

**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Thursday, 5 August 2021 1:14 PM  
**To:** DPE PS Housing Policy Mailbox  
**Subject:** Webform submission from: Proposed Housing SEPP

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Thu, 05/08/2021 - 13:13

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am making a personal submission

## Name

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**Last name**

Renaud

**Organisation name**

Marama J

**I would like my submission to remain confidential**

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**Submission**

Dear Sir/Madam,

As a single 60 year old woman, I cannot afford to buy in today's real estate market in Sydney. I would prefer a much smaller, affordable co-living setting that retains a sense of community within the house, and I would prefer living in (R2) low-density residential areas which I am familiar with and close to my place of work.

I advocate for SEPP to make changes to:

1. add permits for a smaller affordable 3-5 bedroom/6 person (max) co-living model

2. mandate this smaller model in R2 zones, and

3. allow certifier approval for this smaller model provided conditions of a Complying Development are met.

The far reaching effects of the co-living model, which is sought out in large numbers by:

- a. single women affected by life circumstances such as divorce, death, or low income/savings (especially women over 55 most affected by housing affordability);
- b. women transitioning between domestic violence crisis accommodation to mainstream accommodation;
- c. frontline medical staff and other low-income workers who want to remain in low-density residential areas close to work;
- d. singles in their first jobs, or young couples starting families (who may be looking to save for a home or to stay near family); and
- e. older homeowners who want to age in place with the security of people around them should they fall or need help.

Please consider my submission.

Jane Renaud

**I agree to the above statement**

Yes

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# JAPARA

31 August 2021

The Secretary  
Department of Planning, Industry and Environment  
Attn: Mr Luke Walton  
4 Parramatta Square  
12 Darcey Street  
Parramatta NSW 2150

[By email: [housingpolicy@planning.nsw.gov.au](mailto:housingpolicy@planning.nsw.gov.au)]

Dear Luke,

## State Environmental Planning Policy (Housing) 2021 – Public Exhibition

Japara 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)*.

Japara Healthcare Limited (“**Japara**”) is an ASX listed residential aged care and seniors living owner, operator and developer. We operate 50 aged care homes and 5 seniors living villages which equates to 4,500 residents and over 6,000 staff.

We have 7 operational residential care homes across New South Wales in metropolitan and regional locations with future plans to expand our footprint primarily through co-located seniors living and residential care communities.

We are supportive of the DPIE’s intent of facilitating more diverse housing forms, and we believe that the fundamentals of Part 4 of the draft Housing SEPP are sound. However, Japara is concerned that some of the proposed amendments could have long lasting and significant adverse effects on the delivery and supply of seniors housing.

The current *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP)* has provided a high level of certainty for years and, in our opinion, has been successful in achieving its aims. The Seniors SEPP in particular has formed the basis of most of Japara’s development applications.

Japara recommends some amendments to the draft Housing SEPP as discussed below, which could result in a transformative public policy for the seniors and affordable housing sectors in NSW.

### 1.0 Age change of seniors to 60 years

Japara has specific concerns with the definition of “seniors” changing from 55 years to 60 years.

The current Policy states that seniors are people aged 55 or more years; people who are a resident at a facility at which residential care (in accordance with the Aged Care Act 1997) is provided; or people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.

This definition 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.

In addition, increasing the age reduces the size of the demand catchment for this housing product, which ultimately will have an influence and impact on future development feasibility in some locations.

**Recommendation:** *Maintain the Seniors Living definition at 55 years.*

## 2.0 Prescribed Zones and Restrictions

Japara supports the introduction of prescribed zones as the current Seniors SEPP is often subjective to its application and at times requires legal interpretation. The prescribed zones approach simplifies the application of the instrument and provides greater certainty.

However, the restriction on Independent Living Units / Apartments ("ILU") in R2 zones is the most concerning aspect of draft Housing SEPP and its inclusion within the draft Housing SEPP without prior consultation or explanation is concerning.

The R2 zone has been a significant contributor 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 apartment developers. This has resulted in successful retirement villages being developed over the past 40 years in the R2 zone across NSW, which has significantly increased supply. There is no reason why a sensitively designed retirement village of ILUs cannot co-exist alongside lower density residential uses. As it stands, this is a blunt policy response that could be addressed through finer grain design policy.

The R2 zone equates to approximately 80,000 hectares of land just in the Sydney Metropolitan Area 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 intent of the draft Housing SEPP is for the delivery of affordable and diverse housing types. This clause will have the opposite effect.

**Recommendation:** *Permit all forms of seniors housing within the R2 Low Density Residential Zone or alternatively, exempt providers that operate under the Retirement Village Act 1999 from the ILU prohibition.*

## 3.0 Non-discretionary development standards for residential care facilities

Japara queries the inconsistency between the 9.5m non-discretionary height standard of clause 96(2)(a) and the 9m height development standard of clause 74(2)(c)(i).

For example, a Residential Care Facility ("RCF") in an R2 zone where residential flat buildings are prohibited could achieve a building height of 9.5m thereby complying with the non-discretionary standard, however it would breach the 9m height development standard of clause 74(2)(c)(i). This breach would therefore require a clause 4.6 statement to vary the 9m height development standard, despite the fact that a consent authority cannot require more onerous standards where a proposed development complies with a non-discretionary standard.

This is clearly not the intent of the interplay between the development standards of clause 74 and the non-discretionary standards of clause 96 and 97 and will need to be reviewed by DPIE to ensure consistency.

Furthermore, the new standard for internal and external communal open space of 10m<sup>2</sup> per bed, for a 100 bed RCF equates to 1,000m<sup>2</sup> of communal open space which is considered onerous, particularly outside of low density residential zones. Japara believes that 7m<sup>2</sup> per bed would be an appropriate rate and aligns with many modern RCFs.

***Recommendation:** Review the non-discretionary development standards for RCFs in clause 96, particularly in relation to their interplay with the development standards in clause 74.*

## 4.0 Non-discretionary development standards for independent living units

Japara supports the non-discretionary standards relating to ILUs generally, however question some of their applicability in light of the prohibition of ILUs in R2 zones.

The intent of these non-discretionary standards is to set a baseline of compliance, particularly in low density zones (i.e. R2), where a consent authority cannot refuse consent on that basis should a standard be complied with. In particular, the building height standard of 9m and the FSR standard of 0.5:1 for ILUs relate directly to R2 zoned land, where ILUs are proposed to no longer be permissible development.

This reinforces the prevailing seniors housing industry's perception that the prohibition of ILUs in R2 zones was an inappropriate last moment addition to the draft Housing SEPP without proper consideration by DPIE.

***Recommendation:** Japara therefore again recommends that the prohibition of ILUs in the R2 zone is deleted. Or alternatively, exempt providers that operate under the Retirement Village Act 1999 from the ILU prohibition.*

## 5.0 Site-related requirements

Japara welcomes the update to the existing clause 26 of the Seniors SEPP, an onerous and problematic provision. By removing the word "public" this allows many of our existing villages and emerging villages to provide an alternative private bus service, which is typically the preferred transport method for many of our residents.

Furthermore, this aligns with recent judgments from the NSW Land and Environment Court that acknowledge the frailty and high care needs of residents of RCFs, and that a private bus service is the safest and realistically the only transport option in such circumstances.

## 6.0 Development for vertical villages

Japara supports the intention of this provision to incentivise seniors housing (in particular co-located developments) and to level the playing field in the acquisition of sites for seniors housing providers when competing against market residential developers which is typically the highest and best use.

Japara also supports DPIE removing the need for a Site Compatibility Certificate (SCC) to access the bonus, and also removing the minimum affordable housing and the associated community housing provider requirement. These were significant impediments for the industry utilising the existing vertical village bonus of the Seniors SEPP.

### 6.1 Application to business zones

Japara strongly believes that, in order for this incentive provision to achieve its intent, it must be applied more broadly, and not just restricted to zones where residential flat buildings are permissible as this restricts



the application of the bonus primarily just to R4 zoned land and less frequently to R3, R1 and B4 zones. Accordingly, in the opinion of Japara it must also apply where shop-top housing is permitted, which would open up many business zones to the application of the incentive.

Business zones in our commercial centres also provide the highest FSR development standards, which correlate better with a percentage bonus (as proposed) and provide a greater incentive for seniors housing providers as the base FSR increases.

We understand that this is the intent of this provision as publicly stated by the Minister for Planning and Public Spaces in the media regarding the draft Housing SEPP, in that vertical villages will incentivise seniors housing in our city centres and on top of our shopping centres. The current drafting of the draft legislation regrettably does no such thing, with the vertical villages clause not applying to our urban centres or shopping districts.

This incentive applying to business zones is not only to bring seniors into our urban centres from an intergeneration sustainability perspective, but to partially offset the significant amount of land that is proposed to be lost to providers with the draft Housing SEPP no longer applying to rural zones and ILUs being prohibited in the R2 zone.

The proposed changes significantly narrow the land available to the seniors housing industry to higher density zones that are typically outside where seniors housing providers have traditionally operated, given their inherent competitive disadvantage. Accordingly, its application must be broad and its incentives substantial enough to recalibrate the industry into high density zones and not reduce the overall supply of new seniors housing at this crucial time in the demographic history of NSW.

**Recommendation:** Broaden the application of the vertical villages provisions to include land on which development for the purpose of shop top housing is permitted (in addition to residential flat buildings).

## 6.2 Additional floor space and building height

Japara recommends that a 25% bonus of additional FSR is applied to development for the purposes of ILUs to bring them into alignment with RCFs. In Japara's experience, modern ILUs are on average between 20-30% larger in GFA than standard market residential apartments, and when combining the increased circulation spaces and communal areas of modern ILU developments. Accordingly, a 25% bonus for ILUs is a conservative estimate of the additional GFA required for ILU developments to effectively compete with standard market residential developers in the acquisition of sites in higher density zones.

Japara welcomes however the additional building height of 3.8m to accommodate the floor space bonus without the need to submit a clause 4.6 variation. However, in higher density zones it is unlikely that the available bonus floor space will be able to be accommodated within only a single additional storey, and further bonus for building height in high density zones will be necessary.

**Recommendation:** Increase the FSR bonus for vertical villages involving ILUs to 25% (instead of 15%) and allow an additional storey for every 4 storeys that is permitted in higher density zones to enable the full FSR bonus to be realised.

**\*\*For example, development standard permits up to 4 storeys equates to 1 additional storey, development standard at 8 storeys equates to 2 additional storeys, development standard permits 12 storeys or more equates to 3 additional storeys.**

## 6.3 Default Floor Space Ratio

Japara has significant concerns regarding the default 0.5:1 FSR standard that would apply to land that does not have an FSR standard, this effectively applies an R2 zone FSR to all zones. This is highly problematic given that almost all R3 and R4 zoned land prescribes densities well above 0.5:1, and many R4 zones prescribe densities well above 1:1.

For example, a seniors housing development on a 2,000m<sup>2</sup> site without an FSR development standard but with an R4 zoning would have a 0.5:1 FSR + bonus forced upon it. For an ILU development this would equate to an FSR of 0.575:1 which correlates to a 2 storey development – despite it being in an R4 location which might have height of building controls up to 20+ storeys.

This will result in seniors housing in these areas having a significantly lower density and yield than other forms of residential development, which is contrary to the purpose of this provision to incentivise seniors housing in our urban centres.

Removing this default FSR is therefore strongly recommended and the incentive provision could still operate effectively in areas without an FSR as the building height bonus provides an incentive in itself.

**Recommendation:** Removing this default FSR is therefore strongly recommended as the incentive provision could still operate effectively in areas without an FSR as the building height bonus provides an incentive in itself.

## 7.0 State Significant Development Pathway

Japara welcomes the recognition of large seniors housing projects as State Significant Development (SSD) where it provides an opportunity to prioritise and provide consistency to the assessment of RCFs and ILUs and allied health where they sufficiently relate to the residential care use.

It is recommended, however, that the Capital Investment Value (“CIV”) for RCF SSD development be reduced to \$20m throughout Greater Sydney and all other areas, in recognition of the average development costs for RCF beds for Japara being approximately \$250,000 per bed. Accordingly, a \$20m RCF equates to an approximately 80 bed facility, which is a significant RCF.

However, the requirement for the CIV component of the RCF in an integrated development to comprise at least 60% of the CIV is concerning, as it does not align with industry practice. In our experience, in almost all integrated large villages the RCF component makes up less than 25% of the overall GFA of a village. A typical integrated large village may comprise a \$20m RCF and \$80m ILUs, which would not be eligible for SSD. Therefore, by requiring the RCF facility be the majority contributor to the threshold for SSD will mean that the trigger to SSD is unlikely to be used regularly. Alternatively, it may mean that the planning process for the development of large sites may be split between part SSD and part Regional or Local development. This would be confusing for consent authorities, applicants and the community, particularly so when attempting to apply the various FSR bonuses of the vertical villages incentive provision.

The Royal Commission in to Aged Care Quality and Safety recommended a strengthening of the home care sector and Federal Government has indicated support with additional funding. ILUs and RCFs being co-located on sites or within vertical villages provides continuum of care and the ability for residents to age in place within their own community and social networks, and should be encouraged by planning policy. Accordingly, providing an SSD pathway for RCFs yet limiting the ILU component to a maximum of 40% of total CIV, runs counter to this concept, and will either force large seniors developments out of SSD, or split the planning pathway. Neither of these options support the intention of an SSD pathway for seniors housing.

The 60% minimum CIV for RCFs also could potentially allow third party appeals where an objector could challenge the planning pathway of an SSD following its determination when the non-RCF component of the SSD is near to 40%.

**Recommendation:** *Either remove the requirement for the CIV of the RCF component to be at least 60% of the total CIV, or require both the RCF and ILU components to together comprise at least 60% of the overall CIV.*

## 8.0 Conclusion

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

As outlined in this submission, Japara commends DPIE on the draft Housing SEPP and is supportive of the intent of the draft policy to simplify affordable and seniors housing planning legislation in NSW and to incentivise vertical villages in our urban centres.

Japara is however concerned the amendments proposed could have an adverse effect on the delivery of seniors housing in NSW. While it is noted that some amendments are required to the Seniors SEPP, the current instrument has provided the not-for-profit industry with a high level of certainty for years and, in our long experience, has been extremely successful in achieving its aims. Therefore, the DPIE is encouraged to investigate the recommendations outlined above by Japara to allow the continued provision of a viable affordable and seniors housing service offering.

Notwithstanding this, with the modest adjustments proposed to the relevant provisions contained within this submission, Japara is confident that the draft Housing SEPP could deliver the modern seniors housing needed in NSW to meet the rising needs of the ageing population.

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

Yours sincerely,



Toby Hicks  
General Manager, Real Estate  
Japara Healthcare Limited  
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NSW Proposed Housing SEPP Submission  
Neil & Johanna Gibb  
JNG Property Group  
203/26 Charles Street  
South Perth  
WA, 6151

To whom it may concern

JNG Property Group have been operating in the co-living housing space since 2017. In that time, we have provided over 350 rooms to the WA market and housed over 450 people in clean, safe, affordable accommodation in areas which they have grown up in, have family in or work in.

We provide rooms to rent in 5- and 6-bedroom houses in low density residential areas at a fraction of what it cost to rent a full house. The demand for this type of housing model is huge as it provides convenience, community and flexibility for our residents in a time when housing affordability is becoming further and further out of reach for Australians who are on low to middle incomes.

The weekly rent for the resident includes and fully furnished house and room, all bills including electric, water, gas, internet, and fortnightly cleaner.

Our residents age range is from 18 years old to 74 years old with jobs such as barista's, cleaners, interior designers, tradespeople, FIFO's, delivery drivers, chefs, doctors, nurses and engineers.

In a time when vacancy rates in Perth are the lowest we have ever seen, 0.7%, this type of housing can free up 4 or 5 houses for families to reside in whilst singles or couples can live together in a 4, 5 or 6 bedroom house. With the co-living model we have essentially made available an extra 350 homes for families to live in by providing a co-living model.

This model also provides an affordable housing option that private investors can provide and in turn no cost to the government. The social and affordable housing wait list on WA currently has 30,000 people on it, at least half of this people have jobs and can afford to pay \$150-\$250 per week for accommodation. The co-living model in low density residential areas provides this option.

I hope this feedback provides enough information for you to consider adapting the SEPP to allow 3-5 bedroom co-living accommodation in R2 zones in NSW.

Regards  
Neil & Jo Gibb  
JNG Property Group

**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 9:40 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 - 21:39

Submitted by: Anonymous

Submitted values are:

**Submission Type**  
I am making a personal submission

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**Last name**  
Praturlon

**Organisation name**  
N/a

**I would like my submission to remain confidential**  
No

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**Postcode**  
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**Submission**  
We support Ku-ring-gai Council's submission to permanently stop any SEPP development in Heritage Conservation Areas in Ku-ring-gai Council.

Joseph & Giordana Praturlon  
29 Braeside street  
Wahroonga

**I agree to the above statement**  
Yes

**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 8:59 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 - 20:58

Submitted by: Anonymous

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**Submission**

Submission on Draft Housing SEPP

Heritage Conservation Areas Moratorium - The moratorium on seniors housing in Heritage Conservation Areas (HCAs) has been extended until 1 July 2022. The exhibition material notes that Councils will need to provide justification for any extension to the HCA moratorium beyond 1 July 2022.

Ku-ring-gai Council wrote to the Department of Planning, Industry and Environment on 21 July 2020 which set out the evidence to support a permanent exemption, and requested that a permanent exemption of seniors housing from HCAs be granted for Ku-ring-gai. Council has not received any response to the formal letter sent 21 July 2020.

Within Ku-ring-gai, HCAs are primarily within R2 Low Density zones. Once the moratorium is lifted on 1 July 2022, residential care facilities will then be permitted in these HCAs. This will result in a built form that will be in stark contrast and unsympathetic to the existing low density, detached dwellings that characterise those areas and thus undermining the heritage integrity of the existing HCAs.

It is noted that Clause 87 intends to provide design guidance for neighbourhood amenity and streetscape. It is unclear how a

seniors housing development would complement HCAs.

HCAs often have a clear subdivision pattern, a consistent built form/ design characteristics particularly setbacks, are typically low scale, single storey and importantly are of an age that is consistent. A contemporary seniors housing building would be very difficult to design to fit within the characteristics of a typical HCA.

It is Council's view that seniors housing is not suitable within a HCA, and has sought a permanent exemption. A permanent moratorium for HCAs would incentivise more Councils to permit seniors housing within R2 Low Density zones, providing the potential for greater housing diversity, while protecting those important heritage areas.

Recommendation 8: The moratorium on seniors housing in Heritage Conservation Areas should be permanent and not end on 1 July 2022.

**I agree to the above statement**

Yes



**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment  
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**Sent:** Sunday, 29 August 2021 8:15 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 - 20:14

Submitted by: Anonymous

Submitted values are:

**Submission Type**  
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**Organisation name**  
Not applicable

**I would like my submission to remain confidential**  
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**Submission**  
Submission on the Draft Housing SEPP

We are a family of seven, we reside at 17 Water Street Wahroonga, "St Katherines". This area of Sydney is historic and must be preserved.

The last remnants of the unique "Blue Gum High Forest" exists in our immediate area and must be protected. We cannot allow

increased land densities in this immediate area at the expense of the Blue Gum.

In addition, there are seven schools within one to one and half kilometres. Five are located in the Heritage Conservation Area.

The safety of the school children must be top of the agenda. Two schools are for disadvantaged and autistic children.

The State of NSW and Ku-ring-gai Council know the existing road network in the immediate area of historic Wahroonga cannot hold increased vehicular traffic. It is bad enough already. One has only to attempt to navigate the streets on a school day morning or afternoon. It's frankly at times unmanageable and dangerous. We cannot sustain increased seniors development and densified apartments in this immediate heritage conservation area.

Our major concerns inter alia relate to the Heritage Conservation Areas Moratorium.

The moratorium on seniors housing development based on increased land intensity, in the Heritage Conservation Areas (HCAs) has been extended until 1st July 2022.

The exhibition material notes that Councils will need to provide justification for any extension to the HCA moratorium beyond 1st July 2022.

Ku-ring-gai Council wrote to the Department of Planning, Industry and Environment on 21 July 2020 which set out the evidence to support a permanent exemption, and requested that a permanent exemption of seniors housing development from HCAs be granted for Ku-ring-gai.

Council has not received any response to the formal letter sent 21 July 2020.

Within Ku-ring-gai, HCAs are primarily within R2 Low Density zones. Once the moratorium is lifted on 1st July 2022, residential care facilities will then be permitted in these HCAs. This will result in a built form that will be in stark contrast and unsympathetic to the existing low-density, detached dwellings that characterize those areas and thus undermining the heritage integrity of the existing HCAs.

As outlined above, it will only serve to increase vehicular traffic beyond the capacity of the current street networks.

It is noted that Clause 87 intends to provide design guidance for neighborhood amenity and streetscape. It is unclear how a seniors housing development would complement HCAs.

HCAs often have a clear subdivision pattern, a consistent built form/ design characteristics particularly setbacks, are typically low scale, single or double story and importantly are of an age that is consistent. A contemporary seniors housing building would be very difficult to design to fit within the characteristics of a typical HCA. And it will increase vehicular traffic,

It is Council's view that seniors housing is not suitable within a HCA, and has sought a permanent exemption. A permanent moratorium for HCAs would incentivize more Councils to permit seniors housing within R2 Low Density zones, providing the potential for greater housing diversity, while protecting those important heritage areas.

Recommendation 8: The moratorium on seniors housing in Heritage Conservation Areas should be permanent and not end on 1 July 2022.

Thank you

John Schroder and Family Schroder  
0450 306 934

**I agree to the above statement**

Yes

27 August 2021  
PO Box 125,  
Belrose, 2085

The Secretary,  
Department of Planning, Industry and Environment,  
Locked Bag 5022,  
Parramatta NSW 2124.

Dear Sir/Madam,

Re: Proposed Housing SEPP

This submission is in relation to the draft State Environmental Planning Policy (Housing) 2021.

I would like to raise the following issues:

**1) Proposed New Housing Type - Rural Sustainable Housing:**

Sustainable development is the cornerstone of the Environmental Planning and Assessment Act in NSW. Sustainability must be given real consideration through the planning process. Planning instruments must address both decreasing the contributors to climate change and addressing the risks posed by the effects of climate change. The State Environmental Planning Policy (Housing) 2021 does not address these issues. The State Environmental Planning Policy (Housing) 2021 should utilise the advantages of existing rural land in the Greater Sydney region to meet the public's expectations of sustainable development and address climate change.

The State Environmental Planning Policy (Housing) 2021 prioritises the expansion of various housing types in residential areas which predominantly outsources sewerage disposal, stormwater disposal, water requirements, electricity requirements, and all of the food requirements for the inhabitants. The proposed residential property's reliance on infrastructure has been prioritised over self-sufficient dwellings. This comes with an upfront capital cost and ongoing maintenance costs of centralised water, sewer, electrical and stormwater systems.

Burning fossil fuels for our transportation and to produce electricity is a major contributor to climate change. Two of the effects of climate change are increased risk of flooding and bushfire. Sustainable development, addressing the contributors to climate change, and the effects of climate change, all need to be appropriately considered for any new housing.

The concept of placing all growth within walking distance of transport and services is flawed. This approach assumes that absolute dependency on existing and additional utility infrastructure to achieve extra dwellings is necessary, suitable, in the best long-term interests of the area, in the interests of reducing contributions to climate change and provides the best resilience to the effects of climate change (ie flooding and bushfire). It simply doesn't matter how close people live to transport and services if new housing can generate electricity for an electric car to travel to facilities.

Many houses in rural areas of Greater Sydney have the following attributes which all contribute to self-sufficiency:

- 1) Have the capacity to gather stormwater for household use: This
  - a) reduces the energy and cost burden of providing reticulated water to houses.
  - b) reduces the energy and cost burden on the public stormwater system, saving resources and reducing the flood risk to other properties.

- 2) Recycle their own sewerage: This decreases the burden on the public sewer system, whilst also being efficient with our earth's natural resources.
- 3) Generate solar electricity: The large available space of the rural acreages allows solar generation for both the household, and also to charge electric cars. The use of electric cars decreases our effect on the rate of climate change.
- 4) Vegetable gardens and food producing animals (eg chickens): This decreases the reliance on others for food and decreases our carbon footprint.

Proposed residential development does none of the above. The higher the intensity of development, the less self-sufficient the dwellings become. Residential development outsources the requirements for electricity, sewer processing, stormwater channelling, water supply and food. There is a large energy and infrastructure cost which is external to these residential sites. Intensive residential development has a high reliance on external energy which contributes to climate change.

The attributes of the rural area of the Greater Sydney Region all contribute to reducing the effects of climate change when compared to residential development. Residential development is a poor and inadequate form of sustainable development when compared with the alternative of larger rural land development. When considering sustainability, it is important that all aspects of sustainability are considered, not just those within the land being developed. Greater Sydney is uniquely positioned to lead the way in sustainable development.

There is a lot of rural land in the Greater Sydney area, with the vast majority in zones that have a minimum lot size of 20,000m<sup>2</sup> (5 acres). As the 1,000m<sup>2</sup> (quarter acre) block is no longer appropriate for residential lots sizes, so the 5 acre block is no longer appropriate for rural lot sizes so close to Sydney.

An alternative framework of development exists that can cost-effectively achieve less reliance on utility infrastructure and provide better sustainability outcomes for new dwellings in Greater Sydney.

### **Bushfire Risk:**

The State Environmental Planning Policy (Housing) 2021 does nothing to reduce the bushfire risk to properties (both existing and proposed). The rural areas of Greater Sydney provide an asset protection zone for the residential areas of Greater Sydney. This asset protection zone is not being well maintained and could be greatly improved, thus increasing the resilience of both existing and new dwellings to the effects of climate change.

Many of the houses built in rural areas of Greater Sydney were built prior to current standards. This means the houses are susceptible to damage or destruction from bushfire, and there is no legal obligation on landowners to maintain their properties as asset protection zones. By allowing the larger rural lots in Greater Sydney to be divided into smaller rural lots, it has the following advantages:

- 1) All new lots and building work would need to comply with current standards in particular:
  - a) Planning for Bushfire Protection 2019 – This ensures the risk of bushfire damage is appropriately managed.
  - b) On-site wastewater treatment – ensuring no adverse environmental effects.
  - c) Stormwater – ensuring both volume and water quality are to acceptable standards.
  - d) BASIX – This would ensure energy and water efficiency.
  - e) Biodiversity and Conservation Act – This will ensure all vegetation management is carried out in a legal and acceptable way.
  - f) All new work would need to meet the requirements of Council's current rules. This would ensure the works are carried out to acceptable standards.



- 2) When new work is proposed on rural lots in Greater Sydney, councils currently put a condition of consent (ie a legal obligation) on the landowner to maintain the whole property as an Inner Protection Area (ie an Asset Protection Zone). Allowing new housing in rural Greater Sydney will ensure the build-up of a large area of rural Greater Sydney that is legally required to be maintained as an asset protection zone. This enhanced rural asset protection zone would be to the benefit of all residents of the Greater Sydney Region (both existing and new; both rural and residential).
- 3) No new sewerage, drinking water, stormwater or electricity infrastructure would be required.

Many of the rural parcels of land in the Greater Sydney region can be divided up into a higher number of smaller rural blocks while still retaining the area's rural character and still being able to be largely self-sufficient. Most dwellings in rural Greater Sydney are currently either partially or entirely self-sufficient. Due to the large amount of land to build on, dwelling roof sizes are large enough to achieve electricity self-sufficiency via solar panels. The level of surplus energy generation is often enough to service agricultural demands and charge electric cars.

Typical half acre (2,000m<sup>2</sup>) rural blocks are big enough to use recycled sewerage for watering the lawn/garden, can have a house that has enough roof area to both collect water for the household and generate enough electricity to ensure the house is energy neutral. Half acre blocks have enough room to have animals, vegetable gardens and generally contribute in a meaningful way to the food needs of the household.

Intergeneration equity is a real concern. Under current planning controls, many rural properties in the Greater Sydney Region cannot be divided up into smaller lots to allow subsequent generations to enjoy the family owned land.

To address the above issues, I propose a new housing type called "Rural Sustainable Housing" to be included in the State Environmental Planning Policy (Housing) 2021.

### **The Rural Sustainable Housing Solution:**

The criteria for this housing type would be:

- 1) Must be in a rural zone in Greater Sydney
- 2) Must be able to create a separate lot which is at least 2,000m<sup>2</sup> in size
- 3) Must be able to have a vegetable garden and food producing animals (eg chickens)
- 4) Must be able to demonstrate the following:
  - a) Ability to be able to create and maintain an asset protection zone and meet the requirements of Planning for Bushfire Protection 2019
  - b) Ability to be able to adequately deal with sewerage
  - c) Ability to be able to adequately provide water to the residents
  - d) Ability to be able to generate enough electricity through renewable means to power the house and at least one electric vehicle
- 5) Must agree to maintain the property as an Asset Protection Zone in perpetuity.


Land which meets the above criteria would be permitted to be subdivided with development consent, even if it doesn't meet the minimum lot size for the zone.

## 2) Prescribed Zones for Seniors Housing:

I point out the following document from the Department of Planning, Industry and Environment, website (my emphasis in red):

### Housing SEPP consultation draft

Frequently asked questions



## Secondary dwellings

**What are the changes to the maximum size restrictions of a secondary dwelling in a rural zone and where can I find the relevant restrictions for my LGA?**

For secondary dwellings on land in a rural zone, a new optional clause 5.5 of the Standard Instrument (Local Environmental Plans) Order 2006 has been introduced. The new optional clause responds to requests from councils for greater discretion to be able to set the maximum size for secondary dwellings in a rural zone. The changes will now provide councils the discretion to set a maximum size for secondary dwellings in a rural zone and the maximum distance a secondary dwelling should be from the principal dwelling.

You can find the secondary dwelling provisions for an LGA within its relevant LEP.

**How will the changes to the maximum sizes of secondary dwellings affect the development application process?**

The development application process for a secondary dwelling is largely unchanged. Applicants will need to be aware of any amendments their local council makes to its Local Environmental Plan to set a maximum size for secondary dwellings and distances between primary and secondary dwellings in rural zones.

**Can development consent be granted to vary the development standards under clause 5.5?**

No. Clause 4.6(8) of the Standard Instrument (Local Environmental Plans) Order 2006 (SILEP) applies to clause 5.5 of the SILEP.

## Seniors housing

**Why are prescribed zones being used for seniors housing?**

Prescribed zones are being adopted to address the uncertainty over the definition of 'land zoned primarily for urban purposes' and 'land adjoining land zoned primarily for urban purposes'. This removes the need for technical assessment of sites by the applicant and council and department officers. Prescribed zones make seniors housing permissible in the zone with development consent.

**How were the prescribed zones chosen?**

The prescribed zones are Residential zones (R1-R4) and Business zones (B1-B8), RE2 Private Recreation, RU5 Village, SP1 and SP2 (Hospital). Prescribed zones were chosen following a review of the zones where the Seniors SEPP currently applies. The proposed prescribed zones are a combination of zones where Seniors Housing is permissible in the relevant Local Environmental Plan (LEP) or the Seniors SEPP currently applies.

Some prescribed zones are also restricted by certain land uses or adjoining land uses. For example, land zoned RE2 Private Recreation, SP1 Special Purposes and SP2 Infrastructure must currently be used for certain land uses. Also, at least 50% of land adjoining sites zoned RE2 and SP1 must be residential prescribed zones.

The SEPP only applies to Residential Care Facilities in the R2 Low Density Residential Zone.

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NSW Department of Planning, Industry and Environment | 5

Currently Seniors Housing is permitted in B2 (Oxford Falls Valley) and C8 (Belrose North) under Warringah LEP2000. Based on the above, these two areas should be included as prescribed zones for Seniors Housing, and clause 68 (1) (a) of State Environmental Planning Policy (Housing) 2021 should be removed.

**3) Clause 8.38 - Misinformation about the process by which changes to the Secondary Dwelling size limitation would be made:**

Below is an extract from the Frequently asked questions published on the Department of Planning, Industry and Environment, website:

**LAHC, Part 3 of ARHSEPP and Secondary Dwelling amendments**  
Frequently asked questions



For secondary dwellings on land in a rural zone, a new optional clause 5.5 of the Standard Instrument (Local Environmental Plans) Order 2006 will be introduced. The new optional clause responds to request from councils for greater discretion to be able to set the maximum size for secondary dwellings in a rural zone.

The new clause provides councils the ability to set the maximum size of secondary dwellings in a rural zone as the greater of a specified size in square metres or as a percentage of the total floor area of the principal dwelling. The new clause will also allow councils the option to set a maximum distance a secondary dwelling may be from the principal dwelling.

Councils wishing to adopt provisions for secondary dwellings in a rural zone can do so by amendment their local environmental plan via a planning proposal to adopt the new clause 5.5 of the Standard Instrument (Local Environmental Plans) Order 2006.

The process outlined above by the Department of Planning, Industry and Environment has not been followed, in that the published draft documents seek to make changes to the Secondary Dwellings in rural zones (Clause 5.5) without following the planning proposal process as outlined above.

It appears that clause 8.38 is supposed to read “8.38 Pittwater Local Environmental Plan 2014”, not “8.38 Pittwater Local Environmental Plan 2019”.

Due to these two errors, I request that clause 8.38 is omitted from the State Environmental Planning Policy (Housing) 2021, and Council is advised to make any proposed changes through the Planning Proposal process as outlined on the Department of Planning, Industry and Environment website.

I look forward to your consideration of the above.

Yours faithfully,



John Holman

BE (Hons), MBA, Currently studying towards a Master of Planning with a Specialisation in Environmental Law

CC Jonathon O’Dea – Member for Davidson  
Rob Stokes – Member for Pittwater

**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Saturday, 28 August 2021 11:59 AM  
**To:** DPE PS Housing Policy Mailbox  
**Subject:** Webform submission from: Proposed Housing SEPP  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Submitted on Sat, 28/08/2021 - 11:58

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am making a personal submission

## Name

**First name**

[REDACTED]

**Last name**

[REDACTED]

**Organisation name**

000

**I would like my submission to remain confidential**

Yes

## Info

**Email**

[REDACTED]

**Suburb**

Paddington

**Postcode**

2021

**Submission**

The new Diversity Housing Sepp 2021 will not increase the supply of affordable housing. It will have have the opposite effect and will reduce the supply of affordable housing. As a result it will intensify the affordable housing crisis in NSW and encourage illegal operators to soak up the demand.

Under the new provisions for Boarding Houses the development concessions have been stripped, rents have to be capped at 80% for 10 years and the property must be managed by a CHP for 10 years. This is not a viable proposition for property investors or Public



Housing and as a result no New Generation Boarding House rooms will be built.

The lack of development and tax concessions and the increase in indoor/outdoor recreation space under the new Co Living provisions is not viable either for investors. This will result in a further reduction of new supply of affordable accommodation.

Major renovations of existing Boarding Houses should not trigger the new provisions under the Housing Sepp 21. It is not viable for investors. They should be grandfathered under the old provisions of the ARHSEPP 2009 and the rents should be capped at market rate. This will help continue the supply of new affordable housing.

Under the New Housing Sepp 2021 Investors will not deploy their capital into boarding houses anymore.

The ARHSEPP 2009 works in terms of increasing supply. It just needs to be amended to include a provision stating rents must be capped at a market rent.

**I agree to the above statement**

Yes

Thank you for the opportunity to comment on the proposed State Environmental Planning Policy (Housing) 2021.

My comments are aimed to further the aims stated on p.6 of the ‘public consultation draft’ document, especially:

- c) to encourage the development of diverse and affordable housing types by—
  - (i) providing a consistent planning regime for the provision of new affordable housing,
  - (ii) providing incentives for certain types of development,

I therefore recommend that Chapter 3 ‘Diverse Housing’ introduces a definition for ‘cohousing’ that distinguishes between coliving and cohousing and provides incentives for the latter.

Cohousing, as distinct from coliving, is an emerging form of deliberative development. It has unique benefits and the proposed SEPP needs to recognise its growing importance in urban form internationally, and its following unique features:

1. Cohousing is increasingly seen as a distinct type of multi-unit housing, in which communal areas and shared facilities are designed in an intentional process that is community-led and incorporates collaborative and economically, socially and environmentally sustainable principles.
2. Cohousing is realised through a deliberative development (as opposed to speculative development). It can be architect-led or resident-led and takes the risk out of the project for the developer (by having a buyer's group on board) and gives the buyer's group input to the design outcome of the building.
3. Cohousing is a therefore type of housing that refers to both the typology and the process through which a cohousing project is realised, and differs from coliving as the cohousing community own and direct the development process and retain tenure of their individual units.
4. Cohousing communities are explicitly designed as diverse communities, and usually include an affordable housing component, and a mix of family types and members across life stages.

The benefits of these key features of cohousing include:

- the developer's financial risk is reduced
- residents have input into design that is more suited to their needs, lifestyle and wants across diverse cohorts,
- partnerships are explored with Community Housing Providers, local councils, and other institutional landholders,
- alternative housing models are explored including Community Land Trusts, mutual home ownership such as shared equity schemes, Tenants in Common, and other property title options.
- by working on a project over several years, and opting-in to living in an intentional community, a buyer's group have strong relationships and ways of working including decision-making processes by the time they occupy the premises.

- a cohousing community more easily able to coordinate -- and in fact is committed to this collaboration and coordination – resources and space in dense urban areas. This allows for coordination around use of resources such as car sharing leading to less need for parking facilities in urban areas. For example, a cohousing community in Leeds UK (LILAC) has ten cars between twenty dwellings because through cooperation and coordination a number of residents were able to sell their cars when they moved into LILAC (Sherwood 2014). Providing flexible requirements for car parking spaces for cohousing would reward residents for innovation in sharing resources.

Finally, I recommend that the NSW Government consult with peak groups such as Cohousing Australia and Sydney Cohousing to develop this effective and distinct definition of cohousing, and ensure that it is one which will meet the aims above.

Sherwood, F. 2014. How to create happy communities through co-housing *The Guardian*. Available from <https://www.theguardian.com/cities/2014/nov/21/how-to-create-happy-communities-through-co-housing>

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Saturday, 28 August 2021 11:59 PM  
**To:** DPE PS Housing Policy Mailbox  
**Subject:** Webform submission from: Proposed Housing SEPP

Submitted on Sat, 28/08/2021 - 23:59

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am submitting on behalf of my organisation

## Name

**First name**

Jason

**Last name**

Wasiak

**Organisation name**

JW Planning Pty Ltd

**I would like my submission to remain confidential**

No

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**Submission**

The proposal for SEPP Housing to preclude Seniors Housing on Rural Zoned land where it adjoins Residential zoned land (if a Site Compatibility Certificate (SCC) applies) is alarming.

At a time when our population is ageing, the proposal will invariably reduce the supply of land, and increase the process, time and cost of providing land, for Seniors Housing. It is a simple fact that Residential zoned land is considerably more expensive than Rural zoned land and to this end, the proposed SEPP will most certainly have several unintended/undesirable effects, including:

1. increase the cost of acquiring land to provide Seniors Housing;
2. create 2 years of delay and uncertainty via the requirement to rezone land for residential (ie Seniors Housing) as opposed to the



more efficient and truncated SCC process; and

3. displace land for Seniors Housing by forcing the supply of Seniors Housing to compete with the supply of land for conventional housing.

I urge the Department to seriously consider such implications and in the knowledge of such issues, not proceed with this aspect of the draft SEPP.

**I agree to the above statement**

Yes