



27 August 2021

The Secretary
Department of Planning, Industry and Environment
4 Parramatta Square
12 Darcy St
PARRAMATTA NSW 2150

Via the online submission portal

**RE: SUBMISSION IN REPSPECT OF
PROPOSED HOUSING SEPP**

Iglu Pty Limited (Iglu) provides the following submission in response to the public exhibition of the proposed Housing State Environmental Planning Policy (SEPP). Iglu notes that the exhibited draft SEPP on exhibition is in response to the feedback received from the previous exhibition of the draft 'Housing Diversity SEPP Explanation of Intended Effect', which was exhibited in September 2020 and that Iglu provided a submission to.

As background, Iglu was established in 2010. It develops, owns and operates large-scale purpose-built off-campus student accommodation in major Australian capital cities (please refer to www.iglu.com.au for details). Iglu already has a strong presence in Sydney, Brisbane and Melbourne with nine assets developed and operational and several developments either approved or in the pipeline across Sydney and Melbourne, totalling over 6,100 beds.

Iglu thanks the Department of Planning, Industry and Environment (DPIE) for this further opportunity to submit on the draft SEPP, in particular the co-living provisions, and for the workshops that Iglu attended earlier in 2021 with the Department, consultants and other student accommodation providers.

Iglu also thanks DPIE that a number of our earlier recommendations have been incorporated into amended draft SEPP, including our feedback on minimum communal outdoor area size, the minimum room size requirements for co-living, and the broader feedback recognising the similarities between co-living and student accommodation as a land use.

Student Accommodation, Co-living and associated definitions

1. Iglu supports the inclusion of student accommodation within a broader 'co-living' land use definition. Iglu has historically provided exclusive student accommodation developments. However, it is expanding its model into both hotels and co-living developments. The inclusion of the co-living land definition will enable this use to be more easily progressed and reflects a housing style that is increasingly popular with students both at university and when they graduate.
2. Iglu raises no objection that 'student accommodation' is not defined separately to co-living. The amended approach of including student accommodation within the broader co-living land use provides greater flexibility for these developments, given the similar demographics that are interested in this style of housing. This greater flexibility to use the rooms for either students or the wider population is practical and will provide essential for the successful progression of this industry given the catastrophic effects Covid19 has had on international student numbers in NSW and Australia.
3. Co-living developments often comprise a mix of studio rooms and communal or 'cluster' rooms. Iglu recommends that specific definitions are provided for 'private room' and 'communal / cluster rooms', and that slight control changes occur to the room size requirements and sizes depending on whether they are a 'private room' (studio) or a 'cluster'. For example:



- a. Cluster rooms will often have between 2 to 5 private rooms, as well as a small internal communal area for the cluster, in addition to kitchen, bathroom facilities. For these units, a more appropriate minimum room size would be 8sqm, with a minimum dimension of communal space in the unit to ensure appropriate amenity within the 'cluster'.

Traffic and Parking Provisions

4. The proposed mandated parking rates for both cars and motorcycles continue to be a significant concern for Iglu. Whilst we note that these provisions operate as 'must not refuse' standards, our ongoing experience with many Councils is that they apply the provisions as hard-line standards.
5. As part of our submission, we have commissioned specialised traffic and transport advice from JMT Consulting. Refer to **Attachment A**.
6. This report provides comprehensive analysis demonstrating that:
 - a. The demographics and characteristics of co-living residents, when living in developments close to public transport and services, results in a very low demand for, or reliance on, private vehicles when compared to the general population.
 - b. Student accommodation residents (as a subset of co-living residents) have even lower levels of reliance on private vehicles. This is influenced by the fact that many universities are situated around good public transport. A large number of students living in student accommodation sites are internationally or inter-state based and are therefore not willing to invest in a car or motorcycle, nor are they motivated to obtain local driving licenses because of their relatively short stays.
 - c. In accordance with the 2016 Census data, younger populations, and population living in single person dwellings have significantly lower car ownership rates, and are significantly less likely to travel to work in a private vehicle.
7. The parking requirements may also be physically and financially unattainable due to the sheer physical requirements to construct the 'required' quantum of parking specified. Higher rates of residential parking also increase the cost of development, which is passed on to consumers through higher rental rates for tenants. Reducing car parking requirements provides for improved housing affordability and leads to improved urban planning outcomes.
8. The report strongly demonstrates the current trend in strategic transport policies to encourage reduced, or no parking, with a preference of shifting major travel mode share to public transport and active transport (walking and cycling) for a range of environmental, health and public benefit reasons.
9. These reduced rates are delivered as maximum parking rates, with no minimums. The effect of maximum parking rates grants providers the flexibility to provide a quantity of parking (with an upper limit) that meets the needs of future occupants – recognising the site-specific circumstances such as proximity to public transport and likely user demographic. This could mean a moderate amount of parking depending on the level of market demand, or it could mean little or even no parking if that was the prevailing market trend.
10. Accordingly, the report recommends that, like the provisions in the draft Housing SEPP for boarding houses and infill affordable housing, reduced parking controls should be applied where the co-living development is in an 'accessible area', as defined by the SEPP.
11. Maximum car parking rates (with no minimums) should be introduced for sites within 'accessible areas' as defined in the draft Housing SEPP. These maximum rates would only apply for co-living



developments with strong public transport access – offering developments greater levels of flexibility in the way on-site parking is provided that take into consideration the parking needs of future residents.

Other Development Standards for Co-living

12. With the exception of the matters raised in this submission, we are generally supportive of the proposed co-living development controls. However, Clause 65(1)(d) requires that co-living developments greater than 3 storeys must comply with minimum separation distances on the Apartment Design Guide (ADG). Whilst we raise no fundamental objection to this provision, we wish to highlight that the ability to deliver 0m setback for a blank façade in appropriate circumstances will also need to be acceptable if this provision is to be inserted.

Thank you for the opportunity to provide this submission to the draft Housing SEPP. We look forward to working further with the NSW Government to progress these controls, and request that our recommended changes, particularly the introduction of maximum parking controls for co-living development in an 'accessible area', are carefully considered and supported.

Yours sincerely,

A handwritten signature in black ink, reading 'Jonathan Gliksten', followed by a period.

Jonathan Gliksten

Director

1 Introduction

JMT Consulting has prepared this document on behalf of Iglu Pty Ltd to review the car parking requirements for co-living housing (inclusive of student accommodation) as outlined in the Proposed Housing SEPP.

Under Clause 64(f) of the SEPP car parking for co-living development carried out in the Greater Sydney region should be:

- (i) the maximum number of parking spaces permitted under a relevant planning instrument, or*
- (ii) 0.5 parking space for each private room*

The purpose of this document is to outline why the above parking rates, which do not take into consideration public transport accessibility nor the likely demographics of people living within student accommodation, are considered unreasonable for co-living development in light of car ownership trends as well as contemporary transport planning policies.

The following sections of this document demonstrate these reduced rates of car ownership for co-living residents and provide recommendations with respect to appropriate parking rates for this use.

2 Car Parking Assessment

2.1 Demographics and characteristics of co-living residents

Co-living developments typically provide self-contained dwellings with private bathroom and kitchenette facilities, located in close proximity to public transport and general services. Those occupying co-living accommodation are generally from a younger demographic that prioritise access and convenience to nearby services within highly walkable neighbourhoods, therefore having reduced reliance on private vehicles when compared to the general population. As a high proportion of residents in student accommodation are from interstate and overseas, car ownership and dependency for student accommodation residents will be lower when compared to the general co-living demographic – with co-living residents already have reduced car ownership rates relative to the general population.

Residents of student accommodation are likely to lean more towards non-car modes of transport than general residential, with students typically preferring public transport. This is influenced by the fact that many universities are situated around good public transport. A large number of students living in student accommodation sites are internationally or inter-state based and are therefore not willing to invest in a car or motorcycle, nor are they motivated to obtain a local driving licenses because of their relatively short stays.

Additionally, student accommodation developments are specifically targeted at students attending nearby tertiary educational campuses that are also easily accessible by public transport.

2.2 Existing travel trends and car ownership rates

A detailed review of 2016 Census data available via the Australian Bureau of Statistics website has been undertaken to understand the travel behaviours and car ownership patterns of people living in co-living (or similar) accommodation. The purpose of this analysis is to consider, at a bespoke level, the car parking requirements of the younger demographic of residents that typically choose live in co-living style accommodation with good access to public transport.

Figure 1 summarises the proportion of people living in Greater Sydney that drive a car to work. This indicates that the younger age bracket of 20-29 years is significantly less reliant on private vehicle as a means of travelling to work when compared to other age groups, instead using public transport, walking or cycling to access their place of employment.

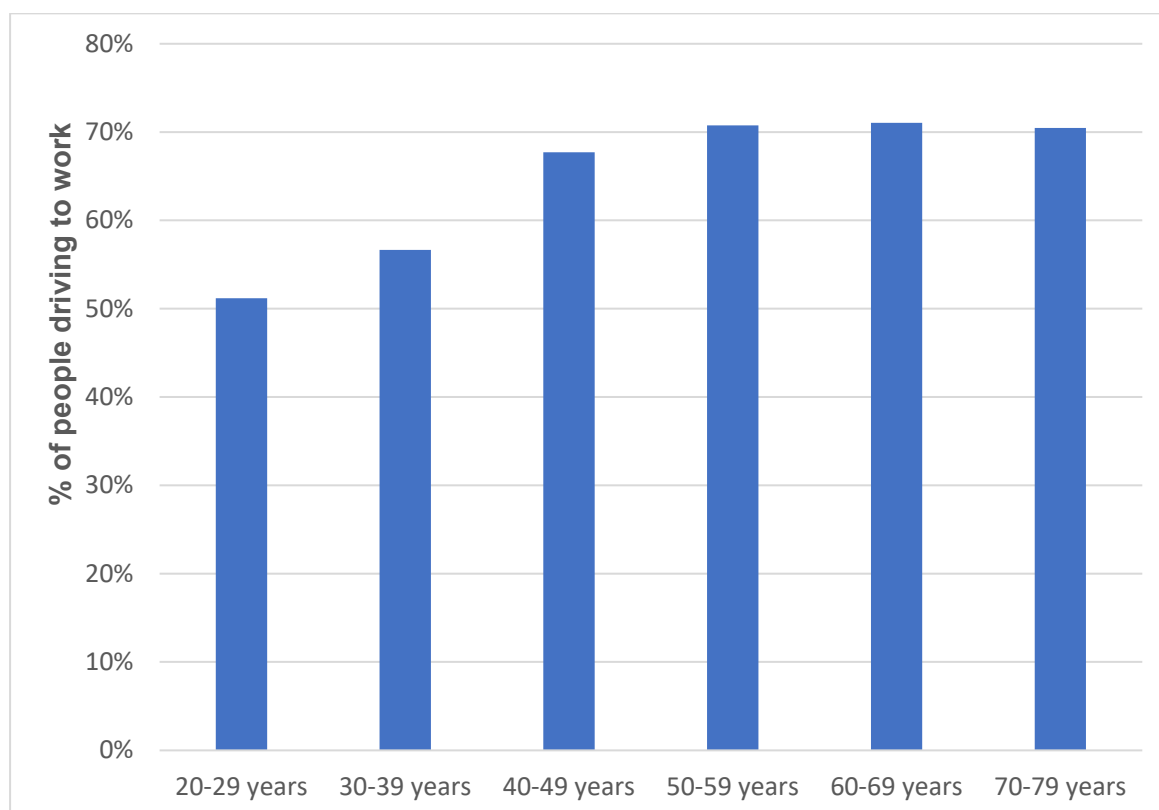


Figure 1 Journey to work car mode share in Greater Sydney by age group

Figure 2 and Figure 3 and illustrates the average rate of car ownership by dwelling type within the area, demonstrating residents of 0 and 1 bedroom dwellings are much less likely to own a car when compared with the average

population. Similarly dwellings with only one occupant have a car ownership rate of approximately half of all remaining dwelling types. This demonstrates residents of co-living developments are significantly less likely to own cars when compared to the general population.

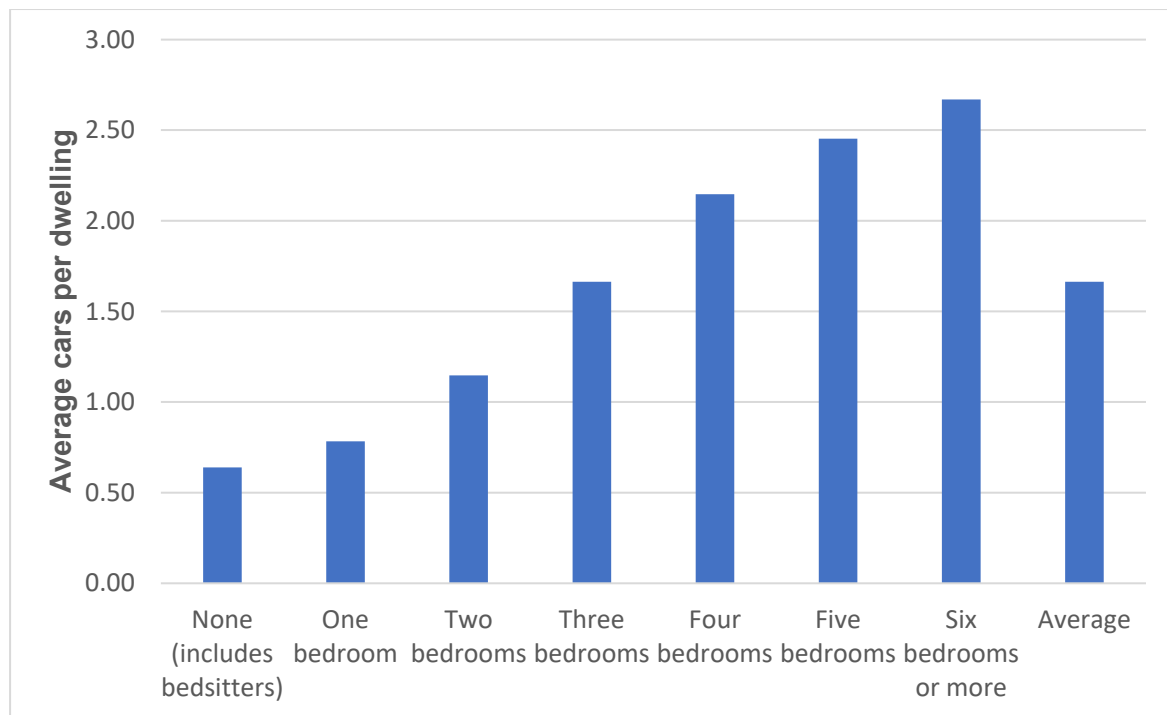


Figure 2 Car ownership in Greater Sydney by dwelling type (number of bedrooms)

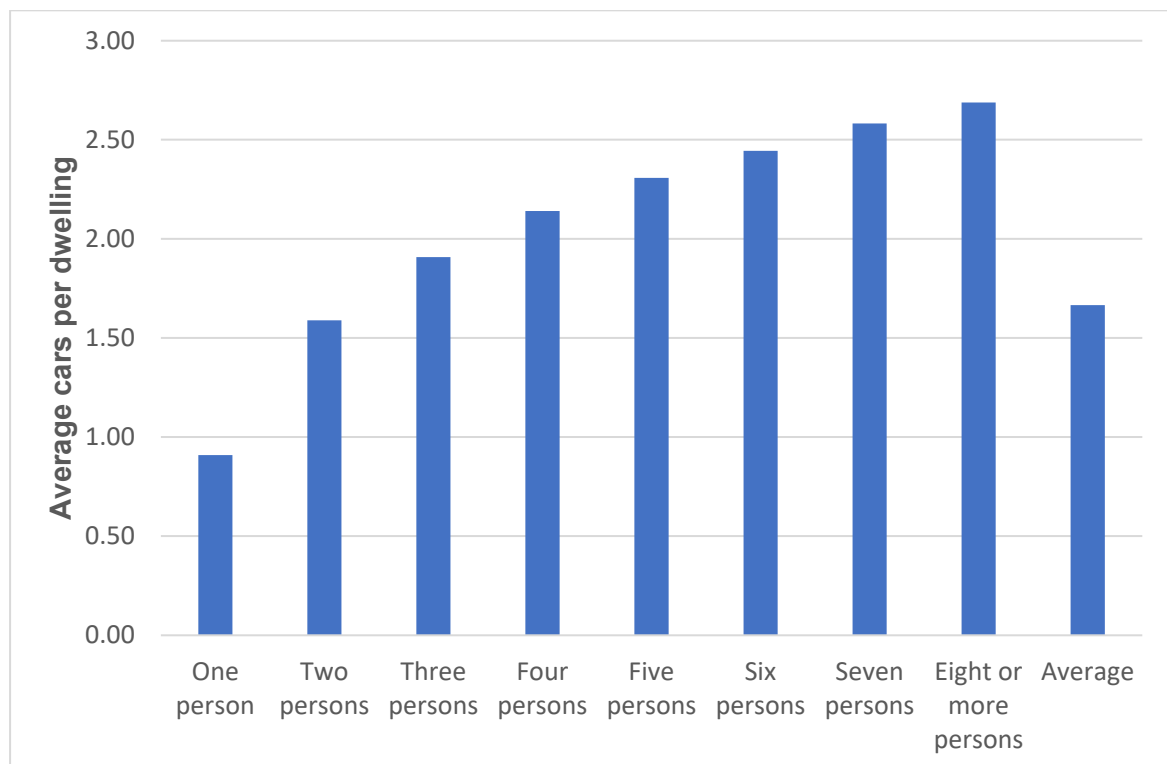


Figure 3 Car ownership in Greater Sydney by dwelling type (number of residents)

Lastly Figure 4 below demonstrates that residents of apartment blocks, which co-living accommodation generally comprises of, are also significantly less likely to own cars when compared with the general population.

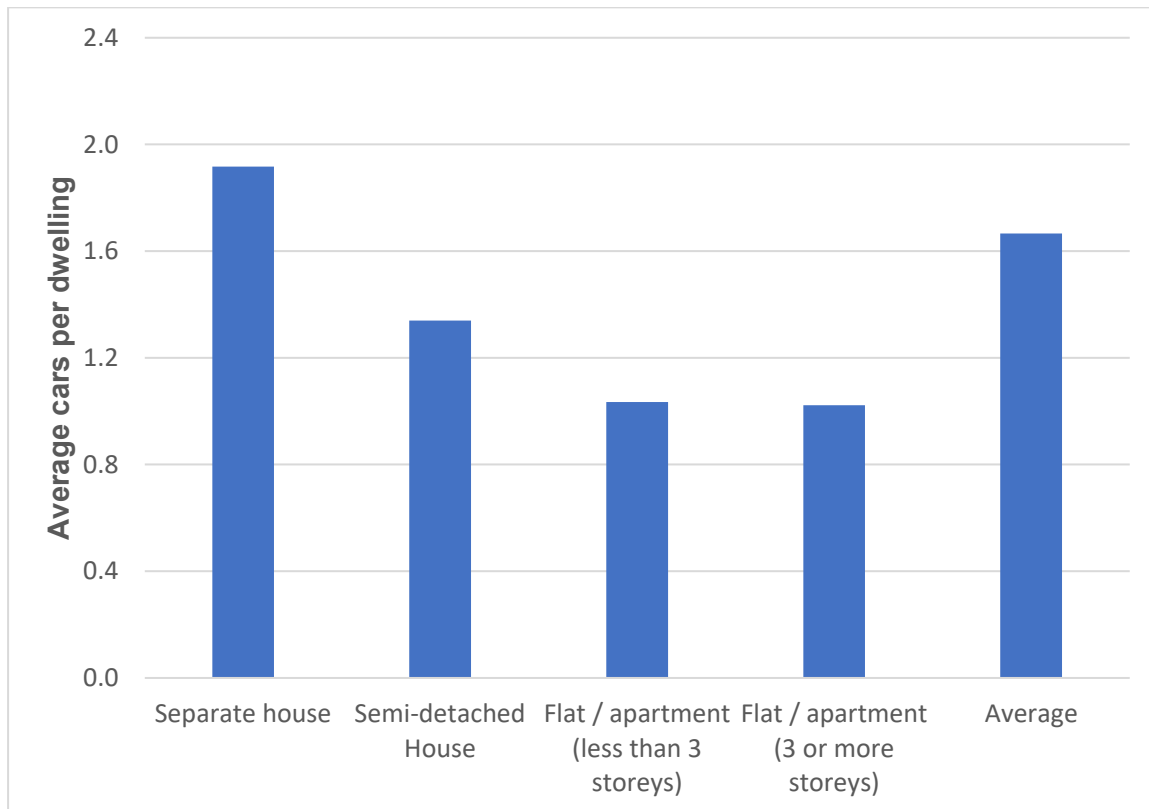


Figure 4 Car ownership in Greater Sydney by dwelling structure

2.3 Public transport accessibility

A person's access to public transport plays a fundamental role in determining their reliance on private vehicles. Parking policies across the majority of Greater Sydney LGAs recognise this by providing for reduced parking rates in locations with greater public transport accessibility. This is also adopted in the Apartment Design Guide which notes the following:

“Parking requirements should be determined in relation to the availability, frequency and convenience of public transport or proximity to a centre in regional areas. Reduced requirements promote a reduction in car dependency and encourage walking, cycling and use of public transport.”

The Draft Housing SEPP (Part 3, Co-living Housing) does not make any distinction in car parking rates based on proximity to public transport. Other parts of the SEPP, for affordable housing and boarding houses, offer reduced rates of parking when a development is located within an ‘accessible area’. An accessible area defined in the SEPP as follows:

(a) 800m walking distance of a public entrance to—

- (i) a railway station, or
- (ii) a wharf from which a Sydney Ferries ferry service operates, or

(b) 400m walking distance of—

- (i) a public entrance to a light rail station, or
- (ii) for a light rail station with no entrance—a platform of the light rail station, or

(c) 400m walking distance of a bus stop used by a regular bus service, within the meaning of the Passenger Transport Act 1990, that has at least 1 bus per hour servicing the bus stop between—

- (i) 6am and 9pm each day from Monday to Friday, both days inclusive, and
- (ii) 8am and 6pm on each Saturday and Sunday.

2.4 Contemporary transport planning policies

Many LGAs across Greater Sydney are recognising the benefits that reduced car parking requirements, particularly for developments with good public transport access, brings in terms of reduced traffic congestion and improved urban amenity. Maximum parking rates are being introduced for residential land uses to offer developments greater levels of flexibility in the way on-site parking is provided that take into consideration the parking needs of future residents.

Maximum parking rates acts as a key tool in minimising negative externalities such as peak period traffic congestion, air pollution and adverse safety impacts from high traffic volumes. It also helps support the strategic shift to the use of public and active transport modes espoused in state and local council planning strategies by discouraging excessive car ownership and driving activity, especially in peak hours.

The draft Housing SEPP for co-living accommodation sets a minimum car parking requirement for new developments, irrespective of the site's location with respect to nearby public transport. This requirement can lead to unnecessary levels of on-site car parking that does not consider the likely demographics of future residents nor their travel alternatives.

The parking requirements may also be physically and financially unattainable due to the sheer physical requirements to construct the 'required' quantum of parking specified. Higher rates of residential parking also increase the cost of development, which is passed on to consumers through higher rental rates for tenants. Reducing car parking requirements provides for improved housing affordability and leads to improved urban planning outcomes.

The effect of maximum parking rates is that developers have the flexibility to provide a quantity of parking (with an upper limit) that meets the needs of future occupants – recognising the site specific circumstances such as proximity to public transport and likely user demographic. This could mean a moderate amount of parking depending on the level of market demand, or it could mean little or even no parking if that was the prevailing market trend.

2.5 Emerging transport trends and technologies

The introduction of maximum parking rates by State and Local planning bodies are being supported by emerging transport trends and technologies which support reduced car reliance – particularly for those of a younger demographic.

Most significant of these emerging trends is the increased take up of car share. Car share schemes are a flexible, cost effective alternative to car ownership and is a convenient and reliable way for residents to use a car when they need one. Notably, the City of Sydney Council has reported that *“a single car share vehicle can replace up to 12 private vehicles that would otherwise compete for local parking”*. Car share companies are operating all across Greater Sydney and are most popular in locations with strong public transport access.

In future the automation of transport services, specifically shared autonomous vehicles and Mobility as a Service (MaaS), has the potential to influence travel behaviours and reduce dependence on privately owned vehicles. MaaS combines mobility services from public transport, point to point transport vehicles, car rental and car/bicycle sharing under a single platform that is accessible from a smart device.

These emerging technologies are noted in the Transport for NSW ‘Future Transport 2056’ document which notes that future transport technologies will reduced the need for individual car ownership:

“The future of mobility is customer-focused, data-enabled and dynamic. In the future, personal mobility packages will bundle traditional ‘modes’ with technology platforms and new service offerings like on-demand, car share, rideshare and smart parking.”

3 Conclusion and Recommendations

This document provides an assessment of the suitability of the car parking rates proposed as part of the draft Housing SEPP for co-living housing (including student accommodation). Key findings of the assessment are as follows:

- A review of travel patterns and car ownership rates across Greater Sydney indicate that:
 - Residents in the 20-29 years age bracket are significantly less likely to drive to work when compared with the general population;
 - Residents living in one bedroom households or less, or dwellings with one resident, have a significantly reduced rate of car ownership when compared with the general population; and
 - Residents of high density buildings are less likely to own cars when compared when compared with the general population.
- The parking rates in the draft SEPP for co-living accommodation do not take into consideration proximity of the site to public transport.
- Maximum car parking rates are being introduced across many Sydney LGAs to support development with good access to public transport and provide for improved housing affordability and urban planning outcomes.
- Emerging transport trends and technologies have further reduced reliance on private vehicle – particularly for the younger demographic that more typically occupies co-living accommodation.

Considering the above the parking rates for co-living housing (including student accommodation developments) should be amended to reflect the reduced car parking needs of residents in co-living accommodation. Maximum car parking rates (with no minimums) should be introduced for sites within 'accessible areas' as defined in the draft housing SEPP. These maximum rates would only apply for co-living developments with strong public transport access – offering developments greater levels of flexibility in the way on-site parking is provided that take into consideration the parking needs of future residents.

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment <noreply@feedback.planningportal.nsw.gov.au>
Sent: Sunday, 29 August 2021 11:44 PM
To: DPE PS Housing Policy Mailbox
Subject: Webform submission from: Proposed Housing SEPP

Follow Up Flag: Follow up
Flag Status: Flagged

Submitted on Sun, 29/08/2021 - 23:43

Submitted by: Anonymous

Submitted values are:

Submission Type
I am making a personal submission

Name

First name
Igor

Last name
Belin

Organisation name
personal submission

I would like my submission to remain confidential
No

Info

Email
igor.belin@hotmail.com

Suburb
Bondi

Postcode
2026

Submission
I am supporting for not-for profit housing organisations to run boarding house developments and to ensure that Affordable Rental Housing policy bonuses providing housing relieve to lower income and disadvantaged members of community. Instead currently the system is being gamed by unscrupulous developers seeking to make super profits by building lifestyle boarding houses in famous landmark areas for tourists, affluent students and high income earners.

I agree to the above statement
Yes

27th August 2021

To the NSW Environmental and Planning Department

I commend the proposed changes to boarding house legislation.

There has recently been a DA put to Waverley Council for a boarding house to be built on three stand alone dwellings in a narrow street with mainly one and two storey dwellings near to where I live. It is currently in the L&E Court as it was rejected by residents and council DA 426/2019.

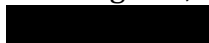
Personally I would be delighted if there was more accommodation for low income residents in either apartments or boarding houses in this area and that either state government or local government could build and manage them.

However the boarding house proposed near me has been a flagrant abuse of the laws and seeks only to serve travellers and medium income itinerant workers.

It has taken many years to build up the social capital and cohesion in this neighbourhood. People know each other, shop locally, watch out for each other share vehicles and congregate socially. These are very important factors in a town planning and public health. No time has demonstrated this more than these covid years. To put a boarding house full of temporary individual residents in the midst of this locality damages the amenity.

I realise these are general comments, but I am pleased to see there have been changes made to the legislation that prevent loopholes for developers to propose a DA for a boarding house then turn it into something else.

Kind regards,



[REDACTED]

From: [REDACTED]
Sent: Friday, 27 August 2021 6:17 PM
To: Jemima Royall
Subject: FW: Webform submission from: Proposed Housing SEPP
Attachments: state-boarding-house-legislation.docx

Follow Up Flag: Follow up
Flag Status: Flagged

[REDACTED]

[REDACTED]

[REDACTED] [REDACTED]

From: [REDACTED] <[REDACTED]@planning.nsw.gov.au> On Behalf Of DPE PS Housing Policy Mailbox
Sent: Friday, 27 August 2021 18:16
To: [REDACTED] <[REDACTED]@planning.nsw.gov.au>
Subject: FW: Webform submission from: Proposed Housing SEPP

Hiiii,

Could you please process and log this one as its confidential.

Thankyou

From: noreply@feedback.planningportal.nsw.gov.au <noreply@feedback.planningportal.nsw.gov.au>
Sent: Friday, 27 August 2021 4:27 PM
To: DPE PS Housing Policy Mailbox <housingpolicy@planning.nsw.gov.au>
Subject: Webform submission from: Proposed Housing SEPP

Submitted on Fri, 27/08/2021 - 16:25

Submitted by: Anonymous

Submitted values are:

Submission Type
I am making a personal submission

Name

First name
[REDACTED]

Last name
[REDACTED]

Organisation name
Imperial Castlefield Resident Group

I would like my submission to remain confidential
Yes

Info

Email

[REDACTED]

Suburb

[REDACTED]

Postcode

2026

Submission file

[state-boarding-house-legislation.docx](#)

Submission

I agree to the above statement

Yes



27 August 2021

The Secretary
Department of Planning, Industry and Environment
4 Parramatta Square
12 Darcey Street
Parramatta NSW 2150

Attn: Mr Luke Walton

By email: housingpolicy@planning.nsw.gov.au

Dear Mr Walton

RE: Public Exhibition of State Environmental Planning Policy (Housing) 2021

Ingenia Communities (**Ingenia**) thanks the Department of Planning, Industry and Environment (**DPIE**) for the opportunity to make this submission on the exhibition draft of *the State Environmental Planning Policy (Housing) 2021 (draft Housing SEPP)*.

Ingenia welcomes the review of a number of housing-related SEPPs with the aim of driving more housing supply and simplifying the approvals regimes for certain types of housing in NSW. However, as one of the largest owners of manufactured home estates and tourist parks catering to the 55+ market in NSW, Ingenia is concerned that:

- The proposed repeal of *State Environmental Planning Policy No 21—Caravan Parks (SEPP 21)*; and *State Environmental Planning Policy No 36—Manufactured Home Estates (SEPP 36)* will occur with little certainty that the current provisions will be included in the final SEPP until such time as they are reviewed;
- The provisions relating to caravan parks and MHEs may be reviewed without further consultation with industry, relying only on the previous consultation undertaken in 2015; and
- The proposed provisions relating to seniors housing in Part 4 of the draft Housing SEPP would restrict the supply of seniors housing in NSW at a time when supply needs to increase to meet the demographic wave of the baby boomer generation moving into older age.

Ingenia requests that DPIE consult with industry during the forthcoming review and that Ingenia plays a key role in that consultation process.



1.0 About Ingenia

Ingenia is a leading Australian owner, operator and developer of land lease communities (also known as manufactured housing estates or MHE), rental and caravan parks across key urban and coastal markets in Australia. Listed on the Australian Securities Exchange (ASX: INA), Ingenia is supported by over 4,000 investors and has a market capitalisation exceeding \$1.9 billion.

Since acquiring its first land lease community in Morisset NSW in 2013, Ingenia has built a portfolio of 90 communities with more than 8,700 residents paying recurring rents and a development pipeline of 4,220 homes. Currently, Ingenia operates 44 communities in NSW, including 35 land lease communities and caravan parks and nine seniors rental villages.

2.0 Proposed repeal of SEPP 21 and SEPP 36

Clause 10 of the draft Housing SEPP repeals SEPP 21 and SEPP 36, but unfortunately there are no replacement provisions included in the exhibited draft SEPP to provide certainty to Ingenia and other owners of caravan parks and MHEs that the current provisions will remain in place until such time as they are reviewed. We seek confirmation that the existing provisions will not be repealed until they are integrated into the Housing SEPP, otherwise this could have consequences for projects that we are currently preparing for DA lodgement.

We acknowledge the statement on DPIE's website that the existing provisions will be included in the finalised Housing SEPP, but there may be some unintended consequences in the incorporation of the existing provisions, and for this reason we would have liked to review them before they were finalised. We look forward to reviewing the final SEPP and would like the opportunity to make an additional submission to DPIE if required.

In addition, we understand that a review of the provisions relating to caravan parks and MHEs will be undertaken 24 months after the Housing SEPP is made, building upon stakeholder feedback received from the exhibition of the *Discussion Paper: Improving the Regulation of Manufactured Homes, Caravan Parks, Manufactured Home Estates & Camping Grounds* in 2015 (the **2015 Discussion Paper**).¹

We hope that the previous consultation on the 2015 Discussion Paper will not be the only consultation undertaken for the forthcoming review and trust that there will be additional consultation with industry given the 5+ years since the previous consultation period. As one of the largest owners of MHEs and tourist parks in NSW, we would like to be further consulted during the review process, prior to the exhibition of any proposed SEPP amendments.

¹DPIE website, accessed 17 August 2021: <https://www.planning.nsw.gov.au/housing-sepp>.



3.0 Proposed changes to seniors housing provisions

Ingenia's existing land lease communities for over 55's were approved under either SEPP 21 or SEPP 36 rather than the Seniors SEPP. Nevertheless, we have considered the implications of Part 4 of the draft Housing SEPP for land lease communities as there is some uncertainty about the future of the new provisions for MHEs and caravan parks. In addition, the 2015 Discussion Paper acknowledged the role of MHEs in seniors housing, flagging a possible review of accessibility and service provisions to align with the Seniors SEPP in relation to over-55 communities.

Our key concerns with the proposed Part 4 provisions are as follows.

3.1 Increased age of "seniors" from 55 to 60

Ingenia opposes this change because land lease communities typically attract residents at the younger end of the "seniors" age range.

The current definition of "seniors" recognises that the population is ageing and there is a specific need to plan for different forms of seniors housing accommodation. The delivery of seniors housing in the form of independent living units and residential care facilities attracts different cohorts of retirees and seniors and allows these residents to contemplate retirement living and care within their existing community.

Aligning the age of seniors with the 'preservation age' under Commonwealth superannuation legislation is not a relevant justification. There is no requirement that persons residing in seniors housing must be self-funded retirees or on an aged pension, and given the pressures to continue working well beyond 'traditional' retirement age it is increasingly likely that residents will still be working. Tying it to superannuation access is therefore irrelevant and is not a planning matter.

Recommendation 1:

Retain the current age of "seniors" at 55.

3.2 Removal of rural zoned land for seniors housing

Ingenia opposes the absence of rural zones (except for RU5) from the prescribed zones listed in clause 67 of the draft Housing SEPP. While the current Seniors SEPP provisions are unduly complex, there is the possibility for seniors housing developments to be located in rural zones if certain criteria are satisfied and a Site Compatibility Certificate is obtained. This allows for a **merit-based assessment** rather than a blanket prohibition of seniors housing in rural zones without any consideration of individual site circumstances.

One of the major difficulties in delivering affordable housing to seniors in MHEs and caravan parks is the challenge of developing 'greenfield' sites due to the planning constraints and availability of suitably zoned land. The current legislation for MHEs (SEPP 36) also expressly prohibits development of new parks in the Sydney Metropolitan area. Therefore, the removal of rural zones from the seniors provisions of the draft Housing SEPP further



limits the availability of rural zoned land for land lease communities and will limit housing choice and people downsizing to age within their communities.

We see no reason why other rural zones such as RU2 Rural Landscape cannot be included in the list of prescribed zones, subject to suitable locational criteria such as those proposed for other zones in clause 76. We also note that draft clause 82 which requires independent living units (ILUs) to have access to transport services and services and facilities would apply to development in the RU2 Rural Landscape Zone, thereby ensuring that residents in the RU2 Zone have access to the required facilities.

Two of Ingenia's existing land lease communities are located in the RU2 Rural Landscape Zone:

- Ingenia Lifestyle Hunter Valley (Cessnock); and
- Ingenia Lifestyle The Grange (Morisset).

Both sites adjoin residential zones, are within 50km of a 24-hour hospital, and would satisfy the location and access criteria in clause 82 of the draft Housing SEPP. Therefore, there is no reason why sites like these should be automatically excluded from Part 4 of the draft Housing SEPP.

Recommendation 2:

- *Include RU2 Rural Landscape in the list of prescribed zones in clause 67;*
- *Include standards in clause 76 for land in the RU2 Rural Landscape Zone, such as:*
 - *The development must be carried out on land within 50km of a 24-hour health services facility;*
 - *The land is (or will be) serviced by reticulated water and sewerage; and*
 - *Part of the land must adjoin a residential zone (although we would oppose a requirement for at least 50% of the site to adjoin a residential zone, as is proposed for other zones, as this is unduly restrictive).*

3.3 Prohibition of ILUs in the R2 Low Density Residential Zone

The restriction on ILUs in R2 zones is a very concerning aspect of draft Housing SEPP for the seniors housing industry. The term 'independent living units' is undefined and there is a risk that the dwellings within a land lease community could inadvertently be considered 'independent living units', with the unintended consequence of taking out a land use zone in which MHEs may be suitable.

The R2 Zone has been key to the delivery of seniors housing since the commencement of SEPP No. 5 in 1982. This is because land values are lower than in higher density zones such as R3 or R4 zones, and seniors housing providers do not need to compete for the acquisition of sites with market residential apartment developers. This has resulted in hundreds, if not thousands of successful seniors housing developments in the R2 Zone across NSW, which has enormously increased supply. This equates to approximately



80,000 hectares of R2 zoned land in the Sydney Metropolitan Area alone being excluded from ILU development as a consequence of this provision.

It is important to note that, ILU development in R2 Zones is afforded no additional building height or floor space ratio over other forms of permissible development, with an 8m building height and a 0.5:1 FSR maximum as non-refusable standards under clause 50 of the Seniors SEPP. The view that ILU development results in an adverse impact upon low density residential neighbourhoods is inexplicable. Indeed, a residential care facility (RCF) at a 1:1 FSR and a building typology and function more akin to a health services facility than residential dwellings, has arguably a greater impact upon streetscape and neighbourhood amenity than ILUs – yet RCFs remain permissible in the R2 Zone. The intent of draft Housing SEPP is for the delivery of affordable and diverse housing types. This clause will have the opposite effect.

Recommendation:

Delete clause 76(1)(d) which restricts the use of the R2 Low Density Residential Zone to residential care facilities only.

3.4 Schedule 4: Environmentally sensitive land

Ingenia supports the rationalisation of the environmentally sensitive land schedule as it minimises the ambiguity and broadness of the current Schedule 1. However, we are concerned that land identified as 'flood planning' in another environmental planning instrument (such as an LEP) will be automatically excluded, whereas currently this exclusion only applies to land identified as 'floodway' or 'high flooding hazard'. This could potentially exclude large areas of land from the draft Housing SEPP where the actual flood hazard is minor.

Recommendation:

In Schedule 4 of the draft Housing SEPP, replace 'flood planning' with 'floodway or high flooding hazard'. Alternatively, take a similar approach to SEPP 36 which excludes "land with the council, after taking into account the principles set out in the NSW Floodplain Development Manual, considers is unsuitable for residential development because of flooding."

3.5 Clause 92: Accessibility (design principle)

Ingenia supports the proposed clause 82 of the draft Housing SEPP which removes the word "public" from the "public transport service" accessibility requirement and allows the required services and facilities to be provided on site or to be accessible to the site from a private transport service like a shuttle.



However, there is also a conflicting provision in the “design principles” section of the draft SEPP that requires the consent authority to have regard to the following:

“92 Accessibility

Development for the purposes of seniors housing should—

*(a) have obvious and safe pedestrian links from the site that provide access to **public transport services** or local facilities, and*

(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.”

The word “public” appears in this proposed clause in conflict with draft clause 82 which does not require access to public transport services. It could also result in consent authorities requiring applicants to demonstrate compliance with this principle, or imposing onerous conditions of consent to require public footpaths to be constructed for hundreds of metres to provide safe links to public bus stops or local retail centres. Ingenia believes that once clause 82 or clause 83 is satisfied, then this makes clause 92 redundant and no further test to access local facilities and services is required.

Recommendation:

Amend clause 92 as follows:

Development for the purposes of seniors housing should—

~~*(a) have obvious and safe pedestrian links from the site that provide access to public transport services or local facilities, and*~~

~~*(b) provide attractive, yet safe, environments for pedestrians and motorists with convenient access and parking for residents and visitors.*~~

4.0 Conclusion

Ingenia would like to thank DPIE for the opportunity to provide a submission in respect of the exhibited draft Housing SEPP. Ingenia is a significant provider of affordable and diverse housing for seniors, and therefore has a keen interest in planning matters that could potentially impact its delivery of future development.

In addition to our concerns with some of the proposed seniors housing provisions, Ingenia is primarily concerned that SEPP 21 and SEPP 36 will be repealed with little certainty that the current provisions will be included in the final SEPP without any unintended consequences (e.g., drafting errors) arising from their transition into a new SEPP. Ingenia would like to make a further submission to DPIE after reviewing the provisions in the finalised Housing SEPP.

In addition, as one of the largest owners of MHEs and caravan parks catering to the 55+ market in NSW, Ingenia would like to play a key role in any future consultation process during the review of the provisions relating to MHEs and caravan parks.



We would be happy to discuss any of this further with you or make ourselves available to expand upon this submission. Ingenia is hopeful that the above submission and recommendations are thoroughly considered by DPIE in its finalisation of the draft Housing SEPP.

Yours sincerely

Paul Irwin

NSW Regional Development Manager
m. 0433 324 141
e. pirwin@ingeniacommunities.com.au



27 August 2021

NSW Department of Planning, Industry and Environment
Locked Bag 5022
PARRAMATTA NSW 2124

Inner West Council submission on the new Housing SEPP

To the relevant officer,

Please consider this Inner West Council's submission to the proposed Housing State Environmental Planning Policy (Housing SEPP), referred to on DPIE's website as Phase Three of the Housing SEPP. We thank the Department for the opportunity to comment on the proposal and hope our insights are beneficial to its refinement.

Council commends DPIE on provisions requiring that boarding houses are affordable in perpetuity. Until now, the provision of additional FSR to boarding houses that command high market rents has been a source of frustration within the NSW planning system. This reform meets multiple objectives and principles in Council's Community Strategic Plan and Local Strategic Planning Statement, as well as actions in the Inner West Housing Strategy recently endorsed by DPIE.

This submission provides further discussion on the proposed Housing SEPP. Comments raised largely align with the previous submission made by Inner West Council on the Housing Diversity SEPP EIE in September 2020 and our involvement with the Boarding House Working Group in late 2020.

For brevity, Council's comments relating to specific provisions are contained in the tables attached to this letter below. Comments are only made where we advocate strong support or raise issues that are directly relevant to Inner West Council.

To make the submission deadline, we are submitting this draft unseen by Councillors. They are currently reviewing the submission and further details may be added in a second iteration of the submission, no later than Friday next week, 3 September 2021.

If there are any queries regarding Council's submission please do not hesitate to contact Acting Senior Strategic Planner Jarrad Sheather on 9392 5210 or via e-mail, jarrad.sheather@innerwest.nsw.gov.au.

Regards,

A handwritten signature in blue ink, appearing to read 'Daniel East'.

Daniel East
Strategic Planning Manager

Table 1: Boarding Houses

Topic	Comment	Relevant Inner West Policy direction
Boarding houses in the R2 Low Density Residential Zone	Council supports changes to allow Council's to opt-in or out of permitting boarding houses in the R2 zone.	Inner West Council has opted out of permitting boarding housing in the R2 zone
Additional 25% FSR for boarding houses where Residential Flat Buildings are permitted	<p>The Housing Diversity EIE proposed a 20% FSR bonus for affordable boarding houses. This was supported by Council. The increase to a 25% FSR bonus is considered excessive and could lead to considerable extra floor space and unforeseen land use intensities that Council have not planned for.</p> <p>A 25% FSR bonus will have negative urban design impacts. The key to achieving reasonable amenity in higher density areas is requiring consistency between the scale of neighbouring developments to ensure solar access and outlook are shared and privacy is maintained. Allowing boarding houses with higher FSR will result in buildings of excessive bulk and scale that will break this consistency resulting in poorer amenity for neighbouring sites.</p> <p>This is especially relevant in Heritage Conservation Areas (HCAs). The former Leichhardt Council area of Inner West is covered by numerous HCAs. They are highly intact and make a significant contribution to heritage conservation in Greater Sydney. The 'low density' residential areas within these HCAs are zoned R1 General Residential, where residential flat buildings are permitted with consent. This will allow boarding houses and co-living uses with the FSR bonuses in lower density areas of heritage significance. This will compromise heritage conservation in these areas with out of scale and bulky developments. To address this, the definition for 'non-heritage land' should be amended to include Heritage Conservation Areas.</p> <p>In summary:</p> <ul style="list-style-type: none"> • The FSR bonus should be reduced to 20%. • Heritage Conservation Areas should be excluded from the FSR bonus by including them in the 'non-heritage lands' definition. 	LSPS Planning Priority 6 – Unique, liveable, networked neighbourhoods

Boarding houses must be used for affordable housing in perpetuity	Council strongly supports this change to require boarding houses to be affordable, be affordable in perpetuity and be managed by a registered community housing provider.	<ul style="list-style-type: none"> LSPS Planning Priority 6 – Unique, liveable, networked neighbourhoods Local Housing Strategy Principle 4, Action 3D
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Table 2: Boarding houses – Land and Housing Corporation

Topic	Comment	Relevant Inner West Policy direction
Boarding house development without consent by LAHC	<p>Establishing a new pathway for the development of boarding houses by LAHC without Council approval is concerning. Council is the appropriate consent authority to determine if a development is compatible with local character, is suitable for the site, complies with relevant EPIs and is within the public interest. This is especially relevant to the preservation of heritage, character and amenity.</p> <p>The proposed new pathway also opens up the majority of the R2 Low Density Residential Zone throughout the Inner West for boarding house development, which seems to contradict giving Council's the option of making boarding houses a prohibited use in the zone. The impacts of boarding houses are the same whether they are developed by LAHC or a private developer. Whilst the provision of social and affordable housing is supported, the amenity and land use issues created by boarding houses will persist. To ameliorate impacts and ensure development is orderly, Council should retain control over the consent of boarding houses.</p> <p>In Summary:</p> <ul style="list-style-type: none"> Council's ability to prohibit boarding houses in the R2 Low Density Residential zone should not depend on LAHC being the applicant or land owner. Council should remain the consent authority for boarding house developments, regardless of who the development is carried out by or on behalf of. 	<ul style="list-style-type: none"> LSPS Planning Priority 12 – Progressive Local Leadership

Table 3: Co-living Housing

Topic	Comment	Relevant Inner West Policy direction
Application of 10% bonus	Although a bonus for a boarding house can now be justified due to the provision of affordable housing, co-living developments have no requirement to provide dwellings at affordable rents. Allowances are already made in co-living developments for smaller room sizes than typical residential flat development, and this should be incentive enough to develop them. The 10% FSR bonus for co-living should be dropped from the proposed SEPP.	N/A
Definition of 'non-heritage land'	As stated in the boarding house table above, the definition of 'non-heritage land' should be amended to include Heritage Conservation Areas.	LSPS Planning Priority 6 – Unique, liveable, networked neighbourhoods
Workspace for the manager	Clause 65(1)(g) requires a workspace be provided for the facilities manager and it is permitted to be in the communal area. Without proper controls around this, it will likely lead to the manager overtaking the communal space that is intended for the recreation and social interaction of residents. It should be required that the managers workspace be separate to the communal living area.	N/A
Application of the ADG	Under Part 1, Clause 4(4) of SEPP No 65 – Design Quality of Residential Apartment Development, it's clearly stated that the provisions of the SEPP and therefore the Apartment Design Guide do not apply to boarding houses. This is not stated for co-living uses. SEPP 65 should be updated to exclude application too co-living uses if that is intended.	N/A

Table 4: Other recommendations

Topic	Comment	Relevant Inner West Policy direction
In-fill affordable housing - 15 year affordability limitation and management	Whilst no reform is proposed to the in-fill affordable housing provisions, Council recommend that amendments are made so that any development receiving additional FSR for the provision of affordable housing, must provide that affordable housing in perpetuity. Affordable infill housing should also be managed by a Community Housing Provider to ensure it is leased in accordance with requirements.	Local Housing Strategy Principle 4, Action 3D
Receiver of contributions for the loss of low-rental dwellings	If a development results in the loss of affordable housing, a contribution must be paid to Housing NSW to be used to assist the ongoing viability of existing boarding houses. Council request that these contributions are instead directed to Council's own affordable housing funds (if they are established), so that contributions coming from the loss of affordable housing can be re-invested into creating new affordable housing within the same Council area.	N/A

INNER WEST



Inner West Council Housing and Affordability Advisory Committee (HAAC)

Submission to the Department of Planning, Industry &
Environment (DPIE) on the Housing SEPP consultation
draft and related documents

Disclaimer: This submission reflects the views of HAAC members only, not the Inner West Council.

Author: Dr Michael Zanardo on behalf of David Collins-White, Dr Hazel Blunden,
Paul Adabie and Rachael Haggett.

Thanks to Jon Atkins.

August 28, 2021

HAAC submission on Housing SEPP

Introduction

A draft *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*, together with a draft *Environmental Planning and Assessment Amendment (Housing) Regulation 2021 (Proposed Regulation)* and draft *Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2021 (Proposed Standard Instrument)*, has been released by the NSW Government for public consultation.

These three instruments comprise 'Phase 3' of housing-related reforms. Their stated aims are to deliver more housing supply and address the need for diverse, affordable housing types. It is also stated that the instruments are designed to help the home building sector recover from the COVID-19 pandemic.

Key changes

If made, the Housing SEPP will consolidate and repeal five existing SEPPs:

- *State Environmental Planning Policy (Affordable Rental Housing) 2009*;
- *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004*;
- *State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)*;
- *State Environmental Planning Policy No 21—Caravan Parks*; and
- *State Environmental Planning Policy No 36—Manufactured Home Estates*.

The Housing SEPP is divided into two key chapters: 'affordable housing' and 'diverse housing'. The affordable housing chapter contains provisions for the development of affordable housing and retention of existing affordable housing. The diverse housing chapter contains provisions for secondary dwellings, group homes, co-living housing, and seniors housing.

Focus of submission

This submission will mainly focus on key elements relating to changes involving affordable housing in the Housing SEPP.

Refer to the Table 1 below.

Table 1 – Responses to the proposed provisions of the Housing SEPP

Subject/Clause	Provisions	Response
CHAPTER 1 PRELIMINARY		
Interpretation – general – cl 4	Unless otherwise specified words used in this policy will have the same meaning as in the Standard Instrument.	HAAC supports this change. It provides important consistency across different instruments.
CHAPTER 2 PART 2 DIVISION 1 IN-FILL AFFORDABLE HOUSING		
Design requirements – cl 18	Development consent must not be granted to development unless the consent authority has considered whether the design of the development is compatible with the character of the local area.	HAAC supports this clause and similar throughout the SEPP. However, this aspect is often a highly contested aspect of affordable housing development applications. HAAC recommends that further guidance should be provided to define 'compatibility' and 'character'.
Must be used for affordable	Development consent must not be granted under this Division, unless the consent	HAAC recommends that in-fill affordable housing be provided in

housing for at least 15 years - cl 20	authority is satisfied that for a period of at least 15 years commencing on the day an occupation certificate is issued—(a) the affordable housing component of the development will be used for affordable housing, and(b) the affordable housing component will be managed by a registered Community Housing Provider.	perpetuity and managed at all times by a registered Community Housing Provider. This would better align with Schedule 1 Principle 6 for buildings to be ‘managed so as to maintain their <u>continued use</u> as affordable housing’.
CHAPTER 2 PART 2 DIVISION 2 BOARDING HOUSES		
Non-discretionary development standards – cl 23	(2)(a)(ii) an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of a boarding house.	HAAC recommends that the maximum bonus floor space should be 20% in line with SEPP ARH 13(2)(b). 20% is already a challenging bonus to accommodate within often tight built form envelopes. The proposed provision may result in excessive bulk and scale and impact negatively on areas of heritage significance. HAAC also recommends that heritage conservation areas should be excluded from bonus floor space provisions.
Non-discretionary development standards – cl 23	(2)(c) for development on land in Zone R2 Low Density Residential or Zone R3 Medium Density Residential—the minimum landscaping requirements for multi dwelling housing under a relevant planning instrument.	HAAC recommends that <u>all</u> clauses phrased in this way be amended to ensure that DCPs are captured by this clause. Most requirements related to landscaping and setbacks are contained in DCPs which are not planning ‘instruments’.
Non-discretionary development standards – cl 23	2(f) for a boarding house containing 6 boarding rooms—(i) a total of at least 30m ² of communal living area, and (ii) minimum dimensions of 3m for each communal living area.	HAAC recommends that <u>all</u> clauses phrased in this way should refer to the number of residents rather than number of rooms. As each room could be single or double occupancy, the difference in number of residents can vary as much as 100% which would mean either an over or under provision of communal living area.
Non-discretionary development standards – cl 23	2(h) communal open spaces— (i) with a total area of at least 20% of the site area, and (ii) each with minimum dimensions of 3m.	HAAC recommends that <u>all</u> clauses related to communal open space require provision of solar access. As individual rooms are not required to have sun, all communal spaces, both internal and external should have solar access.
Standards for boarding houses – cl 24	(1)(d) adequate bathroom, kitchen and laundry facilities will be available within the boarding house for the use of each resident.	HAAC recommends that <u>all</u> clauses related to these facilities be provided with more guidance as to what is considered ‘adequate’. For example, the NCC does not require kitchens and laundries in Class 3 buildings. In the absence of any other guidance, no kitchens and laundries may be able to be considered adequate.

Standards for boarding houses – cl 24	(1)(f) for a boarding house on land zoned primarily for commercial purposes—no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits the use.	HAAC recommends that ‘land zoned primarily for commercial purposes’ be defined for clarity as it is not a formal planning term.
Standards for boarding houses – cl 24	If the boarding house exceeds 3 storeys, the building will comply with the minimum building separation distances specified in the Apartment Design Guide.	This means for 4 storeys or more. HAAC recommends adjusting to ‘at least 3 or more storeys’ to align with SEPP 65 (4)(b).
Standards for boarding houses – cl 24	The development has a gross floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of at least the following for each boarding room— (i) for a boarding room intended to be used by a single resident—12m ² (ii) otherwise—16m ² .	HAAC recommends that further guidance should be provided on how minimum room areas are measured. The use of the term ‘gross floor area’ is inaccurate in this clause. Consideration should be given to whether corridors and internal wall thicknesses should be included in the minimum area as these reduce the amount of space that is ‘usable’ and can greatly impact amenity and living quality.
Must be used for affordable housing in perpetuity – cl 25.	(1) Development consent must not be granted under this Division unless the consent authority is satisfied that from the date of the issue of the occupation certificate and continuing in perpetuity— (a) the boarding house will be used for affordable housing, and (b) the boarding house will be managed by a registered Community Housing Provider.	HAAC supports this change. The need for more affordable boarding house rooms is well recognised.
PART 3 RETENTION OF EXISTING AFFORDABLE RENTAL HOUSING		
Contributions for affordable housing – cl 44	It is currently the practice that contributions for affordable housing are transferred to the Department of Communities and Justice (DCJ). There is no requirement for the contribution to fund the development/replacement of affordable housing in the LGA that generated the contribution. This is an antiquated practice pre-dating the acquisition of affordable housing portfolios by many councils.	HAAC recommends that contributions for affordable housing be transferred to the council associated with the development where the council has: (a) a dedicated Affordable Housing Fund or (b) where the council wishes to offer the contribution to a Community Housing Provider willing to invest the proceeds to development new affordable housing in the local government area from which the contribution was generated.
DICTIONARY		
Dictionary	Non-heritage land means land – (a) not containing a heritage item, and (b) not the subject of an interim heritage order under the Heritage Act 1977, and (c) not listed on the State Heritage Register	HAAC recommends that the definition of ‘non-heritage land’ [Dictionary] also exclude heritage conservation areas, particularly as ‘non-heritage land’ is associated with FSR bonuses which will have an impact on the character of sensitive areas.
FREQUENTLY ASKED QUESTIONS		
Frequently Asked Questions – p 9	New design guidance will be developed for seniors housing, BTR housing, boarding houses and co-living housing	HAAC supports this change. These documents will be important to improving design quality. HAAC would

		like to see these documents formally exhibited to the community.
STANDARD INSTRUMENT (LOCAL ENVIRONMENTAL PLANS) AMENDMENT (MISCELLANEOUS) ORDER 2021		
Land Use Table, Zone R2 Low Density Residential – sch 1 [4]	Omit “Boarding houses” from item 3	HAAC supports this change. This gives councils discretion as to whether or not boarding houses will be permitted in the R2 – Low Density Residential zone (R2 zone).
Definition of boarding house - sch 1 [6]	<p>The definition of boarding house will be changed by the Proposed Standard Instrument to the following:</p> <p>‘boarding house means a building that—</p> <p><i>(a) provides residents with a principal place of residence for at least 3 months, and</i></p> <p><i>(b) has shared facilities, such as a communal living room, bathroom, kitchen or laundry, and</i></p> <p><i>(c) has rooms, some or all of which may have private kitchen and bathroom facilities, and</i></p> <p><i>(d) is used to provide affordable housing, but does not include backpackers’ accommodation, co-living housing, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.’</i></p>	HAAC supports this change.
ENVIRONMENTAL PLANNING AND ASSESSMENT AMENDMENT (HOUSING) REGULATION 2021		
Conditions relating to certain boarding houses - cl 98G	The Community Housing Provider will be required to manage the boarding house in accordance with a plan of management, apply Affordable Housing Guidelines, and be accountable to the Registrar of Community Housing.	HAAC supports this change.

28 August 2021

NSW Dept of Planning, Industry
and Environment

UTS Public

27 August 2021

RE: DRAFT HOUSING DIVERSITY SEPP

This submission is in response to the proposed new Housing Diversity State Environmental Planning Policy (SEPP). It follows a previous submission made by the Institute for Sustainable Futures UTS in August last year in response to the proposed SEPP's Explanation of Intended Effect.

We welcome the inclusion of build to rent, student housing and co-living in the draft policy, and the distinction between for-profit co-living and boarding houses.

However, we believe the draft policy misses a valuable opportunity to enable other forms of affordable housing that would provide a greater diversity of affordable housing choices; specifically, small scale multi-family housing, small co-living developments, and larger cohousing developments. With housing costs skyrocketing and the impacts of the pandemic on income, housing stability and social connection, these models are becoming increasingly relevant to NSW. *The proposed SEPP provides an important policy window to address these opportunities* which we hope will not be missed.

Small-scale multi-household developments

This model, whereby two (sometimes more) households share what was previously a single-dwelling block, is most relevant to extended families or people who are already socially connected, for example seniors, downsizers, intergenerational families and young people banding together with friends or family to afford to buy property. Each household has a self-contained dwelling but there is a higher degree of sharing of spaces and facilities. For a more detailed explanation, see:

<https://www.collaborativehousing.org.au/stories-small-blocks>

The 'secondary dwellings' provision (Part 1, Chapter 3), whilst welcome, does not provide adequate diversity at the smaller end of the housing scale. There should be potential for appropriate R2 sites to accommodate more flexible multi-household configurations, for example, more than two dwellings if the site permits, dwellings able to be of equal sizes rather than limited to one main and one secondary dwelling, to suit a greater diversity of household configurations.

Research by the Institute has shown that this can typically be achieved within existing building envelope controls, or with very minor changes required, because the aim of this housing model is to enable more compact development via sharing of certain spaces and facilities. There is alignment with the intent of the Low Rise Housing Diversity Code in terms of achieving modest, incremental density increases in suburban areas. This model also delivers significant social benefits (see link above for more detail).

A 2019 UTS research project with six NSW Councils identified significant potential in this model, strong alignment with current strategic directions, and the need to include a standard definition in planning instruments so development assessors would know how to deal with it. Last year, the Royal Commission into Aged Care Quality and Safety indicated interest in this model and requested an interview with us to discuss its relevance to older Australians.

Small co-living developments

The co-living provisions in the draft SEPP are for developments of 6 bedrooms or more, they do not allow for smaller 3-5 bedroom developments. In addition to the multi-household model above, this smaller scale version of co-living is a very relevant option for many people seeking affordable housing, particularly those who want to remain in the R2 residential areas they already live in.

Larger collaborative housing developments, e.g. cohousing

Collaborative housing is an umbrella term for innovative, more affordable housing models that encourage community-building, participation and sharing. Cohousing is a type of collaborative housing that typically caters to medium to large groups (20+ households), though this varies. Residents can be owners, renters or a mix. Cohousing is different from standard multi-unit development in that it enables a higher degree of sharing (of spaces, facilities, resources), is explicitly designed to encourage community-building, and uses delivery and governance models that have a stronger focus on affordability and resident participation. For more information on cohousing and its benefits see:

<https://www.collaborativehousing.org.au/stories-cohousing>

Cohousing is not covered in the draft SEPP, despite its increasing relevance as part of the housing mix in NSW. Research by the Institute in 2019 found that, while the key barriers to enabling larger scale collaborative housing models in urban areas are financial, planning system guidance and incentives play an important role too. Cohousing needs to be included in and enabled through planning instruments.

About the Institute for Sustainable Futures

ISF is an independent research institute within the University of Technology Sydney. We conduct transdisciplinary, project-based research in line with our vision of creating positive change towards sustainable futures. Over the past 5 years, we have conducted two large housing research that have explored the potential of 'collaborative housing' models for NSW, funded by the NSW Department of Communities and Justice and the NSW Department of Planning, Industry and Environment. The findings of these projects informed our collaborative housing guide for the public, developed in conjunction with our NSW Government funders: <https://www.collaborativehousing.org.au>. Other relevant research can be found here: <https://www.uts.edu.au/isf/explore-research/projects/co-housing-seniors>

On the basis of our research findings, we are strongly advocating for the inclusion of the above housing models in the NSW Housing Diversity SEPP.

Yours sincerely,



Caitlin McGee

Research Director

Institute for Sustainable Futures

UTS File No:



STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021

under the Environmental Planning and Assessment Act 1979



NSW CHAPTER

Submission issued 27 August 2021

ABOUT THE INSTITUTE

The Australian Institute of Architects (the Institute) is the peak body for the Architectural profession in Australia. It is an independent, national member organisation with around 12,500 members across Australia and overseas including 3,000 members in the NSW Chapter.

The Institute exists to advance the interests of members, their professional standards and contemporary practice, and expand and advocate the value of Architects and Architecture to the sustainable growth of our communities, economy and culture.

The Institute actively works to maintain and improve the quality of our built environment by promoting better, responsible and environmental design.

PURPOSE

- This submission is made by the Australian Institute of Architects (the Institute) to provide comment on State Environmental Planning Policy (Housing) 2021 under the Environmental Planning and Assessment Act 1979.
- At the time of this submission the National President is Tony Giannone FRAIA and the NSW Chapter President is Laura Cockburn FRAIA
- The Chief Executive Officer is Julia Cambage and the NSW State Manager is Kate Concannon.

CONTACT DETAILS

Australian Institute of Architects
ABN 72 000 023 012

Contact Name: Lisa King | Advocacy and Policy Manager NSW
Email: lisa.king@architecture.com.au

TABLE OF CONTENTS

1	INTRODUCTION	4
2	CHAPTER 1 PRELIMINARY – FEEDBACK	5
3	PART 2 DEVELOPMENT FOR AFFORDABLE HOUSING – FEEDBACK	6
4	PART 3 CO-LIVING HOUSING – FEEDBACK	10
5	PART 4 SENIORS HOUSING – FEEDBACK	11
6	CONCLUSION	15

1 INTRODUCTION

The Australian Institute of Architects' raising the quality of the built environment

The Australian Institute of Architects (the Institute) and its members are dedicated to raising the quality of the built environment for people and to the advancement of architecture. We seek to improve the enduring health and wellbeing of all Australians and our diverse communities. The design of the built environment shapes the places where we live, work and meet. The quality of the design affects how spaces and places function and has the potential to stimulate the economy and enhance the environment.

Good design adds value to all aspects of the built environment and the significant building sector of Australia's economy. Australian architects have a worldwide reputation for innovative design leadership and our profession is well placed to support governments by providing advice on ways to address key challenges in our built environment.

We thank you for the opportunity to provide this response to the draft Housing SEPP. We understand the intent of the Department of Planning, Industry and Environment (DPIE) is to implement a single, comprehensive instrument which would consolidate the Seniors or People with a Disability SEPP, the Affordable Rental Housing SEPP and SEPP 70 and at the same time update these instruments to better reflect current and future community requirements. The Institute recognises the importance of diverse, affordable housing and holds that housing is a fundamental human right. We support the Minister and the DPIE in their aims to secure an adequate supply of new dwellings, provide consolidated, clear and concise planning instruments which remove unnecessary barriers for consent, facilitate diversity in the housing market, and provide a social housing sector which meets current and future demand in our community.

The Institute shares the DPIE aims of 'affordable, well-designed' homes 'in places people want to live' along with 'a strong social housing sector'. A central objective of the new SEPP and its assessment process should be to encourage quality design outcomes. Planning policy should, therefore, preserve design flexibility and assessment must be capable of recognising this.

Better, more streamlined policy, assessment and approval processes, mean better and faster outcomes. We believe the new SEPP should strive, above all, to improve the affordability of housing for all residents of NSW through increased choice, amenity and value for money.

2 CHAPTER 1 PRELIMINARY – FEEDBACK

11 Maps

Recommendation 1 →

Maps should be provided for public exhibition as soon as practicable

New design guidance will be developed for seniors housing, BTR housing, boarding houses and co-living housing in the second half of 2021. The new design guidance is likely to cover matters such as:

- *solar access, ventilation, storage and visual and acoustic privacy,*
- *criteria for shared amenities such as laundries and shared vehicles, and*
- *building maintenance, given the higher level of traffic and the higher value of assets that would be commonly accessible in this type of development.*

(From Housing SEPP consultation draft frequently asked questions)

The Institute looks forward to reviewing the abovementioned Guidance as soon as possible to ensure the provision of adequate amenity to residents of these importance housing typologies. We extend our services to assist in working collaboratively with the government in the development of this guidance given the expertise of our members in this area.

3 PART 2 DEVELOPMENT FOR AFFORDABLE HOUSING - FEEDBACK

Division 1 In-fill affordable housing

17 Non-discretionary development standards—the Act, s 4.15

(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies—

*(d) a deep soil zone on at least 15% of the site area, where each deep soil zone has **minimum dimensions of 6m** and, if practicable, at least 65% of the **deep soil zone is located at the rear of the site***

17 Non-discretionary development standards—the Act, s 4.15 (2) (d)

Recommendation 2 →

These requirements may not be practicable given the nature of infill sites. A minimum dimension of 3m may be more suitable, in the location best determined by the site analysis, noting corner sites may have no dedicated ‘rear’ location.

The Institute notes that most setback and landscaping provisions are currently contained in DCPs whereas in this SEPP proponents are directed towards the ‘relevant planning instrument’ ie. LEPs and SEPPs. We would recommend further definition clarity.

We also note that setback requirements for R4 should be described as 3 storeys and above rather than ‘exceeds 3 storeys’ to align with SEPP65.

Additionally, the Institute recommends the rewording of height controls to ensure utmost clarity in this important and often contentious area.

Division 2 Boarding houses

23 Non-discretionary development standards—the Act, s 4.15

(2) The following are non-discretionary development standards in relation to the carrying out of development to which this Division applies—

(f) for a boarding house containing 6 boarding rooms—

(i) a total of at least 30m² of communal living area, and (ii) minimum dimensions of 3m for each communal living area,

(g) for a boarding house containing more than 6 boarding rooms—

(i) a total of at least 30m² of communal living area plus at least a further 2m² for each boarding room in excess of 6 boarding rooms, and

(ii) minimum dimensions of 3m for each communal living area,

(h) communal open spaces—

(i) with a total area of at least 20% of the site area, and

(ii) each with minimum dimensions of 3m

The Institute importantly understands it is the preference of most boarding house residents to have rooms which are fully self-contained and include private open space. This provides the residents with the basic freedom of choice many of us take for granted – when and how to interact with others.

The Institute recommends a mechanism such as an incentive for those providers who deliver self-contained boarding house rooms with private open space. This could be a reduction of the communal living area required.

A further initiative could be the reduction of the communal living area required should it be adjacent and openable to a communal open space.

Communal open spaces should have a minimum solar access control.

23 Non-discretionary development standards—the Act, s 4.15 (2) (f) (g) (h)	
Recommendation 3 →	The Institute strongly supports mechanisms to ensure boarding house rooms are self-contained and deliver adequate private open space to residents
Recommendation 4 →	Communal open space should have a minimum solar access control

We look forward to reviewing the accompanying Guidance for Boarding Houses which we suggest should include:

- Definition of ‘compatibility’ of character of the area
- Correct definitions in terms of measuring the floor space of a boarding house room, including determining ‘useful’ space so that areas such as corridors to internal bathrooms are not included
- Specific guidance on the measurement of kitchen areas
- Ensuring children are not excluded from the definition of occupants (We note this form of housing to be particularly valuable to single parents with children)

- Definition of ‘adequate’ with reference to kitchens, bathrooms and laundries – we note the NCC does not require kitchens or laundries for Class 3 buildings
- Definition of ‘zoned for commercial purpose’
- Definition of ‘communal living area’

24 Standards for boarding houses

(1) Development consent must not be granted under this Division unless the consent authority is satisfied that—

(h) the minimum lot size for the development is not less than—

*(i) for development on land in Zone R2 Low Density Residential—the minimum lot size requirements for manor houses under a relevant planning instrument, or **600m²***

24 Standards for Boarding Houses, (1) (h) (i)

Recommendation 5 →

The Institute is concerned the 600m² minimum lot size will prevent this much-needed housing form being built on infill sites

25 Must be used for affordable housing in perpetuity

(1) Development consent must not be granted under this Division unless the consent authority is satisfied that from the date of the issue of the occupation certificate and continuing in perpetuity—

(a) the boarding house will be used for affordable housing, and

(b) the boarding house will be managed by a registered community housing provider.

(2) Subsection

(1) does not apply to development on land owned by the Land and Housing Corporation or to a development application made by a public authority.

26 Subdivision of boarding houses not permitted Development consent must not be granted for the subdivision of a boarding house permitted under this Division.

The Institute strongly supports that Boarding Houses remain affordable in perpetuity and may not be subdivided. We commend the government for these initiatives.

The Institute would like to take the opportunity to, once again, urge reconsideration of the mandating of Boarding Housing in the R2 Low Density Residential Zone.

We argue that a 12-room boarding house has the equivalent footprint and scale of a large project home. Managed by Community Housing Providers who have stringent operational guidelines, these dwellings pose no threat to surrounding communities. This typology is capable of providing much needed keyworker housing in locations close to their work which is highly desired and currently rarely available in Sydney leading to better community outcomes.

We note the Housing Strategy Discussion Paper's recognition of 'the need for older people to stay in their community'. We believe this typology can assist in delivering on this aim. We note current boarding houses have an 'accessible location' test (SEP ARH 27) which already limits which parts of R2 are suitable.

4 PART 3 CO-LIVING HOUSING – FEEDBACK

64 Non-discretionary development standards—the Act, s 4.15

(2) The following are non-discretionary development standards in relation to the carrying out of the development under this Part—

(a) for development on non-heritage land in a zone in which residential flat buildings are permitted—a floor space ratio not exceeding—

(i) the maximum permissible floor space ratio for residential accommodation on the land, and

(ii) an additional 10% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of co-living housing

64 Non-discretionary development standards—the Act, s 4.15, (2) (a) (ii)

Recommendation 6 →

The Institute strongly holds that an incentive or bonus must deliver positive outcomes for the community as a whole and as such, no height and FSR bonus should be available in this typology unless it is in the process of provision of affordable housing in perpetuity

We note previous Guidance required for review for Boarding Houses also applies to Co-living. We additionally note at this juncture there is no maximum size indicated for Co-living development.

5 PART 4 SENIORS HOUSING – FEEDBACK

Division 1 Land to which Part applies

67 Land to which Part applies

This Part applies to land in the following zones—

- (h) Zone B3 **Commercial Core**,*
- (j) Zone B5 **Business Development**,*
- (k) Zone B6 **Enterprise Corridor**,*
- (l) Zone B7 **Business Park**,*

67 Land to which Part applies (h) (j) (k) (l)

Recommendation 7 →

The Institute does not consider land in these zones as suitable for Seniors Housing and would ask that further consideration be given to the deserved amenity of residents in Seniors Housing

Division 3 Development standards

78 Use of ground floor of seniors housing in commercial zones

(1) This section applies to a building used for the purposes of seniors housing on land zoned primarily for commercial purposes.

(2) Development consent must not be granted for development involving the building unless the part of the ground floor of the building that fronts a street will not be used for residential purposes.

(3) Subsection (2) does not apply to a part of a building that—

(a) faces a service lane that does not require active street frontages, or (b) is used for any of the following purposes—

(i) a lobby for a residential, serviced apartment, hotel or tenanted component of the building,

(ii) access for fire services,

(iii) vehicular access.

(4) Subsection

(2) does not apply if another environmental planning instrument permits the use of the ground floor of the building for residential purposes

78 Use of ground floor of seniors housing in commercial zones

Recommendation 8 →

The Institute recommends further clarity be provided to determine whether uses such as carparking and non-residential components ie. communal living areas are suitable at ground floor in commercial zones

80 Fire sprinkler systems in residential care facilities

(1) A consent authority must not grant consent for development for the purposes of a residential care facility unless the facility will include a fire sprinkler system.

(2) Development for the purposes of the installation of a fire sprinkler system in a residential care facility may be carried out with development consent.

80 Fire sprinkler systems in residential care facilities

Recommendation 9 →

The Institute recommends further clarity be provided to detail how this clause can be satisfied in the development application process

Division 5 Design requirements

86 Design of seniors housing

A consent authority must not consent to development under this Part unless the consent authority is satisfied that the development demonstrates adequate regard has been given to the principles set out in Division 6.

86 Design of seniors housing

Recommendation 10 →

The Institute strongly recommends reinstatement of the requirement for a comprehensive Site Analysis (*SEPP HSPD30 Site Analysis*) in addition to stated aims for good design. We do not consider the current draft adequately addresses this important requirement

Division 6 Design principles

89 Solar access and design for climate

Development for the purposes of seniors housing should—

(a) for development involving the erection of a new building—be designed—

(i) to provide residents of the building with adequate daylight, and

(ii) in a way that does not adversely impact the amount of daylight in neighbouring buildings, and

(b) involve site planning, dwelling design and landscaping that reduces energy use and makes the best practicable use of natural ventilation, solar heating and lighting by locating the windows of living and dining areas in a northerly direction

89 Solar access and design for climate	
Recommendation 11 →	<p>The term ‘daylight’ should be replaced with the term ‘sunlight’.</p> <p>The term ‘natural ventilation’ should be replaced with the term ‘cross-ventilation’.</p>
Recommendation 12 →	<p>Given we are in a climate emergency, the Institute strongly suggests the strengthening of requirements under ‘design for climate’</p>

Division 7 Non-discretionary development standards

96 Non-discretionary development standards for hostels and residential care facilities—the Act, s 4.15

(2) The following are non-discretionary development standards in relation to development for the purposes of a hostel or a residential care facility—

(d) internal and external communal open spaces with a total area of at least—

*(i) for a hostel—**8m²** for every bed, or*

*(ii) for a residential care facility—**10m²** for every bed,*

*(e) at least **15m²** of landscaped area for every bed*

*(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of **6m** and, if practicable, at least 65% of the deep soil zone is located at the **rear of the site***

96 Non-discretionary development standards for hostels and residential care facilities—the Act, s 4.15 (2) (d) (e) (f)

Recommendation 13 →	Clarity is required to determine if the landscaped area is in addition to or inclusive of communal open spaces
Recommendation 14 →	See Recommendation 2 regarding 6m requirement and rear of the site description

Division 8 Development for vertical villages

99 Development for vertical villages permitted with consent

(1) Development consent must not be granted for development to which this Division applies unless the site area of the development is at least 2,000m².

(2) Development consent may be granted for development to which this Division applies if the development will result in a building with—

(a) the maximum permissible floor space ratio plus—

(i) for development involving independent living units—an additional 15% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units, or

(ii) for development involving a residential care facility—an additional 20% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of the residential care facility, or

(iii) for development involving independent living units and residential care facilities—an **additional 25% of the maximum permissible floor space ratio** if the additional floor space is used only for the purposes of independent living units or a residential care facility, or both, and

(b) a building height exceeding the maximum permissible building height by no more than 3.8m

99 Development for vertical villages permitted with consent (2) (a) (iii)

Recommendation 15 →	While the Institute understands the pressures of an ageing population and the impact on the need for Seniors Housing, we hold that a 25% bonus should only be available for projects with a large proportion of affordable housing. A bonus of 10% would be more appropriate should this not be the case.
Recommendation 16 →	HSPD SEPP 45 Vertical Villages (6) (a) (ii) required 10% affordable housing. We strongly recommend this be included in the Housing SEPP Vertical Villages

6 CONCLUSION

Thank you for the opportunity to review the State Environmental Planning Policy (Housing) 2021 and to provide our feedback and recommendations. We consider that a streamlined, concise and well-conceived Housing SEPP can effectively deliver agility, amenity, innovation and much-needed affordability into the NSW housing sector.

Should you require any further information or wish to discuss any of our recommendations, please feel free to contact us.

We welcome the opportunity for continued consultation as this new SEPP evolves and we offer the Institute's support in assisting the DPIE to achieve high quality, affordable housing outcomes for all in NSW.