: 9777 7671

Page: 3

The proposed standard of 0.5 car spaces per room would result in a much higher provision of onsite parking than provided currently in a residential flat building in Willoughby and car share and electric vehicle charging stations should be provided. Council would look to provide less parking with proximity to public transport and therefore submit that local controls should prevail.

Once again the need for infrastructure provision to connect footpaths and cycle links with areas of larger open space and recreational facilities will be particularly important to support this more “dense” style of accommodation. The *new SEPP* proposes 25% of site area for communal open space with a reduction where all dwellings have private open space that exceeds the minimum requirements. This is likely to materialise as balcony space which could be vital during pandemic physical distancing. However, it is recommended that communal open space be required without exception at ground level, co-located with deep soil and shade-providing landscaping.

### Boarding Houses

It is recognised that this has been a controversial housing type. Its removal from being mandated in the R2 zone will be welcomed as these developments present compatibility issues in well-established low-density neighbourhoods. Whilst it has been unpopular with neighbouring residents, it provides necessary, affordable accommodation in other zones. The reduction of an FSR bonus is also welcomed. The inclusion of management by a community housing provider is supported. It is noted that boarding houses developed by or on behalf of LAHC with a maximum of 12 rooms would still be permitted in the R2 zone, but only on Government owned land. This exemption in favour of LAHC is not supported and the prohibition in the R2 zone should prevail regardless of ownership. By reason of the bulk and scale of a 12 room boarding house these are much more appropriate in the R3 and R4 zones.

Consideration could be given to provide a new name to replace “boarding houses”. This may remove the negativity associated with the name.

The ability for boarding houses to revert to market rates after 10 years continues to be opposed as it undermines the availability of this housing type and jeopardises tenants’ confidence and continuity of tenure.

### Loss of existing affordable rental housing Levy

The proposal to remove the reference to 28 January 2000 and replace with 5 years prior to lodgement is supported. The requirement for the applicant to provide evidence that a building did not contain a low-rental dwelling at the relevant time is also supported. It is suggested that the clarification of what is considered to be “acceptable evidence” is included in the *new SEPP*.

### Group Homes

Council has experienced difficulties with converting an existing house to a group home. This can be used to provide a type of multi-unit dwelling. The *EIE* does not specify how a

## Willoughby City Council

conversion will be assessed however it is not supported that this be via a complying development route as it requires merit assessment regarding suitability for conversion in relation to neighbouring amenity issues.

### Seniors SEPP

It is agreed that a demand for seniors housing will continue to increase with an ageing population. With increases in retirement age, consideration should be given to whether the definition of 'over 55 years' should be increased to a more realistic 'over 65 years'.

A general comment is that there is an inconsistency between the floor space definition in the Seniors SEPP and the Standard Instrument LEP. It would be beneficial to apply a consistent definition.

The proposal to allow LEP provisions to prevail with Seniors Housing is also welcomed.

Council has previously requested that the clause within the Seniors SEPP which excludes its application in heritage conservation areas until 1 July 2021 to be an ongoing prohibition. It is therefore recommended the *new SEPP* not apply in heritage conservation areas.

Clarification on the location and access to facilities provisions is welcomed. Consideration should also be given to including the discounting of mini buses / vans operated by the seniors living provider as delivering the necessary accessibility, as this effectively renders any area of the city "accessible" while adding strata costs for the residents.

Site compatibility certificates (SCCs) are being used to enable more intense rezoning proposals to take place without the Planning Proposal assessments and Gateway Determination processes. This whole concept should be reconsidered as SCCs can result in unsuitable development outcomes.

### Development by NSW Land and Housing Corporation (LHAC)

Measures to increase the availability of social housing are welcomed. However the *new SEPP* proposes to increase the level of self-assessment LAHC can carry out for residential accommodation; removing these powers from local councils. Self-assessment includes a mix of social, affordable and private dwellings, and it is recommended that these developments resulting in a proportion of private mix, should be assessed by council against LEP and DCP controls.

The existing Seniors SEPP incorporates a requirement that self-contained dwellings for seniors located on or above the second floor must have lift access however it seems that this would not apply to developments by LAHC. The *new SEPP* proposes an exemption from the lift access requirement for development applications made by, or jointly with a social housing provider. It is considered that the lift requirement should apply *regardless of the provider*. The cost implications are understood, however appropriate accessibility should not be compromised for social housing tenants.

Reference: Housing Diversity SEPP

Phone: 9777 7671

Page: 5

**General comments**

It is recommended that regardless of private or public ownership of the various types of housing contained in the *new SEPP*, design guidelines be drafted to include considerations such as:

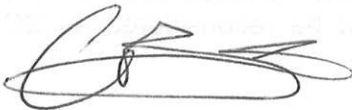
- Cross ventilation
- Solar access
- Private open space
- Public transport accessibility
- Waste collection and on site storage provision
- Loading / unloading
- EV charging, walking and cycling infrastructure

Considerations of these amenity aspects will be particularly important for the housing types with smaller and arguably more cramped living spaces.

Council looks forward to being kept informed about progress and consulted on the wording of the draft SEPP when it has been prepared. As it is a requirement for councils to include draft SEPPs on Planning Certificates, advance notice of the release of the draft SEPP would also be appreciated to allow administrative timing to update planning certificates.

If you have any further enquiries please contact Norma Shankie-Williams on 9777 7671.

Yours sincerely



**Chris Binns**  
**PLANNING AND INFRASTRUCTURE DIRECTOR**



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Attention: Mr Jim Betts – Secretary

Dear Mr Betts,

This Planning Submission has been prepared by Willowtree Planning Pty Ltd on behalf of Opal Specialist Aged Care in relation to the recently released Explanation of Intended Effects (EIE) for the new Housing Diversity State Environmental Planning Policy (SEPP). This Submission has focused on the impacts of the proposed new SEPP on our client's business who provide specialised aged care across NSW.

The proposed new consolidated SEPP will see significant amendments to the existing SEPP Housing for Seniors or People with a Disability (SEPP Seniors'). Whilst Willowtree Planning supports the move to a consolidated SEPP which reflects the growing and ageing population, there are significant flaws in the proposed amendments which will not only impact our client but also the provision of acceptable aged care housing.

There appears to be a complete lack of consistency between the proposed new provisions of the SEPP and the existing District Plans. Furthermore, the proposal for development standards in an LEP to prevail to the extent of any inconsistency will fundamentally impact on the potential to deliver much needed quality aged care services to the ageing community.

We are of the opinion that a number of key considerations have been missed by the Department in preparing the EIE and it fails to provide concise information particularly in terms of the unspecified changes to Schedule 1 in relation to 'environmentally sensitive land' and limiting Clause 4.6 variations to 20 percent.

On behalf of our client, we wish to make the following submissions in relation to the EIE document:

## **1. ALREADY EXCLUDED LAND UNDER THE SEPP SENIORS' AMENDMENT**

On 29 July 2020 the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) Amendment (Metropolitan Rural Areas Exemption) 2020* was published taking immediate effect. This effectively removed the beneficial provisions of the Seniors Housing SEPP for large areas of land mapped as 'metropolitan rural areas' to a number of Local Government Areas (LGA'S) including the majority of the Hawkesbury, The Hills and Hornsby Shire.

The ability to have SEPP Seniors operate on rural land with the support of a SCC has been a key and long-standing mechanism of SEPP Seniors. The exclusion of SEPP Seniors from applying to urban zoned land that is within the Metropolitan Rural Areas goes well beyond the recommendations of the 2019 Greater Sydney Commission investigation report (October 2019). Furthermore, such a major amendment has been implemented with minimal industry and community consultation. In addition, we fail to see how further exclusions of areas allows the objectives of the District Plans in terms of providing seniors housing in existing urban areas which could be ideal for seniors and aged care housing in terms of location, amenity and access to services.

We see this amendment as a drastic move from the Department with far reaching consequences for aged care and seniors housing providers. With further unspecified changes to these provisions proposed,



## TOWN PLANNING SUBMISSION

Town Planning Submission to proposed SEPP Housing Diversity  
Opal Specialist Aged Care

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to allow the exclusion to be 'better aligned with current legislation and planning conditions' we question the Departments motivation and justification for such restrictions.

### 2. INCONSISTENCIES WITH OTHER STRATEGIC PLANNING FRAMEWORK

The current SEPP Seniors does not reflect the priorities of the current strategic framework in terms of meeting the key Planning Priorities contained within the Greater Sydney Regional Plan and the District Plans. A key Planning Priority is to 'provide housing, supply, choice and affordability'. Whilst, the EIE may address these priorities in terms of the amendments to affordable housing, we fail to see how the proposed amendments to SEPP Seniors will allow for the continued provision of aged care and seniors housing in line with the plans priorities and objectives.

To achieve the strategic intent of the District Plan to facilitate the required growth of Seniors Living in appropriate locations, and for suitable models of care, the amendment of EPIs to permit Seniors Living in strategic locations should be adopted as a priority in the proposed Housing Diversity SEPP. It is imperative that the SEPP Housing Diversity responds to the Planning Priorities of the overriding strategic plans for NSW.

### 3. DEVELOPMENT STANDARDS IN AN LEP TO PREVAIL

The proposed amendments detailed in the EIE, include development standards of the applicable LEP to prevail to the extent of any inconsistency with the SEPP. This would result in fundamental changes to how a State development policy relates to local controls. We see this is as an illogical proposal which will see the feasibility of developments as well as the provision of seniors housing to meet the needs of the community significantly jeopardised.

A Clause 4.6 variation request would now be required if it is proposed to contravene LEP height or floor space ratio controls (which would be highly likely). Under the proposed amendments, an unprecedented variation limit of up to 20% would be implemented. Placing a numerical limit on variations under Clause 4.6 will significantly impact on the ability to provide aged care and seniors housing.

Furthermore, we question how the 20% maximum variation is measured for a development standard such as Clause 26 of SEPP Seniors, where there are various services, distances and also gradients that need to be achieved to ensure compliance. Such an amendment is expected to have impacts on non-numerical standards, such as preventing a private bus service for a residential care facility being provided in lieu of a public bus service. Which typically has been accepted by Councils, Planning Panels and the Court for residential care facilities via a Clause 4.6.

### 4. LACK OF INFORMATION AND AREAS TO BE INCLUDED

At current, Schedule 1 effectively prohibits SEPP Seniors' applicability to land identified as being 'environmentally sensitive land', its interpretation has been the source of much debate and legal disputes. As such, any improvement in clarity and consistency is welcomed. However, the EIE provides no information or hints on exactly how this will be updated to better align with current planning framework.

The terms in Schedule 1 need to be far more specific to remove uncertainty and their arbitrary nature. For example, the Coastal Management Act 2016 and Coastal SEPP. Under the current Schedule 1, a site which is identified as being within the 'proximity area' of Coastal Wetlands has been viewed by Council's as land identified as *coastal protection* and *natural wetland*. There have also been examples where all land within SEPP (Sydney Drinking Water Catchment) 2011 is excluded from SEPP Seniors because the term "water catchment" is listed in Schedule 1. This results in almost the entirety of the Southern Highlands being excluded from the operation of SEPP Seniors'. Both are examples demonstrate a complete lack of consistency. Towns within some of these identified areas are largely urban environments with high amenity and access to services, making them ideal locations for seniors housing and should be based on a site by site basis not a blanket rule of restricting the use of SEPP Seniors'.

## TOWN PLANNING SUBMISSION

Town Planning Submission to proposed SEPP Housing Diversity  
Opal Specialist Aged Care

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### 5. FAILS TO ADDRESS REQUIRED AMENDMENTS NEEDED BY THE INDUSTRY

The EIE has missed a number of key amendments which would not only benefit the industry but also take the pressure of the Court and Planning Panels in determining development applications (DA's). Common issues such as site context and compatibility, amenity impacts and access to services seem to be overlooked as part of the amendments. Simple amendments such as allowing a private bus service to satisfy Clause 26 and providing development incentives for appropriate built form outcomes to achieve appropriate context and compatibility for SCCs could significantly benefit the industry as well as simplifying the SCC process and determination of DA's. This was a key recommendation of the GCS Investigation and has failed to be implemented into the proposed amendments.

The current SEPP Seniors is outdated and as identified in the GCS Investigation, fails to consider place-based planning in terms of privacy, amenity and character. A key example of a current flaw in the existing provisions is aged care developments located in R2 Low Density Residential Zones where compatibility and character are key considerations for the consent authority. There is continued pressure to provide much needed aged care services for the growing ageing population, but the industry is continually faced with challenges from Councils for such development in low and medium density areas. Aged care homes are a unique and distinguishable form of development that need to be recognised within the NSW planning system given the role they play in our health system. The pressure to achieve a development which achieves the character of an area often outweighs the importance of providing a suitable facility for the ageing population.

We urge the Department to consider legislative changes as part of the Housing Diversity SEPP which acknowledge the need of aged care services and concessions in terms of the design not being detached dwellings. Priority needs to be given to the internal floor space, configuration and services required to achieve suitable aged care over the subjective opinions of Planning Panels and Council's.

### CONCLUSION AND SUMMARY

Willowtree Planning agrees that SEPP Seniors' does require updating to reflect the State's growing and ageing population. However, the proposed amendments detailed in the EIE have fundamentally failed to understand the needs of the industry required to allow the effective and feasible provision of aged and seniors housing.

We welcome the extension of the proposed 5-year period for SCSs and this is viewed as a step in the right direction. Nevertheless, we fail to make sense of the proposed amendments which will see LEPs prevailing over the SEPP and the 20% variation limit on Clause 4.6 variations. There is also a major lack of detail regarding the amendments proposed to Schedule 1 and the further impacts this will have in terms of excluding applicable lands from the use of SEPP seniors.

We would welcome further explanation from the Department and clarity on the questions raised above as part of the draft SEPP Housing Diversity.

Should you wish to discuss the matter further, please do not hesitate to contact Willowtree Planning.

Yours faithfully,

Andrew Cowan  
Director  
Willowtree Planning Pty Ltd  
ACN 146 035 707

*Our Reference: CM 10297*

Sarah Pritchard  
Senior Planning Policy Officer  
Housing Policy  
Department of Planning, Industry & Environment

Dear Ms Pritchard,

**RE: WOLLONDILLY SHIRE COUNCIL SUBMISSION - DRAFT HOUSING DIVERSITY SEPP**

I would like to thank you for the opportunity to provide feedback on the proposed new Housing Diversity SEPP. We recognise and support the concept of affordable housing and commend the policies' intentions of simplifying affordable housing legislation.

We believe that the introduction of three new housing definitions along with other policy changes, if implemented well, can lead to positive outcomes, options and opportunities for the State. But importantly, these changes need to occur in the right areas, with the right infrastructure and with the right controls to optimise our places for our community.

At this stage, our Council has undertaken a significant strategic planning work program carrying out no less than 10 separate studies, strategies and projects, which have not factored in these proposed changes. Critically, our Local Housing Strategy does not factor this work in, nor does the contributions plan (in effect 1 July 2020) which will not cater for the types of additional development this policy provides for, and therefore, if implemented in the short term, there will be a negative impact on Council and our community.

It is noted that the recent amendment to *State Environmental Planning Policy—Housing for Seniors or People with a Disability*, excluded operation of the SEPP to any land within the Metropolitan Rural Area, ie, all land within our Shire (Except Wilton and Greater Macarthur) without exhibition. This includes all of our towns and villages. As we relied upon the robust controls within the SEPP, Council will now need to urgently draft and prepare appropriate controls for seniors living developments for its development control plan.

Attached to this letter is our staff submission. I note that given the limited exhibition period for such a significant policy, we have not had the opportunity to report these changes to Council, and so our comments are based conceptually on the impacts and issues. A copy of this submission will be provided to our elected Council.

If the opportunity arises, I would encourage the Department to provide a longer consultation process on this important policy change so that we can allow our elected Council to make an informed formal submission.

For any further information regarding this matter please contact Patrick Lopez from Council's Strategic Planning Team on (02) 4677 9552 or email at [Patrick.Lopez@wollondilly.nsw.gov.au](mailto:Patrick.Lopez@wollondilly.nsw.gov.au).

Yours faithfully



Stephen Gardiner  
Manager Sustainable Growth

# **Attachment 1:**

## **Wollondilly Shire Council Submission**

### **Draft Housing Diversity SEPP**

#### **Introduction**

We thank DPIE for providing us with the opportunity to give feedback on the proposed Housing Diversity SEPP. We recognise and support the concept of affordable housing and commend the policies' intentions of simplifying affordable housing legislation through the amalgamation of three different SEPPs. We believe that introduction of three new housing definitions along with other policy objectives, if implemented well, will lead to positive outcomes for the state and improve equity.

#### **Impacts**

According to our research, the introduction of new land use definitions and changes to boarding house policies will have the following direct impacts on land in Wollondilly:

- Build-to-rent housing would be permitted in Wollondilly's R3 and B4 zones. This change will impact 691 properties in the Shire.
- Co-living developments would be permitted in Wollondilly's R3 and B4 zones. This change will impact 691 properties in the Shire.
- Student housing will be permitted at campuses and schools throughout the shire. Most notably this would include The University of Sydney's Camden Campus, Wollondilly Anglican College and Picton High School.
- Boarding houses will no longer be a mandatory permitted use in our R2 zones (within 400m of train stations). This means that if Council were to remove it from our land use table, a large number of properties would be impacted. Despite this, Boarding houses would still remain a mandatory use in Wollondilly's R3, B1, B2 and B4 zones.

The introduction of the new SEPP may also have implications for the Housing Strategy currently being prepared by Council, as this is underpinned by an evidence base that includes existing legislation.

#### **General Comments**

##### **Boarding Houses**

The removal of boarding houses as a permitted use from R2 zones across Sydney will ultimately lead to a vast reduction in the number of properties boarding houses can be constructed on. It is acknowledged that the intent of this change is in response to community and Council concerns regarding the incompatibility of boarding houses with other uses in the R2 zone. These concerns are reflective of existing high concentrations of boarding house development applications in this zone, especially in a select few LGAs. Although this change will reduce the concentration of applications in the R2 zone, it does not provide incentives that will address the lack of spread of applications across LGAs and zones in Sydney. Therefore, this change may be a short term solution, with boarding house development applications simply shifting to a different zone, perhaps R3, in the same or different LGAs.

# Attachment 1:

In the case of Wollondilly, this change will have minimal impact in the short term, as boarding house developments are not common in the LGA. Notwithstanding this, removal of boarding houses from the R2 zones will only leave a small amount of land in Wollondilly where boarding houses are permitted, namely the R3, B1, B2 and B4 zones.

**Suggestion 1:** Boarding houses should contain a stricter definition of ‘accessible areas’ (i.e. an increase in the number of bus services required per hour). This is a better solution that will still lead to a reduced level of boarding house developments in R2 zones whilst limiting eligibility to areas with better public transport services (nominally those located closer to the Sydney CBD). This will hopefully also address issues with concentrations in certain LGAs.

It should be noted that this recommendation will not impact on Wollondilly, or other peri-urban LGAs in greater Sydney for that matter, as none of our bus stops currently meet the ‘accessible area’ requirements under 27(2) of the ARHSEPP.

## Density Bonuses and the definition of ‘accessible area’ in ARHSEPP

Wollondilly falls under the definition of ‘Sydney Region’ in the existing ARHSEPP and therefore the only properties that the infill affordable housing density bonus and the permissibility of boarding houses applies to are within 400m of train stations at Bargo, Tahmoor, Picton, Menangle and Douglas Park. None of our bus stops fall within this definition due to inconsistencies in servicing and the low number of weekend services. It is worth noting that a greater number of lots would be eligible for the density bonus and boarding house developments if the ‘accessible area’ definition for land outside the Sydney region as per 27(3) of the ARHSEPP applied to us (Figure 1).

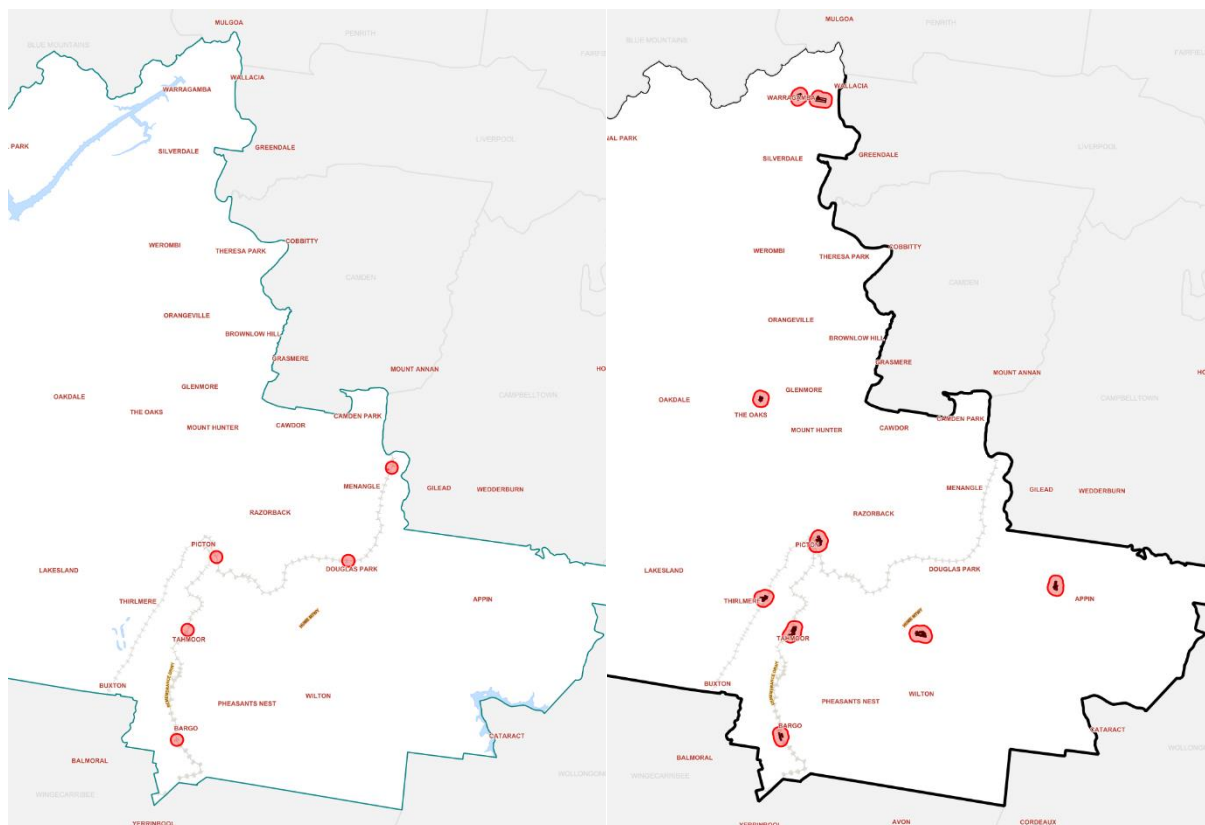


Figure 1: Comparison between applicable land (Red) under the ‘accessible area’ definition as per 27(2) of the ARHSEPP (left) and applicable land under the ‘accessible area’ definition for land outside the Sydney region as per 27(3) of the ARHSEPP (right).



# **Attachment 1:**

The first of the definitions, 27(2), focusses on public transport, whilst the second definition, 27(3), focusses more on proximity to local commercial land and services (B2 and B4 land). In the context of Wollondilly, and likely in the context of other rural Councils, the location of a train station is not always a reliable indicator of access to jobs, shops, education, etc. In this regard, the second definition is of more relevance to urban fringe, peri-urban and rural Councils, as it better indicates the location of population centres and the level of service and amenity available to residents. To transfer rural council's from the former to the latter definition would not be sensible.

Suggestion 2: The density rules not be changed for urban fringe Councils and that consideration be made regarding whether Wollondilly should be included under 27(3) and exempt from the 'Sydney Region' definition under 27(2).

## **Secondary Dwellings in Rural Zones\***

**\*In this section "the 9a control" refers to Clause 5.4(9)(a) and "the 9b control" refers to Clause 5.4(9)(b) in WLEP 2011 as expressed below:**

*(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—*

*(a) 60 square metres,*

*(b) 25% of the total floor area of the principal dwelling.*

Providing Council's with the option of increasing the square metre rule for secondary dwellings in rural zones is a welcome change. As it currently stands in Wollondilly, properties with principal dwellings under 240m<sup>2</sup> automatically fall under the 9a control's 60m<sup>2</sup> maximum, whilst properties with principal dwellings beyond 240m<sup>2</sup> are provided with the opportunity to construct larger secondary dwellings under the 9b control.

In Wollondilly's context, we are seeking to rectify two issues through these changes. The first is to increase the 9a control to allow for larger secondary dwellings to be constructed on those lots with smaller principal dwellings. 60m<sup>2</sup> is deemed to be too small to cater for those with mobility impairments who need additional space to manoeuvre wheelchairs and other devices. A more suitable number will need to be agreed to by Council. The second issue we are wanting to rectify is the number of very large secondary dwellings being constructed under the 9b control, which is currently set at 25% in Wollondilly.

Through scenario modelling, we came to the conclusion that the only way to solve both issues would be to reduce the 9b control to the point where 100% of properties fall under the 9a control, which would render 9b obsolete. In light of this, we are recommending that the 9b control be abolished and the 9a control become a flat rate that applies to all rural zoned land in Wollondilly.

Suggestion 3: We support the amendment to Clause 5.4(9)(a) and suggests that Councils should also be given the option to remove Clause 5.4(9)(b) if it is rendered obsolete by the changes to Clause 5.4(9)(a).

## **Seniors living in the MRA**

The Seniors SEPP was recently amended so that it no longer applied to the metropolitan rural area (MRA). This change had a major impact on Wollondilly, as most of the Shire is located within the MRA (excluding growth areas, Camden Park and our portion of Blue Mountains National Park). This change occurred without any consultation with Councils and no notice was provided before the amendment was made. As a result, developers were suddenly unable to submit site compatibility certificate

# **Attachment 1:**

applications for Senior's housing and the controls within the SEPP technically could no longer be used to assess DAs for seniors housing in the MRA.

Seniors housing is currently a permissible use in Wollondilly's R3 and B4 zone, however there are no seniors living controls contained within our DCP as we have relied on the controls located in the seniors SEPP. With the changes to the Seniors SEPP's application, Council will now need to prepare DCP controls to cover this legislative gap.

## **Car-parking requirements**

The proposed minimum car parking provisions of 0.5 spaces per dwelling for build-to-rent housing, 0.5 spaces per room for co-living developments and 0.5 spaces per room for boarding houses (0.2 spaces per room for social housing providers) are not consistent with Wollondilly's existing context and transport situation. Wollondilly has one of the lowest public transport and active transport usage rates in Greater Sydney and does not have the transport infrastructure in place to support any low parking provisions.

Suggestion 4: There is a need to ensure that Council can set minimum parking limits in its own DCP (or through a different avenue) to ensure appropriate parking measures for each LGA. Alternatively we advocate that the Government needs to significantly increase investment in public transport for the people of Wollondilly prior to any change in policy.

## **Build-to-rent housing**

The introduction of build-to-rent housing, if implemented well, will improve housing choice, particularly for sectors of the community who are currently not well provided for, and may go some way to addressing the inequities in NSW's expensive housing market.

The ability to strata subdivide a build-to-rent development after 15 years is of some concern, though we appreciate that this may be necessary to make BTR an economically viable proposition. To minimise the negative impacts of this, it is recommended that both of the proposed amelioration mechanisms be applied: that long-term residents be offered a right of first refusal to acquire a unit at a fair market price and that a minimum percentage of dwellings for sale be required to be retained as affordable housing.

Suggestion 5: Long-term BTR residents be guaranteed a right of first refusal to acquire a unit at a fair market price, and a minimum percentage of BTR dwellings for sale be required to be retained as affordable housing;

Suggestion 6: Further incentives be considered to make BTR an attractive proposition for developers, including consideration of the zones or areas in which it is to be a mandatory permissible use.

## **Co-living Developments and servicing constraints**

We support co-living developments in principle, but raise concern about its introduction as a mandatory permitted use in Wollondilly's R3 and B4 zones. Parts of the Shire are currently experiencing challenges around access to reticulated sewer due to the Picton Sewerage Treatment Plant being at capacity.

# **Attachment 1:**

An increase in medium density housing developments in Wollondilly (affordable or not) will further exasperate this issue.

## **Suggestion 7:**

This type of housing choice needs to be considered concurrent with the reform and review of development contributions. Any of the proposed housing changes will have a clear nexus and significant impact on local infrastructure and the State needs to ensure there is concurrent recognition and consideration on impacts to the funding of local infrastructure.

## **Student housing**

We support the introduction of provisions for student housing, and note that the Government is seeking feedback from stakeholders about the best way to incorporate locational requirements. It is recommended that these locational requirements be based on proximity, safe access for walking and cycling, and public transport. No student housing should require trips by private car.

## **Suggestion 8:**

Locational requirements for student housing be based on safety and ease of walking and cycling as well as access to public transport, such that student housing is in no way reliant on private cars.

## **Change of use from existing dwellings to group homes**

The EIE suggests that a 'quicker and easier process' would be introduced to allow existing dwellings to be used as a group home. The wording is a little vague and does not provide much information or details about how and through which avenues this will be implemented.

**Suggestion 9:** Provide more details on the proposed changes so that Councils can better understand the implications of the new policy.

## **Contributions Planning**

As noted in suggestion 7, the proposed consolidation of the existing SEPPs and the intended streamlining of affordable housing processes may have implications for local infrastructure demands and local Development Contributions in Wollondilly.

Any form of development that generates a demand for public infrastructure must contribute to its delivery. Our Contributions Plan does not currently exempt a form of development from the plan as this would create a financial shortfall and reduce the ability of Council to provide local infrastructure for the community. As such, the Wollondilly Contributions Plan will likely need to be reviewed and amended to ensure consistency with the proposed changes, especially the introduction of new defined uses and the changes to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 as part of the consolidation.

The proposed SEPP also outlines an opportunity for Councils to 'allow a council to levy monetary contributions to offset loss of dwellings that were low-rental at any time within the 5 years preceding the lodgement of the development application'. We would appreciate more detail on how this may be implemented in order for timely review and possible amendment of our Contributions Plan. We note that urban fringe councils, like Wollondilly, are at the very maximum (cap) that can be charged

## **Attachment 1:**

for contributions and so, if provision is made for anything new, something else important and necessary will need to fall off our list, or be decided by IPART.

Council has recently undertaken a Housing Strategy which could have considered and/or make recommendations regarding the potential for an Affordable Housing Contribution Scheme, however, it may now be too late in the process.

Suggestion 10: We strongly advocate for the Government to formerly repeal Planning Circular No. D6 as it is no longer relevant to the current planning system but means that the proposed housing initiatives will make no contribution to local infrastructure, disadvantaging the community as a whole.

Department of Planning Industry and Environment  
Attention Housing Policy Team  
[www.nswplanningportal.nsw.gov.au/proposed-new-housing-diversity-sepp](http://www.nswplanningportal.nsw.gov.au/proposed-new-housing-diversity-sepp)

Our Ref:  
File:  
Date:

Z20/196596  
CST-100.07.035  
9 September 2020

Dear Sir/Madam

## PROPOSED HOUSING DIVERSITY SEPP – EXPLANATION OF INTENDED EFFECT

Thank you for the opportunity to comment on the Explanation of Intended Effect for the proposed Housing Diversity SEPP. Due to the exhibition timeframes, this submission has been prepared by Council officers and has not been endorsed at a Council meeting.

Council officers would also like the opportunity to review the draft legislation.

### Consolidation of SEPPs

Council officers support the consolidation of SEPPs to reduce the complexity of the NSW Planning system.

However, the proposal should go further and merge housing provisions from other SEPPs into a consolidated Housing SEPP. For example, SEPP 36 Manufactured Home Estates, SEPP 65 Design Quality of Residential Apartment Building, SEPP Housing for Seniors and People with a Disability and the various Housing Codes contained in SEPP Exempt and Complying Development. The proposed SEPP title of Housing Diversity is a misnomer, as the majority of housing products are not addressed.

It is unclear how merging 3 existing SEPPs or clarification of definitions and provisions, will assist the State's COVID recovery.

### SEPP 70 Affordable Housing

In 2018, SEPP 70 was amended to apply to all Councils. The SEPP contains no development standards or provisions. The only reason for the SEPP, is that section 7.32 of the *Environmental Planning and Assessment Act 1979* (Act) requires a SEPP to list the Council's where Affordable Housing contributions can be levied. The Act should be amended to refer to an environmental planning instrument, or a SEPP and Local Environmental Plan. This would allow the SEPP to be repealed, and not require it to be included in the draft Housing Diversity SEPP. The Standard LEP Instrument should be amended to include a standard Affordable Housing Contributions clause that could be utilised by Council's.

Housing Affordability was one of the Premier's priorities, yet the Department has not made the process of developing or funding affordable housing any easier. The expansion of application of SEPP 70 across the State, has only removed 1 step in a long and complicated process.

The Guidelines for developing an Affordable Housing Contribution Scheme need to be reviewed to streamline the process for Council to establish Affordable Housing Contributions Schemes and include provisions in their LEPs. Council is currently negotiating affordable housing outcomes on a site by site basis, through a Planning Agreement process, rather than being able to rely on a standard LEP clause.

### SEPP (Affordable Rental Accommodation)

The definition of Affordable Housing in the Act relates to income levels, whereas the SEPP (Affordable Rental Accommodation) and the Development Contribution Directions refer to land uses which creates confusion. There is no requirement for applications under the Affordable Rental Housing SEPP to achieve Affordable Housing as defined by the Act.



The current SEPP Affordable Rental Housing does not encourage the provision of Affordable Housing, except through an increase in housing supply. Developers are using the SEPPs as a means to circumvent local planning rules and increase the scale of developments.

There is no requirement for a secondary dwelling or boarding house assessed under the SEPP to be occupied by persons on low or very low income levels (as defined by the Act), no requirement for the development to be managed by an Community Housing Provider, no requirement for the dwelling to be available for rent for 10 years. To ensure the provision of Affordable Housing product, the revised SEPP should address these issues.

The proposed amendment to part 3 of the SEPP to remove the reference to 28/1/2000 is supported.

### **Build to Rent**

Built to Rent (BTR) is already a permissible land use as residential flat buildings. Nevertheless, the introduction of a definition is supported, as it may encourage private developers to pursue this form of housing and seek a longer return period, rather than the tradition build-to-sell model.

The proposed car parking rate needs to be increased for regional areas (non-Sydney) where public transport is not as available. The parking standard for regional areas, should be at least 1 car space per dwelling, and also include the provision of visitor spaces. There should also be a space allocated for the delivery of goods (as part of the on-site management).

Similar to UK examples, BTR developments should be required to include parcel rooms, communal spaces, meeting rooms, gyms, roof gardens that provide amenity and services for tenants.

The proposed long-term tenancy of at least 3 years is supported, but it should not be Council's role to monitor and enforce. This should be a requirement for the on-site management to have a register.

The Apartment Design Guidelines (ADGs) should form the basis for any new design guidance. It is envisaged that the units would still be required to comply with the ADGs and that only the on-site management and facilities would require additional guidance.

Council would not support BTR being a mandatory use in the B3 Commercial Core zone. The B3 zone is primarily a retail and commercial zone. Within the Wollongong City Centre and larger towns, commercial floor space and employment opportunities are being lost to residential development, which has a higher short-term economic return. A mixed used development where the lower floors are retail / commercial and the upper storeys BTR units in a B3 zone would be supported (similar to shop top housing).

### **Student housing**

The introduction of a definition for student housing is supported.

Wollongong has a student population as a consequence of the University of Wollongong (UoW). The UoW has some 17,000 students (pre-COVID), with some 17% housed in student accommodation, including both on-campus and off-campus in UoW accommodation. The remainder live in private accommodation. There has been confusion in the community as to whether students living together is defined as private rental, co-living or as a boarding house.

Different car parking rates should apply to metro and regional areas. A proposed car parking rate of 1 space per dwelling for off-campus student accommodation needs to be specified for regional campuses (non-Sydney), where public transport is not as available. While international students may not have private vehicles, students from regional communities do own cars. Council regularly receives complaints about parking issues associated with dwelling occupied by students.

The Explanation of Intended Effect indicates that Councils could introduce the Student Housing use in zones. As zones can apply across an LGA, well away from a University campus, maybe a location approach may be preferable, possibly within a 3 or 5km radius.

### **Co-living**

The introduction of a definition for co-living is supported.

As well as the proposed minimum number of bedrooms (10), there should be a cap on the maximum number of bedrooms – say 20. Otherwise the same issue as large boarding houses will occur, which required the introduction of a cap at 12 in low density residential zones.

The proposed car parking rate needs to be increased for regional areas (non-Sydney) where public transport is not as available. The parking standard for regional areas, should be at least 1 car space per dwelling, and also include the provision of visitor spaces.

### **Boarding houses**

Wollongong has historically allowed boarding houses in all its residential zones. The new-generation boarding houses are more akin to residential flat building and have caused community and Council concern.

The introduction of a cap at 12 bedrooms in low density residential zones was supported and should be maintained.

The proposed car parking rate needs to be increased for regional areas (non-Sydney) where public transport is not as available. The parking standard for regional areas, should be at least 1 car space per dwelling, and also include the provision of visitor spaces.

The proposed inclusion in the definition of the phrase “means an affordable rental building” is supported. However, the definition should also refer to the provision of housing for persons on very low, low and moderate incomes, as defined by the Act.

The proposed inclusion in the definition of “to be managed by a registered not-for-profit community housing provider (CHP)” is supported. There are 3 tiers to CHPs, the management of facilities by Tier 3 CHPs should be a requirement. Tier 3 CHPs provide wrap around services that assist their clients, rather than being akin to a real estate agent.

The FSR bonus for Boarding Houses should be removed, and the development required to comply with the local LEP provisions. The proposed FSR bonus increase to 20% is opposed. The increase will contribute to excessive bulk and scale of boarding house development, when compared to surrounding low residential development.

### **Secondary dwellings in rural zones**

An increase in the size limit for secondary dwellings from 60m<sup>2</sup> in rural zones is not supported. The 60m<sup>2</sup> standard remains appropriate in both the urban and rural context within the Wollongong LGA.

### **Density bonuses**

The introduction of a density bonus for Code assessable developments of manor homes and terrace housing is opposed. Manor homes are all-ready out of character with low density precincts, let alone enabled additional floor space opportunities. There is no requirement for Low Rise Housing Diversity Code developments to be available for persons on very low, low or moderate incomes levels, that are in need of affordable housing.

### **Land and Housing Corporation developments**

The Wollongong LGA contains over 6,730 properties owned by the Land and Housing Corporation (LAHC) including large number of properties concentrated in suburbs such as Bellambi, Berkeley and Warrawong. LAHC properties make up almost 8% of the LGA housing stock.

Council recognises the need to provide for social housing and affordable housing as part of the dwelling mix of the LGA and to provide housing for all sectors of the community.

Council is working with LAHC on redevelopment options for some of its ageing housing stock.

The proposed increase in self-assessment from 20 to 60 dwellings in non-metropolitan areas is a concern as it would represent a large development which should be assessed through a development assessment process with community consultation. The regional standard should remain at 20 dwellings.

The LAHC should be required to notify surrounding residents of the development proposals and give adequate time for the community to make comment. Despite the large numbers of social housing in the LGA, the community is concerned about new social housing developments.

The proposed car parking rate needs to be increased for regional areas (non-Sydney) where public transport is not as available. The parking standard for regional areas, should be at least 1 car space per dwelling, and also include the provision of visitor spaces. The notation that social housing tenants don't have cars is a misnomer in regional areas. Due to poor public transport, cars are needed to drive to work, drive to school, shops or medical appointments. Census data indicates that car ownership for low income households is higher in Regional NSW (86.7%) than in Greater Sydney (75.8%).

A LAHC development was built in Wollongong CBD with reduced car parking, on the basis that the likely future tenants will not have cars. Once built and occupied, Council was approach to change the parking time limits in front of the development to allow residents on-street parking as there was insufficient parking on-site, and tenants cars were being booked for over staying parking time limits.

Council will welcome the opportunity to comment on the draft SEPP when available.

Please contact me should you require further information.

**This letter is authorised by**

**David Green**  
**Land Use Planning Manager**  
Wollongong City Council  
Telephone (02) 4227 7111



9 September 2020

NSW Dept of Planning, Industry and Environment

**Electronic submission** <https://www.planningportal.nsw.gov.au/proposed-new-housing-diversity-sepp>

Dear Sir / Madam,

**Re: Submission on July 2020 Explanation of Intended Effect for a new Housing Diversity SEPP**

## INTRODUCTION

On behalf of Beddown, I write to congratulate the NSW Government on recognising the important role the planning system can play as the State recovers from the COVID-19 pandemic, and for taking action including preparation of the new Housing Diversity SEPP.

At Beddown, we see the impact the pandemic has had on community health and wellbeing. In the face of housing affordability challenges and a shortage of community housing, activities like Beddown are necessary to provide a much-needed community service assisting those most vulnerable to transition out of homelessness. Unfortunately, navigating the planning approval process each time a new venue is explored is challenging, even in determining what the land use is defined as in each jurisdiction.

We agree there is an urgent role for the planning system to better facilitate affordable and diverse housing. Beddown encourage the NSW Government to proceed with the important reforms proposed in the new Housing Diversity SEPP. We have reviewed the document and have taken the opportunity to provide general feedback as well as specific feedback in relation to facilitating initiatives such as Beddown, which we believe is critically important in responding to this economic crisis.

### BRISBANE

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## BEDDOWN

As you would be aware, Beddown is a registered charity, established to provide 'pop-up' crisis accommodation for those who are homeless. Beddown has been established to provide an immediate response for those who sleep rough to access a safe, secure shelter and access to a comfy bed and great night's sleep. Sleep quality is integral to the proper functioning of the human body and very connected to stress and mental health.

Beddown's philosophy is simple - *'everyone deserves access to a safe, secure and comfortable environment as well as social inclusion and betterment'*.

Beddown takes an innovative and collaborative approach, seeking to activate under-utilised spaces (such as car parks) and repurposing them into pop-up overnight accommodation, repurposing facilities that are otherwise lying idle for certain periods of the day/night.

In addition to the pop-up beds, Beddown endeavours to host a number of supporting services coming together in a 'one-stop-shop' effort, providing laundry, health and wellbeing, haircuts, clothing and many more support services. A number of the services already collaborating with Beddown include Sunny Street, Rosies, Grill'd, Deliveroo, The Salvation Army, Thread Together and Orange Sky. By collaborating with these other services, Beddown aims to provide longer term solutions to transition guests into accommodation, education and employment opportunities with the underlying and fundamental goal to eventually 'go out of business' and eradicate the need for this immediate 'pop-up' support accommodation.

Beddown have run a successful trial in the Brisbane CBD (345 Queen Street), providing opportunity for 15 'guests' to use the service, fully supported by volunteers as well as wrap around services, security, cleaning and insurance, with the goal to roll this out further. The trial has been a success, and was featured on Channel 7 news on World Homeless Day -

<https://7news.com.au/news/qld/brisbane-carpark-turned-into-pop-up-shelter-for-the-homeless-is-changing-lives-already-c-502732>



Partnership with Secure Parking has been integral in getting a trial off the ground. Their carparks are ideal, as they offer shelter, security and quality 'end-of-trip' facilities, with various sites throughout the city including the CBD, and potentially across the Country.

## THE PLANNING CHALLENGE FOR BEDDOWN

In establishing the pilot in Brisbane, determining which land use definition applied to Beddown was challenging, given a use of this nature was unlikely to have been foreseen when the definitions were drafted, based on its innovative nature.

In Brisbane, for example, Rooming accommodation was considered the best fit for Beddown (with boarding house one example of a rooming accommodation, with similarities including the shared use of bathroom facilities). We considered other land use definitions including community residence, which would have been a good fit bar the limitation to 6 residents, and residential care facility but that specifically required provision of medical services such as a nursing home so was not applicable.

Given the 'pop-up' and intermittent (i.e. by night), yet ongoing, nature of the use, the pilot site became dual use i.e. typically commercial by day and residential (rooming accommodation) by night.

In most cases, dual use of a site for Rooming accommodation (typically student accommodation and new build) requires a development application under the applicable planning scheme in Queensland, with some exceptions eg. in certain locations of the Brisbane CBD where a broad range of tenancy changes were available.

For the trial site, we were able to find a site where Rooming accommodation was Accepted development, where no building work was proposed, no increase was occurring to gross floor area, no relevant constraint overlays applied and all relevant acceptable outcomes of the applicable codes were met (including, surprisingly, that it needed to be within a certain distance of tertiary education, a provision which appears to have assumed that rooming accommodation would be used for the sole purpose of student accommodation). This was unusual, and is unlikely to be the case as Beddown rolls out across other sites and local government areas, instead typically requiring a development approval.

The development approval process, when applicable to new locations, will introduce significant costs (application fees, consultant fees and infrastructure charges) and timeframes as the project rolls out, unless an exemption can be obtained where the circumstances are appropriate.

## GENERAL COMMENTS

We agree it is important to facilitate the removal of unnecessary barriers for low risk uses, including to better define and facilitate development of diverse housing types including build-to-rent, co-living and student accommodation.

We congratulate the NSW Government in creating separate definitions for this diverse range of accommodation types, as this also will better assist the community to understand the nature of development being proposed and produced. This also recognises innovative housing models, and models that will enable opportunities for more affordability within the housing market.

## SPECIFIC COMMENTS

We recommend that activities such as Beddown, that assist to transition people into more permanent accommodation, also be recognised and defined and included within this group of diverse housing options, the topic of the SEPP.

In addition to build-to-rent, co-living, student accommodation, and group homes, we believe it is important to define and enable approval processes (or preferably exemptions) associated with delivery of homelessness services such as Beddown. There are opportunities to reduce red tape associated with establishing 'pop-up' accommodation for vulnerable people, enabling and empowering charities such as Beddown to be more responsive to what is expected to be a growing need during the economic recovery.

We suggest, for example, that a planning approval should not be needed for a change in tenancy within an existing building in a suitable zone, for the purpose of establishing a use such as Beddown, which may be best described as a community residence.

In Queensland, for example, we have proposed that the definition of Community residence be broadened, as follows, to facilitate Beddown as a land use:

*“(a) means the use of premises for residential accommodation for—*

*(i) no more than—*

*(A) 6 children, if the accommodation is provided as part of a program or service under the [Youth Justice Act 1992](#); or*

*(B) 6 persons who require assistance or support with daily living needs; or*

*(C) 30 persons who require assistance or support with living needs, where in a zone other than a residential zone, and within an existing building; and*

*(ii) no more than 1 support worker, unless in a zone other than a residential zone where the number of support workers at any time is no more than 15; and*

*(b) includes a building or structure that is reasonably associated with the use in paragraph (a).”*

We have also proposed an amendment to the levels of assessment to enable a change of use of an existing building for a community residence, as follows:

*“(1)A material change of use of premises for a community residence, if—*

*(a)the premises are included in a prescribed zone under a local categorising instrument; and*

*(b)no more than 7 support workers attend the residence in a 24-hour period, unless in a zone other than a residential zone; and*

*(c)at least 2 car parks are provided on the premises for use by residents and visitors where in a residential zone, or at least 2 car parks per 6 persons accommodated unless within 500m walking distance of the pedestrian entrance to a major public transport station (or something along these lines); and*

*(d)at least 1 of the car parks stated in paragraph (c) is suitable for persons with disabilities; and*

*(e)at least 1 car park is provided on the premises for use by support workers.*

*(2)In this section—*

***prescribed zone means—***

*(a)any of the following zones stated in [schedule 2](#)—*

- (i) general residential zone, low density residential zone, low-medium density residential zone, medium density residential zone, high density residential zone, character residential zone or tourist accommodation zone;
- (ii) centre zone, neighbourhood centre zone, local centre zone, district centre zone, major centre zone or principal centre zone;
- (iii) community facilities zone;
- (iv) environmental management and conservation zone;
- (v) rural zone;
- (vi) rural residential zone; or
- (b) a zone, other than a zone stated in [schedule 2](#), that is of a substantially similar type to a zone mentioned in paragraph (a)."

Alternatively, the higher limit i.e. 30 people and additional support workers, could be exempt from assessment under a planning scheme 'where for intermittent refuge support accommodation', with a new definition provided, based on the example below.

#### ***Suggested Intermittent Refuge/Support Accommodation Definition***

Use Term	Use Definition
Intermittent Refuge Support Accommodation	Intermittent Refuge Support Accommodation – (a) means the use of premises for intermittent accommodation where providing refuge or support to persons who require assistance with living needs; and (b) includes mobile pop-up structures and/or buildings that are reasonably associated with the use in paragraph (a).

## **CONCLUSION**

We support the proposed initiative by the State Government to assist economic recovery and ease the burden of COVID-19, and urge this to be widened to also support and facilitate the establishment of venues for charities and not-for-profit organisations such as Beddown, undertaking essential community and social services.

Please do not hesitate to call to discuss in further detail.

Yours sincerely,



Natalie Rayment

Director – Manager Planning Services

**Wolter Consulting Group**

*Co-founder YIMBYQld*

*Deputy Chair, Beddown Board*





**Council Ref:** Planning & Development Division  
SC2593-02

1 October 2020

Mr Jim Betts  
Secretary,  
NSW Department of Planning, Industry and Environment  
Locked Bag 5022  
Parramatta NSW 2124

Dear Mr Betts

**RE: Exhibition of an Explanation of Intended Effect for a new Housing Diversity SEPP**

Woollahra Council welcomes the opportunity to comment on the Explanation of Intended Effect (EIE) for a new Housing Diversity SEPP.

We commend the Department for the direction it has taken to respond to issues raised previously by councils. This includes the proposal to improve affordability of boarding houses and define student accommodation as a development type. However, we are disappointed and concerned that the new housing types do not mandate any affordability requirements, particularly for build-to-rent and student accommodation.

Council staff recommend that the primary aim of the proposed SEPP and the new provisions should be to promote, maintain and expand the provision of affordable housing and housing designed to meet the needs of seniors and people with a disability. We are disappointed that the EIE does not include provisions that will increase housing affordability.

The attached submission outlines our feedback on the EIE, particularly our concerns about the proposed new build-to rent housing type.

Thank you for the opportunity to comment on your proposal. If you require any further information about our submission please contact Kelly McKellar, Acting Team Leader - Strategic Planning on 02 9391 7140.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'N. Economou'.

Nick Economou  
Acting Director Planning and Development

## Woollahra Council submission to the exhibition of an Explanation of Intended Effect for a new Housing Diversity SEPP

### 1. Aims of the SEPP

We are disappointed that maintaining and expanding the supply of affordable housing and housing for seniors and people with a disability is not the primary aim of the proposed SEPP. This is concerning when the three SEPPs being combined are key instruments in the delivery of housing that meets these needs.

Whilst we acknowledge the importance of assisting the State's economic recovery following the COVID-19 pandemic, planning amendments must deliver improved sustainability, liveability and social equity outcomes that realise tangible public benefits for people in local communities.

Sustainability, heritage, affordability, community participation and good design are key objects of the *Environmental Planning and Assessment Act 1979*:

- (a) *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,*
- (b) *to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,*
- (c) *to promote the orderly and economic use and development of land,*
- (d) *to promote the delivery and maintenance of affordable housing,*
- (e) *to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,*
- (f) *to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),*
- (g) *to promote good design and amenity of the built environment,*
- (h) *to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,*
- (i) *to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,*
- (j) *to provide increased opportunity for community participation in environmental planning and assessment.*

The EIE does not satisfactorily demonstrate how the proposed new provisions and housing type definitions are necessary in relation to achieving the objects of the Act, particularly with regard to sustainability, heritage, affordability, community participation and good design.

## 2. Build-to-rent housing

The EIE does not provide compelling justification or planning grounds for the proposed build-to-rent housing type. Who is this housing type for, why is there a need for intervention, what evidence supports this, and how will it deliver public benefits? Much greater background information and analysis is required to support the definitions and provisions proposed in the EIE.

In Woollahra, apartments are the most common type of new housing development. Based on current housing data there is an even split in tenure between owner-occupiers (outright or with a mortgage) and renters (Source: id. 2020 based on ABS 2016 census data). However, there is a shortfall of affordable rental housing. Accordingly, it is disappointing that the EIE does not address this affordability challenge directly.

As noted in the EIE, build-to-rent is already permissible in NSW and there have been some developments of this type. However, these developments tend to provide a more premium product and would not be defined as affordable. The EIE does not provide suitable justification for incentivising a premium product when increasing supply in areas like Woollahra does not improve affordability. It is noted that in countries such as Germany where this housing type is more common this is addressed via rent regulation. This type of market intervention has not occurred in Australia where there has been a trend for financialisation of the housing market.

It is noted that superannuation funds, who are a key investor in this development typology, also recognise the importance of delivering affordable housing for key workers in the right locations. We note that superannuation funds have already invested in key worker affordable housing in areas such as Epping and Waterloo. This demonstrates that there is an opportunity to include affordable housing in this new housing type, given that it is already being delivered in the market. Consequently, it is unclear why there is no affordable housing component in the proposed definition of build-to-rent housing when these case studies illustrate that there was not a significant adverse impact on development feasibility.

Given the proposal to incentivise build-to-rent, any build-to-rent scheme must provide suitable public benefit that will address unmet need in the community. Woollahra Council recommends that the **proposed definition include a requirement for a minimum number of dwellings in a build-to-rent development are affordable rental housing, for example 25%.**

### 2.1. Locational requirements

We do not support build-to-rent as defined in the EIE as a mandatory land use in business zones or the R3 Medium Density Residential zone. Councils across Sydney have prepared or are working on comprehensive Local Strategic Planning Statements and local housing strategies that plan for new housing, jobs, local character and support the important role of centres in our local communities. Introducing a new land use term without considering the aims and character of the land use zones in which they are proposed is not consistent with the work councils have been doing to strategically plan for the future of their area in consultation with local communities.

Residential development is already displacing local businesses and services in centres. This is because residential floor space in Sydney is worth significantly more in the market than non-

residential floor space. Council notes that a single development recently approved by the Land and Environment Court to demolish an existing commercial building and construct a new shoptop housing development resulted in the displacement of 30 well-established businesses. Protecting the core role of business zones to provide jobs, active frontages, services and community uses is critical for creating great places and community resilience. The proposal to make build-to-rent mandatory in business zones (including Zones B3 and B4) will undermine the important role of centres in the local economy. We are concerned that the proposal will contribute to the loss of employment floor space in centres.

We do acknowledge the importance of providing residential accommodation in centres, but this should be ancillary to business and community uses. Council would like to see a mix of land uses in our centres with active street frontages. In this regard, build-to-rent housing in centres would be more appropriate as part of a mixed use development where the podium levels provide ground floor active uses and upper level commercial suites for specialty health services and other important business and community uses.

It is noted that the definition for build-to-rent housing type stipulates that it comprises a minimum 50 dwellings which is unlikely to be consistent with the character and controls of the R3 Medium Density Zone. Whilst it is proposed that the LEP development standards apply, there are no planning grounds for introducing a provision that is inconsistent with the aims and character of the zone. We do not support build-to-rent as a mandatory land use in the R3 Medium Density Residential zone.

## *2.2. State significant development (SSD)*

It is unclear why build-to-rent developments over \$100 million should be classified as SSD. These types of development would already meet the threshold for assessment by the Sydney Regional Planning Panels through the regular Part 4 DA process.

Planning Panels were introduced in NSW on 1 July 2009, and mandated on 1 March 2018, to strengthen decision making on regionally significant development applications (DAs) and certain other planning matters. The Planning Panels are independent bodies and are suitably qualified to determine developments for build-to-rent housing.

We do not support the proposal to designate build-to-rent housing over \$100 million as SSD.

## *2.3. Design guidance*

The SEPP 65 design principles, the Apartment Design Guide (ADG) and local LEP and DCPs should apply to guide assessment of build-to-rent developments. Consultation with councils and the community should be an important part of the process should the DPIE develop a design guide for the build-to-rent typology.

## *2.4. Development standards*

We support the application of Council's LEP and DCP to build-to-rent developments. We support the proposal for existing LEP height of building and FSR standards to apply to build-to-rent development as proposed in the EIE. We also recommend that local car parking provisions apply with potential for reductions where there is a nexus between the location and frequent public transport.

Should build-to-rent take place in business zones, we support the proposal for build-to-rent to be available in perpetuity. With regard to the strata subdivision of build-to-rent in other

zones, any affordable rental housing should also be for maintained for perpetuity. Additionally, consistent with our earlier recommendation that the definition of build-to-rent should include a certain percentage of dwellings to be affordable rental housing e.g. 25%. Council also notes the importance of monitoring. Will the DPIE keep a register of build-to-rent developments in NSW? Further information with regards to the mechanisms for monitoring and operational compliance of build-to-rent schemes is required.

### **3. Purpose-built student housing**

We support the introduction of a new definition for purpose-built student housing. This must include provisions and monitoring to ensure that student accommodation is affordable for students.

While it is acknowledged that the student housing type will not be mandated in particular zones, it is strongly recommended that there is a development standard that requires applications to demonstrate a locational nexus between the accommodation, transport, university campuses and other key services.

#### *3.1. Proposed planning provisions*

We support the application of Council's LEP and DCP to student accommodation developments. We support the proposal for existing LEP height of building and FSR standards to apply to accommodation development as proposed in the EIE. We also recommend that existing local car parking provisions apply with potential for reductions where there is a nexus between the location and frequent public transport. We recommend that the Apartment Design Guide is used to guide assessment of student housing developments with suitable exceptions e.g. smaller room sizes. Design guidelines for student housing should be developed in close consultation with councils, educational establishments and the community. Amenity, accessibility, solar access and natural ventilation are key standards that must be addressed.

### **4. Co-living**

#### *4.1. Proposed planning provisions*

We support the application of Council's LEP and DCP to co-living developments. We support the proposal for existing LEP height of building and FSR standards to apply to co-living development as proposed in the EIE. We also recommend that existing local car parking provisions apply with potential for reductions where there is a nexus between the location and frequent public transport.

Design guidelines for co-living should be developed in close consultation with councils and the community. Local character, heritage, amenity, accessibility, solar access and natural ventilation are key standards that must be addressed.

### **5. Proposed changes to the boarding house provisions of the ARHSEPP**

We support the proposed amendment to the definition of a boarding house to make it a type of affordable housing. Similar to other affordable housing schemes, it is recommended that boarding houses remain as affordable housing in perpetuity. We also recommend that boarding houses are subject to the existing ARH SEPP provisions that require monetary contributions to be made to offset the loss of dwellings in the event that the site is redeveloped.



### *5.1. Boarding house development not mandated in certain zones*

We support the amendment to remove the requirement for boarding houses to be mandated in the R2 Low Density Residential zone. It is recommended that the B1 and B2 business zones are also excluded. Business uses are under increased pressure from displacement by residential uses in local centres.

## **6. Proposed amendments to ARHSEPP provisions**

### *6.1. Group homes*

The EIE proposes to permit change of use of an existing building to a group home as complying development. We do not support this applying to heritage items or buildings in heritage conservation areas. Group homes require fire safety and accessibility measures. While this may seem like minor works, they may have significant adverse impacts and result in the damage or loss of heritage fabric (internal or external), for example heritage doors and trim.

We also note that the conversion of existing dwellings may not allow for an appropriate assessment of amenity, both for group home residents and impacts on neighbouring properties. The EIE does not satisfactorily address these issues.

We do not support the proposal to permit change of use as complying development. However, should this proposal proceed we strongly recommend that exempt and complying provisions do not apply to heritage items or heritage conservation areas.

## **7. Amendment to Part 3 of the ARHSEPP**

We are pleased that the DPIE has taken on board previous feedback on Clause 49 of the ARHSEPP with regard to provisions for the retention of low-rental dwellings.

In particular, we support the following two proposed amendments:

- the removal of the reference to the 28 January 2000 date from Clause 49 of the ARHSEPP and
- clarification that the onus is on the applicant to demonstrate that a building did not contain a low-rental dwelling.

## **8. Proposed amendments to seniors housing provisions of the Seniors SEPP**

We support the following two proposed amendments to the Seniors SEPP:

- the proposed update to the definitions consistent with the *Standard Instrument Local Environmental Plan* (SILEP) and
- the amendment to the provisions for '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.

We also support the proposal to amend the SEPP provisions to clarify that development standards in an LEP prevail to the extent of any inconsistency with the SEPP.

## **9. Amending the ARHSEPP and Seniors SEPP to support the delivery of social housing**

We are concerned about the lack of detail on the operation of partnerships with local community housing providers or developers under the proposed expansion of the NSW Land and Housing Corporation (LAHC). Permitting self-assessment for development of up to 60 dwellings and the limited levels of community consultation is also concerning.

Should this proposal proceed we recommend that council concurrence is required before approval. Due to the importance of these projects, and consistent with our adopted Community Participation Plan, we also recommend that these projects are subject to community consultation.

Additionally, there is insufficient justification provided to establish the planning grounds for expanding the density bonus provisions to manor houses and terraces. These development types already increase the land use density and housing diversity in existing zones.

### *9.1. Subdivision of Government-owned land*

We object to the proposal to allow subdivision of Government-owned land without consent.

### *9.2. Parking concessions for seniors housing*

We do not support the proposed reduction in car parking for any private dwelling component of a development without a nexus between the site location and accessibility to frequent public transport, services and a business centre.

### *9.3. Clarify application of lift access exemption*

Cost savings are not a sufficient justification to reduce the requirement for lift access for seniors living on or above the second floor. The proposal to remove this requirement for social housing and for private development is not supported.

## **10. Affordable housing and designing for accessibility for seniors and people with a disability**

We are disappointed that the EIE does not prioritise affordable housing when that is a key purpose of the SEPPs that are being combined. Additionally, there is no detail on how the proposed new housing types will provide housing for seniors or increase affordable housing choices. We are concerned that they may become an avenue for what could otherwise be called, standard housing stock.

In established LGAs like Woollahra, there is already a diverse mix of housing types. However, there is a need to address the significant shortfall in affordable housing. Planning interventions under SEPP changes should ensure that new types of housing are incentivised to provide for the needs of seniors and people with a disability and deliver affordable housing stock. We also note the growing need for housing for people over 65 who want to age within their communities. It is unclear whether any of the new housing types will play a role in this. With Sydney's ageing population, this need will only continue to grow and we are disappointed that the proposed SEPP does not directly address this issue.

We recommend that the new SEPP mandate the inclusion of an affordable housing component for a minimum percentage of the proposed new housing types, for example at least 25% of new dwellings.

### **11. Timing and future consultation**

It is noted that the EIE contains no information on timing of finalisation of the proposed SEPP, supplementary design guides and other related provisions/information. Given the 'high level' and preliminary nature of the EIE, we recommend further consultation on the contents of the new SEPP, regulatory framework and design guides prior to finalisation.

### **12. Housing affordability**

In general we are disappointed that the new provisions and housing types being recommended by the EIE do not contribute to increasing housing affordability or delivering affordable rental housing.

# WESTERN SYDNEY UNIVERSITY



Housing Strategy Implementation Unit  
Land and Housing Corporation  
Department of Planning, Industry and Environment  
Locked Bag 4009  
Ashfield BC, NSW 1800  
Department Reference Number: IRD20/19842

Dear Deputy Secretary,

## **SUBMISSION REGARDING EXPLANATION OF INTENDED EFFECT FOR A NEW HOUSING DIVERSITY STATE ENVIRONMENTAL PLANNING POLICY (HOUSING DIVERSITY SEPP).**

Thank you for the opportunity to provide feedback in response to the proposed new Housing Diversity SEPP. This submission has been prepared by Professor Nicky Morrison, Associate Professor Rae Dufty-Jones, Associate Professor Louise Crabtree, Doctor Emma Power, Doctor Ryan Van Den Nouwelant, Tegan Bergan, and Bronwyn Bate on behalf of the Urban Research Program at Western Sydney University, in response to the public exhibition of the proposed amendments to the Housing Diversity SEPP on exhibition from 9<sup>th</sup> of July until the 9<sup>th</sup> of September 2020.

We have a strong commitment to ensuring that housing is accessible, sustainable and meets the dynamic needs of our diverse region. Our world-renowned housing and planning scholars at Western have achieved notable global impact in cutting edge research on innovative housing types and diversifying housing markets. We see housing as central to recovering from the devastating impacts of COVID-19, the 2019 Bushfire season, and in continuing to position our region for rapid economic and population growth. Our housing researchers specialize in translating scholarly contributions into demonstratable real-world impact, we are passionate about using evidence-based housing and planning strategies as vehicles to promote economic, social and regional success. Our housing and planning research team has specialisations that include: national and international comparative research with regard to sustainable housing provision, diversifying housing tenures systems (built-to-rent and other tenure forms), new housing typologies designed for a dynamic economy including co-living and other communal housing models, housing designed for ageing populations, the everyday practices and experiences of private renters in Australia, inclusionary planning policy and practices, and understanding housing mobilities.

We are submitting our response on behalf of the Urban Research Program at Western Sydney University. Western Sydney University is an anchor institution in Australia's fastest growing region, we are a leading advocate and champion for the Greater Western Sydney Region and its people. As a research-led institution with global impact we strive to serve our local, regional and international communities through innovation and discovery, working closely with industry partners and stakeholders to secure success. As our region is positioned for rapid growth, we are determined to activate infrastructure that sustainably supports our dynamic economy and community.

*For ease of navigation our response is written in the following sections:*

1. Importance of Housing Diversity
2. Comments to Proposed Planning Provisions
  - 2.1 Build-to-Rent Housing
  - 2.2 Co-living Housing
  - 2.3 Student Housing



## **1. Importance of Housing Diversity**

Everyone has a right to housing that is secure, safe, productive and sustainable. How we achieve that security, safety, productivity and sustainability must be delivered in ways that acknowledge the incredible diversity and changing housing needs we see emerge over the life course of Australians. We welcome policy acknowledgement of the need for a diverse housing market, one that reflects the diverse and dynamic needs of the Australian community.

The Australian housing system has prioritized homeownership as the preferred form of housing tenure, this has disadvantaged many for whom home ownership is unattainable or unsuitable. For example, a housing market predicated on individuals and families holding the long-term security requisite for long-term tenure options excludes workers for whom mobility is required for their employment, lower income and unemployed people. Others have been disadvantaged by the relative insecurity of the private rental sector. For example, older people who are unable to access homeownership are particularly disadvantaged, unable to age-in-place in a rental sector that prioritises short-term tenancies. Similarly, key workers can face difficulties finding secure housing close to work with risks to job security, home and community life and the maintenance of a skilled workforce. We particularly welcome the inclusion of definitions in relation to co-living, student housing and build-to-rent housing. We have researched the co-living sector overseas and examined how the policy voids that operate in other global cities, such as London, New York and San Francisco, can work to the detriment of both co-living housing developers and local communities. As such, we include some comments for consideration in relation to the specific development guidelines proposals.

See:

- Bergan, T. L., Gorman-Murray, A., & Power, E. R. (2020). Co-living housing: Home cultures of precarity for the new creative class. *Social & Cultural Geography* (Advanced Online Publication). DOI: [10.1080/14649365.2020.1734230](https://doi.org/10.1080/14649365.2020.1734230)
- Crabtree, L., Perry, N., Grimstad, S. & McNeill, J. (2019) Impediments and opportunities for growing the cooperative housing sector: an Australian case study, *International Journal of Housing Policy*, DOI: [10.1080/19491247.2019.1658916](https://doi.org/10.1080/19491247.2019.1658916)
- Power, E.R (2020) *Older women in the private rental sector: unaffordable, substandard and insecure housing*, Western Sydney University. <https://doi.org/10.26183/5edfod75cf8>
- Productivity Commission (2019) *Vulnerable Private Renters: Evidence and Options*, Productivity Commission Canberra.

## **2. Comments to Proposed Planning Provisions**

### **2.1 Build to Rent Housing**

*Build-to-Rent Housing Definition:*

- Contains at least 50 self-contained dwellings that are offered for long term private rent;
- Is held within a single ownership
- Is operated by a single management entity; and
- Includes on-site management

*Response to Proposed Definition:*

We welcome this new housing typology to widen housing diversity and enhance the prospects for the emergence of a mainstream Build-to-Rent (BtR) sector, especially the prioritization of longer-term average tenancies. This is a vital step that can help to provide greater housing security for the growing population of long-term renters in Australia and can benefit diverse groups including: families seeking long-term, stable schooling for children; key workers and their employers seeking a stable workforce that lives within commutable distance of work; higher income older people who are not homeowners but seeking to age in place.





However, effective longer-term average tenancies cannot be regulated through the planning system alone. Ongoing operations such as onsite management and minimum lease terms will require regulation. Councils resourcing to enforce these conditions will be limited. Additionally, the ability for councils to review leases terms raises legal questions. Longer-term average tenancies providing affordable housing should receive ongoing support and management from the Community Housing sector. Further clarity should be provided as to the intent of 'local affordability' provisions applying. It is recommended that councils be allowed to require inclusion of some proportion of apartments as (below market rent) affordable housing.

The absence of the design guidelines also limits the ability to comment on the suitability of 'time limiting' subdivision restrictions, rather than prohibiting it explicitly. If housing standards under the proposed guidelines are significantly different to the apartment design guidelines – in particular concerning apartment size and mix, and open space and storage standards – there are risks of long-term provision of substandard housing. If this is intended to meet the standards of more typical residential flat buildings – and simply an alternative ownership and financing model – it should not be subject to different design standards. If, on the other hand, this is intended as a different housing typology, then provisions should not incorporate mechanisms for subsequent subdivision. There should also be provision to prohibit the conversion of any build to rent development to a company title. There is a history of subdivision of 'serviced apartments' that could be replicated.

The 50-unit minimum could serve to limit instances of smaller BtR developments, which may be important and appropriate. There may be implications on mixed-use development related to this. The possibility for the different land uses being subdivided, whilst the BtR housing remains held in single ownership could 'lock in' land use patterns, counter to the objectives of restricting subdivision. Further, without the availability of design guidance it could appear there will be overlap between serviced apartments, build-to-rent and co-living.

There is also need for additional policy levers to complement the aims of the proposal:

- Australian BtR project returns will continue to be impaired through GST and income tax that affect overseas investors.
- Moreover, except where supported by some form of public subsidy or under rezoning, BtR will not generate affordable housing nor ease wider housing affordability.
- Permitting housing, including build to rent housing, in B3 zones could in fact have an inflationary effect on land values and potentially result in commercial land uses becoming unfeasible. This will have significant detrimental impacts on the objectives of such zones.

*See:*

Pawson H, Martin C, Van Den Nouwelant R, Milligan V, Rumings K, Melo M. (2019) '*Build to rent in Australia: Product Feasibility and potential affordable housing contributions*', Landcom, Sydney Australia



## 2.2 Co-living Housing

### Proposed Co-living Definition:

- Provides tenants with a principal place of residence for 3 months or more;
- Includes on-site management;
- Includes a communal living room and may include other shared facilities, such as a communal bathroom, kitchen or laundry; and
- Has at least 10 private rooms, some or all of which may have a private kitchen and/or bathroom facilities, with each private room accommodating not more than two adults.

### Response to Proposed Definition:

This definition is welcomed in order to distinguish between boarding houses and co-living as distinct and unique housing asset types. The sector overseas has seen tensions between developers, co-living operators, local communities and planning authorities in the absence of clear policy vehicles to categorize co-living. However, the evidence basis suggested for this definition that affordability is a key driver of this housing type is inconsistent with the empirical research that has been conducted on co-living in Australia and overseas (Bergan et al., 2020). Co-living is a housing typology that provides flexible, short-term, productive, shared housing – often in a multi-locational subscription-based tenure model. Co-living has emerged from its antecedent of coworking, it commonly holds a strong productive focus and is delivered to cater to the housing needs of millennial, knowledge economy workers. It has become popular overseas in regions proximate to key new economy industry hubs like Silicon Valley near San Francisco and Queens and Brooklyn in New York. Co-living is often priced above market rent. This is because co-living is housing a service, that includes work services, social supports and other tangible and non-tangible services within the subscription tenure model.

Housing types such as co-living are important in servicing the current and future housing needs of workers. Particularly as attachments to remuneration is increasingly defined by non-standard employment relations. As such, it is not only a response to housing affordability, it is a response to housing market unsuitability, whereby hypermobile labour require productive and collaborative bases in multiple locations in accordance with their labour mobilities, and access to professional and personal networks due to the high value placed on collaboration and propinquity in new industries. Understanding the role of co-living is important – it can activate collaboration, innovation and mobility in the home, but it is not necessarily a strategy for housing affordability. Housing affordability would be best removed from policy rhetoric and instead addressed through targeted strategies. See Table 1 for comment on specific development standards.

### See:

Bergan, T. L., Gorman-Murray, A., & Power, E. R. (2020). Co-living housing: Home cultures of precarity for the new creative class. *Social & Cultural Geography* (Advanced Online Publication). DOI: [10.1080/14649365.2020.1734230](https://doi.org/10.1080/14649365.2020.1734230)

# WESTERN SYDNEY UNIVERSITY



**Table 1. Co-living Development Standards Response**

<b>Proposed Development Standard</b>	<b>Comment</b>
Height of Buildings <i>In accordance with relevant LEP</i>	None
Floor Space Ratio <i>In accordance with relevant LEP</i>	None
Car Parking <i>0.5 spaces per room</i>	None
Room Size <i>30-35m<sup>2</sup></i>	None
Strata Subdivision <i>Not permitted</i>	None
Communal Living Space <i>Minimum 20m<sup>2</sup> + 2m<sup>2</sup> per room above 10 rooms</i>	This is an important development standard. Communal living space is a central feature of co-living. It is recommended that the communal living space be larger than the minimum room size. To maximise the economic benefits of propinquity and induce innovation activity this standard should be increased. Adequate communal living space is vital to the ethos and function of co-living spaces as innovation hubs and socially supportive housing. The need for functional and large communal spaces is important to organizations success – both in terms of how successful they are in facilitating networks and innovative activities for their own tenants, but also important for organizations ability to connect to local communities. Open communal spaces when well-designed and large enough are used by tenants but also can be used by local communities for community coworking days, hackathons etc. These communal spaces have also served to increase the economic resilience capabilities of tenants overseas during COVID-19.
Private open space <i>4m<sup>2</sup> per room</i>	This development standard would be limiting to co-living organizations in repurposing existing buildings (particularly if there is any intention to allow co-living to operate in meanwhile use spaces). This requirement would raise acoustic and privacy concerns in certain locations. Councils would be best placed to make determinations on this, as appropriate to their local government area.
Communal open space <i>25% of site area</i>	Increasing the size of this development standard would be more appropriate than the minimum standards for private open space in certain local government areas.

## 2.3 Student Housing

*Proposed student housing definition:*

*It is proposed that the definition for 'student housing' would be contained within the Standard Instrument LEP and would refer to a building that:*

- *Provides accommodation and communal facilities principally for students enrolled to study at an education establishment during teaching periods; and*
- *May incorporate some fully self-contained dwellings.*

*Response to Proposed Definition:*

Student housing is an important part of diversifying the housing market. Tertiary students are important contributors to local economies and communities. Providing secure and safe housing to this cohort is vital. Due to the importance of this housing type, the definition would benefit for more clarity on how this will be regulated. The definition indicates the accommodation will be principally for students, given the lower living standards of student housing compared with co-living housing, regulation will need to ensure that student housing is not used for wider sets of occupants. See Table 2 for comment on specific development standards.

**Table 2. Student Housing Development Standards Response**

<b>Proposed Development Standard</b>	<b>Comment</b>
Height of Buildings <i>In accordance with relevant LEP</i>	None
Floor Space Ratio <i>In accordance with relevant LEP</i>	None
Car Parking <i>No Minimum Requirements</i>	None
Motorcycle Parking <i>1 space minimum per 5 bedrooms</i>	None
Bicycle Parking <i>1 space minimum per 3 bedrooms</i>	None
Room Size <i>Minimum 10m<sup>2</sup></i>	These room sizes are small and discretionary. The minimum room size being substantially smaller than co-living development standards is likely to attract developers seeking approval for student housing but using the dwelling for a wider range of occupants that would technically align the buildings use to co-living.
Communal Area (Indoor) <i>15m<sup>2</sup> per 12 students</i>	None
Communal Area (Outdoor) <i>Dependent on location of dwelling (dwellings within 400m of relevant university can rely on open space on campus.</i>	None

Submitted on Fri, 04/09/2020 - 13:12

Submitted by: Anonymous

Submitted values are:

Submission Type: I am submitting on behalf of my organisation

First Name: Liz

Last Name: Makin

Name Withheld: No

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Suburb/Town & Postcode: Yass

Submission: Regional/peri-urban areas such as Yass Valley periodically experience significant demand for short-term rental accommodation from professionals and tradespersons – such as those associated with major construction projects. The proposed 'co-living' category could include developments to accommodate such workers, but proposed definition to accommodate people for only 3 months – would not be consistent with such developments accommodating short-term workers. It is noted that there is a reference to there being demand for these type of dwellings in close proximity to public transport and services in the EIE, however this should not be incorporated into the definition or location provision - particularly for regional areas. The proposal to require a minimum of 50 dwellings to meet the definition of 'build-to-rent housing' is not appropriate to or viable for regional areas. A minimum of 10 dwellings is suggested for developments in regional areas to meet the definition – with SSD status being attached to capital investment value exceeding \$30m (Consistent with SEPP-State and Regional Development 2011). Such inclusions in the definition are more likely to be an incentive to the provision of BTR housing in regional areas, especially if this housing is part of a larger development providing freehold dwellings. It is agreed that BTR housing in regional areas would more likely be in the form of multi-dwelling housing than apartments. However, in order to allow developments to reflect neighbourhood character, both should be permissible. The proposed development standard for car parking for both 'build-to-rent' and 'co-living' housing in regional areas is too low at 0.5 spaces per dwelling, as regional residents rely significantly on private vehicles. A minimum of 1 space per dwelling is suggested.