
From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal -
Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Tuesday, 24 August 2021 10:14 AM
To: DPE PS Housing Policy Mailbox
Subject: Webform submission from: Proposed Housing SEPP

Follow Up Flag: Follow up
Flag Status: Flagged

Submitted on Tue, 24/08/2021 - 10:14

Submitted by: Anonymous

Submitted values are:

Submission Type

I am making a personal submission

Name

First name

Nicholas

Last name

Nasser

Organisation name

Tier Architects

I would like my submission to remain confidential

No

Info

Email

nicholas@tierarchitects.com.au

Suburb

Strathfield

Postcode

2135

Submission

I objected to the proposed changes.

Considering we are in the middle of a crisis it is untimely to make changes to legislation which is currently driving employment in the construction sector.

Employment generating legislation should not be undone at anytime.

Red tape should be reduced rather than increased.

I agree to the above statement

Yes

[REDACTED]

From: noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment
<noreply@feedback.planningportal.nsw.gov.au>
Sent: Monday, 2 August 2021 1:01 PM
To: DPE PS Housing Policy Mailbox
Subject: Webform submission from: Proposed Housing SEPP

Follow Up Flag: Follow up
Flag Status: Flagged

Submitted on Mon, 02/08/2021 - 13:00

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

[REDACTED]

Postcode

[REDACTED]

Submission

As an operator of affordable Boarding house rooms, I see the issues everyday that a community housing provider has to deal with.

Most community housing providers are not equipped to manage affordable boarding houses because they are restricted in using the residential tenancy agreement.

The occupancy agreement provides much more options in allowing those who have been marginalised to access affordable housing.

It gives the owner of the property the option to try an occupant and see if they will fit in with the current occupants.

Having CHP operate Boarding houses only will marginalise the current people that are being housed. Which are the most vulnerable because a lot of them will simply not qualify for a CHP RTA agreement.

Boarding houses being affordable can be operated by those who are doing it now under this structure.

The thinking that just by having a CHP manage the property will solve the issue is not correct.

The issue is the lack of supply not in the management.

I do agree that you should only make boarding houses affordable and providers must submit audited accounts yearly just as agents need to do so, to prove occupancy was not charged higher than the affordable rate published by the NSW government.

I am all for affordable, but you cannot restrict private enterprise and say only CHP can operate boarding houses.

But they should be made affordable and price gouging should stop from people not providing true affordability.

10 years is a good number also I have no problem with any other suggestion put forward by the department.

But please do not exclude private enterprise who are doing the right things and providing affordable housing in boarding houses.

[REDACTED]

27 August 2021

Mr Luke Walton
Executive Director - Local Government and Economic Policy
NSW Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

luke.walton@planning.nsw.gov.au

Our Ref: 2021/592534

Dear Mr Walton,

Thank you for the opportunity to comment on Draft State Environmental Planning Policy (Housing) 2021 (Housing SEPP). The detailed comments on the proposed SEPP provisions are attached to this letter.

Northern Beaches Council generally supports the bringing together of housing-related controls into a single SEPP. Many of the new controls and standards offer significant improvements on current controls, particularly as they relate to Boarding House development.

However, Council remains opposed to State-based controls which override local planning controls to provide significantly larger buildings, and less landscaping, than would otherwise be permitted, negatively impacting local character and place. Floorspace ratio and height bonuses for boarding houses and seniors housing remain an issue in this regard.

Council also opposes the mandating of seniors housing as a permissible use in the B3, B5, B6 and B7 zones. This approach is contrary to advice provided by the Greater Sydney Commission and is inconsistent with Council's Local Strategic Planning Statement - Towards 2040 and Local Housing Strategy, with potentially significant and lasting impacts on the retention of important employment lands on the Northern Beaches into the future.

Council's Local Housing Strategy, which is currently with the Department of Planning, Industry and Environment for approval, proposes exemptions from housing-related SEPPs in circumstances where Council can demonstrate that the demand for these forms of housing will be met via alternative strategies.

Our submission provides comment on these strategies and we look forward to discussing them with the Department in more detail.

Should you require any further information or assistance in this matter, please contact Andrew Pigott, Executive Manager Strategic and Place Planning on 02 8495 6273.

Yours faithfully

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Louise Kerr
Director Planning and Place

NORTHERN BEACHES COUNCIL SUBMISSION TO THE DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT

Public exhibition of Draft State Environmental Planning Policy (Housing) 2021

General Comments

- Council supports bringing together the housing related provisions of relevant SEPPs into a single Housing SEPP.
- Council has appreciated the opportunity to participate in the Council Boarding House Working Group in the preparation of some of the proposed reforms.
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- The proposed car parking rate per room (0.5 spaces) is the same as boarding houses yet room sizes may be substantially larger and not provide affordable housing, increasing the likelihood of car ownership.
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- It is recommended that a 'cannot not refuse consent' rate of 1 space per apartment be introduced, so that Councils can use their discretion to require less parking where appropriate.

Minimum Landscaping, lot size and setback controls

- Council supports the proposal to link minimum landscaping, lot size and setback requirements to those “under a relevant planning instrument”. It is not clear however if this means an LEP or other EPI.
- Most LEPs do not (or have not been permitted to) contain landscaping and setback standards.
- Is it intended to allow LEPs to contain landscaping and setback standards? And in the absence of such standards what standards will apply?
- Council considers that private open space requirements of 4 sqm per room should be included in addition to communal open space requirements, given that the rooms will function as small flats.
- In addition, the Minister’s Boarding House Working Group (BHWG) recommended that 25% of the site area comprise communal open space, not 20% as proposed in the SEPP.

Subdivision

- Can the Department confirm that strata subdivision of co-living housing is not permitted?

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- Council supports the removal of boarding houses as a mandated permitted use in the R2 low density residential zone and amending the definition to ensure that boarding houses are retained in perpetuity as affordable rental housing and managed by a Community Housing Provider.
- Council’s Local Housing Strategy proposes that boarding houses only be permitted in R2 zones within 400 metres of several local centres in the Northern Beaches to ensure accessibility to services and facilities. Council will also consider the wider permissibility of boarding houses as it undertakes future planning in “centre investigation areas” around Dee Why, Brookvale, Mona Vale and Manly Vale, as well as in the French Forest planned precinct.

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- Council is generally opposed to bonus provisions as they can undermine strategic planning objectives, can result in detrimental and unexpected impacts for adjoining properties and development which is overly bulky and inconsistent with local character. This is of particular concern in the Manly LEP R1 General Residential zone which applies to Balgowlah and Fairlight and comprises a mix of housing types which are subject to separate density controls in the LEP.
- Council considers that any bonus should also be linked to criteria relating to good urban design (design excellence) and good sustainability outcomes.
- Council does not currently utilise FSR controls in several zones under Pittwater and Warringah LEPs.
- Can the Department confirm that that the proposed SEPP bonus FSR provisions are not activated where FSR controls do not apply via an EPI?

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Boarding Houses by Land and Housing Corporation in R2 zone

- The draft SEPP retains provisions permitting boarding houses to be constructed without development consent by LAHC in all R2 zoned areas subject to design and accessibility standards.
- Council remains concerned that LAHC is granted an exemption to the general locational standards for boarding houses, enabling boarding houses to be in comparatively remote locations, serviced only by buses with irregular services.
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Comments in relation to Seniors Housing

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- Council supports updating of the definition of seniors housing and the introduction of prescribed zones, the amended location and access requirements, and exclusion from Metropolitan Rural Area with exception of R1, R2, and R3 zones.
- Council supports measures to address the uncertainty over the definition of ‘land zoned primarily for urban purposes’ and ‘land adjoining land zoned primarily for urban purposes’.
- Council notes the SEPP only applies to Residential Care Facilities in the R2 Low Density Residential Zone.
- Councils supports changes which mean that point-to-point transport (such as a taxi or ride-share vehicle) can no longer be used to satisfy the access requirements of the SEPP

Environmentally Sensitive Land

- Council notes Schedule 1 – Environmentally Sensitive Land of the Seniors SEPP has been amended to align with current legislation and to provide more certainty.

- Land identified in another planning instrument as “flood planning” is included as well as “land shown cross-hatched on the bush fire evacuation risk map” in the SEPP. However, there is no clear process for inclusion on this map.
- Council considers that “bushfire prone land” that is identified in another planning instrument should also be included in the “Environmentally Sensitive Land” definition.
- Council is currently undertaking bushfire studies in parts of the Council area which could impact the future zoning of that land and/or could be included.

Business Zones

- Council notes the justification for seniors housing to be permitted in business zones being that this reflects what is currently allowed under the Seniors SEPP.
- Council has previously raised issues with the Department regarding the permissibility of seniors housing developments in the B7 Business Park zone under Warringah LEP 2011, and its impact on employment lands on the Northern Beaches.
- The draft Housing SEPP fails to address these concerns and appears to exacerbate the issue by permitting seniors housing in all business zones including those where residential type uses are not currently mandated under the Standard Instrument (B3, B5, B6, and B7 zones). This approach is contrary to previous guidance provided by the Greater Sydney Commission on the protection of employment lands and is inconsistent with Council’s Local Strategic Planning Statement -Towards 2040.
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 1. Permitting seniors housing only in those business zones where Residential Flat Buildings or Shop Top Housing are permitted, like the approach taken in this SEPP for co-housing and boarding houses.
 2. Limiting seniors housing in business zones to residential care facilities only, like the approach taken in this SEPP for seniors housing in R2 Low Density zones. Residential care facilities can generate considerable employment opportunities compared to self-contained seniors housing dwellings as they are required to employ services such as nurses, allied health, cleaners, hospitality, medical specialists etc.
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Landscaped Area

- The reduction in landscaped area from 25sqm to 15sqm per unit in lieu of new communal space (inside and outside) may provide better resident amenity but should not be at the expense of landscape amenity and local character outcomes.

- Council does not therefore support the change in landscaped area requirements for Residential Care Facilities as it will increase site cover and potentially result in overdevelopment in the absence of other more detailed planning controls, for example, setback controls.
- The proposed 1:1 FSR control for Residential Care Facilities in R2 zones is significant and landscape controls are the main means to control overdevelopment and to “soften” development.
- Whilst Independent Living Units (ILUs) have a 30% landscaped area requirement, most low-density residential areas on the Northern Beaches require between 40% and 60% landscaped area.

Building Height

- Council notes the building height definition has been updated to be consistent with the Standard Instrument LEP definition, which is supported, however the height exceedance for rooftop plant and machinery (up to 2.5m) should not be ‘deemed to satisfy’ and should be subject to a merit assessment due to potential view impacts.
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- The requirements for vertical villages have changed, moving away from floorspace bonuses for affordable housing, to providing floorspace bonuses on sites greater than 2000 square metres where residential flat buildings are permitted.
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- Council questions whether the \$30 million threshold for State Significant Development is too low in the Sydney Region given the scale of recent development and current costs of construction.

This process and the outcomes from it should be regularly reviewed to ensure that it does not result in a fast track to poor development, bypassing relevant local community concerns.

27 August 2021

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luke.walton@planning.nsw.gov.au

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JAMIE PARKER MP

MEMBER FOR BALMAIN

112a Glebe Point Road, Glebe NSW 2037

Tel: 02 9660 7586

jamie.parker@parliament.nsw.gov.au

www.jamieparker.org.au



The Hon. Rob Stokes
Minister for Planning
GPO Box 5341
Sydney NSW 2001

Friday, 10 September 2021

Addendum to Housing SEPP submissions

Dear Minister,

I am prompted to write with an addendum to our submission for the consultation draft Housing SEPP, which was recently submitted to the Department of Planning, Industry and Environment on behalf of the NSW Greens. Thank you for the opportunity to contribute further to the development of this policy.

We are concerned that the integration of the Housing for Seniors and People with Disability SEPP into this draft policy appears to have removed an important mechanism for ensuring dwellings built under the SEPP are used for the purpose intended.

Under the current SEPP, at clause 18, a consent authority must impose a condition of approval to limit occupation of the premises to those to which an application relates, and be satisfied that a restriction to this effect will be registered against the title. However in the draft Housing SEPP the requirement for restrictions on occupation to be registered against the title has been removed from the corresponding clause.

What mechanism will be included in the Housing SEPP to ensure the intention of restricting occupation to seniors and people with disability, and their households, will be retained? What provisions will be included to ensure this can be enforced? Otherwise the draft SEPP provides a gift to developers – they will be able to secure density bonuses under the guise of providing these much needed housing types, with no way for consent authorities to monitor or ensure the housing is being put to the intended purpose.

Thank you for your time, I look forward to hearing from you on this important matter.

If you would like to discuss the matter further, please do not hesitate to contact my office on 9660 7586 or jamie.parker@parliament.nsw.gov.au

Yours sincerely,

Jamie Parker MP
Member for Balmain



Response to State Environmental Planning Policy (Housing) 2021 consultation draft

We write regarding the Housing SEPP consultation draft on behalf of the NSW Greens as the Housing and Planning spokespersons.

We note that this draft consultation SEPP has been identified as one of the government's key legislative actions to address housing diversity and affordability, in line with the proposed NSW Housing Strategy.

We hold strong concerns with this consultation draft in terms of the provision of affordable housing. In short, we think that this exposure draft does not contain adequate provisions to ensure that the housing affordability crisis is realistically addressed in NSW. This consultation draft is geared to attract investors and developers, but does not seek to ensure the development of a range of affordable housing which will remain affordable into the future.

We believe that unless this Housing SEPP can guarantee a high proportion of affordable housing in perpetuity across various housing types, it will not meet the need nor the expectations of the community and peak housing bodies.

We note that in July this year, the Explanation of Intended Effect for this new Housing SEPP, highlighted the issue of housing affordability and acknowledged this as a major issue across NSW, and particularly in the Sydney metropolitan area. The widening gap between dwelling prices and incomes, the increased proportion of income required for rents and the clear evidence of increasing housing insecurity were all noted.

Given this background and the worsening situation regarding housing affordability that's occurring with the recent COVID-19 resurgence and economic downturn, not just in Sydney, but across the state, we believe that the proposed Housing SEPP is not fit-for-purpose and will not be able to deliver the affordable housing outcomes that are so clearly needed now and into the future.

Smaller dwellings are not the solution to affordability

It is unacceptable that this proposed SEPP incentivises the delivery of increasingly small dwellings in new developments under the guise of affordability. We do not accept that those who can least afford housing should continue to bear the brunt of a dysfunctional system through the provision of smaller homes or rooms with minimal amenities. We believe that this policy preferences developers at the expense of renters and other homemakers.



In-fill affordable housing must remain in perpetuity

The generous floor space ratio bonus incentives to developers which are outlined in Part 2 Division 1 in relation to in-fill affordable housing will result in housing which will only remain affordable for 15 years.

It is critical that these incentives result in the development of affordable housing dwellings which remain affordable in perpetuity.

The National Rental Affordability Scheme (NRAS) which provided for affordable housing rentals for up to 10 years has now ceased with no replacement equivalent scheme. It's estimated that by mid-2026 there will be no homes left in this scheme with some 33,000 affordable dwellings returning to the private market in the next five years. The demand for affordable housing will continue, as should the supply and existence of it.

Under this proposed SEPP, the number of affordable housing dwellings will be constantly in flux creating insecurity for tenants who will face eviction when their dwelling reverts to commercial rents. Rather than permanently increasing the available stock of affordable dwellings for a range of low to medium or medium income earners in NSW, the government appears to be offering developers the opportunity to further increase their profit margin after a limited time and therefore wasting the subsidy which has been given for a short term gain.

Boarding Houses standards need to be improved

We support with some reservations, incentivising the development of boarding houses by allowing an additional 25% of the maximum allowable floor space ratio in zones where residential flat buildings are permitted and legislating to maintain these products as affordable in perpetuity under the management of community housing providers (unless the development is undertaken by LAHC).

However, the definition of boarding houses needs clarification in relation to the role of social housing providers and LAHC in the delivery and management of boarding houses and whether a mix of social and affordable housing would be available in this housing type.

Additionally the SEPP should include as a standard, the inclusion of basic amenities -such as a window, kitchen facilities and an ensuite. It is our submission that the minimum size of each boarding room should be increased and that the communal living areas should be extended to allow for a minimum of two communal areas per six boarding rooms rather than one communal room per six rooms.

If this housing type is to be developed by LAHC and CHPs for social housing as well as affordable housing, there would have to be consideration of additional rooms for the provision of services, meeting rooms and other associated requirements.



Residential flat buildings—social housing providers, public authorities and joint ventures must result in long term affordable dwellings

This Division applies to development for the purposes of residential flat buildings carried out by or on behalf of a public authority or social housing provider, or by a person who is undertaking the development with the Land and Housing Corporation (LAHC) on a range of specific lands which would otherwise be set aside for commercial or mixed use development.

We have concerns with the provisions in this Division with reference to developments by community housing providers in which the affordable housing component (at least 50%) will not be maintained as affordable housing in perpetuity but only has a 10 year affordable housing requirement.

Again, the limited time span for the affordable housing component in these developments will result in only the short-term provision of affordable housing dwellings in these high-value locations.

Retention of existing affordable rental housing

We support the measures outlined to ensure that councils continue to address the loss of existing affordable housing by requiring monetary contributions, including allowing councils to levy monetary contributions to offset the loss of dwellings that were low-rental at any time within the 5 years preceding the lodgement of the development application. But we maintain that the heavy lifting should be done by the NSW government in legislating via this SEPP for the ongoing development of affordable housing in perpetuity.

We recognise the role that local councils have in developing affordable housing schemes and delivering affordable housing but they must be adequately resourced and supported and given additional financial assistance from the State government to extend this work.

Co-living housing must actually be affordable, not just smaller housing with less amenity

This new rental housing product has similar provisions to the boarding house controls and was referred to as 'new generation boarding houses' in the Affordable Rental Housing SEPP. It offers 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 but this will only apply until 2024. This type of housing is very similar to student housing in which smaller room sizes are supplemented with communal spaces. As such, the draft SEPP does not offer a definition for student housing and student housing developments will be subject to these co-living provisions.

However, there are no provisions for those dwellings which are developed as co-living housing to be affordable, despite the fact that this housing product will primarily be used by students.



We have seen the proliferation of for-profit student accommodation and little oversight or analysis of the affordability or not of this housing type. We think that the FSR bonus and other benefits in terms of room size, location and provision of amenities, similar to those in boarding houses, should result in the dwellings constructed under this category, being affordable and affordable in perpetuity.

If this is not done then this housing type will be used by developers in the same way that boarding house controls have been used up to now for the large-scale development of unaffordable student housing which has warranted the amendments to the SEPP.

Creating more loopholes for developers by not mandating affordability in this co-living housing product is a recipe for more micro apartments and rooms which exploit students and others who require secure, affordable housing.

Seniors must have affordable housing options

The 2016 census exposed the growing incidence of homelessness in the older demographic with 42% of those over 55 facing homelessness and an alarming increase of 78% of women aged between 65 and 75 years old unable to find suitable and affordable housing.

We support the proposal to allow seniors housing and housing for People with a Disability in all R2 zones with consent but we have concerns about the permissibility of such housing in some business zones (B5, B6, B7 and B8) because such zones do not offer the adequate services and infrastructure to support this housing type. We note that the 25% maximum FSR bonus offered for seniors in business zones does not come with any requirement for affordability.

The development of vertical villages for seniors housing offers a range of FSR bonuses from 15% to 25% but also does not mandate any affordable housing percentages. For-profit aged care providers have a monopoly on this form of housing which is simply out of reach for many older people.

Additionally we object to the proposed SSD pathway for seniors housing developments with a capital investment value of \$30 million or more unless such developments contain a mandatory percentage (30%) of affordable seniors housing in perpetuity.

Seniors housing must include affordable housing options in perpetuity for those growing members of our community who we know are facing homelessness in increasing numbers. We do not support the notion that growing numbers of older people, particularly women, who cannot afford to live in seniors housing should be forced to live in boarding houses as their only available option for secure housing.



Response to State Environmental
Planning Policy (Housing) 2021
consultation draft
29 August 2021

Housing SEPP will not deliver on community need for affordable housing

In conclusion, we believe that the NSW Government, while recognising the seriousness of the housing affordability crisis in communications around the need for this SEPP has not taken the steps required to properly address the problem in this draft Housing SEPP. It is not acceptable to give developers and community housing providers bonuses to build more affordable housing while limiting the lifespan of this housing by 10 or 15 years. Additionally, it is deplorable that there appears to be an underlying premise that ongoing affordable housing will be largely provided in small single rooms with minimum amenities in NSW.

It is critical that this SEPP delivers a clear pathway for safe, secure, affordable and habitable housing for those who will need a place to call home into the future - and not further loopholes and incentives for developers to continue to profit from an already broken housing system.

Yours sincerely,

Jenny Leong MP
Member for Newtown
NSW Greens Housing spokesperson

jenny.leong@parliament.nsw.gov.au
02 95172800

Jamie Parker MP
Member for Balmain
NSW Greens Planning spokesperson

jamie.parker@parliament.nsw.gov.au
02 9660 7586

27 August 2021

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

RE: Submission to draft State Environmental Planning Policy (Housing)

Dear Sir/Madam,

This submission is made in response to the exhibition of draft *State Environmental Planning Policy (Housing) 2021 (the draft Housing SEPP)* to outline a number of considerations relevant to the proposed seniors housing provisions contained in Chapter 3, Part 4 of that draft instrument.

There are a number of matters that require further detailed consideration to ensure this instrument does not undermine the intent and function of the seniors housing provisions, as well as to remove ambiguity in the application of the proposed controls. These matters are outlined as follows:

A. The draft policy removes the ability to undertake seniors housing under the provisions of any other environmental planning instrument.

Under the current provisions of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (the Seniors SEPP)*, there remains a choice as to whether a seniors housing development is made pursuant to Chapter 3 of that SEPP or under the provisions of another instrument which permits seniors housing.

As outlined in the recent NSW Land and Environment Court judgement in *Principal Healthcare Finance Pty Limited v Blacktown City Council* [2021] NSWLEC 1247, Commissioner O'Neill considered whether the provisions in the Seniors Housing SEPP were relevant to the determination of a development application for a residential care facility that was already made permissible with consent in the R2 Low Density zone under the provisions of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

O'Neill C considered the following at paragraphs 28 – 62 and found amongst other justifications:

At paragraph 29: *The applicant can elect which instrument it will proceed under and this is made clear by a long line of authority (Mete v Warringah Council (2004) 133 LGERA 420; [2004] NSWLEC 273). The question of whether the application is then assessed under the instruments depends upon the construction of those instruments.*

At paragraph 46: *[T]he question of whether a proposal for seniors housing made under another EPI is to be assessed under the Seniors Housing SEPP is a matter of construing the operation of the SEPP. Importantly, there is no provision in the Seniors Housing SEPP that applies any part of the SEPP to all development for the purpose of seniors housing.*

At paragraph 47: *The omission of a provision in the Seniors Housing SEPP applying the SEPP, or parts of the SEPP, to all development for seniors housing is intentional.*

At paragraph 49: *In other words, the purpose of the policy informing the Seniors Housing SEPP is to overcome a prohibition for seniors housing in the Land Use Table of an applicable EPI in order to increase the availability of land that can be developed for seniors housing, as a means to augmenting the provision, by the private sector, of suitable housing for seniors and people with a disability in New South Wales.*

At paragraph 54: *The purpose of the policy in the Seniors Housing SEPP is to make certain development on certain land permissible under the SEPP where it is not permissible under the applicable LEP (or alternate EPI).*

At paragraph 56: *Although s 4.15(1)(a)(i) of the EPA Act applies any EPI that applies to the land to which the application relates as a matter for consideration in determining an application, the question is whether the EPI is an EPI that is of relevance to the development the subject of the application. A consent authority is to take into consideration only the matters listed that are of relevance to the development the subject of the application, at s 4.15(1). A provision in a SEPP applying the SEPP to the land on which the development is to be located does not in of itself make the SEPP of relevance to the development the subject of the application.*

At paragraph 59: *The Seniors Housing SEPP, as noted by Talbot J in Mete at 427 (regarding the earlier iteration of the SEPP), includes numerous references to “a development application made pursuant to this Chapter”. The language of the Seniors Housing SEPP makes it clear in these operative provisions that the provisions apply only to an application made pursuant to the SEPP.*

At paragraph 60: *The language of the Seniors Housing SEPP makes it clear, in the chapeau of each of the operative provisions and standards, that the provision applies only to a development application made under the SEPP (see cl 17, 18(1), 21, 23(1), 24(1), 26(1), 27(1), 28(1), 29(1), 30(1), 31, 32, 40(1), 41(1), 42(1), 43(1), 46(1), 47, 48(1), 49 and 50).*

The draft Housing SEPP, as exhibited, will remove this ability and will require all seniors housing to be subject to the provisions of the SEPP. This goes beyond the original intention, purpose, and objectives of the seniors living provisions in simply overcoming any local prohibition.

The exhibited policy broadly states:

71 Seniors housing permitted with consent

Development for the purposes of seniors housing may be carried out with development consent—

- (a) on land to which this Part applies, or*
- (b) on land on which development for the purposes of seniors housing is permitted under another environmental planning instrument.*

[and]

74 Development standards—general

- (1) This section applies to development for the purposes of seniors housing involving—*
 - (a) the erection of a building, or*
 - (b) alterations or additions to an existing building.*

These clauses have the effect of capturing ALL seniors housing, as opposed to just those applications made pursuant to the SEPP as is currently enabled. By mandating all seniors housing to utilise the SEPP provisions, a large proportion of sites otherwise suitable and desired for seniors housing will be prohibited as these developments may now not achieve the minimum lot size of 1,000sqm, or meet locational requirements of the SEPP but which are currently deemed suitable by the other enabling planning instruments and subject to Council merits assessment rather than prescriptive measures.

This goes well beyond overcoming local prohibitions and will result in a major shortfall in seniors housing stock in locations envisaged under other environmental planning instruments.

There are many instances where this legislative arrangement is critical to the delivery and functioning of seniors services, including those that go beyond traditional notions of seniors living as covered by both the current Seniors Housing SEPP and the draft Housing SEPP.

These are not simply applications that seek to avoid the SEPP requirements, but are instances where there are no viable alternatives to achieving the operational and community needs under the existing framework.

A common example is the delivery of respite services where overnight stay is required. The definition of 'respite day care centres' under the Standard Instrument is as follows:

***respite day care centre** means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.*

As can be seen, this land use term does not permit overnight accommodation unless it is for the owner/operator. This does not align with many respite services that are provided by the industry, including the large operators, who do provide and require overnight stay for elderly and disabled patients.

Given the overnight accommodation restriction of the respite day care centre definition, the only viable alternatives to have overnight stay approved for respite services is as seniors living. As many respite facilities occupy single detached dwelling-style properties, the ability to have seniors housing for the purposes of respite in a traditionally sized property in a low-density zone is significant. This type of seniors housing service does not need to satisfy minimum lot size, location requirements for access to services given the nature of the activities and immobility of the occupants.

The draft Housing SEPP should retain the same wording as the current Seniors Housing SEPP to avoid this outcome by ensuring that the standards apply only to development made pursuant to that part of the SEPP.

It is noted that there are a number clauses which do suggest similar wording to the chapeau of clauses in existing policy with words used like "*Development permitted under this Part may...*". This wording seems redundant if all seniors housing is now to be subject to that Part of the draft Housing SEPP.

If the intention was to continue the purpose of the existing seniors policy by overcoming local prohibitions of seniors housing, then the clauses broadly applicable to all seniors housing developments must be re-worded to relate only to development made pursuant to this Part of the draft Housing SEPP.

B. The draft policy removes all opportunity for self-care/independent seniors housing in the R2 zone

Under the current provisions of the Seniors SEPP, there is no restriction on the type of seniors housing available in the R2 Low Density Residential zone.

The draft Housing SEPP will prevent any type of seniors housing in the R2 Low Density Residential zone unless it is a residential care facility pursuant to clause 76(1)(d) which states:

76 Development standards for seniors housing—Zones RE2, SP1, RU5 and R2

(1) *Development consent must not be granted for development for the purposes of seniors housing unless the consent authority is satisfied as follows—*

...

(d) for development on land in Zone R2 Low Density Residential—the development is carried out only for the purposes of a residential care facility.

It is unclear as to the justification to remove self-care seniors housing from low density areas and permit only care facilities given that self-care style seniors housing has the greatest potential to be most compatible with traditional housing stock in the low density zones, and provides a key mechanism for seniors to remain in their neighbourhood in a self-care arrangement.

Independent seniors living is considered to be a critical element of the social fabric of many low density neighbourhoods, and the draft policy approach of isolating this type of seniors living from the low-density zone is illogical.

As outlined in Item A above, the draft Housing SEPP will prevent an application for seniors housing from being proposed under the provisions of any other environmental planning instrument such as a local environmental plan or other SEPP as is currently possible. As all seniors housing would now be caught by the draft Housing SEPP, all applications for a self-care/independent seniors housing development that could have otherwise been provided under an LEP or other SEPP provisions in the R2 zone will now be prohibited by clause 76(1)(d).

Independent seniors housing would now only be possible in the other higher density residential and business zones to which the draft SEPP provisions will apply; however, this type of housing would likely be overlooked and result in undersupply given it is unlikely to form the highest and best use of those zones. This will result in a severe undersupply of self-care seniors housing when there is a clear need for this product to address the ageing population. Not every senior that wants or needs to be located in a low density zone should be living in a care facility simply because of this policy approach.

It is also unclear how this will operate in the common instances where a seniors housing facility offers a combination of housing options such as care facilities as well as independent living. Will the independent living component be prohibited? Will existing independent living facilities in the R2 zone now rely on existing use rights?

C. Maximum height development standards are unclear

Clarification is required to remove any ambiguity for maximum building height controls for instances such as a residential care facility in a zone where a residential flat building is not permitted.

Clause 74(2)(c)(i) of the draft Housing SEPP provides a general development standard that any type of seniors development in a residential zone where residential flat buildings are not permitted the development will not result in a building with a height of more than 9m.

Clause 96(2)(a) provides a non-discretionary standard for a hostel or a residential care facility of 9.5m. This clause is preceded by a clause which states:

- (1) The object of this section is to identify development standards for particular matters relating to development for the purposes of hostels and residential care facilities that, if complied with, prevent the consent authority from requiring more onerous standards for the matters.*

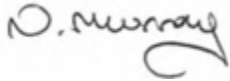
These clauses are likely to cause confusion in the application of the SEPP where development needs to address both of these provisions:

- Should residential care facility development be able to comply with the 9.5m as the highest building height development standard?
- Should the lowest standard of 9.0m be used even though there is a non-discretionary standard which is higher and described as a control against which a consent authority cannot require a more onerous requirement?

- Will a clause 4.6 variation be required where a development uses the 9.5m height limit given that the 9.0m development standard technically also applies, noting that clause 96(2)(a) does not say anything to the effect of putting aside any other provision such as *"Despite any other provision in this Part..."*

Please contact me should you have any queries in relation to this correspondence.

Yours faithfully,

A handwritten signature in dark ink, appearing to read 'N. Murray', with a stylized flourish at the end.

Nathaniel Murray
B.T.P UNSW (Hons), J.D. UNSW
Director
NSW Town Planning Pty Ltd

24 August 2021

The Hon. Robert Stokes MP
Minister for Planning and Public Spaces
GPO Box 5341
SYDNEY NSW 2001

By online submission and email: office@Stokes.minister.nsw.gov.au

Dear Minister

RE: PROPOSED HOUSING SEPP

I write to you on behalf of the New South Wales Vice-Chancellors' Committee (the Committee) regarding the draft *Housing SEPP*. Final submissions are due by 29 August 2021.

It is with disappointment that the Committee observes the omission from the draft *Housing SEPP* of all references to definitions and standards for *Student Accommodation* despite the close work between the Department of Planning, Industry and Environment (the Department) and NSW universities in developing a definition and associated standards over the past 16 months.

This omission is a significant reversal of commitment by the Department to provide much sought-after clarity regarding definitions and standards as they apply to *Student Accommodation*, which the university sector has been requesting since 2017.

Nevertheless, the universities have taken the time to prepare a final submission for consideration by the Department which is **attached** to this correspondence.

If you have any questions then please do not hesitate to contact Ms Ellen Goh, the Executive Officer for the Committee (0455 229 084 or executive_officer@nswvcc.edu.au).

Yours sincerely

Professor Barney Glover AO
Vice-Chancellor, Western Sydney University &
Convener, New South Wales Vice-Chancellors' Committee
Cc.

1. NSWVCC members
2. The Hon. Geoff Lee, Minister for Skills and Tertiary Education
3. Mr Jim Betts, Secretary, NSW Department of Planning, Industry and Environment
4. Ms Sandy Chappel, Director, Housing Policy, NSW Department of Planning, Industry and Environment

Attachment: NSWVCC submission

NSWVCC MEMBERS:

Australian Catholic University • Australian National University • Charles Sturt University • Macquarie University • Southern Cross University
University of Canberra • University of Newcastle • University of New England • University of New South Wales • University of Notre Dame
The University of Sydney • University of Technology, Sydney • University of Wollongong • Western Sydney University
Contact: Ellen Goh, Executive Officer executive_officer@nswvcc.edu.au 0455 229 084

New South Wales Vice-Chancellors' Committee

SUBMISSION TO THE NSW MINISTER FOR PLANNING AND PUBLIC SPACES & NSW DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT

THE DRAFT HOUSING SEPP

AUGUST 2021

EXECUTIVE SUMMARY

1. This submission is made on behalf of the 12 NSW based universities, being members of the NSW Vice-Chancellors' Committee (the "Committee") and is the fourth formal submission made in relation to the *draft Housing State Environmental Planning Policy* (the "Housing SEPP").
2. The Housing SEPP was placed on public exhibition by DPIE on 2 August 2021. DPIE's publicly exhibited package states that the Housing SEPP is intended to address "*a variety of housing options to meet the needs of different people*".
3. It is with disappointment that the Committee observes the omission from the Housing SEPP of all references to definitions and standards for *Student Accommodation* despite the close work and achievement attained between DPIE and universities in developing a Student Accommodation definition and associated standards over the past 16 months. This omission is a significant reversal of commitment by DPIE to provide much sought after clarity regarding definition and standards as they apply to Student Accommodation, which the university sector has been requesting since 2017.

BACKGROUND

4. In 2017, the Minister for Planning gazetted the *State Environmental Planning Policy (Educational Establishments & Child Care Facilities) 2017*, which provides definitions and planning pathways provisions for facilities owned or operated by universities, schools, TAFEs, and child care providers. Each of these four sectors has a standalone SEPP Division of standards.
5. The Education SEPP has proven to be a very useful and successful tool for universities in streamlining the planning system, reducing unnecessary red tape and referrals, and cost savings through *development permitted without consent* provisions for various categories of university development.
6. The Education SEPP addresses most aspects of university development with the **exception** of *student accommodation*. Education SEPP clause 44 specifically excludes student accommodation as a planning pathway available to universities. Education SEPP clause 45 instead requires universities to refer student accommodation proposals to the relevant consent authority (local Council or DPIE). DPIE's reason for this exclusion was that student accommodation is a form of residential development and not bespoke to university development/functions. DPIE had declared that student accommodation would be addressed via a future "Housing Diversity SEPP" (now called the *draft Housing SEPP*).
7. On 8 April 2020, a teleconference was convened between the Minister of Planning and the Committee's former Convener Prof Paul Wellings CBE accompanied by Mr Stephane Kerr (University of Sydney Town Planner), and Mr David Goodwin (Senior Planner UNSW). The meeting addressed the Committee's concern regarding the overdue review of the Education SEPP, including the omission of "student accommodation". At that meeting the Minister advised that a response by DPIE to the Committee recommendations on the education SEPP would be forthcoming as a matter of priority. 16 months later, the DPIE's review of the Education SEPP today remains outstanding.
8. Since July 2020, Committee planning representatives from all universities have worked collaboratively and in consensus with DPIE to help develop a definition and relevant standards for university Student Accommodation, and to showcase the operation and management of various university student accommodation facilities around NSW.
9. In September 2020, DPIE published a draft SEPP Division specifically to student accommodation in the publicly exhibited *Housing Diversity Explanation of Intended Effects* report. The Committee agreed to the proposed definition for Student Accommodation and to most suggested standards except for minimum car parking and bedroom sizes for on-campus locations. The Committee assumed these standards were a matter of continued dialogue with DPIE.

10. However, on 2 August 2021 DPIE publicly exhibited *draft Housing SEPP* which now excludes any reference to Student Accommodation definition or standards. DPIE staff responsible have suggested that the Department has struggled between defining campus versus non-campus student accommodation facilities.

UNRESOLVED ISSUES

11. The omission of definition and standards for Student Accommodation in the draft Housing SEPP results in the following unresolved planning issues:
- a. Definition of Student Accommodation
 - b. Inconsistency with the Education SEPP provisions for Student Accommodation
 - c. Student Accommodation as Affordable Housing

12. **Definition for Student Accommodation:** There remains no planning definition for university Student Accommodation within any NSW planning instrument. DPIE's supporting information document states:

It is proposed to no longer introduce a separate SILEP definition or development standards for student housing. Instead, on campus student accommodation will continue to be facilitated through the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*, and off campus accommodation can be delivered under the proposed co-living housing provisions.

Source: DPIE, August 2021

13. University student accommodation facilities provide accommodation for university students, staff and visiting academics/researchers/students, and are mixed with other University *educational establishment* uses and services. University Student Accommodation is typically a mixed-use facility and not stand-alone Residential or Boarding House development. All accommodation styles have shared communal spaces (kitchen/dining/amenities) and provide the students with internal and external educational and social spaces such as spaces for quiet learning, group or tutor work, peer to peer learning spaces, breakout spaces, meeting rooms, theatres, maker spaces, music rooms, gym, roof terraces and BBQ areas. Student accommodation buildings incorporate educational facilities to allow students to engage outside of the formal learning spaces provided by a University campus.

14. The Committee recently agreed to the DPIE definition (May 2021) for Student Accommodation being:

Student housing is a building or a place that:

- Provides accommodation and communal facilities for students enrolled to study at an educational establishment during the period of their enrolment,
- May accommodate other residents who have an affiliation with the educational establishment, and,
- May include private kitchen and/or bathroom facilities in some or all rooms, and
- Includes on-site management.

Source: DPIE, May 2021

15. **Inconsistency with the Education SEPP provisions for Student Accommodation:** The majority of university Student Accommodation facilities are located on or adjoining a university campus. University student accommodation is typically managed by University student support and pastoral care services. As described in 9. above, the Education SEPP clause 44 specifically excludes student accommodation as a planning pathway available to universities. Education SEPP clause 45 instead requires universities to refer student accommodation proposals to the relevant consent authority (local Council or DPIE).
16. Contrary to the DPIE statement, university student accommodation is not and cannot be facilitated through the Education SEPP. Consequently, Student Accommodation remains open to interpretation by any local Council and consequently undefined and unresolved under this draft Housing SEPP.
17. **Student Accommodation as Affordable Housing:** The recent DPIE report *Proposed new Housing Diversity SEPP Explanation of Intended Effect* (May 2020) acknowledged student accommodation as a source of "affordable housing". By removing the definition of student accommodation, the potential contribution of student accommodation towards providing affordable housing, and responding to much sought after State and local Government policy demand, is also lost.

18. University student accommodation affordability offers below-market rents at least 25% below the GST-inclusive market value of the supply. In a Metropolitan environment for example, the benefit for students is around \$120 per week for a dormitory and \$150 for a studio. For example, the University of Sydney concludes that its' current supply of 1,622 affordable beds at the Camperdown-Darlington campus, presents a savings of 9.6m per annum to students assuming a maximum occupancy across 48 weeks.
19. University affordable Student Accommodation significantly relieves the pressure on the surrounding rental market, and responds positively to the current under-supply of affordable Housing especially in Metropolitan areas.
20. **Summary - Benefits for Universities, the Government, and the community, of the Housing SEPP accommodating University student accommodation definition/standards.**

The Committee highlights the following list of benefits that would be achieved by the inclusion of university Student Accommodation definition and standards:

- Student accommodation will be recognised as a bespoke form of educational establishment accommodation, and linked to associated educational services and facilities;
- University student accommodation can be recognised as “affordable housing” and can contribute to the outstanding State and local Government demand for affordable housing. University student accommodation significantly relieves the pressure on the surrounding rental market, especially in Metropolitan areas;
- Campus student accommodation promotes modal share of transport policy (walking, cycling, public transport etc) and discourages the need on-site parking, which is normally required for other forms of site-specific accommodation;
- The draft SEPP could streamline and fast-track the NSW planning approval process by allowing universities to self-determine small scale additions and alterations to student accommodation facilities. These currently require Development Applications to be lodged with a local Council, unlike other forms of university development (teaching, research, sporting, ancillary).

21. **Seniors Housing as a ‘permissible use’ on SP (Infrastructure) zoned land:**

On a separate matter, the Committee notes the draft Housing SEPP seeks to prescribe land use zones where *Seniors Housing* can be developed, and with concern the limited consideration that applies to *Special Purpose* zones under which most university campuses are typically zoned.

22. The Draft Housing SEPP suggests the only circumstance that the SP2 zone can be used for Seniors Housing is when the zone is identified for ‘Hospital’ use. Similarly, for SP1 zones, the draft position is that Seniors Housing can only be developed in circumstances where 50% of the site adjoins *Residential* prescribed zones.
23. The Committee notes that SP zones are generally well located within urban areas in relation to the infrastructure and services that Seniors Housing also benefits from, such as hospitals and health facilities. The two *Special Purpose* zones (SP1 and SP2) are often used interchangeably and provide for most tertiary institutes and University zones in NSW.
24. The Committee raises its concern that these changes will stifle the ability for NSW universities to develop precincts with health research and education aligned with seniors living uses at a time where the development of innovation precincts are vital to the ongoing success of our universities. There is an emerging trend in the Australian network of universities to co-locate health and education facilities with seniors housing, child care, and commercial uses in health/education precincts, to advance research, health and education outcomes.
25. The benefits of permitting the colocation of Seniors Housing within Universities will allow multiple educational and associated social benefits. These include achieving greater diversity across campus communities, promoting life-long learning opportunities where seniors can participate and volunteer in learning and research, greater social inclusion and less isolation of seniors able to live in purpose-built seniors facilities while remaining in an intergenerational community and, in turn, greater awareness and mutual understanding is gained across all age groups on campus. Greater activation of campuses is enabled through an ongoing, year round residential presence, so that campus facilities and services such as libraries, cafés and gyms can effectively operate year-round.

26. There are active projects currently under development in NSW and in other jurisdictions across Australia which provide precedent of a range of university based retirement communities and have demonstrated success in creating cognitively and socially supported environments for seniors to address a range of cognitive, social and health issues faced by ageing populations. For example, the University of Wollongong (UOW) in partnership with Lendlease Retirement Living are currently developing a Health and Wellbeing Precinct at the Innovation Campus in North Wollongong. The precinct co-locates a health clinic and seniors living uses on a university campus in order to create a Living Lab environment focused on key challenges facing the community in relation to healthy ageing in place, patient-centred health care delivery, and providing best-practice immersive clinical education for current and future practitioners.

CONCLUSION AND RECOMMENDATIONS

27. The Committee is disappointed with DPIE's decision to omit Student Accommodation from the draft Housing SEPP because it:

- reverses DPIE's commitment to define Student Accommodation as an integral component and development of educational establishment facilities. This outstanding matter remains unfinished business under planning standards and legislation;
- fails to recognise the consolidated university sector response in addressing Student Accommodation;
- fails to take opportunity of Student Accommodation contributing to State and local Government targets in increasing a much sought after supply of affordable housing;
- exposes Student Accommodation proposals to an open interpretation by consent authorities through lack of definition, uses, and planning standards; and
- fails to respond to the Government's objective of streamlining the planning system, reducing costs and unnecessary red tape and referrals with regards to student accommodation development.

28. For the reasons outlined above, the Committee **recommends** that:

A) the finalisation of the draft Housing SEPP be deferred until such time as a resolution is achieved between the university sector and DPIE in accommodating a definition and associated standards for Student Accommodation;

or

B) alternatively, Student Accommodation be incorporated into the *SEPP (Educational Establishments & Child Care Facilities) 2017* (the "Education SEPP") by:

- (i) including the definition for "student accommodation" that was developed between DPIE and the student accommodation sector in May 2021;
- (ii) deleting Education SEPP Clause 44 *Development for the purpose of student accommodation* which negates development for student residential accommodation;
- (iii) including the same "development permitted without consent" provisions and criteria for student accommodation as already exists for all other categories of university development under *clause 46 Universities—development permitted without consent*; and
- (iv) expediting the review of the Education SEPP as a matter of priority. DPIE's review has been outstanding since 2017.

C) DPIE consider that *Seniors Housing* be recognised a permissible use (both Independent Living Units and Residential Aged Care Facilities) in both the SP1 and SP2 zone on land which is typically owned by an Australian University.

27 August 2021

Housing Policy Team
Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

To The Housing Policy Team,

Submission to Proposed Housing SEPP

1. Introduction

This submission has been prepared in response to the public exhibition of the proposed Housing SEPP currently on exhibition by the NSW Department of Planning, Industry and Environment (DPIE).

As part of its strategic planning process Oatlands Golf Club is investigating partnering with a developer to develop seniors living housing on part of the land owned by the club under the provisions of the *State Environmental Planning Policy (Housing for Seniors and People with a disability) 2004*. This would be in association with enhancements to the club facilities. The Club welcomes the opportunity to comment on the proposed Housing SEPP.

This submission is structured as follows:

- Golf in NSW
- Oatlands Golf Club
- Concerns with proposed Housing SEPP

2. Golf in NSW

Golf is one of the most popular sports in NSW with over 408,000 members and social players across the state. Golf makes an annual economic contribution to the NSW economy of \$1.25 billion.

This is delivered through the following:

- Regular golf participants including both members and social players.
- Expenditure on services, goods, maintenance, and employees by golf clubs, associations, governing bodies and other golf-related entities.
- Spectator attendance at golf events.
- Golf-related travel and tourism throughout the state.
- Retailing of golf equipment and merchandise.

The Community Impact of Golf in NSW¹, published by the Golf NSW quantifies the many economic, health, social, environmental and charitable benefits of golf to the community in NSW. We ask DPIE to consider the broader impacts of the changes for planning and development of seniors housing

¹ Community Impact of Golf in NSW 2021 <https://www.golfnsw.org.au/wp-content/uploads/2021/05/Golf-in-NSW-Community-Impact-Study-Final49.pdf>

proposed in the draft Housing SEPP on golf clubs. The proposed changes to remove the SCC process and have development standards that overly restrict the built form will put at risk the benefits of delivering seniors housing associated with golf courses for golf clubs and the broader NSW community.

3. Oatlands Golf Club

Oatlands Golf Club boasts a proud history since officially opening in 1931, and today is recognised as a tier one golf course that invites members and the community for competition and recreational golf. The Oatlands Golf Club comprises of an 18 hole golf course and club house that offer club facilities for members and guests from the golfing and wider community.

The objectives of Oatlands Golf Club are to provide members with all the required golfing facilities, to promote the game of golf and to provide members and their guests with services, golf supplies, entertainment, social experiences, great food and the facilities that cater to their requirements. The Board and management of the Club have established a strategic plan which is aimed at focusing on both short and long term objectives to deliver those services to members.

Key long-term objectives that the Board and Management are focussed on achieving include:

- *Ensure that the Club maintains and enhances its reputation as a Club that provides an opportunity to play golf in a friendly environment on a good quality golf course;*
- *Continue to improve the golf course so that new members are attracted to Oatlands for the quality of golf offered;*
- *Review the range of options available to improve the quality of the Clubhouse facilities.*

Related to the objectives of the Board and Management is the ability to use land to support and improve the Club. Oatlands Golf Club has an interest in partnering with developers of Seniors Housing to improve the land it owns and on which the Clubhouse is situated, to ensure that the broader objectives of the Club can be achieved.

The key concern of the Oatlands Golf Club with the proposed Housing SEPP is the proposal to remove the SCC process and the impact this will have on the potential to meet the objectives of providing facilities and services to members and benefits to the broader community.

Oatlands Golf Club is entirely focused on providing a high-quality golf course and associated facilities. The Club would seek to ensure certainty of delivery of a high-quality development by the appointment of a development partner, within a consistent development assessment process, insisting on high quality development outcomes and continuing to provide benefits to the broader community. The priorities for achieving these outcomes are briefly described below:

- **Appointment of Development Partner**

The appointment of a reputable development partner is critically important, and they must have strengths in financial position, delivery expertise and a quality track record with similar developments.

- **Consistent Development Assessment Process**

The significant changes to existing processes for developing Seniors Housing with the proposed removal of the SCC process and lack of Local Government expertise and priority given to Seniors Housing will undermine the aims of the proposed Housing SEPP to provide certainty for the delivery of additional seniors housing.

The SCC process provides Oatlands Golf Club with the ability to partner with developers with the certainty of a planning process that is aimed at delivering the boarder benefits of providing housing choice and diversity and at a scale that makes development feasible to deliver enhanced club facilities and to sustain operations at a high standard for members and the broader community.

- **Insisting on high quality development outcomes**

Ensuring that the impacts of a development external to the site and from the perspective of the golf course are minimised and design excellence is achieved.

- **Continuing benefits to the broader community**

Ensuring the continuing benefit to the broader community from the successful operation of this Golf Club in this location as demonstrated by the recent published study Community Impact of Golf in NSW together with providing seniors housing supply to meet increasing demand in that sector.

4. Concerns with Proposed Housing SEPP

The key concern of the Oatlands Golf Club with the proposed Housing SEPP is the proposal to remove the SCC process, and we request that DPIE reconsider this proposal and retaining this important step in the process especially where it relates to the development of Seniors Housing on RE2 Private Recreation zoned land.

The Seniors SEPP aims to facilitate development of housing for seniors and people with a disability in a way that balances the growing demand for suitable accommodation with the need to maintain the local character of neighbourhoods. Oatlands Golf Club understands the intended purpose of SCCs is to ensure seniors housing developments are broadly compatible with surrounding land uses before a development application can proceed to the development application lodgement, assessment, and determination stage with the relevant consent authority.

A SCC application can be made on land that is used as an existing registered club, and there are many successful examples of seniors housing developments associated with golf clubs on RE2 Private Recreation zoned land.

There are multiple successful seniors housing developments that have successfully applied the SCC process to ensure the compatibility of the development with the surrounding environment and land uses on land zoned RE2 Private Recreation, including golf clubs with registered clubs in established residential areas. These include Penrith Golf Club, Chatswood Golf Club and Strathfield Golf Club.

These examples demonstrate that delivery of seniors housing can be achieved in RE2 Private Recreation zoned land in urban areas where the local context has a prevailing scale and density of the low-density residential zone. Many of the examples of seniors housing in Zone RE2 Private Recreation have achieved appropriate transitions in scale and/or building siting and setbacks due to the large land areas to be compatible with local context.

As noted previously, a key objective for the Oatlands Golf Club is to ensure through the SCC process that the impacts of a seniors housing development external to site and from the perspective of the golf course are minimised and design excellence is achieved.

5. Conclusion

Oatlands Golf Club welcome the opportunity to contribute to the new Housing SEPP to ensure the successful delivery of seniors housing in appropriate and suitable locations.

We thank you for the opportunity to contribute to the proposed Housing SEPP and we look forward to the DPIE's consideration of the matters raised.

Yours sincerely,



George Isaac
Club President
Oatlands Golf Club



Sam Howe
General Manager
Oatlands Golf Club



27 August 2021

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Department of Planning, Industry and Environment
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Yours sincerely,

A handwritten signature in black ink, appearing to read 'George Isaac'.

George Isaac
Club President
Oatlands Golf Club

A handwritten signature in black ink, appearing to read 'Sam Howe'.

Sam Howe
General Manager
Oatlands Golf Club

Submission to the Draft State Environmental Planning Policy (Housing) 2021

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.

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

- (a) a minimum site area of 450m² ,
- (b) for a development application made by a social housing provider—at least 35m² of landscaped area per dwelling,
- (c) if paragraph, (b) does not apply—at least 30% of the site area is landscaped area,
- (d) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of ~~6m~~ **4.0m** and, if practicable, at least 65% of the deep soil zone is located at the rear **and side** of the site,

A 6.0m setback for deep soil zone is not possible for corner sites. After allowing for communal walkways and side courtyard patios only a 4.0m wide deep soil zone is achievable.

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

- (1) Development consent must not be granted under this Division unless the consent authority is satisfied that for a period of at least ~~15~~ **10** years commencing on the day an occupation certificate is issued—

A 10 year period is a more feasible length of time to allow investors to recoup their investment in the Affordable Rental Housing Program. A 15 year program would definitely discourage investors in this current rental market. They will be penalised with a 20% rental subsidy, and over a period of 15 years it doesn't become an attractive investment.

- (a) the affordable housing component of the development will be used for affordable housing, and
- (b) the affordable housing component will be managed by a registered community housing provider **and**

(c) a restriction will be registered, before the date of the issue of the occupation certificate, against the title of the property on which development is to be carried out, in accordance with section 88E of the Conveyancing Act 1919, that will ensure that the requirements of paragraph (a) and (b) are met.

This clause should remain in the SEPP to reinforce the implementation of the rental subsidy on the parcel of land, the subject dwelling resides on.

Regards

Gregg Ritchie,

29 August 2021

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