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Sent: Sunday, 29 August 2021 10:21 PM
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Submitted by: Anonymous

Submitted values are:

Submission Type
I am making a personal submission

Name

First name

[REDACTED]

Last name

[REDACTED]

Organisation name

[REDACTED]

I would like my submission to remain confidential
Yes

Info

Email

[REDACTED]

Suburb
Wahroonga

Postcode
2076

Submission
Dear Sirs,

The LGA of Ku Ring Gai is publicly and broadly described as an example of 'best practice' when it comes to its open land/building ratio. This is because this hard fought balance ensures less need for environmentally unsound practices such as year round 24 hour a day use of air conditioners and the daily use of tumble dryers. The 'green spaces' along the streets of Ku-Ring Gai allow canopy trees to keep the road surfaces cooler. Other LGA's have now decided they need to spend millions of dollars planting trees along roadsides where they had been removed for development. Sadly there is little room in many of those areas now for those trees to grow... This is not a mistake that we should be repeating.

KuRing-Gai is an important Heritage Conservation Area. Homes in the area provide an important 'time capsule' for Sydneys historical records. If seniors housing is permitted in the area the scale and bulk of such developments will set new precedents that will forever change the way building permissions are considered and granted. Businesses such as Seniors Living and Aged Care

facilities require a large number of dwellings to be incorporated in order to generate an 'economy of scale' that makes them profitable. This immediately makes them inappropriate in such an area.

Even on single and smaller scale multi-occupancy sites, we have watched in dismay as developers have killed off any remaining trees and green spaces after Council has completed their final 'sign off' on the building and site compliance. These green spaces give way to car parking spaces or garbage bin sheds etc.

At the end of the day the environment suffers for the sake of the developers wallet.

We have all seen larger and larger houses being permitted on the basis of 'what they were allowed to do with the block around the corner....' The possibility of a giant leap (backwards) in the form of sprawling multi unit seniors living developments is disheartening to say the least. We need to be re-greening the whole city, not decimating one of the areas that actually works.

Ku-Ring Gai is historically relevant to the state of NSW because of the variety of older homes built on appropriately proportioned sites by internationally respected architects and builders.

Ku-Ring-Gai has an observably more temperate climate than more built up areas in Sydney because of its tree canopy. These trees can only exist where there is enough free space for small clusters of them to grow as they need to be in such groupings to survive.

Please do not allow seniors living developments in the historically significant areas in Ku-Ring-Gai. We need proper planning of housing which incorporates open green spaces for the sake of peoples mental and physical wellbeing, especially as we age.

Thanks for your consideration of my submission.

Yours faithfully,



I agree to the above statement

Yes

As a Waverley full-time resident and property owner, I would be profoundly affected by the for-profit boarding house development proposed by Wainidiva in DA 426/2019 currently under consideration with the Land and Environment Court.

Firstly, I would like to note that the local area is already saturated with a properties invested in as short term rentals for traveling folk and any further developments that promote this type of use will have a most detrimental social impact on the neighbourhood and, in the end, on Bondi Beach itself as it would once again lose another area in which families feel comfortable living and investing and where full time residents could feel committed to preserving, protecting and promoting the local culture, arts, history and environment.

As a local fully committed to the care of Bondi Beach through volunteer work with Bushcare Regeneration, Environmental Sustainability groups, and as a researcher for 'The Bondi Story Room' soon to open in the fully renovated Bondi Pavilion, I am truly gobsmacked that any further development that increases the density of the town and increases the percentage of short term residents who are not committed to the local land could ever be countenanced. Truly, I am so shocked. Once the charm of the area is lost due to outside hunger to glean as much money as possible from any investments in the area, that charm is not retrievable. Bondi Beach will have become just another plastic destination in a world already too homogenised that would attract only those who want to come and say, "Been there, done that". I ask what do they people actually contribute long term to the place. Air BnB rentals are easy to spot with the lack of civic pride in disposal of garbage, noise levels and general public manners. As young people everywhere, they are very focussed on the cult of me and Bondi Beach should take care to limit how much of it's population at any time embraces this type of resident.

I have lived all over the world in my long life and I say shame to those who aim to use Bondi Beach as a money making cow and to those who approve it.

I also would like to ask what is the proposed structure for determining the social impact of developments. Who and how will this be determined? What evidence is used to measure such a metric? Is the measure monetary, environmental, social, historical?

Plans of Management (POMs) and Conditions Of Consent (COCs) are the few tools still available to councils to have some say in development proposals. Most powers have now been taken to the state government level. Waverley Council, if it wishes to truly be a servant of its people, needs to set POMs and COCs so that developers do not run riot stripping Bondi of its uniqueness as a World Heritage beach and location. This motion was put forward by Cr John Wakefield (Bondi Ward).

It has been acknowledged that the ARHSEPP (the Affordable Rental Housing policy) is being

scammed by developers and not actually adding to the stock of affordable housing. Letting market forces determine rents and having no oversight of how these places are run has lead to a stampede of construction, grabbing the financial bonuses and then letting them out to tourists, young lifestyle accomodations. Please stop this travesty and rape of the area now.



Draft Housing SEPP Consultation 2021 [NSW]

Please consider the following recommendations resulting from what I have witnessed as the huge disadvantages and damage caused to neighbourhoods in Byron Shire since 2009 by development arising from regulations in the 'SEPP for Affordable Rental Housing' (ARH SEPP), 'Part 2. New Affordable Rental Housing, Divisions 2 & 3'. This SEPP has been applied to Byron Shire by the State Government, overriding local planning controls: the Development Control Plan & Local Environment Plan.

If there have been changes in the draft Housing Policy in line with my recommendations, then I welcome them & support the changes. These will have an ongoing beneficial impact on the communities of villages & towns in regional areas.

There is a well recognised need for Affordable Housing in Byron Shire. I fully understand that this is a pressing issue, considering the high real estate prices in this area. Younger generations are unable to purchase a first home in this area due to the excessive prices for land and houses. This has created an uneven spread of residents with the attendant social inequalities. Most workers in the towns must live outside of the Byron Shire due to the high rents charged.

The new Housing Diversity SEPP is suited to city suburbs and regional cities, with access to regular public transport, such as trains, buses & ferries. Byron Shire along with most rural towns and villages does not have this. There are only private bus companies servicing the Shire and one small solar train track in the Northern part of Byron Bay. The train covers 3kms only, from Byron town north to Sunrise Estate, near the Industrial Estate. The train currently has hourly services between 11am to 3.30 pm each day. It is not available at the times when people commute to & from work.

The private bus company has limited services in Byron Shire, starting at 8 am & finishing between 5 & 6 pm on weekdays, there are only 3 services daily to most areas on the weekends. There are no services to the major employment centres of Tweed Heads (67 kms away) or Lismore (50 kms away). Therefore, there is a need for each working person and parent to own a car. This must be taken into consideration when making planning legislation for Multi-dwelling housing. Boarding houses & Co-living housing etc.

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

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

Higher density Affordable Housing areas must include peripheral parking areas linked to the housing by walk and or cycle paths and bus routes, to help ameliorate congestion caused by this lack of off-street parking. If State Govt regulations do not provide adequate off-street parking in housing, then the State must take some responsibility in funding appropriate infrastructure for peripheral parking.

Inclusivity of all community members must be provided for in Affordable Housing. There is a well recognised need by Byron Council & various community services, for affordable housing for the elderly in Byron Shire. Ground level units must be provided for the accessibility of elderly and disabled community members. Two story units are not practical, the cost of an inclinator to access the 2nd storey would be prohibitive. If developers consider this option solves the problem, then it must be provided by the developers.

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

While the density, FSR, open space and car parking discounts applied under the Housing SEPP may be appropriate in larger cities and towns throughout NSW they are having negative and unintended consequences in small rural villages.

I make the following recommendations on the current draft Housing SEPP 2021:

I strongly oppose any changes to expand the density bonus outside the Sydney metropolitan region. I am unsure if this has been included in this draft. However, it was included in the EIE for a New Housing SEPP in 2020. This initial proposal is probably the single most concerning recommendation for this SEPP. At present Byron Shire has already experienced far too many inappropriate developments that have taken advantage of the density bonus by being within 400m of a B2 or B4 zone. Unfortunately, in Byron Shire there are many areas in villages which are zoned B2 or B4 but are not suitable for density bonuses because they do not have enough local transport or other services to meet the needs of residents. See Points 21 - 23 on pages 10 -11 for further details.

Overall, I think that in most cases different regulations must apply to regional villages and towns to what applies in regional centres and cities. This is due to many factors, in particular the inadequacy & unavailability of public transport, the greater distances required for people to travel to work, the proximity of environmentally sensitive land, and the amenity of the area.

Chapter 2. Affordable Housing,

Part 2, Division 1, Infill Affordable Housing

Multi – dwelling housing, terraces & manor houses consisting of more than 2 residences on one block in R2 Low Rise Medium Density Residential Zonings, are totally incompatible with the R2 zoning. They should not be built in R2 zones, regardless of how close they will be to B2 and B4 Zones. The minimum block size for Low Density zoning is one dwelling per 600m². This must be maintained (allowing a secondary dwelling only), in order to honour the basis on which residents have previously purchased houses and land in this zoning.

15 (1), (c).

I recommend that at least 30% of the gross floor area of the development will be used for the purposes of affordable housing, not 20% as stated. This regulation does not provide enough affordable housing in new developments for future requirements.

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

(1) *“The object of this section is to identify development standards for particular matters relating to development for the purposes of in-fill affordable housing that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.”*

I am unclear as to the meaning of the change of wording here at Item 17, (1). Is it the same as ***Standards that cannot be used to refuse consent*** as in SEPP 70 2009? If these standards cannot be used to refuse consent, then what is their purpose? They fail to be standards if they can be changed or ignored when lodging a DA. I request that the word 'Mandatory' is used rather than Non - discretionary, both here & throughout the draft SEPP.

17 (2), (d).

I support this change *"where each deep soil zone has minimum dimensions of 6m"*

However, in the current ARH SEPP at least 66% (two thirds) of the deep soil zone is to be located at the rear of the site, not 65% as recommended here. Please change this figure to 66%.

17 (2), (f) & (g)

For each 1 bedroom dwelling there must be at least 1 car parking space. For a 2 – 3 bedroom dwellings there must be 2 car parking spaces. Individual Councils should be able to set their car parking rates higher than 0.5 car parks per bedroom to reduce the impact on street parking in neighbourhoods with inadequate public transport, such as Byron Shire's towns & villages.

18 Design Requirements

1) *"Development consent must not be granted to development to which this Division applies unless the consent authority has considered the following, to the extent to which they are not inconsistent with this Policy"*

This wording is ambiguous & unclear. This must be rewritten so that compliance with 18, (1): (a), (b) & (3) is mandatory.

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

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

20 Must be used for affordable housing for at least 15 years

I request that the proportion of proposed affordable housing is permanently used, in perpetuity. I don't support the increase in time to only 15yrs. 15 years is not long enough to have an impact on housing affordability in this area. 15 years of affordable housing, allows developers to bypass the regulations of Byron Shire Council's LEP & DCP. The developers build to a higher density with less car parking and landscaping etc, then sell the dwellings off after 15 years at a massive profit to a market with no controls on affordability. The community is left with sub standard dwellings that would never have been approved as regular multi-dwelling housing, that are rented at commercial market rates. This leads to ghetto like developments & a loss of affordable housing.

Division 2, Boarding Houses,

I support these statements in the Housing SEPP Plain English Document:

Boarding houses will no longer be mandated in the R2 – Low Density Residential zone (R2 zone). However, councils can continue to permit the use in their R2 zones if they choose to do so.

a requirement for rooms to be rented at affordable rates and managed by a registered community housing provider in perpetuity;

- *new minimum standards for communal living area and communal open space;*
- *updated bicycle and car parking requirements; and*
- *new lot size, setbacks, landscaped area and building separation requirements.*

23 Non-discretionary development standards

In SEPP 70 2009 this section is called: *Standards that cannot be used to refuse consent*. Please change Non-discretionary to Mandatory.

2. (a) (ii) The floor floor space ratio bonus should be reduced to 10%. I do not support this statement:

- *a floor space ratio bonus of 25% on land where residential flat buildings are permitted and on which there are no heritage items;*

A higher FSR reduces the availability of communal &/or private open space, which is so important for mental & physical well-being.

2. (h) Communal Open Spaces:

(i) Change to: with a total area of at least 30% of the site area

(ii) Change to: each with minimum dimensions of 6m

NB Private open space for each Boarding house room must be included in the standards. Private and Common Landscaped areas must also comply with the Landscaping requirements of the current Byron Shire Council DCP.

(i) for development carried out by or on behalf of a social housing provider— Change to the following figures:

(i) in an accessible area—at least 0.5 parking space for each boarding room, or (ii) otherwise—at least 1 parking space for each boarding room,

I query this statement at (j) *“if paragraph (h) does not apply”* Why would having communal open space not apply? Communal open space must be a mandatory requirement, therefore this statement needs editing.

2 (l) I support this increase in bicycle spaces: *at least 1 bicycle parking space for each boarding room.*

24 Standards for boarding houses

(1), (c)

c) no boarding room will be occupied by more than 2 adult residents,

Community members in Byron Shire have noted that children & parents are living in Boarding house dwellings. Are adults with children allowed to live in one of these units? If not, this should be specified in this standard, to become “no boarding room will be occupied by more than 2 adult residents or 1 adult & 1 child.”

Where are the standards for who controls or monitors how many people live in each of the units? There have been more than 2 adults living in some units & neighbours have complained of noisy parties. No onsite managers residence has been mandated in this draft. This omission is a failure of the system.

No mention is made of pets in this statement. Dogs should be excluded from Boarding rooms or “units” and stated here. People in the community have noted that there is a Boarding House unit in Byron Shire with 2 people and 2 dogs living in it. This is not acceptable in a confined space. There have been ongoing complaints by neighbours of dogs barking in these Boarding House units. Dogs must be excluded as allowable pets in these tiny units as they are barely large enough for 2 people & would impose cruel conditions on dogs. The impacts on others living in the building and neighbours are unacceptable.

I refer to point **30 Standards for boarding houses** in the Affordable Rental Housing SEPP 70, 2009. The following item has been omitted from this draft Housing SEPP 2021:

(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager

This item must be re-instated in this Housing SEPP to prevent the social problems with overcrowding, noise & keeping dogs in the rooms, that has previously occurred in these dwellings.

d) adequate bathroom, kitchen and laundry facilities will be available within the boarding house for the use of each resident. Amend this to include outdoor clotheslines.

Communal clothes lines must be provided for residents on communal open space, if there is not adequate private yard space for individual clothes lines. Clothes dryers consume high levels of electricity & are not environmentally sustainable.

(k) 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—12m², (ii) otherwise—16m²

I want the NSW planning team to note that a Boarding House built in Byron Shire, post 2009, includes a stairwell within the designated living area of 16m². The stairwells in the DA I have seen have 2 sides measuring 1600mm, this comprises 2.6 m² of space which is the access to the loft above. A stairwell is not living space. Standard 24 (k) must stipulate that stairwells are to be excluded from the gross floor area.

25 Must be used for affordable housing in perpetuity

I fully support this item.

Part 3 Co-living Housing

The Housing SEPP Plain English supporting document states:

The co-living housing provisions are similar to those that apply to boarding houses.....Defining co-living housing as a separate housing type provides developers with a pathway for development of a similar product but introduces some new standards to ensure resident amenity and to differentiate this housing type from boarding houses, residential flat buildings, and serviced apartments.

I do not see standards in the draft that “introduces some new standards to ensure resident amenity and to differentiate this housing type from boarding houses” apart from the welcome inclusion of one parking space per room in housing outside the greater Sydney area. As the regulations stand, I can’t see them ensuring residential amenity, either for the residents or for the surrounding neighbourhoods. I can see that this will lead to a proliferation of these dwellings with similar problems being created as have occurred with boarding houses, as noted above, and no controls over rental affordability.

63 Co-living housing may be carried out on certain land with consent.

Development for the purposes of co-living housing may be carried out with consent on land in a zone in which development for the purposes of co-living housing, residential flat buildings or shop top housing is permitted under another environmental planning instrument, other than Zone R2 Low Density Residential.

A mandate for Co-living Housing must be removed from Zone R2 Low Density Residential, as it has been for Boarding Houses. It should only be allowed if approved by the local Council. See the statement on this at Pg 4 above.

Areas Zoned R1, R3, B1, B2, B3, B4 and B5 should not be mandated to include Co-living development but should be included at the discretion of local councils.

64 Non-discretionary development standards

Please change ‘Non-discretionary’ to Mandatory development standards. ‘Non-discretionary’ does not appear in the Housing SEPP Dictionary. If it remains in any form, it should be defined.

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

(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,

The additional 10% FSR should be removed, for the reasons given above on pg 4.

(e) communal open spaces— (i) with a total area of at least 20% of the site area, and (ii) each with minimum dimensions of 3m,

(i) Change to: with a total area of at least 30% of the site area

(II) Change to: each with minimum dimensions of 6m

Car parking areas, rubbish bin areas, access paths, bike racks, boundary buffers and vegetated landscaping must be specifically excluded from the communal open space area calculation.

NB Private open space for each co-living dwelling must be included in the standards. Private and Common Landscaped areas must also comply with the Landscaping requirements of the current Byron Shire Council DCP.

2 (g) *if paragraph (f) does not apply—at least 1 parking space for each private room,*

I support this regulation, however, it must be made mandatory.

I support the regulations at 2 (h), (i), (j), (k). They must be made mandatory.

65 Standards for co-living housing

(1), (a) each private room has a gross floor area, excluding an area, if any, used for the purposes of private kitchen or bathroom facilities, of at least— (i) for a private room intended to be used by a single occupant—12m², or (ii) otherwise—16m²

Note comments as for 24 (k) in Boarding Houses above. Standard 65 (1), (a) must stipulate that stairwells are to be excluded from the gross floor area.

(B), (1) The minimum lot size of 600m² is too small. This item must be changed to:

for development on land in Zone R2 Low Density Residential—the lot size requirements for manor houses under a relevant planning instrument,

f) for development on land in Zone R2 Low Density Residential or an equivalent land use zone, the co-living housing— (i) will not contain more than 12 private rooms, and (ii) will be in an accessible area

Change (i) to 6 private rooms.

(g) the co-living housing will contain an appropriate workspace for the manager, either within the communal living room area or in a separate space

Change to the co-living housing will contain one live in dwelling including an office for an onsite manager for each 10 private rooms.

(i) adequate bathroom, laundry and kitchen facilities will be available within the co-living housing for the use of each occupant, and

Include communal clothes lines, that must be provided for residents on communal open space here. Clothes lines must be provided for residents as there will not be adequate private yard space for individual clothes lines.

(j) each private room will be used by no more than 2 occupants.

It should be specified in this standard, that “no Co-living room will be occupied by more than 2 adult residents or 1 adult & 1 child.”

I refer to point **30 Standards for boarding houses** in the Affordable Rental Housing SEPP 70, 2009. The following item has been omitted from this draft Housing SEPP 2021:

(e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager

This item must be re-instated for Co-living dwellings in this Housing SEPP to prevent the social problems with overcrowding noise & keeping dogs as pets, that has previously occurred in similar developments such as Boarding houses.

The standard would state: *(e) if the Co-living house has capacity to accommodate 20 or more lodgers, a private room or on site dwelling will be provided for a Co-living house manager.*

I strongly agree with all of the points raised in the following 2020 submission by Community Alliance Byron Shire (CABS) on the proposed Housing Diversity SEPP. **I have added my own, extra comments to the following in red.**

1. In-fill affordable housing under the SEPP should be used as affordable housing for 20 years instead of the current 10 years.
2. Secondary dwellings are now permitted under most LEPs independent of the SEPP
3. CABS supports the new Built to Rent housing definition but acknowledges that it may have limited appeal in Byron Shire where real estate in B3, B4 and R3 zones is limited and developing a minimum 50 dwellings may not be easily achievable **or acceptable in small towns and villages.**
4. BTR Housing must not be mandated in R1, R2 or B1 zones unless Councils deliberately include this in their LEPs through Planning Proposals.
5. It is important that Councils be permitted to increase the car parking ratio above 0.5 car parking spaces per dwelling for built to rent housing as in some case in regional areas a higher ratio will be appropriate. (where public transport is not to a high enough standard)
6. CABS support the new definition of student housing and that it is not mandatory in any zones but may be included at Councils discretion. **Bicycle parking should be increased to 1 space per bedroom and motorbike parking to one space per 3 bedrooms.**
7. CABS support a new definition for Co-living by removing it from the current boarding house definition, but we are concerned about some of the proposed planning provisions.
 - a. In Byron Shire some areas zoned B4 Mixed Use are inappropriate for this type of development particularly in Brunswick Heads. Co-living should not be mandated in the B4 zone but should be included at the discretion of individual councils.
 - b. Areas Zoned R1, R3, R2, B1, B2, B3 and B5 should not be mandated to include co-living development but should be included at the discretion of local councils
 - c. Building height and FSR should be determined by LEPs and not the SEPP
 - d. In Byron Shire reduced car parking rates for Co-living developments are not appropriate. Individual Councils should be able to set their car parking rates higher than 0.5 car parks per bedroom to reduce the impact of on street parking in the neighbourhood. A car parking rate of 1 car park per bedroom is appropriate in Byron Shire, **due to lack of adequate transport to work centres.**
 - e. The proposed minimum Room size, communal living space, and private open space all seem acceptable
 - f. The communal open space should remain at [25%] **30%** of the site area even if private open space exceeds the minimal requirements. Car parking areas,

rubbish bin areas, access paths, bike racks, boundary buffers and vegetated landscaping must be specifically excluded from the communal open space area calculation.

8. CABS support the change in boarding house definition to make it affordable and that it is managed by a community housing provider
9. CABS recommend that the rooms in boarding housing remain affordable in perpetuity or at a minimum 20 years and does not agree with them only remaining affordable for 10 years.
10. CABS support removing the mandate that boarding houses must be permitted in the R2 zone
11. CABS also recommend that boarding houses not be mandated as permissible in R1 or B1 zones. They are currently mandated in these two zones and this decision should be left up to the local council.
12. CABS support a flat 10% FSR bonus for boarding house developments and opposes the 20% bonus suggested by the Department
13. Car parking rates for boarding houses in Byron Shire are currently too low as there is not sufficient public transport so all tenants require private vehicles. Local Councils in regional areas should be able to apply higher car parking rates if the area is not adequately serviced by public transport.
14. CABS supports the proposed amendment to allow the conversion of an existing dwelling to a group home as exempt or complying development
15. CABS supports the amendment that the onus for providing evidence that a building did not contain a low-rental dwelling at the relevant time rests with the applicant
16. CABS supports the amendment that councils have the discretion to set a maximum size for secondary dwellings in rural zones
17. CABS supports changes that amend the provisions for 'location and access to facilities' in the Seniors SEPP so that point-to-point transport, including taxis, hire cars and ride share services, cannot be used for the purpose of meeting the accessibility requirement
18. CABS support the proposal to amend the SEPP Seniors provisions to clarify that development standards in an LEP prevail to the extent of any inconsistency with the SEPP
19. CABS opposes including manor houses and terraces, in the list of developments that can attract a density bonus. Byron Council has prepared its draft residential strategy based on assumptions of potential housing development. Including this additional density bonus will skew these calculations.
20. CABS STRONGLY OPPOSES the proposed changes to expand density bonus outside the Sydney metropolitan region. This is possibly the single most concerning recommendation in the new proposed SEPP. At present Byron Shire has already experienced far too many inappropriate developments that have taken advantage of the density bonus by being within 400m of a B2 or B4 zone. Unfortunately, in Byron Shire there are many areas in villages which are zoned B2 or B4 but are not suitable for density bonuses because they do not have enough local services to meet the needs of residents.

21. The major concern with the proposed change is that density bonuses will apply to all land within 800m of a railway station and 400m of a bus station.
- a. In Byron Shire this will open up vast swathes of the community to development if they are within 800m proximity of the current three operating train stations at Sunrise, Belongil and Byron Bay North.
 - b. Byron Council is currently proposing to reopen the train stations at South Byron Bay, Lilypily, Bangalow, Mullumbimby, Ewingsdale, Tyagarah, Myocum and Billinudgel. If this were to occur, then density bonuses would apply within 800m of all eight of these train stations. **Some of these potential stations are in close proximity to Environmentally Sensitive areas, Nature Reserves and National Parks, where higher density development would be unsuitable. It would also be unsafe, due to increased bush fire risks.**
 - c. Blanches Bus Services currently operates six regular public bus services that run through Byron Shire. It also runs dozens of regular school bus services which are still classified as regular bus services. The regular public bus services stop at just over 30 bus stops throughout Byron Shire. While at present there are not enough bus services running every hour between 6.00am and 9.00 pm each day to meet the proposed definition even a slight change to scheduling would open up 30 new R2 zoned areas in Byron Shire to multiple dwelling density bonuses.
- The Passenger Transport Act 1990 defines **regular bus service** means any regular passenger service conducted by bus (including any transitway service).
 - The Passenger Transport Act 1990 defines **regular passenger service** means a public passenger service conducted according to regular routes and timetables, but does not include a tourist service or a long-distance service.

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

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

years. CABS strongly recommends this be changed to 30% and to 20 years. 20% and 10 years is simply not enough area or time to meet the affordable housing needs of the community.

Conclusion

The amalgamation and amendment of the Affordable Rental Housing SEPP, the Housing for Seniors and Disabilities SEPP and SEPP 70 into the Draft Housing SEPP provides some positive changes but it also raises some issues that still need addressing.

Neighbourhood Character has been severely impacted in areas where developments have gone ahead under the ARH SEPP 70, 2009: buildings that dominate the block with inadequate common landscaped areas; loss of privacy for neighbours; removal of trees within the blocks and on the Council verge; overcrowding in dwellings with no constraints enforced on the number of occupants allowed; above market rents charged; noise issues, traffic and parking congestion etc. All of these impacts must be taken into consideration, and steps taken to offset them, so that higher density housing & affordable housing does not end up creating ghettos, in regional areas particularly. The community is left to deal with the negative impacts and social effects of these dwellings long after the developers have sold them.

26 August 2021

The Hon MP Robert Stokes
NSW Minister Planning and Public Space

Re: Smaller affordable co-living housing models in low density residential- benefits and required with NSW SEPP changes

I refer to the NSW Government proposal of a new Housing Diversity State Environmental Planning Policy (**SEPP**) which consolidates and updates five existing SEPP's (covering boarding houses, seniors and disability housing and affordable housing) and creates new models of affordable housing - including build to rent, student and co-living housing. The SEPP aims to creating diverse and affordable housing which meets the needs of our growing population, addresses the housing affordability issue across NSW and responds to current and future housing needs, expectations and preferences of the community.

The co-living provisions in the draft SEPP only allow larger models (of 6+ bedrooms) which are already provided for in build to rent and boarding house provisions. The draft SEPP conspicuously does not allow smaller (3-5 bedroom/6 person max) co-living models which, in other states, are permitted and have been widely and successfully implemented. Nor does the draft SEPP mandate this smaller co-living model in low density residential (R2) areas where many people, including those struggling with affordability, seek to live.

As property developer and investor delivering New Generation Boarding Housing solutions in NSW Regional areas which is in high demand, with no financial support or incentives from the NSW Government to assist, rather adding costs of land taxes and regulation costs, I'm working to providing affordable housing solutions on number of different levels.

I strongly recommend and support alternatives for affordable housing solutions and NSW Government do not miss the opportunity to provide the ability to do more. Wrong planning and missed opportunity from NSW Government Planning for Smaller affordable co-living housing models in low density residential areas of R2 zoning, is a huge solution to assist with co-living models in residential R2 zoning areas. Without the correct planning policies from the NSW Government, the affordable housing shortage will continue to be a major problem and challenge.

As a New Generation Boarding Housing developer/ owner there is huge requirement to provide affordable co-living solutions particular for singles, young women, young adult in services sectors, women separated, divorced or domestic violence persons to live in safe environment accommodation alternatives

An excess in demand for 'hidden' segments of the community

Affordable housing is a key challenge across Australia. The government is struggling to ensure that sufficient, safe, affordable and secure housing is accessible for all NSW residents. Unfortunately, a variety of demographic groups are placed at significant risk of social dislocation and homelessness.

Despite public perceptions, these groups are not limited to the stereotypical "public housing" - those living in public housing or seeking support from Government. There is a silent cohort that exists – young people seeking to leave home; young professionals arriving in (or returning to) NSW, and the largest (and potentially most concerning) demographic of homelessness across Australia being the 55-year-old plus single women.

A shortage of supply of the right housing stock

The housing market is tailored for larger property developers, who produce four-bedroom, two-bathroom houses. It is now common for houses to be built as big as land area and planning laws allow. The larger a property, the more expensive it is, and the less affordable it becomes. Yet, much of this space goes unused.

OPPORTUNITY

By better utilising space in our homes, it unlocks a range of very exciting possibilities. Gen-Y's all the way through to Baby Boomers, can embrace living in smaller spaces and shared accommodation.

Not only are these properties more accessible and affordable, they bring a sense of community and security that otherwise would not be present. It enables people to remain in their local community in spite of life event or personal circumstances.

We see an important need and opportunity to apply this learning in NSW. The NSW Government can stimulate the delivery of housing that meets the above criteria. The approach is applying the policies, practices and experiences that we have seen work well across Australia.

We are able to demonstrate how, with minor amendments of existing Government policies, regulations and standards we can unlock under-utilised stock and maximise undeveloped land for the benefit of your target market segments. These strategies do not require funding from the Government, or dramatic changes in policy, legislation and regulation.

BACKGROUND

Current state of market:

- One of the tightest rental markets in Australia coupled with very strong demand for affordable housing (rental and purchase) in multiple locations across NSW.
- The greater percentage of the housing portfolio is 2-4 bedroom dwellings; whilst 80% are seeking smaller living accommodation 1-2 bedroom dwellings or studio rooms in Co-living accommodation.
- Public and Social housing has a growing waiting list and unmet need.

OUTCOMES

- Target a 'hidden' element of the housing stock and an 'undervalued' segment of the property market.
- Deliver more affordable rental properties (for those wanting to rent).
- Share housing and communal Co-living residential for general public requirements. Which provides an effective avenue to provide affordable housing.

BENEFITS OF RECOMMENDATIONS

INCREASING AFFORDABLE RENTAL HOUSING - Co-living in R2 zoning

The utilisation of Co-living in residential R2 zoning proposed form of accommodation has the potential to hugely reduce the public affordable rental housing and provide key relief to the private rental market.

It provides a solution to:

- Women and children escaping domestic violence
- Young People leaving care
- Students looking for a place to live while they work and study
- Professionals arriving (and returning to) to NSW for the first time while they get settled
- Young couples trying to save for their first home
- Older singles (such as the +55 year divorced or widowed women) who want to remain in the community they have spent most of their life in.

Benefits of smaller affordable co-living model

There is an undisputed increased demand for co-living in Australia, driven by affordability challenges and growth in single person households. AHI's co-living housing service transforms a standard existing residential property (usually a large house) by converting it into up to 5 self-contained, secure micro apartments (including kitchenette and bathroom) with a common full kitchen and shared outdoor area.

A maximum of 6 people reside in the house. The underlying goal is to always be aligned with the surrounding neighbourhood's existing density and residential nature. AHI has found that limiting co-living to this smaller number of 6 people preserves a sense of community; a sense of a home. The location of our properties in mostly R2 areas is important for many of our residents who want to maintain connection with the community they have grown up in or lived in to date.

Who lives there? A home is typically made up of one or more middle-aged women (the fastest growing demographic affected by affordability)ⁱ, a couple saving for a property, and single workers who struggle to afford rent in popular locations such as Sydney or Byron Bay. This includes young adults who have just left home but want to stay close to family and friends in the surrounding area.

Healthcare workers often find this model attractive, if it is nearby to a hospital or health facility in which they are employed. If there is more than one tenant within a room, they must be related or in a relationship.

Does it exist in NSW? No. Our smaller co-living model can exist in NSW under current boarding house provisions but we have not implemented it given the difficulty and cost of obtaining Council approval for owners. With the draft SEPP changes to boarding houses (**BH**) this will no longer be even theoretically possible. Nor will the draft co-living SEPP provisions (which are more appropriate to deal with a smaller mode of co-living that is not a BH) allow this smaller co-living model to exist in NSW.

Where else does it exist? The AHI model has been operating successfully in many other states (Queensland, Victoria, Tasmania and WA) for years, in both metropolitan and regional areas. Importantly it is permitted in R2 areas (Low Density Residential Zoning), so that residents can stay in the communities they have grown up in or are familiar with, maintaining critical social connections. In many states the AHI model is permitted without Council approval i.e. only private certifier approval is required provided certain minimum conditions are met.

Smaller 3-5 bedrooms (6 person) co-living model in R2 -policy considerations
How much will it cost government? Nothing. The change is regulatory in nature. It provides affordable housing (housing which is less than 30% of gross income for those with low-middle incomes) at no cost to government alleviating pressure on, and freeing government resources for, social and community housing (for those on no or lowest incomes).

What are the benefits? In other states in which this co-living model exists, it has been found to reduce the cost for a resident by between one third and one half of what they would pay for a comparative property in the same area in the current rental market - significant in terms of affordability. This model also allows frees some of the 13.5 million empty or underutilised bedrooms around Australia in a way that does not increase density or strain on infrastructure, and boosts the economy through the conversion/construction. There are many social and other benefits including retaining connection to community (see Appendix 1).

Will it be permitted/possible under the draft NSW Housing Diversity SEPP?
No. The SEPP currently proposed by the Government will create a version of co-living housing which only caters to larger 6+ bedroom co-living modalities (which can have 12 or more people depending on bedroom number). These larger co-living ways of living are already catered for in the build to rent and boarding house provisions and are not something sought by all

What is the effect of not allowing this smaller affordable co-living in R2 model in the SEPP?

The many cohorts of people trying to access affordable living in R2 will instead be driven to the outskirts of cities or areas they have no connection with/larger modes of living they do not want. This will deny the many social benefits in Appendix 1.

What needs to happen for it to exist under the SEPP? To achieve the SEPP objectives of an affordable and sustainable co-living model which meets the needs, expectations and preferences of our growing population and community, the draft SEPP co-living provisions must be adapted to:

1. **allow 3-5 bedroom (maximum 6-person) co-living in the R2 low density residential zone.** This is consistent with family homes and density in R2 zones. R2 is also where large homes of a size suitable for conversion to 3-5 bedroom + communal area are found and where many wish to live.
2. **allow certifier approval for a complying development.** Council only approval will cause delays and open the way for refusals of consent even where there is alignment with all SEPP requirements and objectives, doing nothing to solve immediate housing affordability issues. There is evidence to show Council approval results in delays of a year or more. The ability for 10 day certifier approval, in contrast, means affordable housing can be released in as little as 4-8 weeks.

Various other more minor changes have been proposed by AHI to the proposed SEPP co-living provisions (e.g. no maximum room size, only minimum) but the above are the major ones that AHI seeks your support on.

Why should it exist? The new build to rent and revised boarding house provisions in the SEPP are both for **larger** and mostly **purpose-built** developments. They also **cater to different cohorts** in need of affordable housing. A distinct co-living housing category is needed which, at least:

- **allows smaller tenancy models of affordable housing in R2** to achieve SEPP objectives and benefits (Appendix 1). The 5 room/6 person limit preserves existing R2 density with no additional strain on infrastructure
- **allows conversion of existing residences**
- **caters to cohorts who will particularly benefit from the small size** (for connection within the house) **and location** (connection with familiar surrounding community).

APPENDIX 1- Benefits of smaller affordable co-living model

The benefits for residents and society

- **Affordability**
 - reduces the cost for a resident by between one third and one half of what they would pay for comparative property in same neighbourhood in the current rental market. Included utilities further reduces costs
 - provides some residents with ability to save for their own property
 - **Greater social outcomes** than living alone or in unfamiliar areas/larger build to rent ways of living
 - choice of location/ retention of social connection. Residents can remain living close to their social support network and family. They can stay connected with communities they are familiar with instead of being pushed to the fringes of cities or to large build to rent style co-living models
 - divorced and middle-aged women, frontline and low-income workers and young couples saving for homes are some of the groups especially impacted by the affordable housing crisis and they do not want to move away from familiar areas or travel long distances to city fringes (especially at night in the case of frontline shiftworkers)¹
 - reduced loneliness, greater sense of home and community, greater opportunity for social engagement – both through maintaining social connection to familiar areas (above) and through the choice of socialisation/ communal space or private living space
 - increased security - especially for women and those who are aging
 - allows secure aging in place for older property owners who retain some space in their house and rent other parts
 - can be used (as it has by AHI in QLD) as a model to assist women transitioning from domestic violence crisis housing to mainstream rental
 - better mental health outcomes through all of the above
 - **Alleviates pressure on social housing**
 - By providing **no cost to government** affordable housing the pressure on social housing waitlists is reduced, reserving social housing and Govt resources for those most in need
 - **Environmental benefits/ urban consolidation** -e.g., utilising existing housing stock in R2 through conversion limits new builds and reduces carbon producing travel
 - Aligned to SEPP goal of accelerating projects that **stimulate economic development and COVID recovery** (through construction and employment associated with conversion/builds)
-

Benefits for Landlords

- Increased rental income in comparison to one tenant
- Increase in property value

The key benefits of the recommendations are:

- The ability to support a large proportion of the community seeking long-term rental accommodation
- To fill an important gap between existing Government policy and initiatives including the Government's Planning; building; rental; and affordable housing reforms.
- Increasing supply in the marketplace at no additional cost to Government.
- Offering significant financial savings and reducing the pressure on the State Government's public housing
- Stimulation of construction and economic activity in a new sector

It assists in meeting the need of changing demographic of the community (smaller household size; increase rate of single person households due to aging population).

I trust this submission provides an outline to why major consideration to allow for Smaller affordable co-living housing models in low density residential areas of R2 zoning to **allow 3-5 bedroom (maximum 6-person) co-living in the R2 low density residential zone**

Kind regards,

Greg Kings
Director
Kings Consulting Services Pty Ltd
PO Box 774 Narellan NSW 2567
m: 0412115959
e: gk@kingsnetworking.com.au

27 August 2021

Mr Jim Betts
Secretary
Department of Planning, Industry and Environment

Lodged via the NSW Planning Portal

Dear Mr Betts

Submission regarding draft State Environmental Planning Policy (Housing) 2021

We refer to the public exhibition of the draft State Environmental Planning Policy (Housing) 2021 (draft Housing SEPP) and we have reviewed the exhibition material in consultation with our town planning consultant DFP Planning.

We have prepared this submission as we have concerns about the impacts the draft Housing SEPP will have on the ability to deliver seniors housing projects.

1. Who We Are

Knowles Group is a privately owned group of companies established in 1976, with interests in residential aged care and retirement living developments.

- Arcare is the residential aged care division of Knowles Group and is one of the largest for-profit residential aged care providers in Australia with more than 4,200 operational residential aged care beds across 43 locations located in Victoria, NSW and Queensland. In recent years Knowles Group has opened 4 residential care facilities in Sydney and the Central Coast, with another nearing completion in Mollismook and two others currently in the DA process in the Lake Macquarie region.

In addition, they own and operate an in-home care business servicing over 875 home care clients in Victoria and Queensland.

- Sencia is the retirement village division of Knowles Group and has successfully developed many retirement villages that were sold to another entity over 10 years ago. In recent years Sencia has re-entered the retirement living sector.

Knowles Group's aim is to establish more residential aged care and retirement living villages (desirably co-located) and about half of our planned work is located in NSW which will represent a significant investment. This includes sites in metropolitan Sydney and regional locations (both coastal and rural).

2. Limitation on Sites Suitable for Seniors Housing

Knowles Group has faced many challenges in finding sites suitable for seniors housing in NSW when factoring in zoning, site constraints and location.

The draft Housing SEPP will further constrain the site selection process by:

- Removing independent living units (ILUs) as a permissible form of seniors housing in the R2 low density residential zone. This will limit available site options and potentially local governments will 'follow suit' and seek to amend their LEPs to remove seniors housing as a land use permissible with consent in the R2 zone, particularly as the focus for future seniors housing will concentrate on those LGAs where seniors housing is permissible in the R2 zone.
- Removing ILUs in R2 zones will also limit the locations are co-location of residential care facilities could occur. It might have the effect of separating such uses such that couples need to live in different locations.
- Limiting the application of where seniors housing could be carried out in other non-urban zones to the RE2, R5 and SP zones with significant limitations on the application of draft Housing SEPP to those zones.
- Excluding more land from the operation of the draft SEPP (compared to the current SEPP Seniors) by amending the environmentally sensitive land descriptors, including:
 - Introduction of the term flood planning which will exclude much land without having regard to the extent of affectation (e.g. it could be shallow flooding of a short duration that does not pose a significant risk).
 - Referencing the Biodiversity Values Map which is not necessarily reflective of the constraints on land. The Maps might not reflect approved vegetation clearing and if the Maps are not regularly updated the lag in mapping updates will impact upon when the Housing SEPP could apply to land.
 - Referencing mapping in the Coastal Management SEPP. Including mapping that is currently not available and the effects of that mapping are unknown.
- Potentially excluding all of a site even if only part of the land is mapped as environmentally sensitive land. This is readily capable of being overcome by clearly stating that only that part of land mapped as environmentally sensitive land is excluded from the application of the SEPP (not all the land).

The site selection process is already challenging, and the proposed provisions of the draft Housing SEPP will further limit land in which seniors housing can be undertaken making the site selection process even more difficult.

3. Ageing Population

Clause 3 of the draft Housing SEPP states that one of its aims is:

- “(a) to ensure an adequate supply of an appropriate range of housing types to meet the changing needs of people across the State, including the following—*
- (i) seniors,*
 - (ii) people with a disability,.....”*

Clause 2 of SEPP Seniors currently states the following as one of its aims:

- “(1) This Policy aims to encourage the provision of housing (including residential care facilities) that will—*
- (a) increase the supply and diversity of residences that meet the needs of seniors or people with a disability, and.....”*

The aims of current SEPP Seniors and draft Housing SEPP are very similar. Both relate to supply of housing for seniors or people with a disability. As noted above, the draft Housing SEPP will limit opportunities which is contrary to the stated aims of the draft Housing SEPP.

Further, Knowles Group has a desire to co-locate residential aged care and retirement villages which typically require a minimum of 10ha of land. Limiting the application of the SEPP will further limit where such sites could be located. Co-locating ILUs and residential care provides an option for residents to age in place, stay connected to their community and potentially live nearby their partners if they require different levels of care. It does not appear that the draft Housing SEPP has considered the needs for co-locating aged care and retirement villages. If sites suitable for seniors housing are further limited, then this social outcome will be less likely to be achieved.

The draft Housing SEPP should contain provisions that permit seniors housing in R2 zones that meet a minimum site area. The current 1,000m² minimum site area for SEPP Seniors (which is in part carried through to the draft Housing SEPP) does not reflect how seniors housing is provided today. A large site in a R2 zone can be successfully designed to integrate with the character of an area and allow for co-location of aged care and retirement villages.

The draft Housing SEPP appears to be encouraging seniors housing into higher density locations. In our experience, this is not necessarily where seniors wish to live and is not reflective of the type of housing seniors prefer (typically single level houses with low maintenance gardens). The draft Housing SEPP appears to be misguided and is not aligned with the needs of the ageing population.

We thank you for the opportunity to comment on the draft Housing SEPP and strongly encourage the Department to further review the draft Housing SEPP to ensure its aims are truly aligned with delivering housing for seniors and to not place greater reliance upon local controls where local councils could seek to amend their respective controls further reducing the supply of land available for seniors housing.

If the opportunity were available, we would be pleased to meet with you to further elaborate our position.

Kind regards,

A handwritten signature in blue ink, reading "Mcarnell.", with a stylized flourish at the end.

MICHAEL CARNELL
CEO - Property

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, 8 August 2021 2:55 PM
To: DPE PS Housing Policy Mailbox
Subject: Webform submission from: Proposed Housing SEPP
Attachments: kbpa-submission-new-housing-diversity-sepp_08.08.21.docx.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Submitted on Sun, 08/08/2021 - 14:54

Submitted by: Anonymous

Submitted values are:

Submission Type

I am submitting on behalf of my organisation

Name

First name

Elise

Last name

Borg

Organisation name

Kogarah Bay Progress Association Inc

I would like my submission to remain confidential

No

Info

Email

kogarahbayprogress@gmail.com

Suburb

Kogarah

Postcode

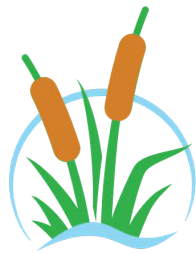
2217

Submission file

[kbpa-submission-new-housing-diversity-sepp_08.08.21.docx.pdf](#)

I agree to the above statement

Yes



KOGARAH BAY PROGRESS ASSOCIATION

8th August 2021

Mr Rob Stokes

Minister for Planning and Public Spaces and Member for Pittwater

Department of Planning, Industry and Environment

Dear Mr Stokes,

RE: SUBMISSION PROPOSED NEW HOUSING SEPP

I refer to the NSW State Government's proposed new Housing SEPP, which provides for the consolidation of 5 existing housing related SEPP's, including the SEPP (Affordable Rental Housing) 2009, intended to be finalised in October, 2021.

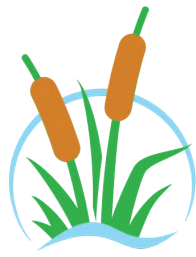
The views of our association expressed in [our previous submission](#) in September 2020 has not changed in relation to the consolidation of all the Housing SEPP's.

We support the proposed changes that stipulate a definition for 'affordability' that Boarding Houses must comply with. We also support the proposal to ensure Boarding Houses are managed by a Social Housing Provider.

Our Association members were encouraged in the previous exhibition of the New Housing SEPP in relation to changes to Boarding House requirements where the SEPP was to prohibit boarding houses in R2 zones and that Boarding Houses were to be managed by a Community Housing Provider.

Our Association is bitterly disappointed that the NSW State Government has now seen fit to revert to its previous position in relation to Boarding Houses in R2 zones and in this proposed New Housing SEPP will now permit a Boarding House in an R2 zone if it is located in an accessible area, ie: within 800m to a railway station or 400m to a bus stop. This virtually means that a Boarding House can be located in most areas throughout the whole Sydney Metropolitan area and in particular, in the Georges River Local Government Area.

We believe our members speak for the broader community when we say that Boarding Houses are fundamentally incompatible with low density residential areas due to their bulk, scale and nature and should be only permitted in higher density residential zones and existing town centres.



KOGARAH BAY PROGRESS ASSOCIATION

Again, our **Association requests that Boarding Houses be prohibited in the R2 zones, regardless of the accessibility criteria.**

Kind Regards

A handwritten signature in black ink, appearing to read 'Elise Borg'.

Elise Borg – Hon Secretary
Kogarah Bay Progress Association Inc
kogarahbayprogress@gmail.com
M: 0405 517 006



Ku-ring-gai Council Submission

Draft Housing SEPP

August 2021

Ku-ring-gai Council Submission – Draft Housing SEPP

Ku-ring-gai Council welcomes the opportunity to provide feedback on the draft Housing SEPP exhibition documents, including:

- Draft Housing SEPP consultation draft
- Draft Environmental Planning and Assessment Regulation amendment
- Draft Standard Instrument Order
- FAQs
- Plain English Supporting Document

The detailed comments are outlined on the following pages 4 – 12.

In addition to the detail comments provided in the submission, Council makes the following recommendations:

Recommendation 1: Remove Business zones B1-B8 from the nominated prescribed zones for seniors housing. It should be up to Councils to determine which Business zones and centres would be suitable for seniors housing development.

Recommendation 2: Individual Councils should have the option to permit other forms of seniors housing within the R2 Low Density zone.

Recommendation 3: The maximum building height permitted for all types of seniors housing development should be as per the maximum height set out in the LEP applying to the land.

Recommendation 4: Definition of ‘*servicing equipment*’ needs to be included in the Definitions

Recommendation 5: The definition of *Gross Floor Area* for seniors housing developments needs to be amended so that it is consistent with the Standard Instrument LEP definition.

Recommendation 6: Wording of Clause 83(1) should be amended to match the current Seniors SEPP *Development consent must not be granted for development for the purposes of an independent living unit unless the consent authority ~~has considered whether~~ is satisfied that residents will have adequate access to facilities and services*

Recommendation 7: Floor space ratio bonuses should not be provided for any development types under the Housing SEPP.

Recommendation 8: The moratorium on seniors housing in Heritage Conservation Areas should be permanent and not end on 1 July 2021.

Recommendation 9: Landscaped area requirements for hostels and residential care facilities should not be reduced.

Recommendation 10: Maximum building height for Co-living developments should be as per the LEP applying to the land.

Recommendation 11: Where an LEP prohibits boarding houses in R2 Low Density Residential zone, this should also apply to LAHC self-assessment of developments as well.

Ku-ring-gai Council provided a submission to the exhibition of the Explanation of Intended Effect (EIE) for the proposed *Housing Diversity SEPP* in September 2020. A table which details the key points raised in Councils 2020 submission is included at 5, and provides an evaluation of whether these issues have been addressed by Draft Housing SEPP.

If you have any questions regarding this submission, please contact Craige Wyse, Team Leader Urban Planning at cwyse@kmc.nsw.gov.au or 9424 0855.

1. Changes since exhibition of EIE Housing Diversity SEPP September 2020

Since the public exhibition of the EIE in September 2020, a number of changes have occurred including:

- Renaming from *Housing Diversity SEPP* to *Housing SEPP*
- Inclusion of 2 addition SEPPs into the consolidation of Affordable Rental Housing SEPP, SEPP 70 and SEPP Seniors:
 - o SEPP No.36 Manufactured Home Estates
 - o SEPP No. 21 Caravan Parks
- Separate definition of student housing is no longer being included

Additionally, since the EIE was exhibited in September 2020, a number of the proposals exhibited in the EIE have been introduced into legislation, including:

- December 2020 – changes were made to facilitate the delivery of social and affordable housing by the Land and Housing Corporation (LAHC), as well as provisions to set maximum size for secondary dwellings in rural zones
- February 2021 – new provisions for build-to-rent housing were introduced

It is noted that the draft Housing SEPP consultation draft does not include these recently made provisions, but these will be included within the Housing SEPP when it is finalised.

2. Savings and Transitional Provisions

The draft Housing SEPP does not have any savings provisions or transitional arrangements, for Development Applications that are lodged but not determined prior to the commencement of the new Housing SEPP. This needs to be clarified.

Additionally, there is no transitional arrangements for sites which have a valid Site Compatibility Certificate (SCC). What this the intention for a site with a valid SCC, will they still benefit from the SCC under the new Housing SEPP?

3. Seniors Housing

Land to which part applies

Prescribed zones and Site Compatibility Certificates – Clause 71 ‘Seniors Housing Permitted with consent’ advises that seniors housing may be carried out with development consent ‘*on land to which this Part applies*’, whilst the effect of the first part of this clause is clear, the purpose of the second part of the clause which states that seniors housing ‘*...may be carried out on land on which development for the purpose of seniors housing is permitted under another environmental planning instrument*’ is unclear. Under the current Seniors SEPP, seniors housing can be carried out under the provisions of the local plan where that use is permissible in the zone. An example of this is seniors housing in the R3 Medium Density Residential zone under Ku-ring-gai LEP 2015, which is subject to different development standards for building height (taller) and floor space ratio (greater density) than provided in the Seniors SEPP and the draft housing SEPP. It is unclear whether subclause (b) is intended to have the effect of applying the provisions of the Housing SEPP to all seniors housing.

The draft Housing SEPP includes a change to '*land to which this part applies*' from '*land zoned primarily for urban purposes*' and '*land adjoining land zoned primarily for urban purposes*' to outlining prescribed zones, being Residential Zones R1-R4, Business Zones B1-B8, RE2 Private Recreation, RU5 Rural Village, SP1 and SP2 (Hospital) where seniors housing will be permitted. It is also proposed to remove the requirement for Site Compatibility Certificate (SCC) process.

These amendments to nominate prescribed zones and remove SSCs are supported by Council as they provide certainty to councils and community about where seniors housing developments are permissible, as well as removing the need for technical assessment, and almost mini spot rezoning assessment through the SCC process.

Business Zones - The proposed prescribed zones in which seniors housing would be permitted include Business zones B1 through to B8. It is Council's view that Business Zones should be removed from the nominated prescribed zones. Any permissibility within Business zones should be left to Councils to determine if seniors housing developments are an appropriate development type within the context of their Business Zones and centres. There may be some Business zones and centres which are more suitable for seniors housing developments, for example within KLEP 2015, seniors housing is already permitted with consent within the B1 Neighbourhood Centre and B2 Local Centre zones.

There are some Business zones where seniors housing is not appropriate. Council does not support the proposal that seniors housing is proposed to be permitted in the B7 Business Park zone. Ku-ring-gai does not permit any form of residential development within this zone due to the potential for amenity impacts for residents from the surrounding land uses. The inclusion of seniors housing developments within this zone also conflicts with the current work the Greater Sydney Commission is undertaking in retaining employment and industrial lands, as well the proposed Employment Zones Reform recently exhibited by DPIE.

Low Density Residential Zones - Clause 76(1)(d) of the draft Housing SEPP outlines that for development on land in Zone R2 Low Density Residential, the development of seniors housing can be carried out only for the purposes of a *residential care facility*.

The limiting of seniors housing developments to 'residential care facilities' within the R2 Low Density zone is supported by Council. Ku-ring-gai has seen large number of developments for seniors housing independent living units within the R2 Low Density Residential zone, and Council and the community have consistently raised concern with these developments which override local planning controls, which results in developments that are incompatible with the surrounding context.

Individual Councils should have the option to permit other forms of seniors housing developments in the R2 Low Density zone where this is consistent with the context of their low density zones or needed to enable greater housing diversity and choice for ageing population.

Recommendation 1: Remove Business zones B1-B8 from the nominated prescribed zones for seniors housing. It should be up to Councils to determine which Business zones and centres would be suitable for seniors housing development.

Recommendation 2: Individual Councils should have the option to permit other forms of seniors housing within the R2 Low Density zone.

Non-discretionary Development Standards - The clarification that particular development standards within the SEPP are '*Non-discretionary development standards*' is a positive change, however it is unclear how a variation to these development standards is to be assessed as clauses 96 and 97 do not contain objectives. It is noted that for Ku-ring-gai matters the Land and Environment Court has predominantly found that a clause 4.6 request is not required to vary the non-discretionary development standards in the current Seniors SEPP. The draft Housing SEPP could be improved by incorporating objectives into clause 96 and 97 and clarifying how a variation to these development standards is to be assessed.

Development Standards - Clause 76 '*Development standards for seniors housing—Zones RE2, SP1, RU5 and R2*' contains provisions that will determine whether development can or cannot be carried out under the SEPP. As the interpretation and application of these provisions will have a significant impact on the development potential of a site they are likely to be a source of disputes. Given the potential for disputes it is recommended that the draft SEPP be amended to make it clear that clause 4.6 of the standard instrument does not apply to this clause. If the intention is for the provisions in this clause to be capable of variation, the clause needs to contain objectives that are specific to each of the development standards.

Building height - The draft Housing SEPP includes an amendment to the definition of *building height* so that it is consistent with the Standard Instrument LEP definition. This is supported by Council as it provides consistency in the built form and assessment of developments.

The EIE exhibited in September 2020 proposed that the development standards in an LEP would prevail for seniors housing development. Council was supportive of this proposed amendment. However, the draft Housing SEPP has not incorporated the proposed changes exhibited in the EIE relating to local development standards. The exhibition material notes that the DPIE has undertaken a review and it is considered that the standards in the SEPP provide an appropriate balance between LEP provisions and SEPP provisions and provide certainty for development industry, councils and community.

The draft Housing SEPP also includes proposed increases in height from the current 8m to:

- 9m for development on land in a residential zone where Residential Flat Buildings are not permitted
- 9.5m for hostels residential care facilities (excluding servicing equipment on the roof of building) and 11.5m if servicing equipment on the roof a building is fully integrated in the roof design or screened from view from public places, and limited to no more than 20%.
- 9m for independent living units, and 10.5m if serving equipment on the a building is fully integrated in the roof design or screened from view from public places, and limited to no more than 20%.

Council is concerned with the proposed increase in height to 10.5m and 11.5m for Independent Living Units and Residential Care Facilities, particularly as Residential Care Facilities are proposed to be permitted within the R2 Low Density Residential zone. A height of 11.5m allows for a built form equivalent to 3 storeys, and even if this is only permitted for 20% of the roof design it is inconsistent with the maximum height of buildings of 9.5m of the surrounding development permitted in the R2 Low Density Residential zone. Servicing equipment can be designed to comply with the 9.5m height limit.

The maximum building height for all types of seniors housing development should be as per the maximum height set out in the LEP applying to the land.

Additionally, Clauses 75, 96 and 97 make reference to '*servicing equipment*'. As the application of this term will determine whether a proposal complies with development standards the meaning of the term '*servicing equipment*' should be included in clause 72 '*Definitions*'.

Recommendation 3: The maximum building height permitted for all types of seniors housing development should be as per the maximum height set out in the LEP applying to the land.

Recommendation 4: Definition of '*servicing equipment*' needs to be included in the Definitions

Gross Floor Area - It is noted that unlike the definition for building height, the existing definition of *Gross Floor Area* for seniors housing is proposed to be transferred from existing SEPP Seniors in to the Housing SEPP. This definition of *Gross Floor Area* is different to the Standard Instrument definition of *Gross Floor Area*.

It is recommended that the definition of *Gross Floor Area* needs to be amended so that it is consistent with the Standard Instrument LEP definition, consistent with what is proposed for the definition of building height within the Housing SEPP for seniors housing developments.

This is particularly important so ensure that the calculation of gross floor area is consistent across all development types permitted within a zone, ensuring that the same areas are included/excluded. The draft Housing SEPP proposes Floor Space Ratio bonuses for particularly seniors housing development types, and these should not be subject to an additional 'bonus' in the way that gross floor area is calculated.

Recommendation 5: The definition of *Gross Floor Area* for seniors housing developments needs to be amended so that it is consistent with the Standard Instrument LEP definition.

Access to services and facilities - The wording of clause 82(1) differs from the equivalent provision in clause 26 of the Seniors SEPP, in that it only requires that the consent authority consider whether residents will have adequate access to facilities and services. The reason for the change in wording appears to give no effect to the intention of the clause and is different to the wording of clause 83(1). Clause 82(1) should be reworded to match the current Seniors SEPP or clause 83(1) of the draft Housing SEPP. i.e. *Development consent must not be granted for development for the purposes of an independent living unit unless the consent authority ~~has considered whether~~ is satisfied that residents will have adequate access to facilities and services.*

Recommendation 6: Wording of Clause 83(1) should be amended to match the current Seniors SEPP *Development consent must not be granted for development for the purposes of an independent living unit unless the consent authority ~~has considered whether~~ is satisfied that residents will have adequate access to facilities and services*

Restrictions on Occupation of Seniors Housing - Clause 18 of the Seniors SEPP requires that consents to development applications are subject to a condition restricting the occupation of the housing and that a restriction to user is registered against the title of the property. This clause creates a consistent application of the Seniors SEPP across the state and has been removed from the draft Housing SEPP and replaced with clause 77 which does not require the imposition of a condition or the registration of a restriction to user against the title of the property. It is suggested that clause 18 the Seniors SEPP creates more certainty for developers, consent authorities and the community than clause 77 of the draft Housing SEPP. Therefore, the wording of clause 18 of the Seniors SEPP should be incorporated into clause 77 of the draft Housing SEPP.

The draft Housing SEPP includes an amendment to increase the minimum age threshold for seniors housing from 55yrs to 60yrs to align with change to Superannuation Regulations, which determines when people can access superannuation funds. This change is supported by Council.

Vertical villages - The draft Housing SEPP proposes to introduce new floor space ratio bonuses for vertical villages:

- 15% for development involving independent living units
- 20% for residential care facilities
- 25% for developments involving both independent living units and residential care facilities
- Floor space ratio bonus allows the building height to exceed the maximum permissible by up to 3.8m

The exhibition material outlines that the proposed floor space ratio bonuses are to incentivise the development of vertical villages and increase seniors developments in centres with higher density land uses to increase options to age in place.

The floor space bonuses (up to 25%) and the additional height of 3.8m are not supported. The bonus in floor space ratio and height override Councils controls, and will result in a built form that is inconsistent with the character and context of the local area and surrounding developments.

Recommendation 7: Floor space ratio bonuses should not be provided for any development types under the 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 (see **Recommendation 2** above), 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.

Environmental Sensitive Land – The draft Housing SEPP includes an updated Schedule 4 Environmentally Sensitive Land. It is noted the updated Schedule 4 includes reference to *Land shown cross-hatched on the bushfire evacuation risk map*. This is supported, and was

one of the key areas of concern raised in Councils 2020 submission to the Housing Diversity SEPP EIE.

Ground floor of Seniors Housing in Commercial Zones - Clause 78(2) specifies *“Development consent must not be granted for development involving the building unless part of the ground floor of the building that fronts a street will not be used for residential purposes.”* The ‘*part of the ground floor*’ is of a concern, and should be clarified. Effectively a development could have a small display area in the front section of the building at the ground floor which would satisfy this provision but it may not be a usable space for commercial purposes. This is inconsistent with Council’s LEP requirements for active street frontages in commercial zones. Further clarification is necessary to ensure the ground floor area is used for a commercial purpose in that there is enough space for it to be viable.

Design of in-fill self-care housing - Clause 85 *‘the Seniors Living Policy: Urban Design Guideline for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004’* is outdated and not necessarily reflective of current standards detailed in the draft provisions for example it suggests a maximum height of 8m and refers to the SEPP controls (Page 9 – although there is more than one example) that are soon to be superseded. The policy needs to be updated to talk to the current/ updated Housing SEPP.

Landscape Area - For development of hostels and residential care facilities, it is proposed within the draft Housing SEPP to reduce the amount of landscaped area required from 25sqm per bed to 15sqm. The exhibition material notes that this will be offset by a new requirement for 10sqm of communal open space (both internal and external), which should provide better amenity for residents.

Concern is raised with the proposed reduction of landscape area. Landscaped area is not just about providing amenity for residents of the hostels or residential care facilities, landscaped area contributes to the streetscape as well as providing amenity for adjoining properties. Particularly for areas like Ku-ring-gai, where the overall landscaped area of a development, and in particular landscaping within the front setback, makes a significant contribution to local character and ensuring development is sympathetic to the surrounding context. The landscaped area required by the SEPP is significantly less than what Council would require other developments in the same zones provide, and it is important that the landscaped area is not further reduced.

Recommendation 9: Landscaped area requirements for hostels and residential care facilities should not be reduced.

4. Co-living

The exhibition material notes that ‘*co-living*’ is a new development type, and is a similar product to what is currently being delivered under the boarding house provisions of ARHSEPP ‘new generation boarding house’ – however there is no affordability requirement.

Permissibility- It is proposed permit co-living developments where Council are planning higher density residential development, within zones which permits residential flat buildings or shop top housing. For Ku-ring-gai, co-living will be permitted within the R3 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood Centre, B2 Local Centre and B4 Mixed Use zones.

Height and Floor Space – The draft Housing SEPP does not include any reference to building height, so it is assumed that the maximum building height as per the LEP prevails.

Clause 64 outlines non-discretionary development standards, and 64(2)(a) outlines that the floor space ratio is the maximum floor space ratio for residential accommodation on the land, and (b) allows for additional 10% if the additional floor space is used only for the purpose of co-living housing.

The draft Housing SEPP also includes a limited floor space ratio bonus of 10% up to 1 August 2024. The additional 10% floor space ratio bonuses permitted by Clause 64(b) and the limited bonus until 1 August 2024 is not supported. The floor space ratio should be as per the LEP to ensure the built form is of a compatible bulk and scale to surrounding development permitted within the zone.

Recommendation 7: Floor space ratio bonuses should not be provided for any development types under the Housing SEPP.

Recommendation 10: Maximum building height for Co-living developments should be as per the LEP applying to the land.

Minimum Lot Size - Clause 65(1)(b) which sets out the minimum allotment size for co-living developments, nominates a minimum lot size of 600m². This is of concern, as Ku-ring-gai has very large minimum allotment sizes, particularly in the R2 Low Density Residential Zone. The policy should reflect the subdivision site areas of the respective LEPs.

Subdivision - The draft Housing SEPP sets out that no subdivision will be permitted for co-living developments, and this is supported having regard to the small room sizes, and communal living space requirements.

Design Guidance - Exhibition material notes that new design guidance will be developed for seniors housing, Build-To-Rent, boarding houses and co-living in second half of 2021, and will cover matters such as solar access, ventilation, storage, visual and acoustic privacy, shared amenities and building maintenance. The preparation of design guidance is supported in order to ensure adequate amenity for residents of these development types.

5. Boarding Houses

Ongoing affordability - Currently boarding houses and other developments under the ARHSEPP only need to be used for the purpose of affordable housing for 10year. The draft Housing SEPP includes an amendment which requires new boarding houses to provide affordable housing in perpetuity. The provision of boarding housing to be used for the purpose of affordable housing in perpetuity is supported.

The draft Housing SEPP also includes a requirement that boarding houses be managed by registered community housing provider, this is also supported.

Permissibility – The Draft Standard Instrument (Local Environmental Plans) Amendment Order 2021 includes amendment to remove ‘*boarding houses*’ from R2 Low Density Residential Zone land use table. As outlined in Councils 2020 submission to the EIE, this is supported as these types of developments are not compatible with the character and context of low density residential areas.

FSR Bonus - Currently a floor space ratio bonus applies for boarding houses:

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

The draft Housing SEPP proposes to increase the floor space ratio bonus to 25%. This is not supported, FSR should be as per the LEP to ensure the built form is of a compatible bulk and scale to the other development permitted within the zone.

Lot Size and Setbacks - The draft Housing SEPP includes the following development standards for boarding houses:

- R2 Low Density Residential zone minimum lot size requirements for manor houses under relevant planning instrument or 600sqm
- R3 Medium Density Residential zone minimum lot size and setback requirements are the same as for multi dwelling houses under relevant planning instrument
- R4 High Density Residential zone minimum lot size and setback requirements are the same as for residential flat buildings under relevant planning instrument

These minimum lot sizes and setbacks are supported, as they will help to ensure that development of boarding houses within the R3 Medium Density and R4 High Density zones within Ku-ring-gai are consistent with the minimum lot size and setback requirements for other development permitted in these zones.

Landscaped Area – The draft Housing SEPP includes provisions for land zoned R2 Low Density, R3 Medium Density and R4 High Density, the minimum landscaping requirements are the same as for multi dwelling houses or residential flat buildings under the relevant planning instrument. This is supported, and particularly for Ku-ring-gai, as the minimum landscaped areas required for multi dwelling housing and residential flat buildings contribute significantly to the landscaped character and local context of the area.

LAHC self-assessment – The draft Housing SEPP includes new pathway which allows LAHC to self-assess boarding house proposals in the R2 Low Density Residential zone, even if not permitted in the zone by LEP. This is not supported, and where an LEP prohibits boarding houses in R2 zone, this should also apply to LAHC developments as well.

Recommendation 12: Where an LEP prohibits boarding houses in R2 Low Density Residential zone, this should also apply to LAHC self-assessment of developments as well.

6. Table – Evaluation key points raised in Councils 2020 Submission against Draft Housing SEPP

The table below sets out the key points that Council raised in the September 2020 submission to the EIE Housing Diversity SEPP, and provides an evaluation as to whether these points have been addressed in the current Draft Housing SEPP.

Council Submission Comments to EIE Housing Diversity SEPP 2020	Draft Housing SEPP Exhibition 2021
EIE	
Exhibition did not include a draft version of the SEPP, so it was difficult to determine the full extent to the potential implications.	✓ Current exhibition has included the legal drafting of amendments to the Standard Instrument Order, EP&A Regulation and draft Housing SEPP.
Seniors Housing – Environmentally Sensitive Land	
Need to ensure that Schedule1 Environmentally Sensitive Land retains reference to <i>Land shown cross hatched on the bushfire evacuation risk map</i> to ensure 15 areas in Ku-ring-gai continue to exclude Seniors Housing developments due to evacuation difficulties.	✓ Draft Housing SEPP includes updated Schedule 4 Environmentally Sensitive Land, which includes <i>Land shown cross-hatched on the bushfire evacuation risk map</i> .
Seniors Housing – Application of Local Development Standards	
Council was supportive of the proposed amendment to the Seniors Housing which set out that development standards in an LEP prevail to the extent of any inconsistency within the SEPP.	X The draft Housing SEPP has not incorporated the proposed changes exhibited in the EIE relating to local development standards. The exhibition material notes that the DPIE has undertaken a review and it is considered that the standards in the SEPP provide an appropriate balance between LEP provisions and SEPP provisions and provide certainty for development industry, councils and community. It is Council's view that the LEP height and floor space ratio development standards should prevail.
Council raised concern with the proposal to permit development standards to be varied using clause 4.6 to a maximum of 20%.	X The proposed amendment relating to clause 4.6 has been transferred to the broader clause 4.6 review also currently being undertaken by the DPIE.

	Council made a submission to the exhibition of the Clause 4.6 Review.
Seniors Housing – Location and access to facilities provision	
Council was supported of the proposed amendment to the provisions relating to access and facilities so that point to point transport including taxis and hire cars, or ride share services cannot be used for the purpose of meeting accessibility requirements.	<p>✓</p> <p>Requirements have been updated to recognise the different needs between residents of independent living units (ILUs) and residential care facilities (RCFs). The draft SEPP outlines that for both ILUs and RCFs that the transport services cannot be a passenger service.</p> <p>Wording in draft Housing SEPP has changed from Seniors SEPP – currently Councils are required <i>to be satisfied</i>, the new wording in the draft Housing SEPP only requires Councils to <i>consider</i>. Council recommends that the wording should be as per the current Seniors SEPP.</p>
Seniors housing – HCAs	
Council's submission reiterated Councils resolution and letter to DPIE to seek a permanent exemption from Seniors SEPP applying within HCAs.	<p>X</p> <p>The moratorium on seniors housing in HCAs has been extended until 1 July 2022. Notes that Councils will need to provide justification for any extension to the HCA moratorium beyond 1 July 2022.</p> <p>Note: Council has not heard any response to the formal letter sent 21 July 2020 which set out the evidence to support Councils request for permanent exemption.</p>
Boarding Houses – No longer mandatory in R2 zone	
Council supportive of amendment that proposed boarding houses no longer mandated within R2 Low Density Residential zone. Questioned how this would be achieved?	<p>✓</p> <p>Exhibition documents include Draft Standard Instrument (Local Environmental Plans) Amendment Order 2021 which includes amendment to remove 'boarding houses' from R2 Low Density Residential Zone land use table.</p>
Suggested that where LEP prohibits boarding houses in R2 zone, this should also apply to LAHC developments	<p>X</p> <p>Draft Housing SEPP includes pathway for LAHC to self-assess boarding houses in the R2 (Clause 27)</p> <p>Where an LEP prohibits boarding houses in R2 zone, this should also apply to LAHC developments as well.</p>

Boarding Houses – Requirement to be affordable	
Council supportive of proposed amendment to definition of boarding house which requires it to be managed by registered non-for-profit community housing provider (CHP).	✓ Draft Housing SEPP includes updated definition of affordable housing households and a requirement that boarding houses be managed by registered community housing provider (CHP).
Group Homes – Conversion of existing dwellings	
No detail provided in EIE about quicker and easier process to convert existing dwellings into group home	X Existing group home provisions from ARHSEPP proposed to be transferred in current form, and a comprehensive review to take place later in 2021.
Heritage items and dwellings within HCAs should be excluded from exempt and complying approval pathways for conversion	
Co-Living	
Support proposal that the HOB and FSR development standards be in accordance with LEP	X Does not include any reference to building height – assume LEP prevails. Clause 64 outlines non-discretionary development standards: 64(2)(a) outlines FSR the maximum permissible FSR for residential accommodation on the land, and (b) allows for additional 10% if the additional floor space is used only for the purpose of co-living housing.
Support the proposed requirement which prohibits strata subdivision	✓ Draft Housing SEPP Clause 66 outlines that development consent must not be granted for subdivision of co-living housing into separate lots.
Design Guideline would be essential to address internal and external amenity of co-living (noting potential amenity impacts from smaller room sizes)	X Does not appear to be any Design Guideline? Clause 65 sets out standards for co-living including minimum GFA for rooms. Clause 64 sets out non-discretionary development standards including 3 hrs direct solar access to 1 communal living area, minimum GFA and dimensions for communal living area, minimum area and dimensions for communal open space. Exhibition material notes that new design guidance will be developed for seniors housing, BTR, boarding houses and co-living in second half of 2021, and will cover

	matters such as solar access, ventilation, storage, visual and acoustic privacy, shared amenities and building maintenance.
Questioned requirement to limit to 10 private dwellings – unnecessary constraint?	<p>✓</p> <p>Clause 65(f) sets out that co-living on land zoned R2 will not contain more than 12 private rooms.</p> <p>No restrictions for other zones.</p>
Build-to-rent	
Definition of build-to-rent containing a minimum of 50 dwellings is not compatible with the R3 Medium Density Residential Zone	<p>X</p> <p>Build-to-rent housing has already been introduced through an amendment to the ARHSEPP on 12 February 2021, which allows for BTR housing anywhere residential flat buildings are permitted, as well as B3, B4 and B8.</p> <p>Housing SEPP consultation draft does not include the newly made provisions relating to BTR as a review of these provisions will be undertaken 24 months after the Housing SEPP is made, as part of broader Housing SEPP review. These provision will be included in the Housing SEPP when it is finalised.</p>
Support for proposal to allow Councils to determine height and FSR through LEPs	
All SEPP 65 Design Quality Principles and Apartment Design Guide should apply	
Support for requirement that build-to-rent subject to minimum lease terms and not available for short term rental accommodation	
Minimum dwelling sizes are to be accordance with SEPP 65 Apartment Design Guide.	
Student Housing	
Support for proposal which allows Councils to decide permissibility of land use	<p>X</p> <p>No longer proposed to introduce a separate definition or development standards for student housing.</p> <p>On campus accommodation can be provided through Education SEPP, and off campus student housing can be provided through co-living housing provisions.</p>
Support for proposal that HOB and FSR development standards are in accordance with relevant LEP	
Requirement for student housing to only be permitted in areas that are in close proximity to educational establishments.	
Question how to ensure these developments are solely used for the purpose of student housing.	
Concern with 10sqm room size being a discretionary standard.	
ARHSEPP – Increase to maximum number of dwellings and types of developments that LAHC can self-assess	
Concern with proposal to increase the self-assessment to a significantly greater size and density.	<p>X</p> <p>Amendment made to ARHSEPP 18 December 2020 to facilitate delivery of social and affordable housing by LAHC</p>

	<p>The Housing SEPP consultation draft does not include this newly made provision, as a review of this provision will be undertaken 24 months after the Housing SEPP is made, as part of a broader Housing SEPP review. This provision will be included in the Housing SEPP when it is finalised.</p>
<p>ARHSEPP – Subdivision of Government owned land</p>	
<p>Insufficient detail provided regarding proposal to permit subdivision of government owned land without consent</p>	<p>X</p> <p>Amendment made to ARHSEPP 18 December 2020 to facilitate delivery of social and affordable housing by LAHC – permits subdivision of land.</p> <p>The Housing SEPP consultation draft does not include this newly made provision, as a review of this provision will be undertaken 24 months after the Housing SEPP is made, as part of a broader Housing SEPP review. This provision will be included in the Housing SEPP when it is finalised.</p>

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, 26 August 2021 7:43 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, 26/08/2021 - 19:43

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

kye

Last name

stamp

Organisation name

single room solutions

I would like my submission to remain confidential

No

Info

Email

kye.stamp@gmail.com

Suburb

wollongong

Postcode

2500

Submission

This email is directed to the housing policy team or those looking for real world examples of how the housing 2041 plan could be adapted to suit a larger criteria (all while not costing the government more money)

We know that creating diverse and affordable housing models or plans is never easy, too often those creating these plans are far removed from the actual problem they are trying to solve (doable, but some detail is always missing)

Myself (a now 37 year old with a young family) have spent the majority of my youth living in co living arrangements (15 years to be precise)

With the draft SEPP creating a "co living" housing category and maintaining that it be 6+ bedrooms I personally think this will miss

a large (very large) part of the housing market that is in need

If the only choice someone has to “affordable” rent is in larger 6+ bedroom houses it will still only cater to a specific category as not everyone wants to live in “large” houses, they don’t often feel like home, they only feel like accommodation which is only as good as it needs to be for a period of time, if someone feels at home they will stay longer, staying in a community longer has more benefits to the community and its people within then uprooting members every 6-12 months.

Smaller affordable co living settings still take the look of the current neighbourhoods characteristics but offer a more varied option. Being in “standard” R2 zonings also mean the potential for renters to stay close to family, places of work or familiar surroundings and not to mention a feeling of a more secure “homely” living experience for those inside the dwellings.

Aspects that’s now coming to light are those of single women (single from any means, death, low income/savings, divorce, those over 55 who are most affected by housing affordability or those escaping domestic violence) do often find living in larger houses daunting, so smaller co living arrangements would suit these categories while still allow freedoms and individuality witting tight kit communities

while these are not the only at risk category, it is a very large portion that needs closer attention

Another often over looked category is young (18-15yr olds) who might be branching out with their first full time jobs, first jobs after completing further education or while completing further education. this type of renter would be more suited to a smaller 3-5 bedroom house that is situated in again a standard r2 zone that could be near family (but separated enough to develop much needed independence)

Having these types of co living properties only at 6+ can be hard to place within communities where as a 3-5 bedroom (maximum of 6 people) house would look like your standard run of the mill house in any neighbourhood around our state

While I was working as an apprentice my wages were terrible (that’s another topic for another day), I needed to move to be closer to my education, move to be closer to more work and this meant leaving my family because I had no option for accommodation (which can be very daunting to all of a sudden be responsible for so much at a young age)

When someone says “low income” its not always intended for government funded individuals, but that’s how its seemed across the general public, if the low to middle income earners who are, singles, young couples, students, or even older homeowners downsizing but still want security and a sense of community are given an option for a 3-5 bedroom property to call home this would not only solve a big problem but also free up actual government funded properties for those who really need them rather than those who just can’t afford anything else

My last point I want to make is a personal one,

When I was 26 I was put in a place of complete torment and uncertainty through a divorce, having to move states (back to nsw) little to no money, I stayed in some very nasty and quite dangerous styles of accommodation because I had no choice, I had no options as family wasn’t near me and if I wanted to find work I needed to put myself in a vulnerable housing situation with more people then I felt comfortable living with (again because there was no other options) everyday I would pack my bag for work with all my personal belongings in because I didn’t trust the people I lived with

If I could make one thing come of my time it would be nice to know that no other young adult had to go through something like that just because they had no other option and a leaking roof was better then no roof

Best regards,
Kye stamp

I agree to the above statement
Yes