

Submitted on Sat, 28/08/2021 - 09:31

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am submitting on behalf of my organisation

## Name

**First name**

**Last name**

**Organisation name**

7 Dayman Developments Pty. Ltd

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

Yes

## Info

**Email**

**Suburb**

Marsfield

**Postcode**

2112

**Submission**

My submission is that student accommodation should be defined separately and not included in the definition of co-living housing. This is because student accommodation does not provide a permanent place of residence and is a distinct category of land use. The driver to obtain student accommodation is governed by the basic goal of obtaining further education in a low cost housing environment that will satisfy specific student needs for study and sustainability.

Retaining student accommodation in the Education and Child Care SEPP does not support the private sector providing this form of accommodation or recognise existing student accommodation provided under the ambit of boarding house development. This is because under the proposed amendments to the Education and Child Care SEPP, instigated by adoption of the Housing Diversity SEPP, student housing will only be permitted on school and tertiary institution campuses.

Therefore, student accommodation should maintain in a separate definition of "student accommodation".

**I agree to the above statement**

Yes

## **Proposed Housing SEPP 2021 Submission**

Thank you for the opportunity to provide feedback. Comments below are related to the Draft Document.

### **Affordable Housing**

Agree with most principles in Schedule 1 and the statement that acknowledges that there is a need for affordable housing within each area of the state, however it should be acknowledged that the greatest need is in the Greater Sydney area where the bulk of our state population resides and where rentals and house prices have risen dramatically over the last 15 years.

A mandated % needs to be determined as it is in other major global cities. London for example has a requirement of 30 to maximum 50% in all new developments. Sydney needs a similar target and on all new builds on government land at least 50% should be mandated for affordable rentals and social housing.

Strongly agree with Principle 8 "Affordable housing is to consist of dwellings constructed to a standard that, in the opinion of the consent authority, is consistent with other dwellings in the area".

Strongly agree that the "social housing provider must be a registered entity within the meaning of the Australian Charities and Not-for-profits Commission Act 2012 of the Commonwealth."

Strongly disagree with last part of Principle 3: Agree that "Affordable housing be made available to very low income -less than 50% , & low income households - -50-less than 80% " but strongly disagree that "it should be made available to moderate income households -80-120%. (of median household income)" If made available to moderate income earners, the very low & low income groups that it should be designed to assist would miss out in favor of moderate income residents.

12 (a) Agree that no more than 30% of income should be paid in rent.

### **Floor Space Ratio**

Information needs to be more precise – formulae are confusing and open to misinterpretation and misuse.

**Non- discretionary development standards -the Act, 4.15** (b) &(c) 35m2 of landscaped area per dwelling should apply equally to social housing provider or any developer, not just social housing developments.

(f) & (g) parking provision outlined in (f) should apply to social housing as well.

20. Must be used for affordable housing for at least 15 years. Why only 15 years and not in perpetuity?

Agree that affordable housing component should be used for affordable housing & AH be managed by a registered community housing provider and not the developer

### **Boarding Houses**

23 – 2 (ii) Strongly disagree that Floor Space Ratio can have "an additional 25 % of the maximum permissible floor space if used for the purpose of the boarding house. As it undermines Local Councils' LEPs and increases bulk & height of buildings and reduces residents' amenity.

The Council Boarding House Working Group recommended that the existing FSR bonus be reduced to a flat 10%. .

(e) mentions “at least 3 hours of direct solar access 9-3 in midwinter in at least 1 communal living area but there is no mention of solar access in private rooms. Solar access is necessary and this requirement is totally inadequate. Seniors housing mentions 70% of dwelling receive at least 3 hours of direct sunlight (9-3 midwinter) in living rooms & private open spaces.

“Adequate numbers of bathrooms, kitchens and laundry facilities “ is mentioned but there needs to be a minimum number per potential residents not just rooms.

Balconies should not be counted as “Open Space” as they have in previous DA’s.

Communal Open Space should be provided on each residential floor

Parking provision should be consistent for social housing provider and other developers and no less than 0.5, preferably the 1 space as mentioned in (J).

25. Page 16. Strongly agree (a) boarding house will be used for boarding house, and (b) it will be managed by a registered community housing provider and that that the boarding house is used for affordable housing in perpetuity

### **Division 3 Boarding Houses – Land & Housing Corporation**

28. Page 16 Boarding houses permitted without development consent  
Concern that Council should be involved in the consent process rather than just being “notified of the development and appointing a Council contact person”.  
Agree that LAHC Boarding Houses should be no higher than 8.5 metres.

### **Part 3 Retention of existing affordable housing Page 21**

Strongly agree that existing affordable housing needs to be saved.  
Strongly disagree that 5 years is adequate as a relevant period to determine previous low-rentals. It should be at least 15 years considering the exponential increase in rentals over the last 5 years.

**Part 3 Co-living housing 64** Page 32 (2) (11) Strongly disagree with “an additional 10% of the maximum permissible for floor space ratio if the additional floor space is used for the purposes of co-living housing. “Bonus” 10% should be removed because Co-living rentals are often not “affordable” and the developer is already benefitting through smaller rooms, shared facilities and reduced parking provision.

Parking provision of 0.5 inadequate considering that many rooms will house 2 people.  
Good to see minimum sizes for private room gross floor areas.

- (i) Would like to see more specific minimal requirements for bathrooms, laundry facilities, kitchen facilities & communal living areas for each floor, available for the use of each occupant rather than just ‘adequate’. Define “adequate”. This is a subjective word and open to manipulation.

### **Seniors Housing**

No mention of lift requirements

### **Division 7 Non Discretionary development standards for hostels & residential care**

Concern over parking provision

(g) at least 1 parking space for every 10 beds in hostel

(h) for residential care at least 1 per every 15 beds

(I) 1 parking space for every 2 employees & 1 for Ambulance



The above allowances appear to be insufficient if they also cover visiting parking as many of the visitors would be elderly and require parking very close to hostels and residential care.

### **Division 8 Development of Vertical Villages (for Seniors)**

No justification for Floor Space Ratio bonuses of :

- (i) 15% for independent living units
- (ii) 20% for residential care facility &
- (iii) 25% of the maximum permissible if used only for the purpose of independent living and residential care facility or both

This is confusing & unnecessary. Why 25%? Why not 10% as suggested by Council Working Party for Boarding Houses. The FSR bonuses remove and fail to address the removal of the amenity of adjoining lands, for the benefit of the developer.

**The building height should not exceed the maximum permissible building height for the zone that the building is in, as per Council's usual heights and setbacks.**

### **CONCERNS**

- Within the Aims of the new Housing Diversity SEPP and The Key components of the new Housing Diversity SEPP there is no mention of the need to provide **Quality housing** or need for livability, good amenity and sustainable development.
  - The approach to facilitate delivery of affordable housing has an emphasis on reducing costs for developers and fast tracking developments and reducing amenity to residents, through provision of smaller rooms, more shared facilities & limited parking & car spaces. Any development should retain the existing amenity within the constraints of the existing zoning.
  - There's no mention of projects such as Community Housing projects overseas where you can rent to buy to enable people on lower incomes to eventually buy an affordable home. This needs to be considered.
  - Crime Prevention is mentioned in housing for Seniors but not other categories and security is very important for Boarding Houses.
  - Most of the projects described provide accommodation for singles or couples. The need to provide for diversity for housing for all different family sizes is a serious omission. In Affordable housing and LAHC developments there should be a mandated formula for dwelling types, 1,2 and 3 bedrooomed in order to provide Social & affordable housing for diverse community groups. It has long been recognized that aggregating affordable accommodation in one location is poor practice and diversity of apartments, terraces in size and number of bedrooms is to be recommended.
- At all times, local Councils need to retain control of the approvals process so that neighbourhoods are maintained.**

Allan Edwards and Valerie Martin  
104 Bellevue Road  
Bellevue Hill, 2023

29 August 2021

Attention:  
Housing Policy Team  
Department of Planning, Industry and Environment  
Locked Bag 5022  
Parramatta NSW  
Via Planning Portal

To whom it may concern

Commercial in Confidence

## VASEY COMMUNITIES SUBMISSION

### Who we are?

We are a not-for-profit (NFP) organisation that provides affordable housing in the retirement living sector for those with defence connections.

Our operation is Sydney metropolitan based with 5 villages that were built in the period between 1950s to 1970s post world-war 2 in response to a need to support war widows supported by government grants awarded for this purpose, thanks to our founder Jessie Vasey who also founded the Australian War Widows Guild of Australia, a widow of highly decorated veteran General George Vasey. Our patron is the NSW Governor Her Excellency the Honourable Margaret Beazley AC QC.

### Submission

We welcome the opportunity to submit feedback on various concepts contained within the *Draft State Environmental Planning Policy Housing 2021 ("Draft SEPP")* and have focused on areas that have the greatest potential to impact our future operations, namely *Part 2 Development for Affordable Housing* and *Part 4 Seniors Living*.

We acknowledge the efficiency in consolidating controls into one instrument however suggest further amendments are required for viability and to support long term sustainable outcomes to deliver affordable seniors living.

While we do not intend to speak on behalf of our peers, we wish to highlight there are a significant number of not-for-profit operators within this space, who we expect would be similarly impacted.

We can provide real feedback having recently embarked on a vertical retirement living village renewing an asset at Waitara, which was subject to current controls including the 2015 Apartment Design Guide.

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## Summary Recommendations:

1. Incentivise development to reduce costs without compromising on standards
2. Remove the *Apartment Design Guide* statutory weighting and requirement to fully comply
3. Allow Affordable Housing and Seniors Living to be exempt from the *Design and Place SEPP*
4. Ensure that the least onerous controls prevail to the order in which clauses are applied, otherwise impacts are compounded when overlaying Affordable Housing and Seniors Living requirements producing unintended consequences

## Detailed Response

Our response has been targeted; aiming at key features that would prohibit future village re-generation or organisational growth that allows entities like us to continue our mission – that is, providing affordable housing in the retirement living sector.

In terms of the Draft SEPP, we do not fit under the proposed definition of “social housing provider” in its Dictionary and we suspect there may be others in a similar situation. While we almost fit under item (h) as a not-for profit, we only in some circumstances provide rental housing, our accommodation is generally provided under a Deferred Management Lease (DML) format. For this reason, the definition as it stands is restrictive and will unintentionally disallow entities such as ourselves to deliver affordable housing.

We are also aware of the considerable stigma the connotation of labelling residents as being housed in “social housing”. While many might indeed fit this category through adversities in life, they do not wish to be attributed as living in such classification yet will accept being accommodated in “affordable housing”. We suggest a further definition to better describe a category that sits between “social housing” typically provided by the state and housing that is discounted to the broader market base, and a definition that allows a broader, diverse and inclusive range of participants, not just state owned or “community housing providers”.

We acknowledge the intention to deal with affordability on an income basis in *Chapter 2, Part 1 Preliminary clause 12 Affordable housing—the Act, s 1.4(1)* as we generally deal with people who are living on a pension. Unfortunately, building new apartments for those in the lower income bracket remains unreachable and we suggest more is done to incentivise this gap being reduced.

## Gap between the cost to provide affordable housing and low income

The onerous and prescriptive built-form requirements that then ensue in *Part 2 Development for affordable housing*, are oriented to state supplied “social housing”. They are unrealistic for any non-government entity trying to construct new accommodation for anyone in this category as an owner and operator. It is a flawed assumption to assume it

might be achievable by offsetting new affordable housing by mixing it with market housing as this doesn't work for existing operators renewing old assets through development. Longer term it leads to the operator losing control of 50% of its apartment stock and subdividing the land; and when these need to be renewed down the track as the stock and land parcel dwindle again. Very early on it becomes unrepeatable and therefore unsustainable. From a physical perspective it also isn't feasible to "sell off" 50% to make the remainder work – some sites aren't configured to generate two distinct buildings'.

The reason why market housing cannot usually be held is because typically under a NFP constitution there is limited ability to own and manage apartment stock at a market price, and to maintain appropriate balance some stock owned by the NFP would need to potentially be off-loaded or treated differently for a period. While possible with multiple village ownership this approach is restrictive and potentially decreases an organisations viability over time, disallowing village renewals.

***Key theme 1: support for retaining 100% ownership key to enduring affordability***

We have recently embarked on a vertical village (under planning controls considered a residential flat building) which is difficult in the retirement living sector as existing residents have greater rights than other occupants in other accommodation types.

As an asset owner and operator keen to maintain long term organisational sustainability a fundamental principle should be that affordability can be achieved based upon 100% ownership. This means the draft SEPP needs to consider appropriate trade-offs that through incentives support cheaper construction and more efficient ratios between gross floor area and internal apartment areas.

The Draft SEPP is also highly prescriptive in design requirements including mandating through legislation anything over 3 storeys to comply with the Apartment Design Guide, which significantly increases costs to the disadvantage of affordable housing, likely to be made distinctively worse should the Design and Place SEPP introduce limitations on floorplate size and the number of apartments per floor, while also mandating apartments solar access, ventilation, mix and size criteria.

**Key theme 2: improve support for lowering construction costs to meet lower income earner servicing capabilities without lowering standards**

If you consider currently a lower-end construction rate for a residential flat building is approx. \$3,700-3,900 per m2 (excl GST) and the increased design criteria proposed by this draft SEPP will increase it then a sensitivity on build cost / proposed minimum apartment size is as follows:

Type	Apt Size	Floorplate @ 85% efficiency*	Construction Rate Sensitivity <sup>1</sup>				
			\$3,500	\$3,750	\$4,250	\$4,750	\$5,250
1 bed	65	76.7	\$268,450	\$287,625	\$325,975	\$364,325	\$402,675
2 bed	90	106.2	\$371,700	\$398,250	\$451,350	\$504,450	\$557,550
3 bed	115	135.7	\$474,950	\$508,875	\$576,725	\$644,575	\$712,425

Notes:

\* Typical allowance to generate a share of non-apartment floor area to calculate a construction cost per apartment

<sup>1</sup> The BMT construction cost calculator (<https://www.bmtqs.com.au/construction-cost-calculator>) identifies for 8 levels and over "low" quality finish at \$3,711-\$4,101 per m2 "medium" at \$3,919-\$4,331 per m2 and "high" at \$4,097-\$4,529. ALL excl GST.

And adding other costs (pre-construction costs to gain approvals, consultants etc), Then the sensitivity for costs per apartment include:

Apartment DEVELOPMENT COST* - incl land and dev costs (zero surplus)							
1 bed	65	76.7	\$406,742	\$435,795	\$493,902	\$552,008	\$610,114
2 bed	90	106.2	\$563,182	\$603,409	\$683,864	\$764,318	\$844,773
3 bed	115	135.7	\$719,621	\$771,023	\$873,826	\$976,629	\$1,079,432

Notes:

\* Assume "rule of thumb" that construction costs approx. 66% total development cost excl GST (and excl holding costs, taxes, levies etc)

This means that on a cost basis only, a 1-Bedroom apartment would need to be sold for about \$410k.

This does not include coverage for any risk factor or any margin that might support future organisational growth. By the very definition of their mission and outreach in providing affordable housing, most NFP providers have only a modest income that goes towards supporting existing residents, not toward building funds for future projects Future project funding is dependent upon donations, any government incentives available to the sector, and being able to borrow funds for construction of a new asset. Funding sources are limited, and bank loans require pre-sale commitments. This by default means that the revenue derived from the project must cover the construction loan, so discounting apartment stock to meet low-income earning mortgage capability impossible.

From our recent experience, our project took an extra 3 years and we had spent a factor of 4 x our annual modest earnings on the redevelopment project before construction commenced, which was only possible due to reserves built over 20+ years in savings.

From the future low-income resident perspective, there are impossible challenges in having enough income for servicing apartment loans in the minimum development cost range.

The average wage is around \$89k per year (ABS Nov 2020) and using a web-based loan calculator at [www.finder.com](http://www.finder.com) going to a 30-year mortgage fixed at 2.75% and expenses at \$635 pw a person could theoretically borrow up to \$300k repaying \$1,220 per month. This does not work with the construction costs in residential flat buildings and leaves a shortfall between what an average wage can afford and the cost to construct at over \$105k and well beyond the typical lending authority required LVR ratio of 80%.

For this reason, if the Department are seeking to encourage affordability, then incentives that drive construction innovation and reducing costs should be sought to support this sector, including:

- On residential floorplates, improve corridor amenity so these can carry more apartments (lighting/access to the exterior)
- Allow for compact and clever apartment design that meets accessibility needs without spatial impacts
- Unitised and/or Modular construction – allowing for planning controls to be varied to support cheaper construction methodologies
- Minimising superficial façade articulation which drives up costs – i.e. reducing the length of external façade to floor plate; façade articulation can still be achieved through materiality
- Increase how much non-residential floor space services each floorplate; increase the efficiency ratio between residential floor space to service floor space.
- Find innovative ways to overcome amenity needs for solar, ventilation etc

***Key theme 3: If construction costs can be lowered to meet loans serviceable by low income earners then affordable housing for seniors living becomes viable***

### **Gap between providing apartment accommodation and affordable seniors living**

When it comes to retirement living and providing affordable seniors living the issues faced above with development cost is exacerbated.

Currently affordability is market not income driven. The market expectation is that Independent Living Units (ILUs) are priced at approximately 10-15% under apartment sales in the area; as they are usually committed to on a Deferred Management Lease. Affordable ILUs are then positioned below the retirement Living ILUs theoretically by another 5-10%. This is only now possible with mature aged assets where operators including us are able to still provide older 1-bedroom apartments in a price range of \$170-240k under a DML.

The development cost alone is prohibitive to achieve apartments that can be afforded by those identified as eligible for affordable housing. More effort needs to be placed on supporting ways to reduce construction costs through efficiencies rather than assuming an offset through providing market product solves the problem (as previously described).

We have deliberated over the current village redevelopment we are engaged in for an extensive period of time due to the prohibitive cost issue. However being faced with a

village that was not able to attract new residents, and needing to consider the organisation's future we were essentially compelled to accept the new village would be "unaffordable" compared to others in our portfolio. We were required to take a view that as a not for profit, we are not compelled to increase pricing with the surrounding market, however can retain the apartment stock near its original entry price for a longer period (we expect 10-20 years) when due to surrounding market gain it would return to being considered affordable. It was a challenging decision yet vital to the organisation's future, and we have at every step of the way looked for ways to keep costs low during the redevelopment process. We also note that we owned the land in this example, and had we needed to purchase it, would not have been able to proceed.

***Key theme 4: Land price may be an invisible barrier preventing seniors living development; particularly if targeting affordable seniors living***

**Gap between what seniors living operators can pay and land price where zonings permit it; and combining multiple outcomes within the Draft SEPP**

A final comment relates to the Draft SEPP's proposal to locate seniors living in zones that have a potentially "higher and better use" close to transport nodes or to prohibit in zones where currently permitted (R2 zone) and affordable housing within 400m of B2 zoning. In our current village portfolio based on the proposed prohibition in an R2 zone would mean only 2 out of 5 villages would be feasible. The definition of a "residential care facility" needs clarification as this is different to a retirement village where only independent living units are provided.

The instinct for equitable access to community services, retail and public transport is commendable however impractical in a market-driven environment without greater incentive.

Affordable housing and seniors living typically gets squeezed out in favour of "build and sell" market priced apartments. Greater incentives than proposed are needed through bonus floor space (i.e., more than proposed in clause 16 (i) (a)) and height, and relaxation of other controls to allow this building type at these prized locations.

To create the opportunity for organisations such as ours to provide affordable accommodation to a very vulnerable sector in seniors living, the planning controls need to allow flexibility to support the least onerous criteria to create a more benevolent outcome (whereas typically the most onerous criteria applies where planning controls overlap).

Further thought could also be given in recognising such accommodation as a community benefit with the ability for infrastructure contributions to be levied and better support this sector; so that private developers might be able to collaborate with not-for-profit organisations in delivering affordable retirement living accommodation.

We ask that the government consider the savings-to-government and benefit in supporting the smaller yet significant in number private not-for-profit operators that continue

providing affordable retirement living accommodation. We seek that when making new legislation such as proposed in the *Draft State Environmental Planning Policy Housing 2021*, that government take a more nuanced approach that will encourage innovation and opportunity to grow this sector, rather than introducing prescriptive changes that are likely to stifle with the potential to devastate what otherwise currently plays a valuable role in the community.

Thank you for the opportunity to make a submission. My contact details are below should you wish to clarify anything in this submission or have further questions.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Graham Hooper', followed by a long horizontal line.

Graham Hooper  
Chief Executive Officer



Submitted on Wed, 04/08/2021 - 15:56

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am making a personal submission

## Name

**First name**

Venkata Ramana

**Last name**

Karanam C

**Organisation name**

Individual Property investor

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

No

## Info

**Email**

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**Suburb**

Bella Vista

**Postcode**

2153

**Submission**

I would suggest that we need to have additionally permit a smaller affordable 3-5 bedroom/6 person (max) co-living model and specifically mandate this smaller model in R2 zones, and allow certifier approval for this smaller model provided conditions of a Complying Development are met.

There is an opportunity for the retired community to have their own income and do not need to depend on pension by helping the below.

1. Single women affected by life circumstances such as divorce, death, or low income/savings (especially women over 55 most

affected by housing affordability)

2. Women transitioning between domestic violence crisis accommodation to mainstream accommodation

3. Frontline medical staff and other low-income workers who want to remain in low-density residential areas close to work.

4. Singles in their first jobs, or young couples starting families (who may be looking to save for a home or to stay near family)

5. Older homeowners who want to age in place with the security of people around them should they fall or need help.

**I agree to the above statement**

Yes

3 September 2021

Contact: *Stuart Little*  
Telephone: *0436 948 347*  
Our ref: *D2021/98670*

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

Dear Sir/Madam

**RE: Proposed Housing SEPP**

I refer to the public exhibition of the proposed Housing State Environmental Planning Policy (SEPP) and associated planning package that includes a supporting Draft Environmental Planning and Assessment Regulation Amendment, Draft Standard Instrument Order, a Plain English Explanation of the reforms and a Frequently Asked Questions (FAQ) Fact Sheet. We understand that the Draft SEPP will consolidate five existing housing-related SEPPs into one over-arching SEPP.<sup>1</sup> The SEPP, as exhibited, excludes the provisions for caravan parks and manufactured home estates which we understand will be transferred across in their current form, with a comprehensive review on these matters, along with group homes, conducted later in 2021. We assume that the 'water catchment' exclusion for SEPP 36 (Manufactured Home Estates) will continue to operate for manufactured home estates at least until such time that review is undertaken.

Our main interest in the reforms concerns the effect of the Housing SEPP on development within the Sydney Drinking Water Catchment (SDWC) and its interaction with *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011* (SDWC SEPP), particularly with regard to the new Seniors Housing provisions. We also provide comments on other elements of the Housing SEPP in Attachment 1.

The main implication of the Housing SEPP for WaterNSW is that the Seniors housing provisions will replace those of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (SEPP Seniors Housing) and the provisions will now apply to the SDWC. To date, for land within the SDWC, Seniors housing has been controlled by the permissibility provisions of the relevant land use zone as governed by Councils' Local Environmental Plan (LEPs) rather than the Seniors Housing SEPP.<sup>2</sup> The new Housing SEPP will make Seniors Housing available across 16 land-use zones as well as any other zones where Seniors housing is permissible under the relevant LEP. The SEPP will therefore expand the number of zones and areas where Seniors Housing will be able to occur in the SDWC. This will open up opportunities for retirement villages and aged care facilities to occur in land use zones and land areas that previously were unavailable for such development.

We understand that the intent is for the Seniors housing provisions to rely on the SDWC SEPP, or the proposed replacement Water Catchments SEPP, for relevant water quality controls relevant

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<sup>1</sup> Affordable Rental Housing SEPP 2009, Seniors SEPP 2004, Affordable Housing (Revised Schemes) SEPP 70, SEPP No 21 Caravan Parks, SEPP No 36 Manufactured Home Estates.

<sup>2</sup> The prescribed zones are Residential zones (R1-R4) and Business zones (B1-B8), RE2 Private Recreation, RU5 Village, SP1 and SP2 (Hospital).

to the SDWC.<sup>3</sup> While we generally support this approach, it needs to be ensured that the Seniors housing provisions do not create a predisposition for Seniors development to occur in areas that would likely result in unacceptable water quality impacts or be unable to achieve a neutral or beneficial effect (NorBE) as required under the SDWC SEPP. To this end, the new Seniors housing provisions appear to enable such housing to occur in unsewered areas and do not impose any requisite requirements for water and sewerage servicing. Our prime concern here is that the requirements for appropriate water and sewerage services, as contained under clause 28 of the current Seniors Housing SEPP, have not carried across into the new Seniors housing provisions. This potentially makes Seniors housing available in unsewered areas or on land without suitable water and sewerage infrastructure.

***WaterNSW does not support the application of the new Senior housing provisions across the SDWC without the re-instatement of the requisite clause 28 provisions for water and sewerage for the SDWC area.***

Further detail on the sewerage management issue are included in Attachment 1.

The Seniors housing provisions includes development controls for stormwater. We note and support these provisions but make some suggestions for further refinement.

We note that there are some specific controls around Seniors housing for certain zones such as RU5 Village and RE2 Private recreation zones. We appreciate that the Seniors Housing provisions will only apply to RU5 Villages zones if such areas are seweraged. However, the provisions will still impact on areas such as the Kangaroo Valley where Seniors Housing is currently prohibited under the Shoalhaven LEP. Villages by their nature, have small populations. Seniors housing developments can create significant incidental and cumulative pressures on sewerage infrastructure and STPs, rapidly decreasing the capacity of sewerage systems and related infrastructure. For areas that are seweraged, we believe that additional consideration needs to be given to the capacity of existing sewerage infrastructure and associated STP to accommodate SEPP Seniors housing in RU5 Village zones. Reinstatement of clause 28 of SEPP Seniors Housing would help countenance the risk of development exceeding the capacity of the available sewerage network and relevant STP.

The Housing SEPP introduces Seniors Housing opportunities for RE2 Private Recreation areas where they are associated with a registered club. This will potentially enable private recreation areas such as golf courses and racecourses to be used for Seniors Housing. The RE2 zones can occupy large areas of land and often occur on the outskirts of regional townships, limiting serviceability. We believe that the RE2 provisions require further refinement if Seniors housing is to be allowed in these zones.

More detailed comments on these and other matters pertaining to the Housing SEPP are provided in Attachment 1.

Should you have any questions regarding the issues raised in this letter, please contact Stuart Little at [stuart.little@waterNSW.com.au](mailto:stuart.little@waterNSW.com.au).

Yours sincerely



**DARYL GILCHRIST**  
**Manager Catchment Protection**

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<sup>3</sup> Currently, SEPP Seniors Housing does not operate in the SDWC as the SEPP excludes 'environmentally sensitive land', including land identified as a 'water catchment', from its operation. This effectively 'switches off' the operation of the SEPP in the SDWC, resulting in Seniors Housing only being permitted in areas where it is identified as a permissible use under the zoning of the relevant Council Local Environmental Plan (LEP).

## **Attachment 1 – Detail**

### **1. Seniors Housing**

#### **Relationship of new Housing Provisions to Sydney Drinking Water Catchment**

Historically, the SEPP Seniors Housing has not applied to the SDWC as SEPP Seniors Housing excludes 'environmentally sensitive land', including land identified as a 'water catchment', from its operation. Consequently, Seniors Housing has only been permitted in areas where it has been identified as a permissible use under the zoning of the relevant Council LEP.

The new Seniors Housing provisions remove the term 'water catchment' from the 'Environmentally Sensitive Land' exclusions. This will result in the Seniors housing provisions of the new Housing SEPP operating across the entire SDWC.

The draft Housing SEPP allows Seniors housing to be undertaken with development consent across 16 'prescribed' zones<sup>4</sup> or across other further zones where Senior housing is permissible under another Environmental Planning Instrument (EPI) such as a Council LEP. The permissibility of Seniors housing as provided by the 16 prescribed zones applies irrespective of the zoning and permissibility provisions in the relevant LEP. The new Seniors housing provisions will therefore expand the types of land use zones where Seniors housing will be allowed to occur in the SDWC.<sup>5</sup> However, other provisions further restrict the circumstances where Seniors housing can be provided in RE2 Private Recreation zones, SP1 Special Purpose zones, RU5 Village zones, and R2 Low Density Residential zones (see clause 76).

#### **Sewerage**

While the impact of Seniors housing development on water quality in the SDWC will be largely managed through the controls of the SDWC SEPP, we need to ensure that the proposed Seniors housing provisions do not create a predisposition for Seniors development to occur in areas where there would be unacceptable water quality risks or impacts. We also do want to see the concurrence process of the SDWC SEPP being relied upon to address site suitability issues and water quality risks that should have been strategically avoided through the use of appropriate planning controls and requisite requirements through the Housing SEPP. To this end, the new Seniors housing provisions appear to be available for unsewered areas and upfront requirements for water and sewerage, as contained under clause 28 of the current Seniors Housing SEPP, are missing. Clause 28 of the Housing SEPP states:

##### **28 Water and sewer**

- (1) A consent authority must not consent to a development application made pursuant to this Chapter unless the consent authority is satisfied, by written evidence, that the housing will be connected to a reticulated water system and have adequate facilities for the removal or disposal of sewage.
- (2) If the water and sewerage services referred to in subclause (1) will be provided by a person other than the consent authority, the consent authority must consider the suitability of the site with regard to the availability of reticulated water and sewerage infrastructure. In locations where reticulated services cannot be made available, the consent authority must satisfy all relevant regulators that the provision of water and sewerage infrastructure, including environmental and operational considerations, are satisfactory for the proposed development.

We strongly urge that these clause 28 requirements be carried across and instated in the new Senior housing provisions of the Housing SEPP, and, as a minimum, be made to apply to land within the SDWC. We would also like to see a note inserted at the base of this clause noting that

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<sup>4</sup> These zones include: RU5 Village, R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood Centre, B2 Local Centre, B3 Commercial Core, B4 Mixed Use, B5 Business Development, B6 Enterprise Corridor, B7 Business Park, B8 Metropolitan Centre, SP1 Special Purpose, SP2 Infrastructure–Hospital, and RE2 Private Recreation.

<sup>5</sup> For example, in Wingecarribee Shire, the new provisions enable Seniors Living to occur on land zoned B1 Neighbourhood Centre and B2 Local Centre and RE2 Private Recreation zones where such development is currently prohibited.

the SDWC SEPP applies to land within the SDWC and that Seniors housing development in the SDWC must have a Neutral or Beneficial Effect (NorBE) on water quality and requires the concurrence of WaterNSW.

### **Land Use Zones**

We make the following comments with respect to specific zones.

#### *RU5 Village*

The Senior Housing provisions will apply to land zoned RU5 Village so long as the site is serviced by reticulated water and sewerage, and provided that it lies within 50 kilometres of a 24-hour health services facility. We support the exclusion of the Seniors housing from unsewered RU5 areas. However, we believe that further consideration needs to be given to the capacity of sewerage infrastructure and sewage treatments plants (STPs) for RU5 areas. Sewerage-related infrastructure for villages is generally based on catering for a small population. Seniors Housing developments in villages can have major local impacts on the overall capacity of such infrastructure. With respect to the SDWC, we hold a particular concern that Seniors Living development could be proposed in Kangaroo Valley placing significant pressure on the existing sewerage infrastructure and local STP. Reinstatement of clause 28 of SEPP Seniors Housing would help countenance the risk of development being proposed that exceed the capacity of the available sewerage network and STP.

#### *SP2 Infrastructure—Hospital*

Proposed clause 67 extends the Seniors Housing provisions of the SEPP to land zoned SP2 Infrastructure—Hospital. We have no objection to this provision in principle so long as it is solely restricted to SP2 land zoned as hospital and not to other infrastructure uses such as SP2—Water supply.

We note that other clauses of the Seniors Housing provisions refer to hospitals being associated with the SP1 Special Purpose zone (e.g. clause 76(1)(b)). Is there an intent to equally apply development standards that to hospitals in SP1 zoned areas to those zoned SP2? Currently hospitals in SP2 zoned land do not have the same development standards (i.e. for at least 50% of the site adjoining a residential zone) as those proposed on SP1 zones.

#### *RE2 Private recreation*

The SEPP introduces new Seniors Housing opportunities for RE2 Private Recreation areas so long as the development is carried out on land used for a registered club and at least 50% of the land adjoins a residential zone (clause 76(1)(a)). This provision will enable Seniors housing to occur in areas such as racecourses and private golf links. Such lands can occupy large areas of land. We note that the provisions do not limit development to existing *buildings* but appears to extend to cover all the available land used for the *purposes* of the existing registered club. There also appears to be no limit on the proportion of land that could be made available for Seniors housing development. This has implications for sewerage management and stormwater runoff, as well as implications for private open space. Presumably the SEPP provisions would also override any objectives contained in the LEP (as required by the Standard Instrument) applicable to the RE2 zone such as ‘to enable land to be used for private open space or recreational purposes’.

We believe that the provisions allowing Seniors housing to occur in RE2 zoned areas warrant further review and refinement. We suggest that the provisions of clause 76(1)(a) need to be tightened to limit the area and circumstances when RE2 zoned land can be converted to Senior housing development. Again, carry-over of the provisions of clause 28 of SEPP Seniors Housing would address water and sewerage management risks. The Department may also wish to call-up the relevant LEP zoning objectives for RE2 zoned land to ensure open space consideration are taken into account when developing such land for Seniors housing.

#### *Environmental zones and Large Lot Residential Zone (R5)*

We strongly support the fact that Seniors Housing provisions will not be available to any land zoned R5 Large Lot Residential or any Land zoned for Environmental Protection (ie zones E1 to

E4). The environmental protection zone lands hold environmental values and, together with R5 zones, can often be unsewered, particularly in peri-urban or regional areas.

## **Design Principles**

Division 6 of Part 4 of the Seniors Housing provisions identify the design principles.

### *Stormwater Management*

Clause 90 provides the design principles for stormwater for Seniors Housing. We ask that clause 90(b) is expanded to make provision for stormwater treatment to help improve water quality as well as manage water quantity. We suggest that clause 90(b) could read: 'include, where practical, on-site stormwater detention, *treatment*, and re-use ...'. Also clause 90(b) refers to 'second quality water uses'. It is unclear what this means. We suggest replacing the term 'second quality water uses' with '*non-potable water*'.

### *Sewerage*

There are no current design principles for sewerage and water servicing. We believe the Design principles would benefit by a design principle requiring:

*Development for the purposes of seniors housing should –*

*Have adequate provision for water and sewerage management taking into account the capacity of the water and sewerage network and capacity of the sewerage treatment plant (STP).*

## **Non-Discretionary Development Standards**

### *Landscape Area*

Minimum landscaped area requirements for Seniors Housing have changed from 25 m<sup>2</sup> per bed to 15 m<sup>2</sup> per bed (clause 96(2)(e) of the Housing SEPP), although a requirement for communal open space (internal and external) with a minimum of 10 m<sup>2</sup> for bed has been introduced into the SEPP (clause 96(2)(d)). This is likely to result in an overall reduction in landscaping and pervious areas available for stormwater management measures (e.g. raingardens). Any new Seniors Housing development within the SDWC will need to have a NorBE on water quality as required under the SDWC SEPP. Greater land areas may be needed for landscaping within the SDWC for on-site management of stormwater. This, however, can be assessed on a case-by-case basis through the development assessment process.

## **Environmentally Sensitive Land (Open Space)**

It is unclear as to how the 'open space' provisions under the 'Environmentally sensitive land' (ESL) exceptions of Schedule 4 will operate to preclude the Seniors housing provisions from Open Space. Of the 16 prescribed zones, the only zone that potentially serves an open space function is the RE2 Private Recreation zone. The RE2 zone is only available for Seniors housing development if the land is associated with a registered club. However, any opportunity for the 'open space' ESL provisions to quarantine RE2 land from Seniors housing is nullified by clause 68(2) that enables the Seniors housing provisions to prevail in circumstances where the open space land is used for an existing registered club. To this end, the open space provisions would appear to serve little material function in being able to quarantine RE2 land from Seniors housing development under the Housing SEPP.

## **2. Group Homes**

At this time, it is proposed to transfer the existing group home provisions in their current form to the proposed Housing SEPP, with a comprehensive review to follow later in 2021. We note that clause 56 carries over the prescribed zones for Group homes as provided under SEPP (Affordable rental housing) 2009, these zones being R1-R4, B4, SP1 and SP2. WaterNSW does not generally support Group Homes on SP2 land classified for water supply purposes. This matter can be explored further in the review of the Group home provisions proposed for later in 2021.

### **3. Secondary Dwellings**

#### ***Residential land***

The provisions for secondary dwellings on residential land give effect to the complying development provisions of Schedule 2. Clause 19 of Schedule 2 includes references to on-site disposal system. To ensure that this is not misinterpreted as meaning an on-site sewage management or disposal system, we recommend that the word 'stormwater' be included so that the term reads 'on-site *stormwater* disposal system'.

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

A new optional clause 5.5 was introduced into the Standard Instrument last year to allow Councils to set a maximum size for secondary dwellings in a rural zone and the maximum separation distance between the secondary and principal dwelling. We note that the SEPP will make consequential amendments to the LEPs of those Councils that have elected to adopt clause 5.5 at this time. A number of Council LEPs in the SDWC will be so amended (e.g. Blue Mountains, Kiama, Palerang LEPs). WaterNSW makes no comment on these amendments.

#### **Complying Development Provisions**

The new Housing SEPP brings across the Complying Development provisions for Secondary dwellings and Group homes (from SEPP (Affordable Rental Housing) 2009). Specifically, the new Housing SEPP includes complying development provisions for Diverse housing including Secondary dwellings (clause 49) and Group Homes (clause 59).

The relevant clauses generally identify that complying development cannot occur on land identified under clause 1.19(1)) of the Codes SEPP. We note that clause 1.19(1)(j) stipulates that complying development cannot be carried out on unsewered land 'to which State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011 applies, if that development will result in an increase to the number of bedrooms on the site or a site disturbance area of more than 250m<sup>2</sup>'. We are supportive of these provisions as it means that any development on unsewered land in the SDWC that results in additional bedroom will revert to the full development application and consent process. This, in turn, will mean that the requirements of the SDWC SEPP will apply, including for such development to have a NorBE on water quality.

Schedule 3 of the Housing SEPP includes complying development standards for Group homes. Clause 22 of Schedule 3 directs stormwater into the on-site disposal system for unsewered areas. This could be readily misinterpreted to mean the on-site wastewater system for sewerage management. Such an approach will potentially overload the on-site wastewater system increasing the susceptibility of such systems to failure and increasing associated risks to water quality and human health. On-site management of stormwater should be kept separate from any on-site wastewater (effluent) disposal system. Also, on-site management of stormwater is irrespective of the land being sewerage or not. For clause 22(1)(c), we strongly suggest that the term 'if the site is unsewered', be replaced by 'If the site is not connected to a stormwater drainage system under (a) or (b) — an on-site stormwater disposal ....'.

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

The Housing SEPP introduces new provisions for co-living housing. There is some ambiguity surrounding the permissibility requirements for co-living housing under clause 63. Clause 63 makes such housing permissible with development consent so long as co-living housing, residential flat buildings or shop top housing is permissible with development consent, other than land zoned R2 Low Density Residential. Does this mean such housing is permissible on R2 irrespective of the permissibility requirements or does this mean that co-housing development cannot occur on R2 land? Our initial reading of clause 63 was that the clause prohibited co-living housing from R2 land, however, later clauses 64 and 65 provide development standards for co-living housing on R2 land. We encourage the Department to examine the wording of clause 63 to ensure that it is not ambiguous and that it achieves the intent desired for the R2 land.



We note that any co-living housing development proposed in the SDWC will be subject to the requirements of the SDWC SEPP including for such development to have a NorBE on water quality.

## **5. Boarding Houses**

The provisions for Boarding Houses require development consent for boarding houses on land where such uses are permissible under the relevant EPI. There are no complying development provisions specifically for boarding house development. Therefore, under the SDWC SEPP, boarding houses will need to have a NorBE on water quality when such development are proposed in the SDWC. We support this approach.

A new pathway is introduced enabling the Land and Housing Corporation (LAHC) to self-assess boarding house proposals in the R2 Low Density Residential (or equivalent) zone wherever boarding houses are permissible with consent under the relevant EPI so long as the proposal has no more than 12 boarding rooms. This process enables boarding houses to be carried out as 'development without consent'. Such proposals would require assessment under Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) rather than requiring development consent under Part 4 of the Act. We ask that the Department consider excluding the operation of this provision from the SDWC so that a full DA is required for boarding house development to ensure water quality outcomes are optimised under the broader provisions of the SDWC SEPP that apply to new development.

Under the SDWC SEPP proposals that require a development application (DA) cannot be granted consent unless they have a NorBE on water quality, and are required to apply the online NorBE assessment tool to determine the NorBE outcome. They also require concurrence (clause 10) and area required to incorporate current recommended practices (clause 9). For Part 5 activities, clause 12 of the SDWC SEPP requires that a public authority consider whether the activity would have a NorBE on water quality. This is a weaker test than that required under clause 10 for new development.

If the above is not possible, then we ask that consideration be given to amending clause 29 to include notification to WaterNSW for development in the SDWC if the boarding house development comprises four (4) or more boarding rooms.

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Our ref: D21/94292

27 August 2021

NSW Department of Planning and Environment  
GPO BOX 239  
SYDNEY NSW 2001  
Made an online submission via Planning Portal

**Waverley Council Submission to the Exhibition of the Housing SEPP Consultation Draft and Supporting Documents**

Thank you for the opportunity to provide feedback to the *Housing SEPP Consultation Draft and Supporting Documents*. Waverley Council made a submission to the Housing Diversity SEPP Explanation of Intended Effect (EIE) in September 2020.

The draft Housing SEPP (HDSEPP) aims to consolidate the following five existing SEPPs:

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

Council welcomes the consolidation of these SEPPs as it provides more consistency and clarity around how they work together. Council supports the aim of delivering more diverse and affordable housing types in principle and has identified potential issues in the draft instrument that may prevent it from being used in the way it was intended.

Should you have any questions about the contents of this submission, please do not hesitate to contact Tina Wang, Strategic Planner [tina.wang@waverley.nsw.gov.au](mailto:tina.wang@waverley.nsw.gov.au).

Regards,

**Tony Pavlovic**

**Director, Planning, Environment and Regulatory**

## Overview of the submission

This submission reviews each chapter of the draft SEPP and outlines Council's position and recommendations. As the provisions for caravan parks and manufactured home estates will be transferred to the Housing SEPP in their current form, this submission will focus on the other three SEPPs, including ARHSEPP, Seniors SEPP, and SEPP 70.

Recently, changes were made to the ARHSEPP to facilitate the delivery of social and affordable housing by the NSW Land and Housing Corporation and introduce build-to-rent housing into the NSW planning system. The Housing SEPP consultation draft does not include these newly made provisions relating to LAHC social and affordable housing provisions, secondary dwellings in rural areas, and short-term rental accommodation, as these provisions will be reviewed 24 months after the Housing SEPP is made. As these provisions will be included in the Housing SEPP in due course, Council asks for the opportunity to provide feedback before these provisions are finalised. It is noted that the framework for short-term rental accommodation (STRA) will commence in the Housing SEPP on 1 November 2021, and that the Build-to-Rent (BTR) provisions exhibited in the EIE have already come into effect in the ARHSEPP.

The format of this submission will follow the chapters of the draft Housing SEPP and read as follows:

1. Chapter 1 Preliminary
2. Chapter 2 Affordable housing
3. Chapter 3 Diverse housing
4. Chapter 4 Seniors housing

Each of these sections will outline the more significant changes being proposed as relevant to Waverley Council, and details the proposed draft SEPP only rather than feedback on policy provisions. This submission recommends the following:

- that the draft SEPP is to include the words 'affordable' and 'diverse' in the title to explicitly reflect the intention of the draft SEPP
- that the aim from SEPP 70 – "makes a requirement with respect to the imposition of conditions relating to the provision of affordable housing" be added to the aims of the Housing SEPP
- that the affordable housing requirement for boarding houses is retained in the finalised Housing SEPP, and that any bonus provisions be reviewed regularly
- that the definition for affordable housing in the EP&A Act is adapted verbatim to avoid confusion
- that the additional floor space bonus for in-fill affordable housing be used for affordable housing in perpetuity, consistent with the requirement for boarding houses
- that the application of LEP permissibility and development standards prevail over the SEPP prescribed zones for seniors housing

- that the seniors housing bonus is subject to a merit assessment or additional amenity and character criteria, and not be applicable to sites that have been the subject of a successful planning proposal to increase height or FSR within the preceding five years.

## Chapter 1 Preliminary

### Name of Policy

As suggested in Waverley's submission to the exhibition of the Housing Diversity SEPP Explanation of Intended Effect, Council recommends that the draft SEPP include the words 'affordable' and 'diverse' in the title to explicitly reflect the intention of the draft SEPP. The current name - *State Environmental Planning Policy (Housing) 2021* is confusing as the draft SEPP did not consolidate all the housing-related SEPPs, for example *SEPP 65 - Design Quality of Residential Apartment Development* or the housing components of the *Code SEPP* are not part of the consolidation.

**Recommendation:** that the draft SEPP include the words 'affordable' and 'diverse' in the title to explicitly reflect the intention of the draft SEPP.

### Aims of Policy

Council supports the aims of the draft Housing SEPP in principle, however, notes that one important SEPP 70 aim has not been translated or reflected clearly in the aims. As the main purpose of SEPP 70 is to enable all Councils in NSW to impose conditions related to the provision of affordable housing, it is important that this aim is included in the aims of the draft Housing SEPP.

**Recommendation:** the following aim from SEPP 70 be added to the Housing SEPP aims:

- *To make a requirement with respect to the imposition of conditions relating to the provision of affordable housing.*

The following sections provide a review of the draft SEPP based on the aims outlined below:

*(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,*

*(iii) households on very low, low or moderate incomes,*

*(iv) people experiencing homelessness or people experiencing other disadvantages who may require a model of accommodation that incorporates support services,*

*(b) to provide greater clarity and certainty for the housing sector,*

*(c) to encourage the development of diverse and affordable housing types by—*

*(i) providing a consistent planning regime for the provision of new affordable housing,*

*(ii) providing incentives for certain types of development,*

*(iii) facilitating the delivery of new housing by the Land and Housing Corporation,*

*(d) to support short-term rental accommodation as a home sharing activity and contributor to local economies, while managing the social and environmental impacts from this use,*

*(e) to mitigate the loss of existing affordable rental housing,*

*(f) to encourage the development of housing that is designed and located in a manner that meets the needs of residents, especially seniors or people with a disability.*

## Chapter 2 Affordable housing

### Overview

Chapter 2 Affordable housing consolidated the two affordable housing SEPPs (ARHSEPP and SEPP 70). The main aims of the ARHSEPP is to provide incentives for in-fill affordable housing and boarding houses, while also to retain existing affordable rental housing. SEPP 70 on the other hand, recognises the need for affordable rental housing across the State and provides a pathway for Councils to levy for affordable housing contributions.

### Definitions

The draft Housing SEPP largely adapted the definition for affordable housing from the ARHSEPP and SEPP 70. The income brackets used for very low-income household, low-income household and moderate-income household are consistent with SEPP 70. The only difference is that the new definition added a condition that these households pay no more than 30% of that gross income in rent.

Council supports the addition of the condition to “*pay no more than 30% of that gross income in rent*”, as households are in housing affordability stress if they are in the bottom 40% for household incomes and paying more than 30% of their income in housing costs.<sup>1</sup> This addition clearly identifies how much rent should be charged for affordable housing. The wording of the definition as drafted, however, makes it unclear as to whether it is a definition for affordable housing, or for different types of households. It is therefore recommended that the definition be amended to clarify up front that it is a definition for affordable housing, not households. The suggested amendment is provided below in red for reference:

*Affordable housing means housing for a very low income household, low income household or moderate income household that pays no more than 30% of that gross income in rent.<sup>2</sup> In this Policy, a household is taken to be a very low income household, low income household or moderate income household if the household—*

*(a) has a gross income within the following ranges of percentages of the median household income for the time being for the Greater Sydney (Greater Capital City Statistical Area) or the Rest of NSW (Greater Capital City Statistical Area) and pays no more than 30% of that gross income in rent—*

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<sup>1</sup> AHURI 2019, *Understanding the 30:40 indicator of housing affordability stress*, accessed from <https://www.ahuri.edu.au/research/ahuri-briefs/3040-indicator>

<sup>2</sup> Adapted from the EP & A Act

*(i) very low income household—less than 50%,*

*(ii) low income household—50–less than 80%,*

*(iii) moderate income household—80–120%, or*

*(b) is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under the Scheme.*

**Recommendation:** That the definition for affordable housing in the EP&A Act be adapted verbatim to avoid confusion.

### **In-fill affordable housing**

The floor space bonuses for in-fill affordable housing remains unchanged in the draft SEPP. Council supports the clarification that the additional floor space ratio must be used for the purposes of affordable housing. This additional clause clarifies any dispute around whether the additional floor space could be applied across the whole site and for uses other than affordable housing.

The increase in number of years that the additional floor space needs to be used for affordable housing has increased from 10 years to 15 years. Whilst this modest increase is supported, Council recommends that the additional floor space be used for affordable housing in perpetuity. This will ensure a steadier supply of affordable housing and provide more certainty for the community housing providers that manage these units. It will also create consistency with the ongoing affordability requirement for boarding houses. Both in-fill affordable housing and boarding houses are important typologies in the provision of affordable housing, therefore the requirement for the retention of affordable housing should be the same.

**Recommendation:** That the additional floor space bonus given for in-fill affordable housing be used for affordable housing in perpetuity, consistent with the requirement for boarding houses.

### **Boarding houses**

Experience with the current ARHSEPP is that boarding houses have been largely built as micro-apartments and rented out at price points not accessible by low-income groups. Micro-apartments that received the boarding house bonuses under Division 3 Boarding Houses of the ARHSEPP are generally advertised as fully furnished studio apartments in Waverley and across Greater Sydney. The rents range from \$300 to \$650 per week.<sup>3</sup> The ARHSEPP has in practice been utilised to deliver housing products that are out of reach for low income and very low-income households. Based on the definition of housing affordability (rent not exceeding 30% of the household income), for a very low-income household, rents higher than \$262 are unaffordable, for a low-income household, rents higher than \$420 are unaffordable. For a moderate-income household, rents higher than \$630 are

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<sup>3</sup> Sourced from current boarding house listings in the Waverley LGA.

unaffordable.<sup>4</sup> It is essential that the Housing SEPP requires boarding houses to be affordable in perpetuity to deliver upon the aims of the draft SEPP, so that people with a household income lower than \$2,000 per week are able to live close to work, education and amenities.

Council commends the DPIE for the change to ensure boarding houses are delivered as genuine forms of affordable rental housing by requiring them to be used for affordable housing in perpetuity and be managed by a community housing provider. Council also supports the increase of floor space bonus from 20% to 25% to incentivise the delivery of this affordable housing model, provided the additional floor space is used only for the purpose of the boarding house. The bonus is only to apply to land upon which residential flat buildings are currently permissible, and upon which there are no heritage items. This increase in bonus should be reviewed after 24 months as part of the Housing SEPP review with regards to development feasibility, and impacts upon local character, and whether a further increase is warranted to encourage delivery of true affordable housing. It is noted that development feasibility does not remain constant and could be influenced by many factors other than planning controls including construction costs, land prices, and general demands of the market.

It is therefore recommended that such a bonus be reviewed every two years to respond to changing market conditions. The rent for affordable housing is usually between 20% to 25% below the market rate<sup>5</sup>. An increase of 5% floor space bonus together with a 20% decrease in rental income may reduce the overall supply of boarding houses should land prices and construction costs in Sydney continue to increase. This however does not suggest that boarding houses should not be affordable, it just identifies that the amount of floor space bonus may need to be reviewed with changing market conditions.

Council acknowledges that the micro-apartment style of development will be enabled under the Co-living component of the Housing SEPP. This will be discussed in more details in Chapter 3 Diverse housing.

**Recommendation:** That any boarding house incentive provision be reviewed regularly to ensure its appropriateness.

### **Inclusion of Boarding Houses in R2 Low Density**

The land use 'boarding house' is proposed to be removed from the R2 Low Density Residential land use table of the Standard Instrument LEP. Waverley Council has requested that the use 'boarding house' remain a permissible with consent use within the R2 Low Density Residential land use table in the Waverley LEP. This is supported to encourage the delivery of true affordable housing across the Waverley LGA, and it is noted that the incentive provisions for boarding houses do not apply in the R2 Low Density Residential zone.

## **Chapter 3 Diverse housing**

### **Group housing**

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<sup>4</sup> The median weekly household income for Greater Sydney is \$1,750 based on ABS Census data 2016.

<sup>5</sup> NSW Government, Communities and Justice 2018, *Renting affordable housing*

Council supports the conversion of an existing dwelling to a group home to support people in need. The existing group home provisions will be transferred in their current form to the proposed Housing SEPP, with a comprehensive review of these provisions to take place later in 2021. Council asks for the opportunity to provide feedback for the review of these provisions.

### **Co-living**

The draft Housing SEPP introduces new planning provisions for 'co-living housing'. The provisions are similar to those that will apply to boarding houses, except that there is no affordability requirement. Co-living will be permitted in locations where councils are planning for higher density residential development including R3 Medium Density and R4 High Density land.

Council acknowledges that the micro-apartment style of development will be enabled under the Co-living component of the Housing SEPP. Council supports the additional 10% floor space bonus for co-living housing located on land where residential flat buildings are permitted and on which there are no heritage items until 1 August 2024. This floor space bonus is less than what is currently in place for boarding houses under the ARHSEPP and is also less than the boarding house bonus proposed in the draft Housing SEPP. This additional bonus however would ensure that co-living development remains a viable product for developers and provides time for the market to adjust to the new provisions. This form of housing also provides an important diversity of housing options in the Waverley area and provides an attractive market option for renters.

## **Chapter 4 Seniors housing**

### **Overview**

This portion of the draft Housing SEPP translates the majority of provisions within the Seniors SEPP, with some amendments as outlined below.

### **Permissibility**

The draft Housing SEPP proposes prescribed zones where seniors housing will be permissible and removes the site compatibility certificate pathway. It is noted that any development that has already received a site compatibility certificate are still able to utilise this.

The removal of the site compatibility pathway is supported by Council, as greater certainty is provided for the community about the likely locations for seniors housing developments. However, the inclusion of prescribed zones in the draft SEPP is not supported, as this would override Council's strategic planning work with regards to the most appropriate locations for seniors housing.

Of particular concern to Waverley Council is the inclusion of seniors housing in the B3 Commercial Core as a prescribed zone. Whilst seniors housing is currently a permissible use in the B3 Commercial Core zone under the WLEP, Council is currently undertaking strategic planning work to continue to support the primary role of the Bondi Junction Strategic Centre for primarily employment generating purposes, which would see a minimum non-residential floor space to be provided within the B3



Commercial Core zone, and the potential removal of seniors housing as a permissible use. The recent inclusion of the Build to Rent use in the B3 Commercial Core zone has also recently undermined this important strategic work. To provide for residential uses in the B3 Commercial Core zone is not only inconsistent with the zone objectives, but it is inconsistent with the objectives of the *Eastern City District Plan* and the *Waverley Local Strategic Planning Statement*, which seek to provide for economic development in the commercial core of Bondi Junction.

Whilst it is not supported that seniors housing should be a prescribed use in the B3 Commercial Core zone, the inclusion of *Clause 78 Use of ground floor of seniors housing in commercial zones* is supported. This provision is similar to that seen in the Build to Rent reforms to ensure that at a minimum, the ground floor of a building in a commercial zone is to be provided as a non-residential use.

**Recommendation:** It is strongly recommended that the permissibility should remain with councils to determine which zones in the relevant local environmental plan are appropriate for seniors housing, particularly as it relates to business zones in which the primary purpose is to provide commercial development.

### **Vertical Villages Bonus**

The Housing Diversity SEPP EIE in 2020 proposed that the SEPP would be amended to clarify that the development standards in an LEP would prevail to the extent of any inconsistency with the SEPP. It was also proposed that the development standards in the Seniors SEPP could be varied using Clause 4.6 of the Standard Instrument LEP, but only to a maximum of 20%. Waverley Council supported the proposed changes and clarifications, as this supports the strategic planning work to prescribe character and ensure that the right development occurs in the right places.

The draft Housing SEPP now proposes changes FSR and height bonuses available under the vertical villages for sites over 2,000sqm where residential flat buildings are permissible under the WLEP. It is noted that therefore sites that are less than 2,000sqm are now subject to the WLEP development standards, and can seek variation of this via a cl 4.6. This is strongly supported as Council has undertaken extensive work through the *Waverley Local Strategic Planning Statement*, the *Draft Waverley Local Character Statements*, and the *Our Liveable Places Centres Strategy* to ensure that the updates to the Waverley LEP provide certainty to the community about the future character of various areas within Waverley. Character is greatly impacted by height and FSR, and where additional bonuses are provided beyond the Waverley LEP controls, the community has no certainty about the future character of the area. Accordingly, the draft SEPP achieves this aim for sites under 2,000sqm, which is the predominant situation across the Waverley LGA.

Currently the vertical villages incentive under the Seniors SEPP permits an additional 0.5:1 of FSR when seniors housing is developed on land on which residential flat buildings are permissible. The draft SEPP incentive provision is proposed to apply on land upon which residential flat buildings are permissible and the site is at least 2,000sqm as follows:

*99 Development for vertical villages permitted with consent*

- 1) *Development consent must not be granted for development to which this Division applies unless the site area of the development is at least 2,000m<sup>2</sup>.*
- 2) *Development consent may be granted for development to which this Division applies if the development will result in a building with—*
  - a. *the maximum permissible floor space ratio plus—*
    - i. *for development involving independent living units—an additional 15% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units, or*
    - ii. *for development involving a residential care facility—an additional 20% of the maximum permissible floor space ratio if the additional*
    - iii. *floor space is used only for the purposes of the residential care facility, or for development involving independent living units and residential care facilities—an additional 25% of the maximum permissible floor space ratio if the additional floor space is used only for the purposes of independent living units or a residential care facility, or both, and*
  - b. *a building height exceeding the maximum permissible building height by no more than 3.8m.*
- 3) *Development consent must not be granted under this Division for development on land to which an interim heritage order or listing on the State Heritage Register under the Heritage Act 1977 applies.*
- 4) *In this section—*

***maximum permissible floor space ratio means—***

  - a. *the maximum floor space ratio permitted for the land under a relevant planning instrument, or*
  - b. *if a maximum floor space ratio is not specified under a relevant planning instrument—0.5:1.*

Whilst bonus provisions may be appropriate to incentivise certain types of development, these should also include a merit assessment to determine whether the full bonus is appropriate for the specific site. Recently in Waverley, planning proposals have sought to amend the WLEP by increasing the development capacity of the site for the purposes of seniors housing only. These proposals are consulted upon with the community, and the maximum increase is prescribed based on what is appropriate for the subject site and surrounding character. Accordingly, any additional bonus above a recent increase would be seen as undermining the planning proposal process and trust and transparency in the planning process.

**Recommendation:** It is recommended that the Vertical Villages provision include additional amenity and character criteria and that the bonus height and FSR be subject to a merit assessment. It is also recommended that the proposed draft SEPP bonus provisions should not be available on sites that have been the subject of a planning proposal process that resulted in an increase in height or FSR in the preceding 5 years.

### **Moratorium in Heritage Conservation Areas**

The moratorium on seniors housing in heritage conservation areas (HCAs) has been extended to 1 July 2022. Council notes that the draft SEPP will apply in relevant HCAs across Waverley from 1 July 2022.

**State Significant Development pathway**

The DPIE proposes to amend the State and Regional Development SEPP to provide a State Significant Development (SSD) pathway for residential care facilities with proposed capital investment value thresholds of \$30 million for Greater Sydney Region. Given the constrained nature of developable land in Waverley, the uptake of this pathway is likely to be minimal.

**Environmentally Sensitive Land**

The draft SEPP aligns the seniors housing provisions with recent environmentally sensitive land constraint legislation and mapping, including coastal protection and flooding. Council supports this alignment as it seeks to minimise the risk of future communities by ensuring that vulnerable people are not housed in places that may be the subject of increased environmental risk in the future.

**Conclusion**

Council requests the opportunity to engage with the Department of Planning, Industry and Environment and continue to provide detailed input into how the Housing SEPP progresses and ultimately facilitates affordable and diverse housing in NSW.



27 August 2021

Housing Policy Team  
Department of Planning, Industry and Environment  
housingpolicy@planning.nsw.gov.au

Dear Sir/Madam

**RE: RESPONSE TO THE PUBLIC CONSULTATION DRAFT STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021**

Wee Hur Capital Ltd (Wee Hur) as a major Australian owner and operator of student accommodation thank you for the opportunity to raise our key concerns regarding the *draft State Environmental Planning Policy (Housing) 2021* (the draft Housing SEPP).

The key issues addressed within our submission include:

- Justification for a separate student housing definition
- Critical need for a savings provision, including specific provisions for State significant development projects
- Support for the continuation of the FSR bonus in perpetuity
- Feedback on the non-discretionary development standards and standards for co-living housing, including the use of student housing guidelines to provide appropriate flexibility

### Student Housing Definition

The Explanation of Intended Effect for a new Housing Diversity SEPP dated July 2020 recognised the importance of purpose-built student accommodation (PBSA) or 'student housing' as follows –

*'Having an adequate supply of well-located and purpose-built student housing is critical in supporting the higher education sector in NSW. It can also assist in alleviating demand on other affordable housing types in proximity of major universities'* (page 9)

The proposed 'student housing' definition was well supported by the PBSA providers during the industry Stakeholder Workshops in early 2021. However, we understand Parliamentary Counsel raised issues regarding the similarities between student housing and co-living developments. Accordingly, the exhibited version of the draft SEPP considers student housing to be a form of Co-living, with the same controls proposed to apply to both dwelling typologies.

It is our view there is still a strong case for a separate land use definition for 'student housing'. This could be included as a specific land use or within a group term for 'co-living' including student housing and non-student housing typologies.

This approach would recognise the key differences between these two classes including,

- Demographic – student housing targets both national and international students studying full time, while co-living generally targets young working professionals. Students are



focussed on study and typically desire experiences with like-minded students, seeking out PBSA for this reason. PBSA developments provide pastoral care and are restricted by consent approvals to only be eligible to residents enrolled in education. This is valued by both students and their parents who are likely to reside elsewhere.

- Location – PBSA developments are predominantly located close to tertiary education institutions, particularly within inner-city locations, to enable students to walk or utilise public transport between their place of residence and place of study.
- Number of Residents – PBSA developments are typically much larger in scale than co-living developments. It is desirable to deliver at least 400 beds in a PBSA development to enable appropriate on-site services to be delivered and provide the amenity sought by international students. A co living development will typically contain less than 50 residents.
- Car Parking – unlike co-living, students do not typically own private vehicles and do not require car parking to be provided on-site. A 2019 survey of PBSA students found less than 2% of students utilise a car, 3% cycle and 1% use a motorbike. This position has been supported by the City of Sydney and Randwick councils who do not require on-site car parking for PBSA developments close to high-frequency transport. Further, these Councils will not provide street parking permits to the residents of a student housing building, avoiding impacts on local streets.

Based on the significant differences between Co-living and PBSA, Wee Hur is of the strong view that a separate definition under the Housing SEPP is warranted and appropriate.

### Savings Provision

The draft Housing SEPP is silent on whether a savings provision will be provided in the new legislation. It is Wee Hur's strong view that a savings provision will be critical for PBSA projects, recognising the significant amount of time and financial investment that has already been made based on the existing planning controls.

Wee Hur lodged a Scoping Report for our development at 104-116 Regent Street, Redfern (SSD 12618001) in December 2020. Since the SEARs were issued in February 2021, we have undertaken ongoing stakeholder consultation with relevant authorities and agencies. We have also had regular engagement with the State Design Review Panel (SDRP), including attendance at three SDRP meetings, with a fourth scheduled for September 2021.

Significant concern is raised regarding the potential implications of the draft SEPP on the current design which has been refined through the design excellence process. The FAQs provided with the Draft Housing SEPP indicate a final decision is still to be made regarding Savings Provisions. We strongly recommend that a savings provision is provided within the final SEPP, a suggested clause for the savings provision follows,

- (1) *This Policy does not apply to or in respect of the determination of a development application made but not finally determined before the repeal day.*
- (2) *This Policy does not apply to or in respect of a development consent granted before the repeal day.*
- (3) *This Policy does not apply to or in respect of–*
  - (a) *the determination of a development application, or*
  - (b) *a development consent,*



*if an environmental impact statement is or was to be submitted in connection with the application or consent and the Secretary of the Department of Planning, Industry and the Environment issued, before the repeal day, environmental assessment requirements for the preparation of the statement.*

- (4) *The former provisions of a repealed instrument continue to apply to applications and consents referred to in clause (1), (2) and (3).*

#### FSR Bonus (clause 64(2)(a)(ii))

The Explanation of Intended Effects released in July 2020 proposed a 10m<sup>2</sup> minimum room size as a discretionary standard. It is understood the reduced room size was proposed to compensate for the removal of the 20% FSR bonus under the ARH SEPP, also recognising the different needs of students, compared to other residential typologies. However, the exhibited Draft Housing SEPP proposes a minimum room size of 12m<sup>2</sup> with a 10% FSR bonus which will expire on 1 August 2024 (clause 64(2)(a)(ii)).

Wee Hur request the 10% GFA bonus for the purpose of student housing is maintained in perpetuity. The success of the PBSA sector over the last 10 years has been underpinned by the 20% FSR bonus currently provided under the Affordable Rental Housing. This bonus has allowed the PBSA sector to be able to compete with a typical, build to sell residential apartment developers in sourcing development sites close to universities.

#### Other Non-Discretionary Development Standards (clause 64)

Wee Hur has undertaken detailed research and investigations to benchmark the proposed development standards in the draft Housing SEPP against recent approvals within NSW. We have also compared these standards against other Australian States.

The attached table (Appendix A) provides a comparison of recent PBSA approvals in accordance with the proposed development standards. Several of the project examples have demonstrated design excellence through a design competition or the State Design Review Panel process. The table below summarises the average rates achieved for each of the key development standards.

DEVELOPMENT STANDARD	AVERAGE PROVISION
Carparking (spaces per bed)	0
Bicycle Parking (spaces per bed)	0.29
Motorcycle Parking (spaces per bed)	0.01
Internal Communal (Sqm per bed)	1.46
External Communal (Sqm per bed)	1.21

Given that many of these developments have achieved design excellence and/or have successfully operated for many years, it is considered the relevant rates deliver an appropriate level of amenity and meet the expectations of residents. Wee Hur also wish to raise issues/concerns regarding the following specific development standards:



- Car Parking (clause 64(2)(f)): there is clear evidence from the 2019 PBSA survey to demonstrate car parking is not required for well-located PBSA developments. This is evidenced by Wee Hur's recent experience in Brisbane, where 400 on-site car spaces were required for a 1578 bed PBSA development to comply with the relevant planning scheme. The same consent authority has recently approved a change-of-use to enable its use as a commercial carpark due to the lack of use by the student residents over the past two years. It is Wee Hur's strong view that on-site car parking should not be required where PBSA developments are within walking distance of tertiary institutions and/or high-frequency public transport.

If a requirement for car parking is to remain within the SEPP, it is critical the current wording be amended to ensure that car parking is not required where there is no minimum car parking requirement for student housing (eg Kensington and Kingsford Town Centres). The current wording means the non-discretionary standards would require one parking space for every two rooms, even where a Council does not require on-site car parking to be provided in accordance with their local planning controls.

- Solar Access (clause 64(2)(b)): it is unclear why PBSA development should require three hours of sunlight to be provided to their communal living areas between 9am and 3pm on 21 June when residential apartment developments are only required to provide two hours direct sunlight to living areas. The proposed development standard could potentially increase the difficulties for the PBSA sector to compete with residential apartment developers. Wee Hur request the development standard is reduced to two hours, consistent with the approach for residential developments in the ADG.

Wee Hur has successfully completed PBSA developments in both Melbourne and Brisbane, providing a comprehensive understanding of the way in which the planning controls in these states deliver appropriate outcomes for student housing (or result in inadvertent negative outcomes as outlined in the car parking example above).

The Melbourne Planning Scheme provides a Student Housing Policy (Appendix B), similar to the way in which a Development Control Plan (or the Apartment Design Guide) is applied in NSW. The policy provides desired outcomes to assist with the design of student accommodation and deemed-to-satisfy solutions to achieve the desired outcome for a particular control. This enables each development to be judged on its merits rather than a pre-determined standard which may not deliver the optimal outcome for that particular site.

Key matters in the Melbourne approach which should be considered in the resolution of the final draft Housing SEPP include:

- No on-site car parking for residents of student accommodation
- A minimum room size of 10.8m<sup>2</sup> excluding bathroom and kitchen areas
- Internal communal areas of 1.25m<sup>2</sup> per resident

The following matters are assessed on merit, with the opportunity to vary from these rates based on the individual circumstances of the site and the development:

- One bicycle space for each resident – usage data has been utilised to justify a significant reduction to the bicycle parking rates.





- Outdoor communal area of 2.5m<sup>2</sup> per resident – this control is often significantly reduced, delivering smaller but high-quality outdoor spaces and considering local climatic conditions.

A similar, yet less detailed approach, has been adopted in Brisbane where PBSA developments are assessed under the Rooming Accommodation Code. This provides performance outcomes and acceptable outcomes for each control. It does not provide for minimum room sizes, internal communal space, external communal spaces bicycle parking etc.

### Standards for Co-Living Housing (clause 65)

A key concern arising from our review of the current draft is where the draft SEPP invokes the controls from other guidelines, including Council Development Control Plans (DCPs) and the Apartment Design Guide (ADG).

The design criteria and development guidelines with DCPs and the ADG are to be applied flexibly under the established planning framework. However, their inclusion within a SEPP (an environmental planning instrument) will require these provisions to be strictly applied or a Clause 4.6 exception to a development standard will be required to justify any variation.

It is our view; these controls would be more appropriately addressed in a student housing (or co-living) guideline similar to the ADG. This approach would enable PBSA to be designed and delivered to meet the specific needs and expectations of future residents. It would also facilitate a flexible approach based on merit and avoid unnecessary clause 4.6 exception to development standards. Wee Hur would welcome the opportunity to be involved in the creation of such a guide.

### Wee Hur's Preferred Outcomes

Based on each of the above matters, Wee Hur request the draft Housing SEPP (and accompanying legislation) is updated to incorporate the following matters:

- Student Housing to have its own definition,
- The 10% FSR bonus to remain in perpetuity,
- A savings provision to be provided,
- The proposed non-discretionary development standards and standards for co-living are either updated or provided in a student housing guideline as outlined in the following table,

Development Standard	Recommended Change
Carparking	0 spaces per bed
Bicycle Parking	1 space per 5 beds
Motorcycle Parking	0 spaces per bed
Internal Communal	1.5m <sup>2</sup> per bed
External Communal	1m <sup>2</sup> per bed
Room Size *	12m <sup>2</sup>
Lot Size	To be provided for in a Student housing guide.
Minimum Setbacks	To be provided for in a Student housing guide.
Building Separation	To be provided for in a Student housing guide.
On Site Management	To be provided for in a Student housing guide.
Ground Floor Use	To be provided for in a Student housing guide.





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<b>Resident Facilities</b>	To be provided for in a Student housing guide.
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Thank you for your consideration on this matter and we look forward to working with you further on a final resolution for this matter

Regards,

**Peter Scott**

Senior Development Manager  
Wee Hur (Australia) Pte Ltd



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Attachments,

- Appendix A – Student Accommodation Comparison.
- Appendix B – Melbourne Planning Scheme Student Housing Policy.  
[https://planning-schemes.delwp.vic.gov.au/schemes/melbourne/ordinance/22\\_lpp24\\_melb.pdf](https://planning-schemes.delwp.vic.gov.au/schemes/melbourne/ordinance/22_lpp24_melb.pdf)
- Appendix C – Brisbane City Council City Plan Rooming Accommodation Code.  
<https://cityplan.brisbane.qld.gov.au/eplan/#Rules/0/174/1/0/0>



## STUDENT ACCOMMODATION PLANNING CONTROL COMPARISON

Prepared By Wee Hur - August 2021

ADDRESS	OPERATOR	NO. BEDS	CARPARKING (spaces per bed)	BICYCLE PARKING (spaces per bed)	MOTOR CYCLE PARKING (spaces per bed)	INTERNAL COMMUNAL (Sqm Per Bed)	EXTERNAL COMMUNAL (Sqm Per Bed)
267-269 Abercrombie St. Redfern	Scape	55	0	0.22	0	2.55	1.45
288 Wilson St Redfern	Scape	201	0	0.20	0	1.94	1.97
111-125 Anzac Pd Kensington*	Scape	610	0	0.21	0	1.51	1.17
182-190 Anzac Parade Kensington*	Scape	446	0	0.20	0	1.28	0.43
83 Quay St, Haymarket	Urbanest	334	0	0.36	0	1.25	0.30
152 City Rd, Darlington	Urbanest	456	0	0.37	0	1.53	1.20
483 Wattle St, Ultimo	Urbanest	665	0	0.13	0.13	0.48	1.85
25 Arundel St, Glebe	Urbanest	164	0	0.32	0	0.55	1.41
60-78 Regent St, Redfern	Iglu	370	0	0.50	0	0.97	1.01
80-88 Regent St, Redfern	Iglu	265	0	0.32	0	2.23	2.31
90-102 Regent St, Redfern	Wee Hur	408	0	0.33	0	1.55	0.9
13-23 Gibbons St, Redfern	Wee Hur	419	0	0.31	0	1.70	0.47
<b>Average</b>				<b>0.29</b>	<b>0.01</b>	<b>1.46</b>	<b>1.21</b>

\*These developments contain an amount of commercial floor space. The carparking/motorbike parking provided is for commercial tenants only, not available to residents

**22.24**18/08/2011  
C163**STUDENT HOUSING POLICY**

This policy applies where a planning permit is required for the use or development of *Student Housing*, typically under the definition of residential building or residential college.

For the purpose of this policy *Student Housing* is defined as the use or development of land for:

- Accommodation that is purpose built to accommodate bona fide students while studying at tertiary institutions; or
- Accommodation that is modified or converted (for more than ten habitable rooms) to accommodate bona fide students while studying at tertiary institutions. This would include accommodation that was used in the past as a dwelling.

This policy does not apply:

- To informal student housing where students occupy dwellings as defined within the planning scheme. Dwellings can be used for shared housing without the need for a planning permit.
- If the accommodation comprises a number of fully self-contained units that meet the definition of a dwelling.

**22.24-1**18/08/2011  
C163**Policy basis**

The City of Melbourne is home to many tertiary educational institutions. The University of Melbourne and RMIT University are foremost amongst these.

These institutions cater for a large number of students who move to Melbourne to study from overseas, interstate and from regional Victoria. Some of these students seek specialist accommodation services that will support their period of study in Melbourne. The demand for this type of accommodation is projected to be ongoing.

Purpose built student housing has specific requirements compared to other types of dwellings which need to be addressed at the planning permit application stage.

This policy supports purpose built student housing which provides for pastoral care, reduces social isolation and which facilitates social interaction and communication among the students.

The location and design of purpose built student accommodation needs to be affordable, meet the practical requirements of students, and have convenient walking access to public transport and shops, and convenient access to educational and community facilities. The standards included in this policy are the minimum requirements for student life.

Collaboration between developers and universities is encouraged to achieve the objectives of this policy.

The Municipal Strategic Statement supports:

- “the provision of affordable, safe and well designed and managed student housing in locations with good access to public transport, services and tertiary education facilities”; and
- “affordable accommodation options for students.”

This policy is supported by the findings of *Transnational and temporary: Students, community and place-making in central Melbourne* 2009, a report prepared by the University of Melbourne.

**22.24-2**18/08/2011  
C163**Objectives**

- To ensure that the internal layout of rooms and communal facilities provide sufficient space and amenity for the reasonable requirements of an active social, work, and private life of the student while promoting social interaction.
- To provide a safe, healthy, secure and well managed living environment.

**22.24-3**18/08/2011  
C163**Policy****Bicycle, Motorcycle, Scooter and Car Parking, and Loading and Unloading**

It is policy to:

- Encourage at least one bicycle parking space per student
- Design and locate bicycle parking in accordance with the decision guidelines at Clause 52.34-4;
- Provide adequate space on the land for motorcycle and scooter parking;
- Design safe and efficient motorcycle and scooter parking;
- Provide car parking for the management and servicing needs of the building;
- Support applications that provide limited or no car parking for students;
- Design car spaces and accessways in accordance with Clause 52.06-3; and
- Provide adequate space on the land for loading and unloading vehicles and waste collection.

**Layout, Students' rooms and Shared Spaces**

Student rooms may comprise various levels of shared facilities including:

- Student rooms with all facilities except laundry facilities;
- Student rooms with en-suite bathrooms and shared laundry and cook facilities; or
- Hostel type facility where rooms are for sleeping and studying and shared laundry, cooking and bathroom facilities are provided.

**Students' Rooms**

It is policy that:

- Every room has a size, layout and design able to comfortably accommodate:
  - A bed accessible from a long side;
  - A study area with a desk and bookshelf;
  - A robe /drawer unit with ample storage space for clothing and personal items;
  - Computer and TV;
  - A table or bench to provide a space to eat separate from that used for study purposes;

One way to comply with this policy would be to provide a minimum floor space of 10.8m<sup>2</sup> for a room to be used as a basic single student bedroom. This does not include a kitchen or an en-suite.

- Every room has direct access to daylight and fresh air and an external window.
- That at least one source of light to study bedrooms be from external walls open to the sky.
- Each room is not unreasonably overlooked by another room, either in the same building or an adjoining property.
- Rooms should be designed and located to limit excessive noise and disruption from pedestrian or vehicle traffic from within or outside the complex.
- Where private kitchen facilities are provided there should be adequate room for a microwave, stove top cooker, fridge, clear bench space and sink with hot and cold running water, as well as storage space for food, crockery, utensils, cleaning equipment and a designated location for garbage and re-cycling.
- Adequate long term storage in a secure location is provided.

### Shared Facilities

It is policy that:

- Shared laundries include the following:
  - A reasonably attractive design conducive to incidental socialising; and.
  - Appropriate provision of shared facilities including washing machines, clothes dryers, laundry tubs with hot and cold water and clotheslines.
- Shared cooking and dining facilities include the following:
  - A designated location for garbage and re-cycling bins; and
  - Appropriate provision of shared cooking and dining facilities including stove top cookers, sinks with running hot and cold water, refrigerators, freezers, bench space for food preparation and storage space for dry goods.
- The provision of storage areas for property manager's equipment and building maintenance is encouraged.
- The provision of appropriate waste management facilities is encouraged.
- Shared facilities are located in a safe and accessible location for all students.
- Corridors and stairways are healthy attractive spaces, with natural lighting and ventilation and are conducive to incidental social interaction.

### Communal outdoor space and internal common areas

It is policy to:

- Ensure each student has access to communal outdoor space that is well designed, safe and accessible and can be maintained appropriately;

One way to comply with this policy would be to provide a ratio of 2.5m<sup>2</sup> of communal outdoor space per student, in a maximum of two parcels, each parcel with a minimum width of 3m;

- Ensure adequate solar access into any communal outdoor space;
- Ensure each student has access to internal common areas that are capable of being used for multiple functions to meet a range of study, social, cultural and religious needs of students;

One way to comply with this policy would be to provide a common living area or recreation room with a minimum of 15m<sup>2</sup> in area for the first 12 students, and a further 15m<sup>2</sup> for each additional 12 students thereafter;

- Ensure internal common areas are well located adjacent to high movement areas and doors to internal common areas contain glass to enable natural surveillance from circulation areas;
- Encourage a direct relationship between communal outdoor spaces and common internal spaces to enhance function and safety;
- Ensure that lighting of internal and external access areas is adequate;
- Ensure that all common areas promote student interaction and a sense of community;
- Require that all common areas remain the responsibility of the building management and not be sold off independently.

The floor area of bedrooms, bathrooms, laundries, reception area, storage, kitchens, car parking, loading docks, driveways, clothes drying areas, corridors and the like are not counted when determining the area of internal communal living area. Dining areas may be included as communal living area.

### Conversion of Existing Buildings

It is policy to:

- Consider the capacity of the building to meet the requirements of this policy, particularly the provision of communal open space when assessing applications for the conversion of an existing building to student housing.

### 22.24-4

18/08/2011  
C163

### Application Requirements

The responsible authority may require a Management Plan to be submitted and approved before the use of the student housing commences.

The Management Plan should include, but is not limited to:

- Permanent display of the Management Plan in a common area.
- Provision for at-call contact details of a suitably responsible contact person for response 24 hours a day and seven days a week, to be displayed so they are clearly visible to any person entering the site.
- Provision of information on community and education services, including health, counselling and cultural services.
- Provision of information on local public transport and to encourage walking (eg. information on facilities within walking distance, local public transport timetables, outlets for purchase of Myki tickets, car share services etc).
- House rules regarding occupancy and behaviour of students and visitors.
- Resolution process for disputes between students and complaints from persons not residing on the site.
- Areas where washed clothes may be dried.
- Details of rubbish bin storage and waste collection.
- Employment of a suitably qualified manager or lead tenant who is accommodated on-site.
- Details of which unit is to be set aside for the resident manager and how this unit is to be managed.
- The nature of the management of the complex and the contact details of the manager/lead tenant.
- Critical Incident Management and Emergency & Evacuation Procedures.
- Management procedures over holiday periods.
- Information for students on how to use the building effectively, efficiently and responsibly.

## 9.3.19 Rooming accommodation code

### 9.3.19.1 Application

1. This code applies to assessing a material change of use if:
  - a. accepted development subject to compliance with identified requirements, where acceptable outcomes of this code are identified requirements in a table of assessment for a material change of use (section 5.5) or a neighbourhood plan (section 5.9); or
  - b. assessable development where this code is an applicable code identified in the assessment benchmarks column of a table of assessment for a material change of use (section 5.5) or a neighbourhood plan (section 5.9); or
  - c. impact assessable development for rooming accommodation or a use of a similar nature.
2. When using this code, reference should be made to section 1.5 and section 5.3.3.

Note—The following purpose, overall outcomes, performance outcomes and acceptable outcomes comprise the assessment benchmarks of this code.

Editor's note—For a proposal to be accepted development subject to compliance with identified requirements, it must meet all the identified acceptable outcomes of this code and any other applicable code. Where it does not meet all identified acceptable outcomes, the proposal becomes assessable development and a development application is required. Where a development application is triggered, only the specific acceptable outcomes that the proposal fails to meet need to be assessed against the corresponding assessable acceptable outcomes or performance outcomes and relevant overall outcomes. Other identified acceptable outcomes that are met are not assessed as part of the development application.

Note—If involving a new premises or an existing premises with an increase in gross floor area, where in the Low density residential zone, the Character residential zone or the Low-medium density residential zone (where a maximum of 5 occupants is proposed), the Dwelling house code or the Dwelling house (small lot) code are also applicable residential use codes.

Note—Other legislation or licensing requirements may also be applicable to rooming accommodation. For example, both the Residential Services (Accreditation) Act 2002 and the Residential Tenancies and Rooming Accommodation Act 2008 have legislative requirements in relation to rooming accommodation.

Note—Where this code includes performance outcomes or acceptable outcomes that relate to:

- Air quality assessment, guidance is provided in the Air quality planning scheme policy;
- noise impact assessment, guidance is provided in the Noise impact assessment planning scheme policy;
- transport, access, parking or servicing, guidance is provided in the Transport, access, parking and servicing planning scheme policy.

### 9.3.19.2 Purpose

1. The purpose of the Rooming accommodation code is to assess the suitability of development to which this code applies.
2. The purpose of the code will be achieved through the following overall outcomes:
  - a. Development accommodating 6 persons or more is located in an area identified for higher residential density or within easy walking distance of high-frequency public transport, a higher education campus or teaching hospital.
  - b. Development located in the Low density residential zone or Character residential zone:
    - i. accommodates 5 persons or less;
    - ii. contains no more than 1 dwelling on each lot;
    - iii. has the appearance of premises occupied by a single household and used for domestic residential purposes;
    - iv. is consistent with the amenity and residential density expectations of the relevant zone.
  - c. Development provides on-site vehicle parking at a rate appropriate to the use, occupant demand and the location.
  - d. Development minimises impacts on the amenity of neighbouring residential dwellings and other sensitive uses.
  - e. Development is compatible with nearby existing uses that have the potential for off-site air emissions, considers the health and wellbeing of occupants and does not adversely impact on the continued operation of those existing uses.

### 9.3.19.3 Performance outcomes and acceptable outcomes

Table 9.3.19.3.A—Performance outcomes and acceptable outcomes

Performance outcomes	Acceptable outcomes
<b>Section A—If for accepted development subject to compliance with identified requirements (acceptable outcomes only) or assessable development accommodating 5 persons or less</b>	
<b>PO1</b> Development does not: <ol style="list-style-type: none"> <li>a. detrimentally impact on the amenity of any adjacent dwelling or sensitive use;</li> <li>b. exceed anticipated residential density;</li> <li>c. exceed infrastructure demand assumptions.</li> </ol>	<b>AO1</b> Development: <ol style="list-style-type: none"> <li>a. in the Low density residential zone or the Character zone precinct of the Character residential zone accommodates no more than 5 persons on a lot at any one time;</li> <li>b. in any other zone accommodates not more than 5 persons in a dwelling at any one time.</li> </ol>
<b>PO2</b> Development: <ol style="list-style-type: none"> <li>a. in the Low density residential zone and the Character zone precinct of the Character residential zone maintains the pattern</li> </ol>	<b>AO2.1</b> If in the Low density residential zone or the Character residential zone precinct of the Character residential zone, development accommodates no more than 1 dwelling on a lot.

<p>of single dwellings on individual lots;</p> <p>b. is consistent with the anticipated form, bulk and scale of residential development in the immediate vicinity;</p> <p>c. maintains the appearance of a residential use of premises occupied by 1 household.</p>	<p>Note—The Dwelling house code and Dwelling house (small lot) code enable a dwelling house and a secondary dwelling to be accommodated on a lot at one time. No other combination of 2 dwellings is accommodated.</p> <p><b>AO2.2</b> Development involving a Class 1a building or a building that would be so defined if not for the rooming accommodation use, provides no more than:</p> <ul style="list-style-type: none"> <li>a. 1 meter box;</li> <li>b. 1 letter box;</li> <li>c. 3 bins.</li> </ul> <p>Note—Building classifications are defined in the National Construction Code. A Class 1a building is a dwelling house, townhouse, row house or similar. Rooming accommodation of less than 300m<sup>2</sup> gross floor area is defined as a Class 1b building.</p>
<p><b>PO3</b> Development:</p> <ul style="list-style-type: none"> <li>a. accommodates residents' vehicles on site;</li> <li>b. does not result in overflow resident parking on the street.</li> </ul>	<p><b>AO3</b> Development provides a minimum of 2 on-site parking spaces.</p> <p>Note—Vehicle parking may be provided in tandem.</p> <p>Note—This car parking rate is for development that accommodates 5 persons or less where in a zone in the residential zones category. Car parking rates for rooming accommodation in other circumstances are included in the Transport, access, parking and servicing planning scheme policy.</p>
<p><b>PO4</b> Development provides a readily accessible refuse and recycling storage space that is not visible from the public realm or any adjacent dwelling or sensitive use.</p>	<p><b>AO4</b> Development provides storage for 3 bins:</p> <ul style="list-style-type: none"> <li>a. located under or behind a structure or a building; or</li> <li>b. if located forward of the building line, within a storage space with a minimum dimension of 1.8m width and 0.7m depth;</li> <li>c. screened from view of adjacent streets or public spaces by a 1.5m high permanent screen.</li> </ul> <p>Note—Screening must be permanently fixed and durable and incorporate solid or translucent sheeting, perforated or slatted panels or fixed louvres that have a maximum of 25% openings, with a maximum opening dimension of 50mm.</p>
<p><b>PO5</b> Development provides:</p> <ul style="list-style-type: none"> <li>a. acceptable standards of health, safety and amenity for residents;</li> <li>b. for the safe evacuation of occupants.</li> </ul>	<p><b>AO5.1</b> Development provides:</p> <ul style="list-style-type: none"> <li>a. hygienic and adequately sized and configured kitchen, dining, sanitary and laundry facilities;</li> <li>b. adequately sized common areas and bedrooms;</li> <li>c. storage facilities;</li> <li>d. vermin control;</li> <li>e. adequate ventilation to habitable rooms;</li> <li>f. emergency telephone access.</li> </ul> <p>Note—Compliance with this acceptable outcome can be achieved by satisfying the requirements of MP 5.7 - Residential Services Building Standard of the Queensland Development Code. These requirements are applicable to all rooming accommodation including otherwise exempted services.</p> <p><b>AO5.2</b> Development provides:</p> <ul style="list-style-type: none"> <li>a. an early warning system;</li> <li>b. emergency lighting;</li> <li>c. safe and secure paths of travel to exits;</li> <li>d. emergency escape exits;</li> <li>e. protected exit paths;</li> <li>f. exit signage;</li> <li>g. portable fire extinguishers;</li> <li>h. fire hose reels;</li> <li>i. fire-fighting water supply;</li> <li>j. smoke hazard management;</li> <li>k. sprinkler systems.</li> </ul> <p>Note—Compliance with this acceptable outcome can be achieved by satisfying the requirements of MP 2.1 - Fire Safety in Budget Accommodation Buildings of the Queensland Development Code. These requirements will vary depending on the proposed gross floor area.</p>
<p><b>PO6</b></p>	<p><b>AO6</b></p>



<p>Development including associated site works such as retaining walls, filling and excavation ensures that if a surface or roof-water drainage system connection is required to be made through an adjoining property, the surface or roof-water drainage system is managed to prevent water seepage, concentration of run-off or ponding on an adjoining property.</p> <p>Note—The Queensland Development Code outlines requirements for surface and roof-water drainage systems for Class 1 buildings and Class 10 buildings and structures where a surface or roof-water drainage connection is not required to be made through an adjoining property.</p>	<p>Development including associated site works such as retaining walls, filling and excavation ensures that if a surface or roof-water drainage system connection is required to be made through an adjoining property, the owner of the adjoining property has provided a written permission for the connection.</p>
<p><b>Section B—If for accepted development subject to compliance with identified requirements (acceptable outcomes only) or assessable development accommodating:</b></p> <p>a. 6 persons or more in a zone in the Residential zones category;</p> <p>b. Any number of persons in any other zone</p>	
<p><b>PO7</b></p> <p>Development is located on a site within a walking catchment of:</p> <p>a. high-frequency public transport (services every 15 minutes or less); or</p> <p>b. an educational establishment where a higher education campus (e.g. university or technical institute); or</p> <p>c. a teaching hospital.</p>	<p><b>AO7.1</b></p> <p>Development is located in:</p> <p>a. a zone in the centre zones category; or</p> <p>b. the High density residential zone; or</p> <p>c. the Medium density residential zone; or</p> <p>d. the Low-medium density residential zone; or</p> <p>e. the Major health care zone precinct of the Community facilities zone; or</p> <p>f. the Mixed use zone; or</p> <p>g. the Major education and research facility zone precinct of the Specialised centre zone.</p> <p><b>AO7.2</b></p> <p>Development is located within 800m walking distance of a dedicated public pedestrian access point of an educational establishment where a higher education campus (e.g. university or technical institute).</p>
<p><b>PO8</b></p> <p>Development ensures that noise from the use does not exceed the following criteria:</p> <p>a. <math>L_{Aeq,adj,T}</math> emitted from rooming accommodation is not greater than the rating background level plus 3 at a sensitive use;</p> <p>Where T is:</p> <p>Day (7am to 6pm): 11hr</p> <p>Evening (6pm to 10pm): 4hr</p> <p>Night (10pm to 6am): 9hr</p> <p>Note—Where <math>L_{Aeq,adj,T}</math> is the adjusted A-weighted equivalent continuous sound pressure level during measurement time T, determined in accordance with the methodology described in the Noise impact assessment planning scheme policy.</p> <p>Note—Rating background level is to be determined in accordance with the methodology described in the Noise impact assessment planning scheme policy.</p>	<p><b>AO8.1</b></p> <p>Development:</p> <p>a. is on a site located in one of the following zones:</p> <p>i. Principal centre zone;</p> <p>ii. Major centre zone;</p> <p>iii. District centre zone;</p> <p>iv. High density residential zone;</p> <p>v. Medium density residential zone;</p> <p>vi. Low-medium density residential zone;</p> <p>b. does not emit noise from communal recreation, dining or cooking areas that is clearly audible and disturbing within a nearby sensitive use.</p> <p><b>AO8.2</b></p> <p>Development provides a 2m high acoustic fence along a boundary between on-site car parking areas and adjoining sensitive uses.</p> <p><b>AO8.3</b></p> <p>Development ensures mechanical plant or equipment is acoustically screened from adjoining sensitive uses.</p> <p>Note—Mechanical plant includes generators, motors, compressors and pumps such as air-conditioning, refrigeration or coldroom motors.</p>
<p><b>PO9</b></p> <p>Development protects the visual amenity of the immediate vicinity, public realm and any adjacent dwelling or sensitive use.</p>	<p><b>AO9</b></p> <p>Development including mechanical plant, refuse and recycling areas, vents and exhausts is not visible from:</p> <p>a. a street or public space;</p> <p>b. an adjacent dwelling or sensitive use.</p> <p>Note—Mechanical plant includes generators, motors, compressors and pumps such as air-conditioning, refrigeration or coldroom motors.</p>
<p><b>PO10</b></p> <p>Development is of a nature and scale which does not result in an odour or air emission that causes an unreasonable impact on the occupier of a nearby sensitive use.</p>	<p><b>AO10.1</b></p> <p>Development where not in a zone in the centre zones category or the Mixed use zone:</p> <p>a. does not involve activities that generate air emissions, including</p>

<p>Note—The matters considered in assessing unreasonable impacts include the characteristics, nature, amount, intensity, frequency and duration of the emissions and whether the emissions could be reasonably expected in the area.</p>	<p>odour, dust, fumes or smoke beyond the site;</p> <p>b. where cooking or food odour is released, exhaust is discharged vertically and directed away from a sensitive use, and vents are separated by the following distances:</p> <ul style="list-style-type: none"> <li>i. a minimum of 6m horizontally from a sensitive use;</li> <li>ii. a minimum of 2m above a thoroughfare or roof with regular foot traffic.</li> </ul> <p><b>AO10.2</b> Development ensures that vents and exhausts for a below ground car park are separated by a minimum 15m from a sensitive use.</p>
<p><b>PO11</b> Development is located to achieve the air quality (planning) criteria in Table 9.3.19.3.B and odour criteria in Table 9.3.19.3.C. Note—An air quality impact report prepared in accordance with the Air quality planning scheme policy can assist in demonstrating achievement of this performance outcome.</p>	<p><b>AO11</b> Development is located at least 150m from a spray painting workshop. Note—This distance is to be measured between the building containing the spray painting workshop and the property boundary of the sensitive use.</p>
<p><b>PO12</b> Development for outdoor lighting:</p> <ul style="list-style-type: none"> <li>a. does not have an adverse impact on any person, activity or fauna because of light emissions, either directly or by reflection;</li> <li>b. ensures that the external appearance of the premises is similar to adjoining premises with lighting that does not impact adversely on the amenity of the immediate vicinity and the public realm.</li> </ul>	<p><b>AO12</b> Development provides for outdoor lighting:</p> <ul style="list-style-type: none"> <li>a. with technical parameters, design, installation, operation and maintenance which comply with the requirements of AS 4282-1997 Control of the obtrusive effects of outdoor lighting;</li> <li>b. which maintains a minimum of 20lux at the footpath level where in a zone in the centre zones category or the Mixed use zone.</li> </ul> <p>Note—The effect of outdoor lighting is to be mitigated where a window of a habitable room of a nearby dwelling will be illuminated beyond maximum permissible values outlined in AS 4282-1997 Control of the obtrusive effects of outdoor lighting.</p>
<p><b>PO13</b> Development within the City core or City frame identified in Figure a in the Transport, access, parking and servicing code, provides for car parking spaces at rates to discourage private car use and encourage walking, cycling and the use of public transport.</p>	<p><b>AO13</b> Development within the City core or City frame as identified in Figure a in the Transport, access, parking and servicing code, provides for on-site parking spaces at parking rates in compliance with the standards in the Transport, access, parking and servicing planning scheme policy.</p>
<p><b>PO14</b> Development outside the City core and City frame as identified in Figure a in the Transport, access, parking and servicing code, provides for the number of on-site parking spaces that accommodate design peak car parking demands without overflow parking onto adjoining properties or adjacent streets.</p>	<p><b>AO14</b> Development outside the City core and City frame identified in Figure a in the Transport, access, parking and servicing code, provides for on-site car parking in compliance with the standards in the Transport, access, parking and servicing planning scheme policy.</p>

**Table 9.3.19.3.B—Air quality (planning) criteria**

Pollutant	Averaging time	Health outcome protected	Criteria including background (µg/m³;)	Criteria including background (ppm)
Particulate matter less than 10µm (PM <sub>10</sub> )	24 hours	Health and wellbeing	50	-
Particulate matter less than 2.5µm (PM <sub>2.5</sub> )	24 hours	Health and wellbeing	25	-
	Annual	Health and wellbeing	8	-
Acetone	1 hour	Health and wellbeing	22,000	9.2
Benzene	Annual	Health and wellbeing	10	0.003
Cumene (isopropyl benzene)	1 hour	Odour	21	0.004
Ethyl acetate	1 hour	Odour	12,100	3.5
Ethyl acrylate	1 hour	Odour	0.4	0.0001
Ethyl butyl ketone	1 hour	Health and wellbeing	4,200	0.9
Ethylbenzene	1 hour	Health and wellbeing	8,000	1.8

MDI (diphenylmethane diisocyanate)	1 hour	USEPA extremely toxic	0.04	-
Methyl ethyl ketone	1 hour	Odour	3,200	1.1
Methyl isobutyl ketone	1 hour	Odour	230	0.05
Methyl styrene	1 hour	Odour	140	0.029
n-Butanol	1 hour	Odour	500	0.16
n-Butyl acetate	1 hour	Odour	1,020	0.21
n-Hexane	1 hour	Health and wellbeing	3,200	0.9
Styrene	1 hour	Odour	65	0.014
	7 days	Health and wellbeing	280	0.06
TDI (toluene-2,4-diisocyanate; toluene-2,6-diisocyanate)	1 hour	USEPA extremely toxic	0.04	-
Toluene	1 hour	Odour	958	0.23
	24 hours	Health and wellbeing	4,100	1
	Annual	Health and wellbeing	410	0.1
Xylenes (as a total of ortho, meta and para isomers)	24 hours	Health and wellbeing	1,200	0.25
	Annual	Health and wellbeing	950	0.2

Note—

- Criteria that are stated in  $\mu\text{g}/\text{m}^3$ ; are to be referenced to 0°C.
- Criteria that are stated in ppm are to be expressed as volume/volume.
- Averaging times of 1 hour or less are to be presented using the 99.9th percentile concentration of the total site impact from dispersion modelling and background concentration for all pollutants in the above table, or the maximum concentration from dispersion modelling if no background concentration is available.
- Averaging times of greater than 1 hour are to be presented using the maximum concentration of the total site impact from dispersion modelling and background concentration for all pollutants in the above table, or the maximum concentration from dispersion modelling if no background concentration is available.

**Table 9.3.19.3.C—Odour criteria**

Pollutant	Averaging time	Health outcome protected	Criteria (odour units-OU)
Odour	1 hour	Odour	0.5OU for tall stacks
Odour	1 hour	Odour	2.5OU for ground level and wake-affected plumes from short stacks

Note—Odour criteria are to be evaluated using the 99.5th percentile concentration from dispersion modelling.

# Every picture tells a story

Decisions made today will affect the community and the area for the future.

Problems that has occurred over the last 5 to 6 years since boarding houses have been clustered in Kingswood. The increase of rubbish.





Unkept properties, discourage people from buying in the area and reduces the value of other homes.





Advertising for vacancies in the boarding houses currently  
already cluster in Kingswood





Developers submit the Development Application to Council for a Boarding House, but then they advertise them as apartments/studio. Most of these boarding houses would not meet the required development application for a apartment/studio.

- **Listed advertisement**  
**BRAND NEW SELF**  
**CONTAINED**  
**APARTMENTS IN IDEAL**  
**LOCATION**

Brand new self contained studio apartments available now ! Double and single rooms available. Ideal for students or professionals...





Four boarding houses clustered in Manning street, Kingswood.  
36 Manning street, Kingswood completed early this year 2021, still has rooms for lease.  
38 and 40 Manning street still under construction, containing 37 rooms. How many more rooms are required in this area.



**Loss of privacy**

**Four air conditioner units next to the neighbours bedroom windows**



**Four boarding houses over looking the play ground of the Primary School**





I have lived in this area for over 40 years, there has been more police call to this area in the last 3-5 years than in the prior 35 years. These problems are due to the increase in short term residents, in boarding houses and property rented by developers.





In June and July the police helicopter have been over Kingswood on a minimum of three occasions.





Traffic and parking near Kingswood Primary school during school hours  
and in Edna street.



The increase of students at Kingswood Primary school.

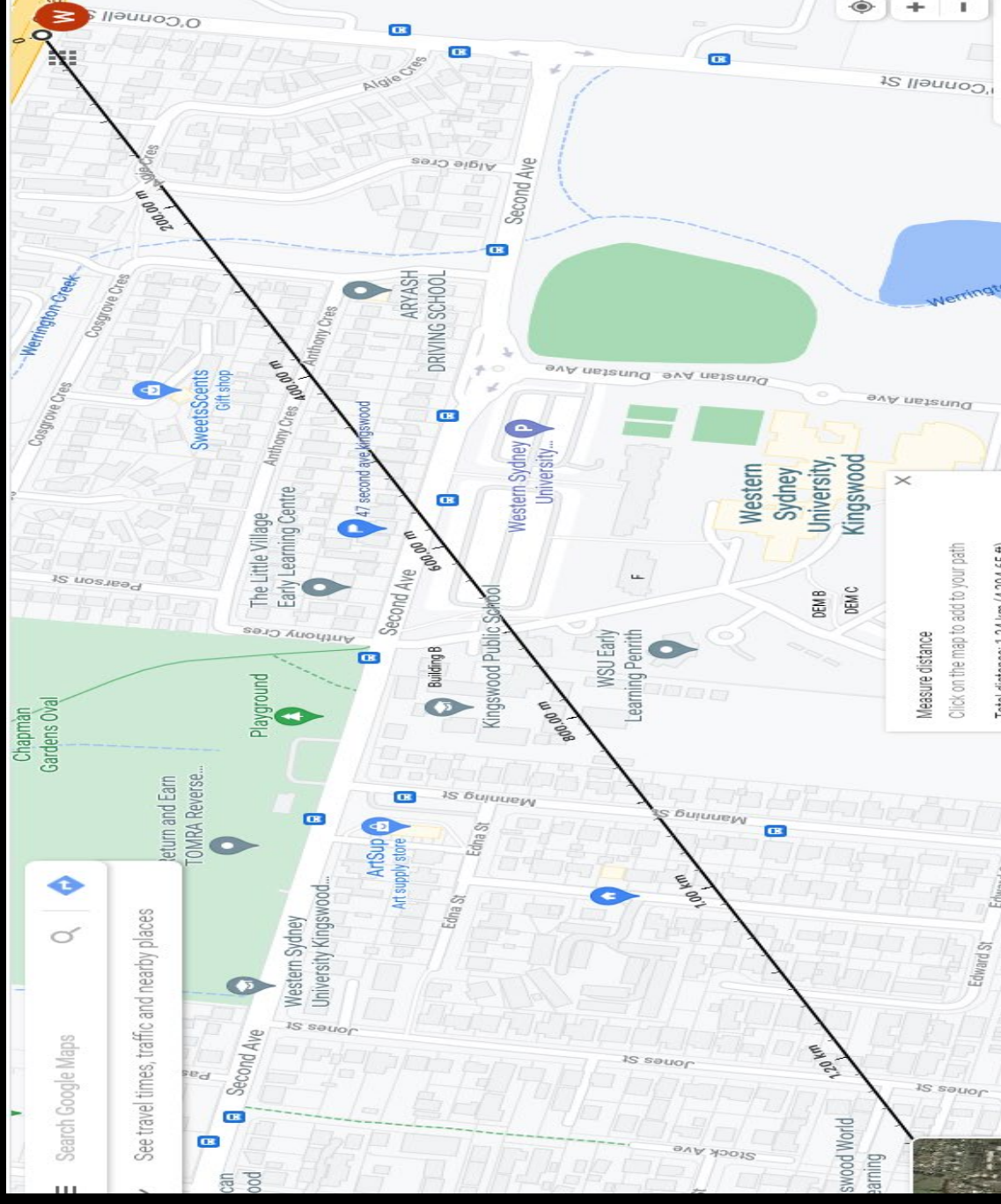
Kingswood Primary school Strategic Improvement Plan 2021-2024  
Printed 1 April 2021 student enrolment 544. In 2017 there were 412 students enrolled. there has been an increase of 32 % (132 additional children) attending this school over the last 3 to 4 years. In the next 1 to 2 years the number of students enrolled at this school will continue to increase. This will increase the traffic problem around Second Ave, Manning Street and Edna street during the peak school drop of and pick up.



Social issue should also be a part of the assessment of development applications.

Currently within the small part of Kingswood there would be up to 30 Boarding houses, approved or under construction.

What will Kingswood be like in 2025 if boarding houses are not stopped NOW, 60 or more.



Changes need to be made to the policy to stop the destruction of Kingswood before it is too late.

It is a proven fact that the grouping/clustering of social housing has creative problems. Eg: Mt Druitt, Campbelltown

Within 10 to 15 minutes walk, there are parks, open areas, sport field, 6 to 7 day care centres, good schools, State, Private and Religious, employment opportunity, University, TAFE, Nepean Hospital, good access public transport, M4, the Great Western H'way, and the new Metro-Western Sydney Airport railway line. It is time to make decisions on what is best for the community and residents, NOT the profit of the DEVELOPERS.



## **Submission for the draft Housing SEPP, August 2021**

I am writing this submission as a long-time aged resident of Kingswood who is frustrated with the destruction of Kingswood over the last 3 to 5 years due to housing policies. I have attempted to read and understand all the information on changes to the new Housing SEPP. I fail to see how the introduction Co Living and Student Accommodation in State Environmental Planning Policy (Housing) 2021 will stop developers from destroying Kingswood or other suburbs.

**Will any changes in the policies address some of the problems that have been created in and around Kingswood over the last 3 to 5 years?**

**Parking** - Not enough per site, additional fee charged for onsite parking to residents of boarding houses. Onsite parking need be increased to reduce the congestion of cars parking on the street. Car spaces - 0.5 spaces per room - should be 0.5 per person

**Clustering or grouping** - What changes has been made to stop developer from clustering or grouping boarding houses, co-living and student accommodation in one street/area.

In Kingswood there are 30 or more boarding houses built, under construction or approved to be built.

In a small section of Kingswood there are a total 10 boarding houses.

This photo shows how close some of these boarding houses have been clustered in one area and overlooking a primary school Playground.



The 6 yellow spots indicate boarding houses already built.

The pink spot is the 7<sup>th</sup> boarding houses approved to be built.

Is this cluster of boarding houses in the best interest of the community, or only the best interest of the developer's pockets? These seven boarding houses will increase the number of residents by over 120 people in a small area? This will create a social problem in coming years and an immediate traffic congestion problem.

How many Boarding houses are too many Boarding houses in one area?

**Developers** – Stop the developers from using the policy and/or guide line that bring them the most profit (boarding houses, co-living and student accommodation). They are not building what is need or what is best for the area or community.

**Councils** - should have some rights to refuse/reject development applications.

When are the rights of the Council, residents and community going to be heard and enforced? If a development application is refused by the Council and the Local Planning Panel, the next step is the Land and Environment Court. The court has failed to reject any development applications for a boarding house in Kingswood

**Planning and Cooling** – Minister for Planning and Public Spaces Rob Stokes, is creating a green and resilient community in Wilton in Sydney's south-west. Ensuring its green future. Yet with these policies for boarding houses, co-living and student accommodation there is little outdoor space for trees, grass or people. Penrith/Kingswood is an area that has recorded high temperatures over the last 3 to 5 years. Why doesn't the residents in Kingswood have the right to ensure a GREEN FUTURE for our children and families. There is a difference between progression and destruction. Under these policy Kingswood is being destroyed for future families.

**Development Applications** – Development application should not be approved for 5 years. A lot of these property are unkept, rubbish dump with every change of tenants during the 5 year period. Development Applications should not transfer if a property is sold. A new development application should be required to be submitted.

**Social Housing** - Today around 60 per cent of social housing residents are over the age of 60 and live alone. Most people over the age of 60 maybe happy with smaller living space without too many steps, but they would greatly appreciate some private outdoor space. A lot of people over 60 drive cars, as it is easier and safer way to travel.

**COVID-** should have shown us that everyone need space.

**R3 – Medium Density Residential** - Kingswood was re zoned R3 – Medium Density Residential around 2015. Currently there is still single-family houses in Kingswood. There

need to be rules and/or regulations to reduce the overall building size of boarding houses, co-living and student accommodation that can be built on a small block of land in R3.

An increase in room size, outdoor space, additional car spaces and maybe reduce the number of rooms per site. This could stop overshadowing, the lack of the neighbour's privacy and maybe increase the green space.

If there is a need for boarding houses, co-living and student accommodation in an area, there should also be Policies and/or Regulations to stop the clustering or grouping of boarding houses, co-living and student accommodation.

**Under the proposed changes car parking is listed as a NON-Discretionary “MUST NOT REFUSE” provision.**

This shows lack of foresight in this policy, if the proposed development application is on a busy street or a small street where there is already a traffic problem with little or no on street parking. The Council should have a right to refuse the development application due to lack of parking and traffic problems. On paper these policies may look good, but they don't take into account the welfare of the community and residents within the area.

### **Co-living**

Car spaces - 0.5 spaces per room

**Problem** - Co-living can have 10 rooms but may accommodate up to 20 people (2 people per room), but only required to have 5 onsite car spaces. This problem could be reduced by increasing the number of onsite parking space to one space per double room and 0.5 for a single room.

This would help to reduce the number of cars parking on street in small residential streets.

The demand for car parking varies significantly between different areas. There is a train station at Kingswood, but late at night there is no bus service from the station and most people would choose to drive home for safety over walking home late at night in the dark.

### **Student housing**

Car spaces - No minimum requirement

Car parking - There should be a minimum of 0.5 per person onsite car space required for student accommodation. Students also require cars to travel for work or social outing.

### **Tenants – student only. Who and how will this requirement be enforced?**

The introduction of Student Accommodation would create further problems around the Kingswood area. Western Sydney University and TAFE are located within the area of Kingswood.

There has been an educational College on the Kingswood site since 1973 and the University started on this site from 1989. In the last 30 years there has never been a problem in Kingswood with students unable to find accommodation or living on the street.

### **Current information.**

Since 2015 to 2019 the student enrolments on the Kingswood campus of Western Sydney University, has reduced by over 8 %, due to the increase of students undertaking studies part time, online and studying at other campus. Western Sydney University has 310 rooms on campus accommodation for students from \$180 to \$250.00 which including Furniture, free WIFI, free onsite parking 24-hour support/security, and current vacancies, before COVID.

### **This is an area where developer will take advantage of the policy:**

Developers will now submit Development Application for student accommodation. Even if there is no information to show that further student accommodation is required around Kingswood. The requirements under a Development Application for student accommodation is: ONSITE PARKING SPACES NOT REQUIRED the room size requirements is only 10.m<sup>2</sup> so they could fit more rooms on one site. This would mean more profit for a developer.

**Developers have shown in the past that they will use any loop hole possible.**

The majority of boarding houses built in Kingswood had the Development Application assessed and approved under the regulation of affordable housing, boarding houses.

For example - The site on Second Ave Kingswood, the development application was submitted and approved for a boarding house, Affordable Rental Housing SEPP 2009, now it is advertised to be leased as a Spacious Studio?



The Development application submitted would not have met the requirements for a studio!

But can now be leased as Spacious Studio.

There should be some way for these development applications can be refused by the Council.

This policy should be aiming to supply a diverse range of housing options within the community, not just low-cost affordable boarding houses or co-living or student accommodation that excludes families with children.



10 September 2021

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

Attn: Mr Luke Walton

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

Dear Secretary,

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

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

Wesley Mission is a significant welfare provider and not-for-profit (NFP) operator of seniors housing, aged care and affordable housing in NSW and Australia. With a tradition spanning over 200 years of helping and housing those in need, Wesley Mission has a keen interest in the continued delivery of quality and affordable new seniors housing to the people of NSW and the renewal of its existing villages and land holdings to meet growing demographic demand and market expectations.

We strongly support the DPIE's intent of facilitating more diverse seniors housing forms, and we believe that the fundamentals of the draft Housing SEPP are sound. However, Wesley Mission is concerned that some of the proposed amendments could have long-lasting and significant adverse effects on the delivery and supply of future seniors housing.

The current *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP)* has provided the NFP sector with a high level of certainty for many years and, in our opinion, has been highly successful in achieving its aims. Wesley Mission requests that DPIE further considers and investigates the level of certainty provided to NFPs in the new draft Housing SEPP, particularly where it does not support any advantages over private residential developers.

Wesley Mission recommends some modest amendments to the draft Housing SEPP as discussed below, which, if implemented, we believe will provide certainty and incentive for this important and growing work. A summary of the recommended amendments is below:

- Recommendation 1:** *We, therefore, recommend the SP2 zone be treated the same as the SP1 zone.*
- Recommendation 2:** *Permit all forms of seniors housing within the R2 Low-Density Residential Zone. A potential alternative rather than a blanket prohibition is either a) a new density standard for the R2 zone or b) permitting providers that operate under the Retirement Villages Act 1999 to develop Independent Living Units (ILUs) in the R2 zone.*
- Recommendation 3:** *Ensure that clause 74(3) is tied to the 9m height standard and only applies to land in a residential zone where residential flat buildings are not permitted.*
- Recommendation 4:** *DPIE and Parliamentary Counsel's Office should carefully consider the potential ramifications of this terminology change and the subsequent legal challenges and L&E Court appeals it could generate.*





- Recommendation 5:** *Review the non-discretionary development standards for Residential Care Facilities (RCFs) in clause 96, particularly in relation to their interplay with the development standards in clause 74.*
- Recommendation 6:** *Wesley Mission therefore again recommends that the prohibition of ILUs in the R2 zone is deleted. As previously mentioned, a non-discretionary standard related to density (ie 50 dwellings per hectare) in the R2 zone could be an alternative to a blanket prohibition of ILUs in the R2 zone, or potentially exempting providers that operate under the Retirement Villages Act 1999 from the blanket prohibition.*
- Recommendation 7:** *Broaden the application of the vertical villages provisions to include land on which development for the purpose of shop top housing is permitted (in addition to residential flat buildings).*
- Recommendation 8:** *Increase the floor space ratio (FSR) bonus for vertical villages involving ILUs to 20% (instead of 15%) and allow a two-storey height increase in higher density zones to enable the full FSR bonus to be realised.*
- Recommendation 9:** *Removing this default FSR is therefore strongly recommended as the incentive provision could still operate effectively in areas without an FSR as the building height bonus provides an incentive in itself.*
- Recommendation 10:** *Either remove the requirement for the capital investment value (CIV) of the RCF component to be at least 60% of the total CIV, or require both the RCF and ILU components to together comprise at least 60% of the overall CIV.*
- Recommendation 11:** *Wesley Mission would welcome an appropriate FSR and building height incentive clause that provided for renewal of ageing villages.*

## 1.0 Prescribed Zones and Restrictions

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

### 1.1 Special Purpose Zones

We would, however, highlight the limited consideration given to Special Purpose zones. In particular, the only circumstance that the SP2 Infrastructure zone can be used for seniors housing is when the zone is identified for 'Hospital' use. Wesley Mission is concerned that these changes may stifle the development of surplus land on many school and church sites that have the potential for intergenerational and faith communities to be created.

By contrast, for SP1 zones under clause 76, seniors housing can only be developed in the SP1 zone in circumstances where:

- A place of public worship, educational establishment, hospital or seniors housing is permitted on the land; and
- At least 50% of the site adjoins a residential zone.

It is noted 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. Importantly, in practice, there is little to no difference between an SP1 zoned educational establishment, and an SP2 zoned educational establishment as applied through local planning instruments across NSW. The two Special Purpose zones have been applied interchangeably for the past 15 years, with the SP2 zone being a prevalent zoning for educational establishments in NSW.

**Recommendation 1:** *We, therefore, recommend the SP2 zone be treated the same as the SP1 zone.*



## 1.2 R2 Low-Density Residential

The restriction on ILUs in R2 zones in the draft Housing SEPP for the NFP sector and its inclusion within the draft Housing SEPP without prior consultation or explanation are significant concerns.

Low-density residential areas have been crucial for the supply of seniors housing since the commencement of SEPP No. 5 in 1982. This is because land values are lower than in higher density zones such as R3 or R4 zones, and seniors housing providers do not need to compete for the acquisition of sites with private residential apartment developers who are typically the highest and best use. This has resulted in countless successful seniors housing developments over the past 40 years in the R2 zone across NSW. This equates to approximately 80,000 hectares of R2 zoned land just in the Sydney Metropolitan Area potentially being excluded from ILU development as a consequence of this provision.

In terms of Wesley Mission, three villages are located within an R2 zone, comprising hundreds of units. These villages are well established within their local communities and are entirely compatible with their localities' character, scale, and density. A number of these villages would become prohibited development, and their long-term futures be placed in jeopardy as a consequence of this provision. Furthermore, without the permissibility enshrined within a SEPP, local councils could deem "seniors housing" to be prohibited in their R2 zones to align with the draft Housing SEPP. This would render all three Wesley Mission villages mentioned above as prohibited development and reliant upon the "existing use" rights provisions of the EP&A Act.

It is important to note that ILU development in R2 zones is afforded no additional building height or floor space ratio benefits over other forms of permissible development, with an 8m building height and a 0.5:1 FSR maximum as non-refusable standards under clause 50 of the Seniors SEPP. Indeed, an RCF at a 1:1 FSR and a building typology and function more akin to a health services facility than residential dwellings has arguably a greater impact upon streetscape and neighbourhood amenity than ILUs – yet RCFs remain permissible in the R2 zone. The intent of the draft Housing SEPP is to promote the delivery of affordable and diverse housing types. This clause will likely have the opposite effect and may force people wanting to downsize to move out of their local communities and social networks.

Notwithstanding this, should DPIE continue to hold concerns regarding ILU density in R2 zones, rather than a blanket prohibition for ILUs on all land in the R2 zone, a suggestion is a non-discretionary density standard to be included as part of clause 97 where a "non-refusable" 50 dwellings per hectare is provided. Alternately, a 50 dwellings per hectare density development standard could be provided at clause 74 that applies just to R2 zoned land.

Another alternative is to allow seniors housing developments in the R2 zone that are managed under the Retirement Villages Act 1999. We understand concern has been raised from a small number of Sydney metropolitan councils where a developer secures multiple adjoining parcels in an established low-density residential street to develop seniors housing using the Seniors SEPP, to then strata subdivide and sell similar to private residential. This alternative would only permit seniors housing providers to develop ILUs in the R2 zone, who manage villages and provide services under the Retirement Villages Act 1999.

Whilst Wesley Mission does not prefer implementing either of these provisions, as it is our long experience that ILU development in R2 zones is compatible in the vast majority of cases, it is a preferable solution to a blanket ILU prohibition in R2 zones.

Lastly, the removal of all rural zones (apart from RU5) coupled with ILUs no longer being permissible in the R2 zone is a significant change for the NFP sector and will likely limit housing choice and people downsizing to age in place. It may also put many seniors housing providers into direct competition with private residential developers to acquire a small number of available sites primarily in R4 zones (to achieve the vertical villages bonus), increasing land values and the cost of housing.



**Recommendation 2:** *Permit all forms of seniors housing within the R2 Low-Density Residential Zone. A potential alternative to a blanket prohibition is either a) a new density standard for the R2 zone or b) permitting providers that operate under the Retirement Villages Act 1999 to develop ILUs in the R2 zone.*

### 1.3 Existing Use Rights

The new prescribed zones framework may make existing lawfully approved seniors housing developments a prohibited use. This is particularly relevant to existing seniors housing developments in rural zones, which the draft Housing SEPP does not apply to. Furthermore, lawful existing ILU development under clause 76 would become prohibited in the R2 zone.

These two changes could result in thousands of lawfully approved and successfully operating seniors housing developments in NSW becoming prohibited development and therefore being reliant on the "existing use" rights provisions of the EP&A Act. This is problematic from a land-use planning perspective and provides little certainty for any future development or renewal on these sites and could devalue residents' homes.

## 2.0 Development Standards and Non-Discretionary Standards

### 2.1 Development standards

Wesley Mission is generally supportive of the rationalised development standards proposed in the draft Housing SEPP. However, there appears to be a drafting error in clause 74(3) that states:

- (3) *The development may result in a building with a height of no more than 11.5m if servicing equipment on the roof of the building—*
- (a) *is fully integrated into the design of the roof or contained and suitably screened from view from public places, and*
  - (b) *is limited to an area of no more than 20% of the surface area of the roof.*

It is understood the underlying intent of this provision is to provide an additional 2.5m of building height for roof servicing equipment, above the 9m height standard, which Wesley Mission supports. However, the 9m height standard applies only to residential zones where residential flat buildings are prohibited, whilst the 11.5m servicing equipment height appears to apply to all zones.

**Recommendation 3:** *Ensure that clause 74(3) is tied to the 9m height standard and only applies to land in a residential zone where residential flat buildings are not permitted.*

### 2.2 Non-discretionary development standards

Wesley Mission welcomes the proposed non-discretionary standards as they have for many years provided certainty and advantages for NFP providers not only in the assessment of development applications but also in the acquisition of sites from a due diligence and feasibility perspective.

#### 2.2.1 Non-discretionary terminology

The change in the name of these provisions from the Seniors SEPP "standards that cannot be used to refuse consent" to the draft Housing SEPP "Non-discretionary standards" is understandable considering the reference to this term in many other more recent SEPPs and section 4.15 of the EP&A Act, however, we would like to bring DPIE's attention to section 4.15(3)(b) that states:

- (b) *a provision of an environmental planning instrument that allows flexibility in the application of a development standard **may be applied** (emphasis added) to the non-discretionary development standard.*



This provision effectively gives a consent authority discretion whether to apply clause 4.6 of a relevant LEP to non-discretionary standards in the Housing SEPP, since clause 4.6 is the provision that allows flexibility in the application of a development standard.

This has never been the intent of the Seniors SEPP "standards that cannot be used to refuse development consent" provisions to act as hard development standards, nor how they have been applied in NSW since they were introduced. This is evident from the fact that the non-discretionary standards have been placed in Division 7 of Part 4 of the draft Housing SEPP, separate to the development standards in Division 3. Furthermore, the intent of the non-discretionary development standards is clearly stated in clause 96(1) of the draft Housing SEPP as follows (with clause 97(1) being drafted in similar terms):

*"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.**"*

The above indicates that non-discretionary development standards are not meant to be applied in the same way as hard development standards. They merely provide certainty to applicants that a consent authority cannot require more onerous standards should they be complied with. If consent authorities apply clause 4.6 to non-discretionary standards, the distinction between non-discretionary and other development standards becomes blurred and is contrary to the intent of non-discretionary standards. This has the potential to create legal uncertainty and appeals to the L&E Court.

**Recommendation 4:** *DPIE and Parliamentary Counsel's Office should carefully consider the potential ramifications of this terminology change, and the subsequent legal challenges and L&E Court appeals it could generate.*

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

Wesley Mission highlights the inconsistency between the 9.5m non-discretionary height standard of clause 96(2)(a) and the 9m height development standard of clause 74(2)(c)(i). For example, a RCF in an R2 zone where residential flat buildings are prohibited could achieve a building height of 9.5m, thereby complying with the non-discretionary standard, however, it would breach the 9m height development standard of clause 74(2)(c)(i). Therefore, this breach would require a clause 4.6 statement to vary the 9m height development standard, despite the fact that a consent authority cannot require more onerous standards where a proposed development complies with a non-discretionary standard.

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

**Recommendation 5:** *Review the non-discretionary development standards for RCFs in clause 96, particularly in relation to their interplay with the development standards in clause 74.*

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

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

**Recommendation 6:** *Wesley Mission, therefore, recommends that the prohibition of ILUs in the R2 zone is removed. As previously mentioned, a non-discretionary standard related to density (i.e. 50 dwellings per hectare) in the R2 zone*



*could be an alternative to a blanket prohibition of ILUs in the R2 zone, or potentially exempting providers that operate under the Retirement Villages Act 1999 from the blanket prohibition.*

### **3.0 Site-related requirements**

Wesley Mission welcomes the update to the existing clause 26 of the Seniors SEPP, an onerous provision that has been subject to multiple L&E Court judgments of many years. Removing the word "public" allows many of our existing villages and emerging villages to provide an alternative private bus service, which is typically the preferred transport method for many of our residents.

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

### **4.0 Development for vertical villages**

Wesley Mission supports the intention of this provision to incentivise seniors housing, particularly co-located developments, and to level the playing field in the acquisition of sites for seniors housing providers when competing against private residential developers, which is typically the highest and best use.

Wesley Mission also supports DPIE removing the need for a Site Compatibility Certificate (SCC) to access the bonus. These were significant impediments for the industry utilising the existing vertical village bonus of the Seniors SEPP.

#### **4.1 Application to business zones**

Wesley Mission believes that for this incentive provision to achieve its intent, it must be applied more broadly, not just restricted to zones where residential flat buildings are permissible, as this restricts the application of the bonus primarily to R4 zoned land and less frequently to R3, R1 and B4 zones. Accordingly, in the opinion of Wesley Mission, it must also apply where shop-top housing is permitted, which would open up many business zones to the application of the incentive.

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

We understand that this is the intent of this provision as publicly stated by the Minister for Planning and Public Spaces in the media regarding the draft Housing SEPP, in that vertical villages will incentivise seniors housing in our city centres and on top of our shopping centres. The current version of the draft legislation does not achieve this goal, with the vertical villages clause not applying to our urban centres or shopping districts.

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

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



**Recommendation 7:** *Broaden the application of the vertical villages provisions to include land on which development for the purpose of shop top housing is permitted (in addition to residential flat buildings).*

## 4.2 Additional floor space and building height

Wesley Mission recommends that a 20% bonus of additional FSR is applied to development for the purposes of ILUs to bring them into alignment with RCFs. Modern ILUs are on average between 20-25% larger in gross floor area (GFA) than standard private residential apartments in Wesley Mission's experience, and this does not include the increased circulation spaces, internal and external communal areas and community services of modern ILU developments that operate under the Retirement Villages Act 1999. Accordingly, a 20% bonus for ILUs is a conservative estimate of the additional GFA required for ILU developments to effectively compete with standard private residential developers in the acquisition of sites in higher density zones.

Wesley Mission welcomes the additional building height of 3.8m to accommodate the floor space bonus without the need to submit a clause 4.6 variation. However, in higher density zones, it is unlikely that the available bonus floor space will be able to be accommodated within only a single additional storey, and further bonus for building height in high-density zones will be necessary, particularly in higher density zones such as R4, B2, B3 and B4 zones.

**Recommendation 8:** *Increase the FSR bonus for vertical villages involving ILUs to 20% (instead of 15%) and allow a two-storey height increase in higher density zones to enable the full FSR bonus to be realised.*

## 4.3 Default Floor Space Ratio

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

For example, a seniors housing development on a 2,000m<sup>2</sup> site without an FSR development standard but with an R4 zoning, a building height development standard of 20 metres (or 6 storeys) and related DCP built form controls, would have a 0.5:1 FSR + bonus applied to it. For an ILU development, this would equate to an FSR of 0.575:1, which correlates to a two-storey development in a six-storey residential locality. This will result in seniors housing in these areas having a significantly lower density and yield than other forms of residential development, disincentivising seniors housing, which is contrary to the purpose of this provision to incentivise seniors housing in our urban centres.

**Recommendation 9:** *Removing this default FSR is therefore strongly recommended as the incentive provision could still operate effectively in areas without an FSR as the building height bonus provides an incentive in itself.*

## 5.0 State Significant Development Pathway

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

However, the requirement for the CIV component of the RCF in an integrated development to comprise at least 60% of the CIV does not align with industry practice. In almost all integrated large villages, the RCF component makes up less than 30% of the overall GFA of a village. This is because for co-located seniors housing villages, a much smaller proportion of ILU residents eventually move into RCFs and hence the number of beds in a RCF is up 5 times lower than the number of ILUs.

Therefore, by requiring the RCF facility be the majority contributor to the threshold for SSD will mean that the trigger to SSD is unlikely to be used regularly. Alternatively, it may mean that the planning process for the development of large





sites may be split between part SSD and part Regional or Local development. This would likely be confusing for consent authorities, applicants and the community, and particularly so when attempting to apply the various FSR bonuses of the vertical villages inventive provision.

ILUs and RCFs being co-located on sites or within vertical villages provides a continuum of care and the ability for residents to age in place within their own community and social networks and should be encouraged by planning policy. Accordingly, providing an SSD pathway for RCFs yet limiting the ILU component to a maximum of 40% of total CIV, runs counter to this concept, and may force large seniors housing developments out of SSD, or split the planning pathway. Neither of these options support the intention of an SSD pathway for seniors housing.

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

***Recommendation 10:*** *Either remove the requirement for the CIV of the RCF component to be at least 60% of the total CIV, or require both the RCF and ILU components to together comprise at least 60% of the overall CIV.*

## 6.0 Incentives to Renew Ageing Villages

Wesley Mission and many other NFP providers own and manage seniors housing stock that itself is ageing and is not in keeping with modern and evolving design standards and resident expectations. Many of these retirement villages and RCFs were developed in the 1980s following the adoption of SEPP 5, which encouraged large village development on urban fringes. These large villages are common throughout Sydney and some large regional centres and are rapidly reaching the end of their economic life.

Upgrading of the buildings of these villages is not possible due to inherent and systemic design issues that make them incapable, or economically unfeasible to upgrade to achieve minimum compliance with the Australian Standards, the Building Code of Australia and modern amenity expectations of the seniors housing market. This is of particular importance as life expectancy in Australia has increased by ten years since the introduction of SEPP 5, and the average age of residents in retirement villages is now 81 years and accessibility for older, more frail residents is of great importance. The draft Housing SEPP needs to address how such stock can be effectively replaced.

Accordingly, renewal and redevelopment are needed to secure the long term future of many of these villages and facilities. However, a major barrier for renewal lies in the fact that many of these villages are either at or near the highest development potential afforded to them under SEPP Seniors and local planning instruments. Therefore, there is little or no additional density or height available under the current planning framework to spark renewal.

An example is Wesley Mission's 5.7 hectare Frank Vickery Village at Sylvania, where the existing village is reaching the end of its economic life. However, there is no ability to renew through the SEPP Seniors or the LEP as the existing village breaches the building height and FSR development standards that apply to it. This has forced Wesley Mission to pursue a Planning Proposal to rezone the site and increase building height and density in order to commence the renewal of the village. Further to this, the current zoning of Frank Vickery Village is R2, and as currently drafted, the draft Housing SEPP would not apply to Wesley Mission's largest village.

A renewal incentive enshrined within the draft Housing SEPP provides far greater certainty than a Planning Proposal process and could provide for seniors housing to be brought up to date with current accessibility requirements and ESD requirements, including BASIX. Furthermore, the social benefit to residents of having modern dwelling stock provided in existing villages where they call home is important. Such an incentive provision would allow for villages to be renewed in a staged manner and for existing residents to not have to move villages.

***Recommendation 11:*** *Wesley Mission would welcome an appropriate FSR and building height incentive clause that provided for the renewal of ageing villages.*



## 7.0 Conclusion

Wesley Mission would like to thank the DPIE for the opportunity to provide a submission in respect of the exhibited draft Housing SEPP. Wesley Mission is a significant NFP provider of seniors housing, aged care, affordable and social housing. Therefore, it has a keen interest in planning matters that could potentially impact its delivery of future development.

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

Wesley Mission is, however, concerned the amendments proposed will have an adverse impact upon the delivery of seniors housing in NSW. While it is noted that some amendments are required to the Seniors SEPP, the current instrument has provided the NFP sector with a high level of certainty for years and, in our long experience, has been highly successful in achieving its aims. Therefore, the DPIE is encouraged to investigate the recommendations outlined above by Wesley Mission to allow the continued provision of a viable seniors housing service offering.

Notwithstanding this, with the modest adjustments proposed to the relevant provisions contained within this submission, Wesley Mission is confident that the draft Housing SEPP could be a transformative planning policy and deliver the modern seniors housing needed in NSW to meet the increasing needs of the ageing population.

We would be happy to discuss any of this further with you or make ourselves available to expand upon this submission. Wesley Mission hopes that DPIE thoroughly considers the above submission and recommendations in its finalisation of the draft Housing SEPP.

Yours sincerely,

A handwritten signature in blue ink, consisting of a stylized 'S' followed by a horizontal line.

Rev Stu Cameron  
CEO and Superintendent  
Wesley Mission



27 August 2021

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

Dear Luke

### **Draft Housing SEPP Consultation Draft Comments from Western Sydney Airport**

Western Sydney Airport (WSA) is the Airport Lessee Company responsible for developing and operating Western Sydney International (Nancy-Bird Walton) Airport (WSI). We are writing in response to the exhibition of the Public Consultation Draft of the State Environmental Planning Policy (Housing) 2021 (Draft Housing SEPP).

WSI will be a major national aviation asset and is one of the most significant infrastructure projects under construction in Australia. WSA has been working collaboratively with the NSW Planning Partnership and Department of Planning, Industry and Environment (DPIE) on the strategic planning of the Western Sydney Aerotropolis (Aerotropolis), to ensure the planning controls for the Aerotropolis safeguard airport operations and minimise the potential for land use conflicts.

This submission seeks to ensure that the strategic and statutory plans recently implemented through the Aerotropolis plans and policies are maintained and that the precautionary approach to the location of future residential uses (and other noise-sensitive development) minimises the potential for land use conflicts which will ensure the long-term growth of the WSI, while maximising opportunities for new jobs and industry. The Draft Housing SEPP must take into account the outcomes of the Aerotropolis plans.

Specifically, an increase in dwelling density above that contemplated in the Western Sydney Aerotropolis Plan (Aerotropolis Plan) in mixed use zones, the introduction of additional residential density into Aerotropolis employment zones (Enterprise / Mixed Use), or intensification of residential density in existing residential or rural zones surrounding WSI is not supported.

Key issues raised within this submission include:

1. Requesting further clarity in relation to instrument precedence, particularly in relation to existing aviation safeguarding provisions included within the Aerotropolis SEPP. The aviation safeguarding provisions within the Aerotropolis SEPP must prevail over any conflicting provisions within the Housing SEPP.

2. Ensuring that dwelling permissibility is not provided under the Draft Housing SEPP in non-residential Aerotropolis zones.
3. Ensuring that dwelling permissibility in the mixed use Aerotropolis zones are subject to existing residential targets.
4. Ensuring alignment with the Aerotropolis SEPP in relation to the permissibility of secondary dwellings in residential and rural zones within the Australian Noise Exposure Concept (ANEC) 20 and above noise contours for WSI.
5. Requesting further consultation regarding future provisions relating to caravan parks.

Each of these key points is discussed in further detail below.

## **1. Instrument Precedence and Aviation Safeguarding Provisions**

Clause 8 of the Draft Housing SEPP states the following:

*if there is an inconsistency between this Policy and another environmental planning instrument, whether made before or after the commencement of this Policy, this Policy prevails to the extent of the inconsistency.*

This is the same identification as that made under Clause 6 of the Aerotropolis SEPP, creating ambiguity between the two instruments. If an inconsistency were to result between the two instruments, it is unclear which instrument would prevail.

The Aerotropolis SEPP provides a framework which is specific to the unique opportunities and constraints of the Aerotropolis. This includes implementation of a range of Aviation Safeguarding measures, which are identified at Clauses 19 to 25 of the Aerotropolis SEPP and include:

- **Clause 19: Aircraft noise** – Restrictions on sensitive land uses (including residential) in noise sensitive locations.
- **Clause 20: Building wind shear and turbulence** – Provisions relating to development which penetrates the 1:35 windshear surface.
- **Clause 21: Wildlife hazards** – Provisions ensuring that development which has the potential to present a wildlife risk to WSI is regulated.
- **Clause 22: Wind turbines** – Provisions relating to the use of wind turbines.
- **Clause 23: Lighting** – Provisions intending to safeguard WSI operations from the risk of lighting and reflectivity distractions for pilots.
- **Clause 24: Airspace operations** – Provisions relating to the prescribed operational airspace surrounding WSI.
- **Clause 25: Public safety** – Provisions relating to nominated safety areas at the end of runways.

These provisions are specific to the unique planning context of the Aerotropolis and reflect a range of measures which are designed to minimise risk to the future operations of WSI. The Aerotropolis

SEPP is a very recently made Environmental Planning Instrument, and the Housing SEPP should not be inconsistent with the Aerotropolis SEPP.

It is recommended that in the event of an inconsistency, the Aerotropolis SEPP takes precedence. This would provide protection against provisions under the Housing SEPP inadvertently resulting in the provision of additional dwellings beyond that contemplated in the strategic planning of the Aerotropolis (further discussed in **Sections 2 and 3** below). The aviation safeguarding provisions within the Aerotropolis SEPP are critical to the long-term growth of WSI, and it must be ensured that the Housing SEPP is not used as a manner to circumvent aviation safeguarding requirements.

**Recommendation:** In the event of an inconsistency, it should be clearly identified that the Aerotropolis SEPP takes precedence.

## **2. Dwellings in Non-Residential Aerotropolis Zones**

The Draft Housing SEPP identifies different housing typologies along with specific permissibility criteria for each nominated use. These typologies generally rely on standard instrument zones, or where standard instrument zones are not used, equivalent zones. As non-standard, but recently created zones, those within the Aerotropolis have been considered within the context of the Draft Housing SEPP.

Two housing typologies, being 'Residential Flat Buildings – Social Housing Providers, Public Authorities and Joint Ventures' (Authority / Provider RFBs), as well as 'Seniors Housing' contemplate inclusion in non-residential zones under the draft instrument. In line with the strategic work undertaken to date, additional residential intensification in non-residential zones of the Aerotropolis is not supported. Further discussion is provided below:

- **Residential Flat Buildings – Social Housing Providers, Public Authorities and Joint Ventures:** Clause 35 of the Draft Housing SEPP identifies permissibility of this use as being determined by locations being within 800m of a rail or light rail station entrance. Sydney Metro (Western Sydney Airport) includes two stations where an 800m radius would extend into the Enterprise zone. This provision should be limited to areas zoned Mixed Use within the Aerotropolis, to avoid land zoned Enterprise being affected by this provision.
- **Seniors Housing – Business Zones:** Clause 67 of the Draft Housing SEPP identifies permissibility of this use as being within all business zones, nominating standard instrument zones B1-B8 amongst others. The nominated zones do not include any Aerotropolis zones, which is supported given that Aerotropolis non-residential zones would not be appropriate for seniors housing.
- **Seniors Housing – Rural / Residential Zones:** Seniors Housing is also contemplated in standard instrument zones. This will not apply in the Metropolitan Rural Area (MRA) under Clause 70, except where located within residential or business zones. As a portion of the MRA exclusion zone extends into the Aerotropolis, clarification should be provided that

Seniors Housing is only permitted within the Mixed Use zones within the SEPP. Further, clarification is sought whether the MRA mapping would be changed or updated in this process. For residential zones near WSI in noise affected locations, an MRA boundary movement to the west would not be supported.

It is not currently considered that the Draft Housing SEPP would result in permissibility for any other uses (beyond those identified above) in the Agribusiness, Enterprise or Environment and Recreation zones under the Aerotropolis SEPP. This approach is to be maintained to ensure land use conflict is minimised, and other dwelling typologies are not brought into the non-residential Aerotropolis zones.

**Recommendations:**

- That the Draft Housing SEPP ensures that no additional dwellings are permissible outside the Mixed Use zones within the Aerotropolis.
- DPIE clarify that the MRA mapped boundary is not proposed to be changed from that published as part of the 29 July 2020 amendment to the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) Amendment (Metropolitan Rural Areas Exemption) 2020*.
- That should the MRA boundary not be changed, seniors housing only be permitted within Aerotropolis Mixed Use zones within the SEPP.

### **3. Dwellings in Mixed Use Aerotropolis Zone**

The Aerotropolis Plan, as well as the Draft Precinct Plans provide for residential targets in each of the mixed use precincts (Aerotropolis Core and Northern Gateway). In the case of the Northern Gateway Precinct, residential development has a dwelling cap of 3,400 dwellings. WSA understands that the finalisation of the Draft Aerotropolis Precinct Plans (exhibited February 2020) is due to occur towards the end of 2021, and beyond this future Development Applications would need to align with the Aerotropolis Plans.

As the precinct plans are finalised, these targets will be critical to ensure that noise sensitive development is limited within the Aerotropolis, to avoid potential land use conflicts with WSI by locating fewer residents in close proximity to airport operations. Importantly, the current position takes a precautionary approach in relation to aircraft noise as the ANEC contours represent a concept only and are subject to change as the airspace design for WSI is progressed over the next few years.

**Recommendation:**

- That the Draft Housing SEPP does not take precedence over the residential targets set by the Aerotropolis Plan and precinct plans.

#### 4. Secondary Dwellings

Clarification is sought regarding the secondary dwelling provisions of the Draft Housing SEPP (Clause 47). It is understood that additional complying development provisions are being considered for secondary dwellings in residential zones R1-R5, as well as additional provisions in rural zones where secondary dwellings are currently permissible (through amendments to standard instrument LEP clauses).

The permissibility of secondary dwellings in the vicinity of WSI has been determined by the Aerotropolis strategic planning and the Aerotropolis SEPP. The provisions of the Housing SEPP should ensure there is no inconsistency with the Aerotropolis SEPP controls.

The Aerotropolis SEPP needs to continue to take precedence, to ensure that aviation safeguarding outcomes are maintained and land use conflict is minimised.

##### Recommendation:

- Secondary dwelling permissibility is reviewed in the context of residential and rural zones, and not extended in the areas within the ANEC 20 and above contours for WSI.
- The aviation safeguarding provisions of the Aerotropolis SEPP are to be clearly identified to take precedence over provisions of the Housing SEPP.

#### 5. Caravan Parks

At this stage, the Draft Instrument only works to repeal existing SEPPs 21 (Caravan Parks) and 36 (Manufactured Home Estates). Alongside this, it is stated that *“the Housing SEPP consultation draft does not include the caravan park and manufactured home estate provisions... as a review of these provisions will be undertaken as part of a broader review 24 months after the Housing SEPP is made”*.

It is preferable that long-term residential sites or permanent homes in caravan parks be regulated in a manner which clearly articulates that this type of housing would need to be considered as noise sensitive development in an aviation safeguarding context.

When these provisions are developed in future, it is requested that WSA be involved in future consultation.

##### Recommendations:

- That long-term residential sites or permanent homes in caravan parks be considered in the context of noise sensitive development when such provisions are developed.
- That WSA be consulted in any review of such provisions.

**6. Next Steps**

Thank you for the opportunity to comment on the Draft Housing SEPP. We look forward to working with you following exhibition of this instrument, and will be available to answer any queries or clarifications you have in relation to this submission.

If you have any questions, please contact [kosborne@wsaco.com.au](mailto:kosborne@wsaco.com.au) or [tsmith@wsaco.com.au](mailto:tsmith@wsaco.com.au).

Yours sincerely

**Kirk Osborne**

Executive Manager, Land Use Planning and Approvals

Confidential



Submitted on Sun, 29/08/2021 - 19:55

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am making a personal submission

## Name

**First name**

William

**Last name**

Roberts

**Organisation name**

\_\_\_\_\_

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

No

## Info

**Email**

[w.e.roberts@gmail.com](mailto:w.e.roberts@gmail.com)

**Suburb**

Wahroonga

**Postcode**

2076

**Submission**

I do not believe seniors housing is suitable within an HCA, and I support permanent exemptions.

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



**I agree to the above statement**

Yes

## SUBMISSION ON DRAFT HOUSING SEPP

29 August 2021

This submission is in support of a permanent exemption from 'seniors housing' in Heritage Conservation Areas (HCAs) in Ku-ring-gai.

We strongly believe that 'seniors housing' is not suitable within HCAs in Ku-ring-gai. We agree with Council that there should be a permanent exemption to protect these important heritage areas.

'Seniors housing' in such environments would be totally inappropriate. Of their nature, they could not blend in with existing housing in these HCAs.

'Seniors housing' and residential care facilities in HCAs would result in a built form that would be in stark contrast and unsympathetic to the existing low density detached dwellings that characterise those areas and would greatly undermine the heritage integrity of the existing HCAs.

These HCAs characteristically have clear subdivision patterns, consistent built forms/designs (particularly setbacks), are typically low scale and of ages that are consistent. A contemporary seniors housing building would not fit design-wise, within the characteristics of typical HCAs in Ku-ring-gai.

In summary, we agree with Ku-ring-gai Council that the moratorium on 'Seniors Housing' in Heritage Conservation Areas should be permanent.

Yours faithfully.

Dr William Stanley  
Mrs. Margaret Stanley  
Mr. David Stanley  
Ms. Jane Stanley

36 Braeside St  
Wahroonga 2076



## SUBMISSION ON REVIEW OF THE DRAFT HOUSING SEPP

### FOREWORD

Willoughby City Council (WCC) welcomes the opportunity to comment on the release of the Draft new *Housing State Environmental Planning Policy* (Housing SEPP),

The stated aim of the proposed changes is to facilitate the delivery of more diverse and affordable housing types and consolidate a number of housing related State Policies into a single integrated instrument

*Hugh Phemister*

**Director Planning and Infrastructure**

August 2021

### GENERAL OBSERVATIONS

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

It is noted that the draft Housing SEPP is one element of a suite of planning system initiatives aimed at stimulating economic recovery in response to the COVID-19 pandemic.

Willoughby Council has a State endorsed Local Strategic Planning Statement (LSPS) and Local Housing Strategy, and the Department are aware that based on this approved strategic foundation, work has commenced on a new comprehensive LEP to accommodate an appropriate level of housing growth and diversity.

## RESPONSE TO SPECIFIC ASPECTS OF THE DRAFT SEPP

### 1. Consolidation of existing SEPPS

#### Amendment

It is noted that the Housing SEPP consolidates 5 existing housing related SEPPS

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

#### Comment

The rationale to combine the SEPPs is acknowledged, however, the phasing of combining the first 3 in October and the remaining at the end of the year results in a high level of complexity. The new SEPP will be a large document to navigate.

As was mentioned in our previous submission, it is disappointing that the *new SEPP* does not take the opportunity to address the affordable housing crisis in NSW by simplifying processes under SEPP 70 for Councils to apply. SEPP 70 is challenging for councils requiring complex feasibility calculations and justifications for affordable dwelling provision. Willoughby has applied a reasonable 4% rate contained in the LEP since 1999 (which is to be updated as indicated in Council's CSP and LSPS). A simple, generally

applicable, upfront rate like this is a clear and transparent approach and has allowed developers to include it in development calculations at the earliest stages of proposals. A State approach of this type in response to the undeniable affordable housing crisis in NSW would have been warmly received.

## 2. Boarding Houses

### Amendment proposed

- a requirement for Boarding House rooms to be rented at affordable rates and managed by a registered community housing provider in perpetuity;
- 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 R2 zones if they choose to do so.
- A new pathway is being introduced to allow LAHC to self-assess boarding house proposals wherever the use is permitted with consent under the relevant environmental planning instrument.

### Comment

The removal of boarding houses from R2 is welcomed as these type of developments have been very controversial presenting compatibility issues in well-established low-density neighbourhoods. Whilst unpopular with neighbouring residents, it is accepted that boarding houses provide necessary, affordable accommodation but should be located in appropriate neighbourhoods. For Willoughby, boarding houses will still be permitted in the R3, R4, B1, B2 and B4 zones.

The explanatory documentation states that boarding houses are no longer permissible in the R2 zone unless a council opts to include them. The Standard Instrument LEP prescribes that boarding houses be permitted in the R2 zone. Is it correct to assume that boarding houses will be removed from WLEP 2012 with the commencement of the Housing SEPP? The draft SEPP includes a number of council LEPs where boarding houses are being added to the R2 zone and it therefore queried whether these councils requested this provision.

The inclusion of management by a community housing provider is also supported.

The requirement for the boarding house to be used in perpetuity for affordable housing and the inability to subdivide is also supported. Regarding Clause 25 which requires perpetuity and the management by a community housing provider, the following additional requirements are suggested:

1. A requirement for a covenant to meet the affordable housing criteria;
2. For the boarding house to be registered and written evidence be provided to Council before the issue of an Occupation Certificate;
3. For any change in the operator to be notified to Council
4. Provision of a stated timeframe for how regularly a boarding house must show proof of registration to the Council

The landscaping requirements for boarding houses in clause 23(c) prescribes the minimum landscaping requirements for multi dwelling housing under a “relevant planning instrument”. Clarity is sought on the interpretation of “relevant planning instrument”. As landscaping controls are currently contained within councils DCP which is not an environmental planning instrument it is assumed Council will need to refer to the Apartment Design Guidelines (ADG). The term “relevant planning instrument” is also referred to regarding setbacks so clarification on this matter before finalisation is important.

It is noted that self assessment can be carried out for development by the Land and Housing Corporation. However, Council seeks the ability to provide input when such proposals arise.

## Secondary Dwellings

### Amendment

A new option to set a maximum size for secondary dwellings in a rural zone and the maximum distance a secondary dwelling in a rural zone can be located from the principal dwelling.

### Comment

Willoughby has no rural zones, therefore this particular change does not apply to this Council area. However, for Willoughby, Clause 5.4 of our LEP limits the size of a secondary dwelling to 60 sqm. Requirements under clause 5.4 currently cannot be varied under Clause 4.6 Exceptions to Development Standards. Earlier this year DPIE exhibited proposed amendments to Clause 4.6. This included a proposal that Clause 5.4 and local provisions nominated by the council will no longer be included in Clause 4.6.

The secondary dwelling controls within Clause 5.4 in particular have proven very useful and work well in alignment with the Housing SEPP. Keeping the controls clear and simple across planning instruments is the preferred approach. For that reason, our objection to the Clause 4.6 Variation changes is reiterated in this submission.

## Group Homes

### Amendment

Group homes can be carried out in prescribed zones including R2, R3, R4. Complying development can occur with certain criteria providing they result in no more than 10 bedrooms.

### Comment

It is considered that the complying development route is not the best approach for group homes in the R2 zone. Merit assessment is preferable particularly in relation to dealing with neighbouring amenity issues

## Co Living

### Amendment

New definition for co-living housing is proposed along with development standards.

### Comment

It is noted that co-living can be carried out in zones where residential flat buildings and shop top housing is permitted. It is noted that this type of use cannot occur in the R2 zone and this is welcomed.

It is recognised that there is a need for this type of dwelling particularly in metropolitan areas with predominantly high rents, and although smaller units should result in improved affordability this may not necessarily eventuate. The inability to subdivide a co-living development is welcomed.

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

The proposed standard of 0.5 car spaces per room would result in a much higher provision of onsite parking than provided currently in a residential flat building in Willoughby. It is recommended that car share and

electric vehicle charging stations should be provided. It is further recommended to provide less parking with proximity to good levels of public transport.

The need for infrastructure provision to connect footpaths and cycle links with areas of larger open space and recreational facilities will be particularly important to support this more “dense” style of accommodation. It is recommended that communal open space be required without exception at ground level, co-located with deep soil and shade-providing landscaping.

Council has recently prepared a comprehensive LEP following detailed investigation of appropriate heights and FSR controls for centres through intense community consultation. The Housing SEPP proposes to allow an additional 10% FSR over and above the controls we have discussed with our communities, which is extremely concerning. This has the ability to undermine years of local strategic planning where communities have arrived at a suitable bulk and scale of building in their local areas.

## Seniors Housing

### Amendment

The Housing SEPP introduces prescribed zones where senior housing will be permissible and the site compatibility certificate process has been removed.

### Comment

#### Age Qualifier

The seniors age qualifier change from 55 to 60 is welcomed.

#### Zoning permissibility

The removal of “land zoned primarily for urban purposes” is welcomed as it was too vague and its interpretation was difficult. The replacement with prescribed zones is preferable.

However, the permissibility of seniors housing in a B3 zone is strongly resisted. Council is going forward with a comprehensive LEP to prevent residential in the B3 commercial core zone. It is considered that any residential including seniors housing is not appropriate use for the B3 zone where employment must be the focus.

The SEPP allows seniors housing in a B7 zone. WLEP 2012 does not permit any form of residential in a B7 zone as it adjoins industrial, a zone considered quite unsuitable for residential purposes and it is requested that seniors housing be removed from both the B7 and B3 zones in the SEPP.

A development standard for RE2 and SP1 requires that at least 50% of the site adjoins a residential zone. Putting beyond doubt the definition of “*adjoin*” would also be useful. Generally, the appropriateness of the SP1 and RE2 zones for this use is also questionable. It is recommended that RE2 be retained for recreation purposes.

It would appear that a residential care facility can be carried out on a R2 zone. Clause 76 states that “..for development on land in Zone R2 Low Density Residential—the development is carried out only for the purposes of a residential care facility...” This is very confusing.

An explanatory note specifying which uses can be carried out in each of the prescribed zones would be helpful. In addition, it is not clear what constitutes a “vertical village”. A definition would assist.

Seniors Housing does not apply to conservation areas until 1 July 2022. It is strongly recommended that this prohibition in conservation areas be continued in perpetuity. Applying the SEPP controls for seniors housing will inevitably detract from the fabric of a conservation area. The prescribed zones allow seniors development in many zones and inclusion of conservation areas is inappropriate and concerning.

The inclusion in the SEPP to provide measures to separate a registered club from the residential areas in order to avoid conflict is welcomed. These conflicting uses has been problematic for Council in the past.

## **Development Standards**

### Height

The height control in clause 74(2) (c) is somewhat confusing. It states:

*(2) Development consent must not be granted for the development unless—*

*(a) the site area of the development is at least 1,000m<sup>2</sup>,*

*(b) the frontage of the site area of the development is at least 20m measured at the building line,*

*(c) for development on land in a residential zone where residential flat buildings are not permitted the development will not result in a building—*

*(i) with a height of more than 9m, or*

*(ii) exceeding 2 storeys if the building is adjacent to the boundary of the site area*

More explanation or rewording is required to clarify what, "...exceeding 2 storeys if the building is adjacent to the boundary of the site area..." means.

### Location and access - Independent living units

For independent living units, a private transport service must operate two times a day for residents to access facilities and services is noted. However, we note that this requirement will add to the strata fees and therefore affordability of independent living units.

### Design of Infill care housing

Clause 85 applies to the design of in-fill care housing. It states that a consent authority must consider the *Seniors Living Policy: Urban Design Guideline for Infill Development published by the Department of Infrastructure, Planning and Natural Resources in March 2004*.

However, SEPP 65 also applies to Seniors Living that are more than two storeys, therefore the Assessment Officer has to conduct an assessment for Seniors Living based on the Housing SEPP, SEPP 65, and this document stated in Clause 85. There are many overlapping aspects within this document and SEPP 65. This needs to be simplified to avoid any confusion.

### Non-discretionary development standards - Hostels and residential care facilities

Clause 96 provides non-discretionary height controls for hostels and residential care facilities.

The height requirement is prescribed at 9.5m excluding servicing equipment on the roof of a building and 11.5m including servicing equipment on the roof. The FSR is also prescribed at 1:1.

The height and FSR controls are in excess of that found in a R2 zone and will result in buildings out of character in bulk and scale. However, the necessity of such uses is noted.

### Non-discretionary development standards – independent living units

For independent living units, it is not specified exactly in which zones these are permissible. The non-discretionary controls would only seem compatible with the R3 zone? A parking requirement for 0.5 spaces per bedroom is too generous and it is recommended that this be reduced.

### Development for Vertical villages

It is noted that vertical villages are only granted where development for the purposes of a residential flat building is permitted. The term vertical village has not been defined however, FSR bonuses are provided at:

15% bonus floor space if independent living units

20% bonus for res care facility if only a residential care facility



25% bonus if independent living / residential care facility or both (not clearly worded)

In addition, vertical villages can exceed the maximum building height by 3.8m

It would seem that the definition is limited to these two uses, being independent living and residential care facility. However, regarding a previous question, it seemed that residential care facilities are restricted only to the R2 zone Which requires clarification.

The 25% FSR bonus along with bonus 3.8m on top of the maximum permissible building height is over generous and again conflicts with community expectations of building bulk and scale arrived at through community engagement undermining local strategic planning in a heavy handed way.

### Miscellaneous questions

There are a few aspects it is difficult to understand which require clarification

- Detailed design guidelines are being prepared when the SEPP is finalised. Clarification is needed as to when to refer to those new guidelines and when to refer to SEPP 65.
- Build to rent commenced earlier this year and is included in the existing Affordable Housing SEPP. However, it is not included in the exhibited Draft Housing SEPP which includes incorporation of the Affordable Housing SEPP. Explanatory documentation states that they are not included as a review of these provisions will be undertaken 24 months after the housing SEPP is made. The documentation then states that these provisions will be included in the Housing SEPP when it is finalised. If It is unclear what this means. It is presumed that Seniors Living cannot be undertaken in an E4 zone, however, clarification of this assumption would be appreciated.
- It is suggested the order of the seniors section of the SEPP be re-examined listing all the general requirements first, followed by the specifics for particular uses.

### 3. Conclusion

It is noted that submissions are invited up to the end of August yet implementation commences in October. This short turn around implies a low regard for submissions received in terms of influencing amendments.

In summary, our main comments included:

- disappointment that the *new SEPP* does not take the opportunity to address the affordable housing crisis in NSW by simplifying processes under SEPP 70 for Councils to apply a simple, upfront and clear approach.
- a welcomed removal of boarding houses from the R2 zone.
- a request to clarify how councils have the ability to provide input to Land and Housing Corporation self-assessment development process
- an objection to any changes to Clause 4.6 Variations to enable variations of secondary dwelling controls within Clause 5.4
- a suggestion that merit assessment and not complying development is the best approach for group homes in the R2 zone.
- concern that FSR bonuses have the ability to undermine years of local strategic planning where communities have arrived at a suitable bulk and scale of building in their local areas

- opposition to the permissibility of seniors housing in a B3 zone
- a recommendation that the prohibition of seniors housing in conservation areas be continued in perpetuity.

Council staff would be happy to discuss any of the points raised in this submission if any clarification is required.

As updates of Planning Certificates can take time, prior notice of the SEPP commencement date needs to be given. This will allow us to update certificates in time for the commencement date.

# WILLOWTREE PLANNING



27 August 2021

The Hon. Rob Stokes, MP  
Minister for Planning and Public Spaces  
Department of Planning, Industry and Environment  
Locked Bag 5022  
Parramatta NSW 2124

## **RE: Submission to the Proposed Housing SEPP**

Dear Minister Stokes,

This Planning Submission has been prepared by Willowtree Planning Pty Ltd in relation to the recently released Proposed Housing State Environmental Planning Policy (Housing SEPP). This Submission has focused on the overall impacts of the proposed Housing SEPP on the Purpose-Built Student Accommodation (PBSA) and co-living housing industries and the delivery of these housing types in NSW.

Under the proposed Housing SEPP, the introduction of a separate definition of, and provisions for, student housing has been cancelled and instead, off-campus student accommodation development will be subject to the co-living housing provisions. Whilst Willowtree Planning supports the consolidation of the five existing housing-related SEPPs which reflects the emerging need for more diverse and affordable housing types, the SEPP has taken a backward step in supporting the delivery of PBSA in NSW and exhibits significant flaws in the proposed co-living housing provisions, which will jeopardise the supply of the much-needed PBSA in proximity of major universities.

Upon review of the proposed Housing SEPP, it is considered that the provisions under the proposed Housing SEPP will impose a negative impact on the supply of PBSA due to reduced opportunities to develop cost-effective student accommodation. The proposed co-living housing provisions entail onerous development controls and time limited floor space bonus which are not in favour of the provision of 'new generation' boarding houses and are inconsistent with the aims of the SEPP to encourage the development of diverse and affordable housing types to meet the changing needs of people across the State.

As noted in the *Explanation of Intended Effect for a new Housing Diversity SEPP* (EIE) released in July 2020, the introduction of student housing and co-living housing was proposed to address affordability issues and facilitate the delivery of diverse rental housing options. Notwithstanding, the deletion of student housing planning pathway and the proposed co-living housing provisions are considered to reduce the attraction of these development types, relative to other land uses, and ultimately destroying the viability of future PBSA projects in NSW.

It is also highlighted that the proposed Housing SEPP does not include savings and transitional provisions to assist existing development applications that are under assessment or recently approved under the existing *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARH SEPP). This places all current and proposed boarding house developments at risk and create significant uncertainty on their delivery.

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SYDNEY | NEWCASTLE | GOLD COAST | BRISBANE

In overview, the main points of this Submission are as follows:

1. A planning pathway for 'student housing' is to be included in the Housing SEPP.
2. Amendments to the co-living housing provisions are to be made to facilitate the viable and efficient delivery of 'new generation' boarding house in the long term.
3. Savings and transitional provisions are to be included to provide clarity and certainty to developers.

## **1. STUDENT HOUSING**

Under the proposed Housing SEPP, off-campus student accommodation will be subject to the co-living housing provisions. Notwithstanding, it is noted that the proposed co-living housing provisions do not recognise the operational and material differences between student housing and co-living uses. Specifically, a typical development size for student housing in NSW is generally over 100 rooms, whereas co-living housing will be able to have as few as 6 rooms and is expected to involve up to 30-40 rooms only.

In addition, PBSA is operated under a number of management measures to facilitate optimal environments for students. Key management measures include a compulsory induction for students, monitored alcohol consumption and student behaviour, enforcement of quiet hours and implementation of pastoral care plans for student residents. These measures are not applicable to co-living housing, which only requires a management agent to provide management services 24 hours a day.

On-campus and Off-campus Student Housing Providers also work closely with universities to ensure the quality and management of the properties to provide a high quality and safe environment for students. This process is not undertaken in co-living housing developments.

In consideration of the emerging demand for specialised student accommodation and tertiary education becoming one of Australia's largest exports, there is a need to provide a separate planning pathway for student housing to facilitate the ongoing supply of well-located PBSA's in order to support the education sector in NSW. It is also important to provide flexibility in the operation of student housing to allow for the provision of emergency accommodation in situations such as COVID-19 and short term stay for students to stay during semesters breaks.

Accordingly, a separate definition and provisions for student housing should be incorporated to facilitate the ongoing supply and viability of PBSAs in NSW.

## **2. AMENDMENTS TO THE CO-LIVING HOUSING PROVISIONS UNDER PART 3 OF THE PROPOSED HOUSING SEPP**

Upon review of the co-living housing provisions under Part 3 of the proposed Housing SEPP, a number of key items are raised which requires consideration. The key items are discussed below:

### **2.1 Permissibility of co-living housing**

- It is unclear whether co-living housing is permitted under the proposed Housing SEPP. Clause 63 prescribes that co-living housing may be carried out with consent on land in a zone in which co-living housing, residential flat buildings or shop top housing is permitted under another environmental planning instrument, other than the R2 Low Density Residential zone.
- However, provisions relating to the R2 zone are provided throughout Part 3 of the proposed Housing SEPP, including (but not limited to) provisions with respect to landscaping, minimum lot size, setbacks and co-living housing development in the R2 zone.
- Clarification is required to confirm the permissibility of co-living housing in the R2 zone.

### **2.2 Clause 64 Non-discretionary development standards**

- The time limited 10% floor space bonus will not encourage the long term growth of PBSA in NSW. Particularly, the majority of the boarding house development approved under the ARH SEPP would



not be capable of being approved under the co-living housing provisions of the proposed Housing SEPP.

- This will significantly reduce the opportunities for 'new generation' boarding houses an PBSA developed by private sector developers, which will impact on the diversity and supply of housing in NSW.
- The 20% communal open space requirement does not contemplate the actual density and size of the development. It is recommended that the control should be linked to the number of occupants and not site area.
- It is recommended that motorcycle and bicycle parking be linked to Development Control Plan (DCP) controls and allow developments to consider proximity to public transport. In particular, motorcycle requirements should be reduced given that motorcycle spaces are generally not utilised by students based on feedback from student housing providers.
- Application of lower car and motorcycle parking rates should be considered for sites located in proximity to public transport, such as 800m from a railway station and light rail station and 400m from a bus stop. This is considered to encourage the use of public and active transport modes and reduce reliance on private vehicles.

### **2.3 Clause 65 Standards for co-living housing**

- There is an inconsistency between the proposed Housing SEPP and the 'Frequently Asked Questions' released by DPIE in relation to maximum room sizes. Following enquiry with the DPIE Housing Policy Team, it is understood that a maximum room size requirement of 25m<sup>2</sup> (excluding private kitchen or bathroom facilities) will be reinstated when the Housing SEPP is made.
- It is recommended that no maximum room sizes are to be applied in order to facilitate flexibility in room and layout design, as well as ensuring the amenity of the rooms for occupants.
- Setbacks are proposed to be implemented as development standards, which will impose onerous siting requirements for co-living housing development. Given that the condition and constraints of each site are different, setbacks should be applied as discretionary controls under the DCP (or the design guidance to be developed by DPIE for co-living housing) with flexibility, taking into account the site constraints and streetscape character of the surrounding area. Applying setbacks as a development standard would be inconsistent to the intent of DCP controls which is to provide guidance to development and prescribe non-statutory requirements.
- Similarly, separation distances specified in the Apartment Design Guide (ADG) are proposed to be implemented as development standards. Separation distance requirements are only one way of achieving the objectives in the ADG. Applying separation distances as development standards would disregard alternative measures that can be used to achieve the same (or better) design outcome.
- Contravention with these standards would mean a Clause 4.6 Variation Request would be required to justify the non-compliances. This would undermine the flexibility for co-living housing development and would cause inefficiency in delivering co-living development due to the rigorous standards proposed.
- It is acknowledged that DPIE is currently drafting design guidance for Build-to-rent (BTR) housing, boarding houses, co-living housing and seniors housing. It is requested that the drafting of the design guidance takes into consideration the matters raised in this submission and also incorporates design guidance for student housing.

### **3. TREATMENT OF EXISTING BOARDING HOUSES APPROVED UNDER THE ARH SEPP**

The proposed Housing SEPP does not contain savings or transitional arrangements for boarding house applications that are pending development approval or recently approved under the existing ARH SEPP. Concerns are raised in relation to the treatment of the existing boarding house developments, particularly with respect to the floor space ratio (FSR) control.

Clarification is required (prior to the finalisation of the Housing SEPP) to explain how major alterations and additions or Section 4.55 modifications to the existing boarding house, as well as changes to the approved FSR will be treated.



## PLANNING SUBMISSION

### Submission to the Proposed Housing SEPP

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Savings and transitional provisions should be included to provide clarity and certainty on the existing boarding house developments (and their subsequent modifications).

## CONCLUSION

Willowtree Planning appreciates the consolidation of the existing housing-related SEPPs under the proposed Housing SEPP. However, the proposed Housing SEPP has failed to address the aim of the policy and understand the needs of the PBSA and co-living housing industries to facilitate effective and feasible provision of student and co-living housing in NSW.

Further, the proposed Housing SEPP does not recognise student housing as a distinct development type, which encompasses different operational considerations and end users to co-living housing. The proposed onerous development standards and lack of development incentives also fail to provide flexibility and encourage the development of PBSA as a diverse housing type, which may damage the supply of cost-effective housing in NSW and do not align with the aim of the proposed Housing SEPP, specifically pertaining to encouraging diverse and affordable housing types to meet to the changing needs of people across the State.

In light of the above, Willowtree Planning does not support the proposed Housing SEPP in its current form and requests that the recommendations provided within the Submission are incorporated to facilitate the effective delivery of student and co-living housing in NSW.

Should you wish to discuss the matters raised in this Submission further, please do not hesitate to contact Willowtree Planning.

Your faithfully,



Andrew Cowan  
Director  
Willowtree Planning Pty Ltd





# WILLOWTREE PLANNING



27 August 2021

REF: WTJ21 – 405

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

**RE: PLANNING SUBMISSION TO THE PROPOSED STATE ENVIRONMENTAL PLANNING POLICY (HOUSING) 2021**

Dear Sir/Madam,

## **1.0 Introduction**

This Planning Submission has been prepared by Willowtree Planning Pty Ltd (Willowtree Planning) on behalf Opal Healthcare in relation to the proposed *State Environmental Planning Policy (Housing) 2021* (Housing SEPP) which is publicly exhibited by the Department of Planning, Industry and Environment (DPIE) from 31 July 2021 to 29 August 2021.

The proposed Housing SEPP is driven by anticipated population growth within NSW. Population growth within NSW is anticipated to increase from 7.7 million to 10.5 million by 2041. The population in Greater Sydney is anticipated to grow to 7.1 million by 2041. Additionally, NSW was also identified to be ageing, as well as growing and in 2016 over 2 million people were aged 55 or over. People aged over 55 is anticipated to grow to 3.1 million by 2036.

As a result of this anticipated population growth, DPIE are seeking ways which the state may facilitate increasing housing supply to ensure all members within the community have access to accommodation which meets their needs. Accordingly, appropriate consideration was given to the existing 'housing-related' SEPPs which seek to accommodate a range of housing diversity within the State. The proposed Housing SEPP aims to encourage these diverse housing typologies by consolidating and simplifying these housing related SEPPs into one (1) environmental planning instrument (EPI).

The proposed Housing SEPP seeks to consolidate the following five housing related SEPPs:

- *State Environmental Planning Policy (Affordable Rental Housing) 2009* (SEPP ARH);
- *State Environmental Planning Policy (Housing for Seniors and People with a Disability) 2004* (Seniors SEPP);
- *State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes)* (SEPP AH);
- *State Environmental Planning Policy No 21—Caravan Parks* (SEPP Caravan Parks); and

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- State Environmental Planning Policy No 36—Manufactured Home Estates (SEPP Manufactured Home Estates).

This submission responds to the key proposed reforms within the Housing SEPP, specifically having regard to Seniors Housing and Residential Care Facilities (RCFs) to identify the implications for Opal Healthcare.

Opal Healthcare is an industry leader in aged-cared living developments and currently look after over 6,500 diverse residents across 80 residential aged care homes within New South Wales (NSW), Victoria, Queensland and Western Australia. The facilities deliver various health and personalised care for recipients physical and mental health needs through their effective designs and quality Care team that cater to the personal needs of residents.

The Submission is detailed as follows:

- Section 2.0 – Analysis of key clauses within the Proposed Housing SEPP;
- Section 3.0 – Implications of Clause 83 – Location and access to facilities and services; and
- Section 4.0 – Summary and Recommendations.

## 2.0 Key Clauses - Housing SEPP

**Table 1** below provides an analysis of the key clauses within the Housing SEPP when applied to *seniors housing* and *residential care facilities* developments from the perspective of an industry leader, Opal Healthcare.

<b>Table 1. Key Clauses – Housing SEPP</b>	
<b>Clause</b>	<b>Response</b>
<b>Part 4 Seniors Housing</b> <b>Division 2 Preliminary</b> <i>seniors means the following people—</i> <i>(a) people who are at least 60 years of age,</i> <i>(b) people who are resident at a facility at which residential care, within the meaning of the Aged Care Act 1997 of the Commonwealth, is provided,</i> <i>(c) people who have been assessed as being eligible to occupy housing for aged persons provided by a social housing provider.</i>	The changes to the seniors age is generally supported via Clause 72 <i>Definitions</i> , however it is noted that many strategic documents identify the ageing population applied to 55 and over.
<b>Division 1 Land to which Part applies</b> <b>67 Land to which Part applies This Part applies to land in the following zones—</b> <i>(a) Zone RU5 Village,</i> <i>(b) Zone R1 General Residential,</i> <i>(c) Zone R2 Low Density Residential,</i> <i>(d) Zone R3 Medium Density Residential,</i> <i>(e) Zone R4 High Density Residential,</i> <i>(f) Zone B1 Neighbourhood Centre,</i> <i>(g) Zone B2 Local Centre,</i> <i>(h) Zone B3 Commercial Core,</i> <i>(i) Zone B4 Mixed Use,</i> <i>(j) Zone B5 Business Development,</i> <i>(k) Zone B6 Enterprise Corridor,</i> <i>(l) Zone B7 Business Park,</i> <i>(m) Zone B8 Metropolitan Centre,</i> <i>(n) Zone SP1 Special Purposes,</i> <i>(o) Zone SP2 Infrastructure—Hospital,</i> <i>(p) Zone RE2 Private Recreation.</i>	The proposed reforms to include prescribed zones as suitable land for the development of seniors are supported.
<b>Division 3 Development standards</b> <b>74 Development standards—general</b> <i>(1) This section applies to development for the purposes of seniors housing involving—</i>	The proposed reforms to abolish the rear single storey 25% requirement under Seniors SEPP are supported.



<p>(a) the erection of a building, or (b) alterations or additions to an existing building.</p> <p>(2) Development consent must not be granted for the development unless—</p> <p>(a) the site area of the development is at least 1,000m<sup>2</sup>, (b) the frontage of the site area of the development is at least 20m measured at the building line, (c) for development on land in a residential zone where residential flat buildings are not permitted the development will not result in a building—</p> <p>(i) with a height of more than 9m, or (ii) exceeding 2 storeys if the building is adjacent to the boundary of the site area.</p> <p>(3) The development may result in a building with a height of no more than 11.5m if servicing equipment on the roof of the building—</p> <p>(a) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and (b) is limited to an area of no more than 20% of the surface area of the roof.</p> <p>(4) Subsection (1)(a) and (b) do not apply to development the subject of a development application made by the following—</p> <p>(a) the Land and Housing Corporation, (b) another social housing provider.</p>	<p>Further consideration should be given to incentivising height dispensations for developments that would meet design excellence criteria through local Councils. This would ensure that developments appropriately integrate with their surrounds from an urban design perspective and are of high architectural merit.</p> <p>To enable this, it is recommended DPIE consider incentivising an additional 10% to the maximum building heights, should developments meet certain design excellence criteria. It is noted that incentivising height dispensation was consistent with industry feedback during consultation sessions of the Housing SEPP and would ensure that developments are of suitable character in the area.</p>
<p><b>76 Development standards for seniors housing—Zones RE2, SP1, RU5 and R2</b></p> <p>(1) Development consent must not be granted for development for the purposes of seniors housing unless the consent authority is satisfied as follows—</p> <p>(a) for development on land in Zone RE2 Private Recreation—</p> <p>(i) the development is carried out on land used for the purposes of an existing registered club, and (ii) at least 50% of the site adjoins a residential zone,</p> <p>(b) for development on land in Zone SP1 Special Purpose—</p> <p>(i) development for the purposes of a place of public worship, an educational establishment, a hospital or seniors housing is permitted on the land, and (ii) at least 50% of the site adjoins a residential zone,</p> <p>(c) for development on land in Zone RU5 Village—</p> <p>(i) the development is carried out on land within 50km of a 24-hour health services facility, and (ii) the land is serviced by reticulated water and sewerage,</p> <p>(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.</p>	<p>The proposed changes note that applicable land where development is carried out containing a registered club must have at least 50% of the site adjoining a residential zone.</p> <p>No objections are raised regarding applicable land under the proposed Housing SEPP.</p>



<p><b>77 Restrictions on occupation of seniors housing</b>  <i>(1) Development permitted under this Part may be carried out for the accommodation of only the following—</i>  <i>(a) seniors or people who have a disability,</i>  <i>(b) people who live in the same household with seniors or people who have a disability,</i>  <i>(c) staff employed to assist in the administration and provision of services to housing provided under this Part.</i>  <i>(2) Development consent must not be granted under this Part unless the consent authority is satisfied that only the kinds of people referred to in subsection (1) will occupy accommodation to which the development relates.</i></p>	<p>No objections to removal of a restriction on title for the types of residents which may occupy the development.</p> <p>Notwithstanding, consideration could be given to the implementation of a restriction on title to the development concerning 'high care patients' within the Housing SEPP. See <b>Section 3.0</b> for further discussion.</p>
<p><b>83 Location and access to facilities and services—residential care facilities</b>  <i>(1) Development consent must not be granted for development for the purposes of a residential care facility unless the consent authority is satisfied that residents of the facility will have access to facilities and services—</i>  <i>(a) directly, or</i>  <i>(b) by a transport service other than a passenger service.</i>  <i>(2) In this section—</i>  <b>facilities and services</b> has the same meaning as in section 82.  <b>passenger service</b> has the same meaning as in the Point to Point Transport (Taxis and Hire Vehicles) Act 2016.  <b>Note—</b> A passenger service is defined as the transport, by a motor vehicle other than a bus, of passengers within, or partly within, this State for a fare.</p>	<p>This Clause is not supported as it does not align with many Land and Environment Court (LEC) proceedings where developments are otherwise approved on sites not within proximity to a public transport service for 'high care patients'.</p> <p>As demonstrated by the LEC and discussed in <b>Section 3.0</b> below, there is precedence to suggest the requirements of this Clause are unreasonable and restrict a developer from enabling a development on particular sites. To prevent delays in assessment and ensure consistency with LEC determinations it is recommended to remove reference to 'passenger service' in the first instance.</p> <p>The high care demographic of residents who occupy seniors housing or RCFs do not generally utilise public transport services and would rely on the home to offer safe and reliable private transport to these services.</p> <p>The onus should be on the developer to ensure its residents will have access to location and facilities, not reliance on the public transport system.</p> <p>It is simply not feasible to preclude a site from a seniors housing development because it is not within access to a public transport service.</p> <p>It is recommended that further investigation and study into this Clause be conducted prior to finalisation of the Housing SEPP. The study would analyse the pretense of take up rates to public transport services in various seniors housing developments across the State.</p> <p>See further detailed discussion at <b>Section 3.0</b> concerning Clause 83.</p>
<p><b>87 Neighbourhood amenity and streetscape</b>  <i>Development for the purposes of seniors housing should—</i>  <i>(a) recognise that the operational, functional and economic requirements of residential care facilities typically require a different building shape from other residential accommodation, and</i></p>	<p>The amendments to design principles of seniors housing developments to recognise the operational, functional and economic requirements of RCFs is generally supported.</p> <p>Notwithstanding, further consideration should be given to the application of this Clause across the State as it appears difficult to achieve</p>



<p><i>(b) recognise the desirable elements of—</i></p> <ul style="list-style-type: none"> <li><i>(i) the location's current character, or</i></li> <li><i>(ii) for precincts undergoing a transition—the future character of the location so new buildings contribute to the quality and identity of the area,</i></li> </ul> <p><i>(c) complement heritage conservation areas and heritage items in the area, and</i></p> <p><i>(d) maintain reasonable neighbourhood amenity and appropriate residential character by—</i></p> <ul style="list-style-type: none"> <li><i>(i) providing building setbacks to reduce bulk and overshadowing, and</i></li> <li><i>(ii) using building form and siting that relates to the site's land form, and</i></li> <li><i>(iii) adopting building heights at the street frontage that are compatible in scale with adjacent buildings, and</i></li> <li><i>(iv) considering, where buildings are located on the boundary, the impact of the boundary walls on neighbours, and</i></li> </ul> <p><i>(e) be designed so the front building on the site is set back generally in line with the existing building line, and</i></p> <p><i>(f) includes plants reasonably similar to other plants in the street, and</i></p> <p><i>(g) retain, wherever reasonable, significant trees, and</i></p> <p><i>(h) be designed so no building is constructed in a riparian zone.</i></p>	<p>compliance with Clause 87(a) whilst enabling a development which is in keeping with the character of the area.</p> <p>The operational requirements of a RCF could be difficult to justify having regard to the character of a low-density residential area and may cause contention from Council, noting the 'operational, functional and economic' requirements for seniors housing is not clearly defined.</p>
<p><b>96 Non-discretionary development standards for hostels and residential care facilities—the Act, s 4.15</b></p> <p><i>(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.</i></p> <p><i>(2) The following are non-discretionary development standards in relation to development for the purposes of a hostel or a residential care facility—</i></p> <ul style="list-style-type: none"> <li><i>(a) no building exceeds a height of 9.5m, excluding servicing equipment on the roof of a building,</i></li> <li><i>(b) servicing equipment on the roof of a building, which results in the building exceeding a height of 9.5m—</i> <ul style="list-style-type: none"> <li><i>(i) is fully integrated into the design of the roof or contained and suitably screened from view from public places, and</i></li> <li><i>(ii) is limited to an area of no more than 20% of the surface area of the roof, and</i></li> </ul> </li> </ul>	<p>The non-discretionary development standards for RCFs are generally supported.</p> <p>Clear provisions should be included within the Housing SEPP which identify methodology in regard to Council being able to grant a variation to the standards.</p>



<p>(iii) does not result in the building exceeding a height of 11.5m,</p> <p>(c) the density and scale of the buildings when expressed as a floor space ratio is 1:1 or less,</p> <p>(d) internal and external communal open spaces with a total area of at least—</p> <p>(i) for a hostel—8m<sup>2</sup> for every bed, or (ii) for a residential care facility—10m<sup>2</sup> for every bed,</p> <p>(e) at least 15m<sup>2</sup> of landscaped area for every bed,</p> <p>(f) a deep soil zone on at least 15% of the site area, where each deep soil zone has minimum dimensions of 6m and, if practicable, at least 65% of the deep soil zone is located at the rear of the site,</p> <p>(g) for a hostel—at least 1 parking space for every 10 beds in the hostel, (h) for a residential care facility—at least 1 parking space for every 15 beds in the facility,</p> <p>(i) at least 1 parking space for every 2 employees who are on duty at the same time,</p> <p>(j) at least 1 parking space for the purpose of ambulance parking.</p>	
<p><b>Schedule 7 Amendment of other environmental planning instruments</b></p> <p><b>7.1 State Environmental Planning Policy (State and Regional Development) 2011</b></p> <p><b>Schedule 1 State significant development—general</b></p> <p><i>Insert at the end of the Schedule with appropriate section numbering—</i></p> <p><i>Residential care facilities Development for the purposes of residential care facilities if—</i></p> <p>(a) the development has a capital investment value of—</p> <p>(i) for development on land in the Greater Sydney region—\$30 million, or</p> <p>(ii) otherwise—\$20 million, and</p> <p>(b) the residential care facility component of the proposed development has a value of at least 60% of the capital investment value of the proposed development.</p>	<p>The changes to allow RCFs to be assessed under the SSD process are generally supported and would remove local government as the consent authority for developments over \$30 million.</p> <p>It is noted that industry feedback throughout public exhibition requested that the figure be reduced to \$20 million. This would align with the intention of DPIE in driving seniors housing within the State and the underlying objectives of the strategic framework.</p>

### 3.0 Clause 83 - Location and Access to Facilities

The intention of Clause 83 of the Housing SEPP in ensuring proposed developments for seniors housing are in proximity to facilities is appreciated, however the application of this clause to the demographic of residents requiring 'high care' is not suitable. High care residents who would occupy many RCF developments would not rely on public transport services.

In reviewing Clause 83 under the Housing SEPP in comparison to the existing Seniors SEPP, it is noted that the 400m restriction has been appropriately removed for RCF development. However, consideration is still required having regard to a 'transport service other than a passenger service'. Within the existing SEPP under Clause 43, a distinction is made for people with dementia not requiring transport services to facilities and services.

Clause 43 of the Seniors SEPP is as follows (bolded for emphasis):





#### **43 Transport services to local centres**

- (1) *A consent authority must not consent to a development application made pursuant to this Chapter to carry out development for the purpose of serviced self-care housing on land that adjoins land zoned primarily for urban purposes unless the consent authority is satisfied that a bus capable of carrying at least 10 passengers will be provided to the residents of the proposed development—*
- (a) *that will drop off and pick up passengers at a local centre that provides residents with access to the following—*
- (i) shops, bank service providers and other retail and commercial services that residents may reasonably require,*
  - (ii) community services and recreation facilities,*
  - (iii) the practice of a general medical practitioner, and*
- (b) *that is available both to and from the proposed development to any such local centre at least once between 8am and 12pm each day and at least once between 12pm and 6pm each day.*
- (2) Subclause (1) does not apply to a development application to carry out development for the purposes of the accommodation of people with dementia.**
- (3) *In this clause, bank service provider has the same meaning as in clause 26.*

In Clause 43, dementia patients are appropriately realised to not utilise means of public transport. In this regard, it appears appropriate to consider occupants of high care homes and make a distinction to the demographic which may occupy an RCF premises.

Further to this as stipulated within *Principal Healthcare Finance Pty Ltd v City of Ryde Council [2017] NSWLEC 1300*, a condition of consent was supported by the court in allowing a variation to Clause 26, to recognise that the facility will only cater to 'high care patients' who would not utilise the provision of a public transport service. The variation to Clause 26 of the Seniors SEPP was approved by LEC, and consequently development consent was received.

In light of the above, it appears appropriate to consider provisions to be included within Clause 83 of the Housing SEPP to consider the type of demographic of residents within various seniors housing developments. It is recommended that inclusion for a definition of 'high care patients' be included which recognises the varying needs of the ageing population are different.

Additionally, provisions for the inclusion of a 'Resident Travel Plan', to the satisfaction of the consent authority could be established within the Policy to ensure residents will have suitable and equitable access to facilities.

#### **4.0 Summary And Recommendations**

In summary, the overall intent to facilitate housing diversity through the consolidation of the five (5) housing related SEPPs is commended by Opal Healthcare.

Notwithstanding, as highlighted within this submission further consideration is required for the following:

- Consideration should be given to incentivising height dispensations for developments that would meet design excellence criteria through local Councils. This would ensure that developments appropriately integrate with their surrounds from an urban design perspective and are of high architectural merit.
  - To enable this, DPIE may consider incentivising an additional 10% to the maximum building heights, should developments meet certain design excellence criteria. It is noted that incentivising height dispensation was consistent with industry feedback during consultation sessions of the Housing SEPP.
- Further consideration to Clause 83 Location and Access to Facilities should be given to developments which cater to 'high care patients'.
  - It is recommended that provisions be included within the Clause to recognise that 'high care patients' would not utilise a public transport service. This would be driven by the inclusion of a new definition for 'high care patients' within the Housing SEPP.



- Provisions for the inclusion of a 'Resident Travel Plan' which stipulates the management of access to facilities for 'high-care patients' may be considered by DPIE.

We consider the abovementioned items to be critical matters which the NSW DPIE should give due consideration before finalising the proposed Housing SEPP.

Should you wish to discuss the matters further, please do not hesitate to contact the undersigned.

Your sincerely,



Andrew Cowan  
Director  
Willowtree Planning Pty Ltd  
ACN 146 035 707



**WIRREANDA VALLEY RESIDENTS' ASSOCIATION**

9 Bungendore Street  
INGLESIDE NSW 2101  
0412 450 000

27 August 2021

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

Dear Sir/Madam,

Re: Proposed Housing SEPP

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

I am writing to you to request the removal of clause 8.38 of the draft State Environmental Planning Policy (Housing) 2021.

Page 4 of the document titled "LAHC, Part 3 of ARHSEPP and Secondary Dwelling amendments – Frequently asked questions" on the Department of Planning, Industry and Environment website outlines a process where Council is required to lodge a Planning Proposal in order to introduce size limitations to Secondary Dwellings on rural land. After reading the above document, our members felt reassured that Council would be required to lodge a Planning Proposal in order to introduce size restrictions to Secondary Dwellings on rural land. Based on the FAQ document, many of our members have spent considerable time and money preparing to lodge DAs for Secondary Dwellings based on there being no size restriction for a secondary dwelling on their rural land. It appears the Department of Planning, Industry and Environment are now wanting to change the process from that outlined on their website.

I point out that draft clause 8.38 incorrectly states "8.38 Pittwater Local Environmental Plan 2019", instead of "8.38 Pittwater Local Environmental Plan 2014".

The Wirreanda Residents Association requests that due to the misinformation published on the Department of Planning, Industry and Environment website, combined with the typographical error in the draft State Environmental Planning Policy (Housing) 2021, that the proposed changes to the Pittwater LEP are omitted from the final State Environmental Planning Policy (Housing) 2021. This will ensure the planning proposal process as outlined on the Department of Planning, Industry and Environment website will be followed and that a proper public consultation process will be undertaken, should a change be proposed.

Sincerely yours,



Stephen P Smith

For and on behalf of the Wirreanda Valley Residents Association

*Our Reference: CM 13004*

Housing Policy Team  
NSW Department of Planning, Industry & Environment  
c/o [housingpolicy@planning.nsw.gov.au](mailto:housingpolicy@planning.nsw.gov.au)

16 September 2021

Dear Sir/Madam,

**WOLLONDILLY SHIRE COUNCIL SUBMISSION – HOUSING SEPP**

Thank you for the opportunity to provide feedback on the Housing State Environmental Planning Policy consultation draft. We continue to recognise and support the principle of providing more diverse and affordable housing types to meet the needs of different people in the community and commend the Department for this further opportunity to provide feedback on the proposed consolidated SEPP.

Wollondilly Shire is a well-established urban fringe local government area largely characterised by its rural lands and smaller scale low density development. The State initiated, targeted urban growth that is planned for Wilton Growth Area will significantly increase housing that is provided within our Shire, and in doing so will provide our community new opportunities, particularly with regard to increasing the local supply of diverse and affordable housing.

However, Wollondilly's predominantly rural setting and relative proximity to Greater Sydney also mean that many of our towns and villages are not well placed to support some forms of diverse housing as despite our strong advocacy, the necessary social, healthcare, employment and transport infrastructure (including access to public transport) is not available within the Shire which presents affordable living challenges.

Our recently adopted Local Housing Strategy establishes the long-term housing vision for Wollondilly which is for diverse housing that *provides appropriate housing options for all households at all stages of life and supports affordable living.*

Wollondilly residents *will live in connected, liveable neighbourhoods that are supported by infrastructure and services and are in the right locations; reducing impacts on and celebrating our natural environment and scenic landscape.*

The Shire's predominantly rural character and infrastructure and affordable living challenges inform our consideration of the proposed Housing SEPP and the need to achieve good outcomes that are appropriate to our rural setting.

## **Previous submission to EIE for a new Housing Diversity SEPP**

On this basis, the matters raised in Council's previous submission in response to the Department's *Explanation of Intended Effect for a new Housing Diversity SEPP* remain relevant. While Council is broadly supportive of the proposed Housing SEPP, the application of elements of the SEPP for Wollondilly are challenging and many of the concerns raised previously have not been addressed. In particular, these relate to:

- The need for greater flexibility to determine where different housing forms are permitted,
- In order to achieve the aims of the Housing SEPP consultation draft, Wollondilly should be considered in the same way as areas outside the Sydney region for areas within the Metropolitan Rural Area,
- The need for Council to determine appropriate development standards such as rates of car parking,
- Ensuring that proposed housing initiatives will make a contribution to local infrastructure.

A copy of Council's previous submission is attached and should be considered as part of this submission.

## **Feedback on Proposed Housing SEPP**

### ***Seniors housing***

The Metropolitan Rural Area (MRA) exclusion in recognition of the potential cumulative adverse impacts on infrastructure and character for rural locations is supported.

However, it is considered that where a Council has determined that seniors housing is permissible with consent within the MRA than the Housing SEPP consultation draft (Chapter 3, Part 4 Seniors Housing) should apply to development for this purpose.

The Housing SEPP consultation draft only appears to apply to land within the MRA on land zoned in a residential or business zone and where a development application relies on a site compatibility certificate.

Since, the recent exclusion of the MRA from the SEPP (without prior notice) there are no planning controls in place to guide development for the purposes of seniors housing in Wollondilly as there are no planning controls within the development control plan.

It is preferable that the Housing SEPP applies to development for the purposes of Seniors Housing wherever this has been deemed permissible (either as a permissible development under the local environmental plan or from a site compatibility certificate) rather than replicate the development standards and site related requirements from the Housing SEPP into the development control plan. Noting that the development control plan has considerably less weight than an environmental planning instrument.

In applying the above recommendation, I would draw your attention to the need to accommodate areas within the MRA that are zoned SP1 Special Activities and 'Seniors housing' is shown as the purpose on the land zoning map. This mechanism has been used in Wollondilly where land has been rezoned to facilitate development for seniors housing. The requirement within the Housing SEPP consultation draft for at least 50% of the site to adjoin a residential zone is not practicable in Wollondilly.

### ***Designated Growth Areas***

It is not clear from the consultation draft and supporting documents how the Housing SEPP will apply to land in the Wilton Growth Area that has been zoned UD Urban Development Zone on the Wilton Growth Area Land Zoning Map which forms part of the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

The Wilton Growth Area provides an opportunity to significantly contribute to the provision of more diverse and affordable housing types with 90% of Wollondilly's forecasted housing growth to be located in the Growth Area.

Unfortunately the first 10,000 lots have already been rezoned by the State without a plan in place for affordable and community housing. This is something that must be considered for any state led rezoning's in growth areas in future, particularly given it is a regional and State wide issue.

The flexible new Urban Development Zone has been applied to areas of developable land on land rezoned so far within the Wilton Growth Area. The Residential Zones and Business Zones under the Standard Instrument LEP have not been used.

### **Phase four – Group homes, caravan parks, manufactured home estates**

It is understood that the Housing SEPP consultation draft does not include the caravan park and manufactured homes estate provisions and the existing provisions will be included in the finalised Housing SEPP.

The Department's intention to review the framework for caravan parks, camping grounds and manufactured home estates is supported. In particular, Council would support the introduction of a new definition for '**Tourist Park**' as described in the Department's *Improving the Regulation of Manufactured Homes, Caravan Parks, Manufactured Homes estates & Camping Grounds Discussion Paper*.

As part of a recent planning proposal Wollondilly proposed to introduce a definition for 'Tourist Park' which was not supported by the Department.

Wollondilly would benefit from the opportunity to utilise a term specifically for a place that primarily provides accommodation for tourists and visitors to implement a key priority of the Wollondilly Destination Management Plan to encourage the development of a destination holiday park in Wollondilly. A new definition to provide this form of short stay accommodation will allow regional areas and visitor economies to flourish while avoiding the inappropriate outcomes of permanent residents in areas that are not supported with the right infrastructure and support services.



Unfortunately given the limited time for response, our elected body has not had an opportunity to consider this submission. Please note that this is a draft submission until is endorsed by Council at its next available meeting in October. We will advise at that time if there are any additional comments.

Our Council has also expressed strong concern that the NSW Government continues to provide short exhibitions and timeframes for submissions. We again respectfully request that more time is provided to Councils to provide meaningful and considered feedback through written submissions.

Please contact Carolyn Whitten from Council's Strategic Planning Team on (02) 4677 9551 or email at [carolyn.whitten@wollondilly.nsw.gov.au](mailto:carolyn.whitten@wollondilly.nsw.gov.au) for any questions about this submission.

Yours faithfully



Stephen Gardiner  
**Manager Sustainable Growth**

*Our Reference: CM 10297*

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

Dear Ms Pritchard,

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

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

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

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

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

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

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

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

Yours faithfully



Stephen Gardiner  
Manager Sustainable Growth

# **Attachment 1:**

## **Wollondilly Shire Council Submission**

### **Draft Housing Diversity SEPP**

#### **Introduction**

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

#### **Impacts**

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

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

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

#### **General Comments**

##### **Boarding Houses**

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

# Attachment 1:

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

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

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

## Density Bonuses and the definition of 'accessible area' in ARHSEPP

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

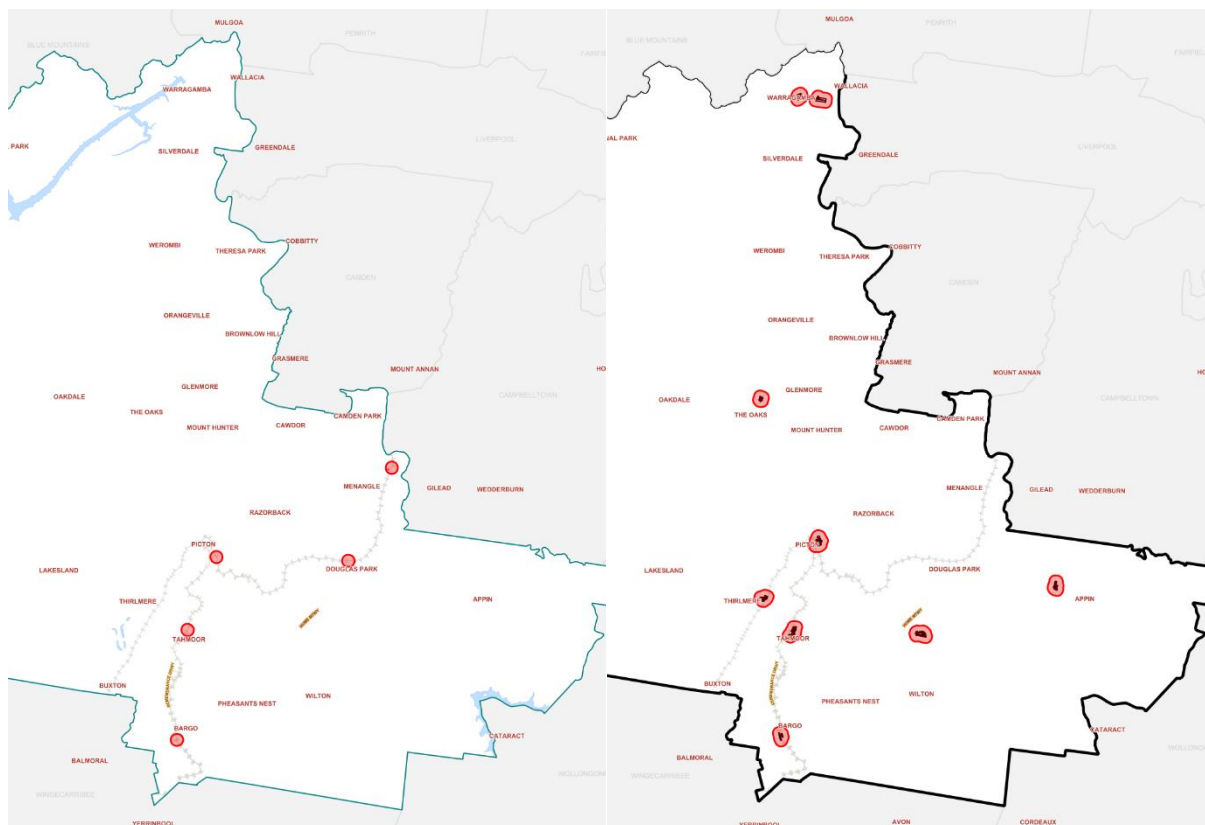


Figure 1: Comparison between applicable land (Red) under the 'accessible area' definition as per 27(2) of the ARHSEPP (left) and applicable land under the 'accessible area' definition for land outside the Sydney region as per 27(3) of the ARHSEPP (right).

# **Attachment 1:**

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

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

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

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

*(9) Secondary dwellings - If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater—*

*(a) 60 square metres,*

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

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

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

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

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

## **Seniors living in the MRA**

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

# **Attachment 1:**

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

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

## **Car-parking requirements**

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

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

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

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

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

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

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

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

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



# **Attachment 1:**

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

## **Suggestion 7:**

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

## **Student housing**

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

## **Suggestion 8:**

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

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

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

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

## **Contributions Planning**

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

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

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

## **Attachment 1:**

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

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

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

NSW Department of Planning, Industry & Environment  
C/- [housingpolicy@planning.nsw.gov.au](mailto:housingpolicy@planning.nsw.gov.au)

Our Ref:  
File:  
Date:

Z21/185852  
CST-100.07.035  
30 August 2021

Dear Sir / Madam

## DRAFT HOUSING SEPP

Thank you for the opportunity to comment on the draft Housing SEPP. Due to the short exhibition timeframe, the following comments have been prepared by Council officers and have not been endorsed by Council.

### 1 Draft Housing SEPP

Council officers support the consolidation of 5 SEPPs to reduce the complexity of the NSW Planning system. It is noted that this is an improvement on the Explanation of Intended Effect which proposed consolidation of 3 SEPPs. However, the draft instrument has some inconsistencies in standards and controls that have arisen through the consolidation of the existing SEPPs and there are opportunities for better integration into a single housing package. Many of the design requirements and site assessment requirements for Seniors Housing would also be relevant to the other forms of housing – for instance, why does Seniors Housing need to have a different gross floor area definition to the other residential uses?

#### Chapter 1 Preliminary

- Clause 2(2) the draft SEPP does not contain a Chapter 3 Part 8. It is assumed this refers to the Short-term Rental Housing Provisions which now commence on 1 November 2021.

#### Chapter 2 Affordable Housing

- Clause 12 – The definition of Affordable Housing in the Act relates to household income levels. Clause 12 specifies the relevant income levels for Sydney and the rest of NSW. The rest of NSW should be divided into regions. The household income levels in Wollongong are different to both Sydney and the rest of NSW.
- None of the following forms of residential development listed in Part 2 are linked back to the household income levels.

#### *In-fill Affordable Housing*

- Clause 15(c) - It appears that the only requirement for the delivery of affordable housing is 20% of the gross floor area. It is unclear as to how a dwelling house, dual occupancy or any residential development of less than 5 dwellings could deliver a single affordable dwelling.
- Clause 15(d) - The Wollongong Region should be defined as the Illawarra Region, or as a sub-region of the Illawarra Shoalhaven Region.
- Clause 17(f) and (g) – Car parking rates should be higher for regional / non-metropolitan areas. Public transport in Wollongong is not equivalent to Sydney. While Wollongong is fortunate to have a train line, there is poor level of service and train frequency. Bus services are not as frequent, and in some locations don't run into the evenings. Wollongong communities are far more car dependent to get to work and shops. The parking standard for regional areas, should be at least 1 car space per dwelling, and also include the provision of visitor spaces.

- Clause 20 – Council supports the Affordable Housing use for 15 years, although it is unclear as to how it can be enforced, as a future Development Consent can override a previous consent.

#### *Boarding houses*

- Boarding houses is not defined in the draft SEPP. Whereas it is defined in LEPs and the definition is proposed to be amended by the draft Standard Instrument amendment. The same definition should be included in the SEPP, so it is a standalone instrument, rather than relying on a sub-ordinate LEP.
- Clause 23(2)(j) - Car parking - The proposed car parking standard for regional areas, of 1 car space per room is supported. A visitor parking requirement should also be specified.
- Clause 24(1)(e) –The retention of a cap at 12 bedrooms in low density residential zones is supported.
- Clause 25 – What is the definition of “in perpetuity”. Similar to clause 20, a nominated timeframe may be better. Community Housing Providers and NSW Land & Housing Corporation need to renew their housing stock. What was built in the 1950s, 60s, 70s no longer meets their client needs and requires renewal. A similar situation is likely to occur with housing built today, it will need to be renewed in 20-30 years’ time.

### Chapter 3 Diverse Housing

#### *Group Homes*

- Group houses is not defined in the draft SEPP. Whereas it is defined in LEPs. The same definition should be included in the SEPP, so it is a standalone instrument, rather than relying on a sub-ordinate LEP.
- Clause 56 – the inclusion of SP1 and SP2 as prescribes zones should be reviewed or be more specific. These zones permit a range of uses including roads, cemeteries, port of Port Kembla (industrial uses), where group homes or any form of residential use are not appropriate. The existing nominated uses should include a residential use (ie similar to clause 76)

#### *Co-living*

- The introduction of a definition for co-living is supported.
- Co-living is not defined in the draft SEPP. Whereas it is proposed to be defined in LEPs via an amendment by the draft Standard Instrument amendment. The same definition should be included in the SEPP, so it is a standalone instrument, rather than relying on a sub-ordinate LEP.
- Clause 64(2)(g) - Car parking - The proposed car parking standard for regional areas of at least 1 car space per room is supported. A visitor parking requirement should also be specified.

### Chapter 4 Seniors housing

#### *Seniors Living*

- Independent Living Units (ILUs) are not defined as a type of dwelling in the draft SEPP. It is noted that they are defined in the draft Standard Instrument Order. The same definition should be included in the SEPP, so it is a standalone instrument, rather than relying on a sub-ordinate LEP.
- Clause 67 - The inclusion of SP1 as a prescribed zone should be reviewed or be more specific. Similar to the SP2 Hospital nomination. The SP1 zone labels is used for a range of uses where seniors housing or any form of residential uses are not appropriate including roads, cemeteries, port of Port Kembla (industrial uses). The existing nominated uses should include a residential use.
- The removal of the clause allowing seniors development on land adjoining an urban zone is supported. Seniors development on un-serviced rural land was problematic and was akin to residential urban expansion. Not including rural zones as a prescribed zone is supported.
- Clause 72 – Seniors - It is noted that the age requirement has increased from 55 to 60 years. It is assumed that persons aged between 55-59 living in existing approved seniors housing developments will not be affected by the change.

### Schedule 8

- Clause 8.54 Wollongong LEP 2009 – the inclusion of the previously nominated secondary dwellings standards for secondary dwellings on rural zoned land is supported.

## **2 Draft Regulation (Housing) amendment**

- The proposed consequential amendments are noted.
- [Amendment 17] – Planning certificates – the draft SEPP does not contain a Chapter 3 Part 5. It is difficult to comment on what is proposed to be included on a Planning Certificate.
- [Amendment 18] – Planning Certificates – Chapter 2 Part 2 Divisions 1 and 5 will apply to all residential land. It is not clear if the intention is to indicate whether any development consent has been issued under these Divisions & clauses, rather than whether the Division applies.

## **3 Draft Standard Instrument (LEP) Amendment Order 2021**

- The draft definitions and consequential amendments are noted

Should you require any further information, please contact Council's Land Use Planning Manager, Mr David Green, on 4227-7465 or [dgreen@wollongong.nsw.gov.au](mailto:dgreen@wollongong.nsw.gov.au)

**This letter is authorised by**

**Linda Davis**  
**Director Planning & Environment**  
Wollongong City Council  
Telephone (02) 4227 7111



Council Ref: Planning & Place Division  
SC2593 - 21/166281

27 August 2021

Mr Jim Betts  
Secretary  
NSW Department of Planning, Industry and Environment  
Locked Bag 5022  
housingpolicy@planning.nsw.gov.au

Dear Mr Betts

**Submission to the *State Environmental Planning Policy (Housing) 2021*  
public consultation draft**

Woollahra Council thanks you for the opportunity to comment on the *State Environmental Planning Policy (Housing) 2021* public consultation draft (Draft Housing SEPP). Our submission to the Draft SEPP is attached for your consideration. The key issues we raised are summarised below.

We welcome a review of State planning provisions for housing and support a number of proposals including:

- increased opportunities to encourage affordable housing
- removing ‘boarding houses’ as a mandatory permitted use in the R2 Low Density Residential zone
- removing ‘independent living units’, particularly in-fill self-care housing as a mandatory use in the R2 Low Density Residential zone.

However we are concerned that some of the proposals will lead to adverse social, amenity and urban design outcomes, and we request reconsideration of various proposals in particular:

- the aims of the SEPP— the aims should also address *sustainability, heritage, community participation and good design* and be reflected in the planning provisions to ensure improved sustainability, liveability and social equity outcomes for the community.
- co-living housing— it is not appropriate to permit co-living housing wherever residential flat buildings are permitted. Co-living housing should only be mandated in the B2 Local Centre and B4 Mixed Use zones as this type of housing needs to be close to public transport, supermarkets, and food and drink premises.
- seniors housing in the RE2 Private Recreation zone— there is an inherent conflict between seniors housing and the objectives of the RE2 zone as set out in the Standard Instrument LEP. Given the availability and cost of land, particularly in densely populated areas such as the Woollahra LGA, there are limited opportunities for Council or private recreation providers to acquire additional land that is suitable for sport and recreational uses. For the community’s health and wellbeing, existing RE2 zoned land should be retained to provide ongoing access to the community of open space, sport and recreation opportunities outside of the home. The ongoing




coronavirus restrictions have further highlighted the value of open space and recreation areas for the community.

- FSR and height bonuses for vertical villages— the proposed FSR and height bonuses are too generous and will lead to built forms that are inconsistent with the streetscape character, and impact on the privacy and amenity of adjoining properties. The DPIE has not published any economic modelling to justify these bonuses. The bonus height provision will compromise the desired future character established by the controls in Council's LEP and DCP, and may even erode Council's ability to enforce the LEP building height controls on other nearby sites (see *Woollahra Municipal Council v SJD DB2 Pty Ltd [2020] NSWLEC 115*).
- FSR bonuses must be tied to affordable housing— bonus FSR provided under the Draft SEPP must be tied to the provision of affordable housing to ensure that there is social benefit arising from a built form which exceeds what Council and community have established as acceptable for an area. In particular, proposed FSR bonuses for co-living housing and vertical villages are not in the public interest and must be linked to affordable housing.
- Retaining affordable housing— provisions for affordable housing should be strengthened to require affordable housing to be retained in perpetuity. Such requirements should also apply to developments involving the Land and Housing Corporation, as the NSW Government and its agencies should be leading the way and setting best practice for others to follow.

In addition to our submission to the Draft Housing SEPP, we have also included a separate submission which addresses seniors housing in the R2 Low Density Residential zone. This submission is in response to a recent Council resolution that we write to the Minister requesting an amendment to the *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* so that its provisions will not apply to land zoned R2 Low Density Residential under the *Woollahra Local Environmental Plan 2014*. The matters raised in this submission are relevant considerations of the Draft Housing SEPP.

Thank you for the opportunity to comment on the Draft Housing SEPP. If you require further information about our submissions please contact Jacquelyne Della Bosca, Executive Planner on 02 9391 7046.

Yours sincerely,



Anne White

Manager – Strategic Planning



## Submission to the Housing SEPP public consultation draft

Woollahra Council's submission to the *State Environmental Planning Policy (Housing) 2021 public consultation draft*, (Draft SEPP) are provided below for your consideration.

### Chapter 1 Preliminary

#### Aims of the Policy

In the Draft SEPP, section 3, the aims suitably identify the types of housing addressed in the Draft SEPP. However, the aims do not refer to sustainability, heritage, community participation and good design, which are each key objects of the *Environmental Planning and Assessment Act 1979* (EPA Act). These matters should be addressed in the aims of the SEPP and reflected in planning provisions to deliver improved sustainability, liveability and social equity outcomes that realise tangible public benefits for people in local communities.

### Chapter 2 Development for affordable housing

#### Infill affordable housing

##### **FSR bonus applies to a range of residential development (s16 -17)**

We support initiatives to encourage affordable housing by the private sector. However, we are concerned that the FSR bonuses (e.g. bonuses of 0.5:1) may compromise residential amenity where applied on small sites. In particular, under the Draft SEPP the FSR bonus may be applied to sites with a minimum site area of 450m<sup>2</sup> (s17(2)(a)). To protect residential amenity we suggest that the minimum site area should be increased to 700m<sup>2</sup> as it may be difficult to accommodate the bonus FSR on small lots without significantly compromising privacy and solar access within the site and to adjoining sites.

##### **Bonus FSR s16(2)**

We support the provision requiring that the bonus FSR is to be used only for the purpose of affordable housing.

##### **Affordable housing to be retained for 15 years s20(1)**

The Draft SEPP seeks to increase the period that the affordable housing must be retained as affordable housing from 10 to 15 years. Though we support this increase, our preference is that affordable housing is retained in perpetuity. Based on further economic modelling, the provisions should include a requirement that a percentage of the affordable housing arising from the bonus FSR is to be retained in perpetuity. This would help mitigate the loss of affordable housing in the future, and also recognises that the developer has received bonus FSR on the site and it is in the public interest that the social benefit of the bonus is not lost after 15 years, but shared by the public and the developer.

We also note that in section 20(1) reference is made to “a period of at least 15 years”, and seek clarification whether this means that the consent authority can require a longer period.

## **Boarding houses**

### **Boarding house defined in Standard Instrument LEP as affordable housing**

We support the proposed amendment to the definition of ‘boarding house’ in the Standard Instrument LEP which makes it clear that this type of housing must be affordable housing, and will distinguish this affordable housing from the “new generation” boarding houses and student accommodation that developers have been producing using the current boarding house provisions in the Affordable Renting Housing SEPP.

### **Zones where boarding houses permitted (s22)**

#### *R2 Low Density Residential zone*

We support the proposed amendment to the Standard Instrument LEP to omit ‘boarding houses’ as a mandated permitted use in the R2 Low Density Residential zone.

#### *B1 Neighbourhood Centre and B2 Local Centre*

In addition to the R2 zone, we suggest that ‘boarding houses’ should not be a mandated use in the B1 Neighbourhood Business and B2 Local Centre zones as business uses are under increased pressure from displacement by residential uses in centres.

### **Bonus FSR where RFBs are permitted (s23(2))**

The proposed boarding house provisions include an FSR bonus of 25% on land where RFBs are permitted and on which there are no heritage items. In the Woollahra LGA this additional bonus FSR would apply to land zoned R3 Medium Density Residential where the minimum lot size is only 700m<sup>2</sup>. The impact of the additional building form arising from the 25% FSR bonus would be difficult to sympathetically accommodate on the site and likely compromise privacy and amenity of adjoining residential uses and streetscape character.

We recommend that the 25% bonus FSR should only apply to larger lots (e.g. min 1000m<sup>2</sup> which is the minimum site area for seniors housing in section 74(2)(a)) and not within a heritage conservation area (HCA), so that the impacts of the additional built form can be better mitigated.

### **Affordable housing in perpetuity (s25-s26)**

We support the requirement for rooms to be rented at affordable rates and managed by a registered community housing provider in perpetuity. In the event that the site is redeveloped in-kind or monetary contributions must be required to offset the loss of all affordable dwellings. These requirement should also apply to development on land owned by the Land and Housing Corporation or to a development application made by a public authority.

## **Boarding houses—Land and Housing Corporation**

### **Boarding houses permitted in the R2 zone without development consent (s27(2) and s28)**

We are concerned with the provisions that diminish requirements for community consultation on proposals for boarding houses. Such proposals should require Council concurrence and community consultation.

### **Affordable housing in perpetuity**

The Draft SEPP does not require boarding housing development owned by the Land and Housing Corporation (LAHC) to be retained as affordable housing in perpetuity. We do not

support this. The same provisions which apply to boarding houses under Division 2 of the Draft SEPP should similarly apply to boarding houses developed by the LAHC.

### **Residential flat buildings—social housing providers, public authorities and joint ventures**

#### **RFBs permitted on land where ordinarily not permitted under the LEP (s35)**

This Division allows development of RFBs on land where RFBs are not ordinarily permitted under the LEP, including for example, land zoned for RE1 or RE2 recreation purposes and business zoned land. We are concerned with the wide ranging scope of the provisions, and the lack of detail on the operation of partnerships with local community housing providers or developers in association with the NSW Land and Housing Corporation (LAHC).

#### **Affordable housing to be retained for 10 years (s39)**

Under the draft provisions it is proposed that at least 50% of the dwellings are to be used for affordable housing and retained as affordable housing for 10 years.

The 10 year requirement is inadequate, for example the in-fill affordable housing in section 20 of the Draft SEPP establishes a minimum of 15 years. Given the wide scope of development concessions that this Division provides, it is in the public interest that all the affordable dwellings are retained as affordable housing in perpetuity. In the event that the site is redeveloped, in-kind or monetary contributions must also be required to offset the loss of all affordable dwellings. These requirement must also apply to development on land owned by the Land and Housing Corporation or to a development application made by a public authority.

## **Chapter 3 Diverse housing**

### **Co-living housing**

#### **Co-living housing permitted wherever RFBs or shop top housing is permitted (s63)**

Under the Draft SEPP co-living housing may be carried out with consent wherever RFBs or shop top housing is permitted under the LEP, other than Zone R2 Low Density Residential. We do not support this approach. Co-living housing should only be mandated in the B2 and B4 zones as this type of housing needs to be close to public transport, supermarkets, and food and drink premises. Each council should be able to determine if co-living housing is permitted in any other zones, such as close to hospitals and tertiary education facilities.

#### **Bonus FSR (s64)**

Under the Draft SEPP an FSR bonus of 10% is proposed on land where RFBs are permitted (and on which there are no heritage items), until 1 August 2024. We do not support the density bonus. There is no public benefit arising from this type of housing and a bonus should not apply. In particular, co-living housing does not provide affordable housing. There is no evidence that co-living housing reduces housing costs compared to traditional forms of share housing, and in fact there is emerging evidence that the cost of co-living housing is comparable with the cost of renting studio or 1 bedroom apartments.

The only circumstances where the bonus FSR may be warranted is where the co-living housing is developed by community housing provider, or the development is undertaken as co-housing, i.e. where there are ongoing benefits to the community.

### **Communal living areas and shared facilities and standards for co-living housing (s64 and s64)**

Sections 64 and 65 set out various standards that seek to address amenity issues such as solar access, size of rooms etc. To support these provisions in the SEPP we recommend that the DPIE, in consultation with councils and the community, prepare best practice guidelines providing detailed guidance and examples to promote good design, residential amenity and quality of living in co-living housing developments.

### **Audit to assess impacts**

This type of housing could lead to poor social and amenity outcomes. In particular we identify a number of potential concerns and issues relating to:

- Small private rooms with shared facilities which may compromise amenity, privacy and safety.
- High occupancy turnover and transient population impacts sense of community within the development and also to the wider community where the development is located.
- Lacking social cohesion as occupants have no say in who they live with. Poppy Johnston from the [Fifth Estate](#) writes  
*“Although pitching this model to digital nomads might be relatively harmless, the concern is what might happen if it moves onto more vulnerable demographics.”*
- The larger the development the greater likelihood for social and safety problems, and difficulty in maintaining a high standard and quality particularly over the longer term.

Given this is a relatively new housing typology, we recommend that the DPIE audit co-living housing developments (e.g. over 5 and then 10 years) to assess the social and economic value of this housing typology for the occupants and the local community so it can fine-tune the regulatory and policy framework to ensure benefits are realised, and negative impacts are suitably addressed.

## **Seniors housing**

### **Seniors housing permissible in Zone RE2 Private Recreation (s67)**

The Housing SEPP consultation draft introduces prescribed zones where senior housing will be permissible, the zones include RE2 Private Recreation. We do not support this change. There is an inherent conflict between seniors housing and the objectives of the RE2 zone as set out in the Standard Instrument LEP:

- *To enable land to be used for private open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

### **Seniors housing excluded in HCAs (s69)**

We support the ongoing exclusion of seniors housing from land within a HCA in Greater Sydney.

**Development in a residential zone where RFBs are not permitted (s74(2)):**

This provision establishes requirements for site area, site frontage and building height. In subsection 74(2)(c) the word “*or*” should be replaced with “*and*” to be consistent with the wording in the current Seniors Housing SEPP at section 40(4).

Subclause 40(4)(c) from the current SEPP should also be carried over into the new SEPP “*a building located in the rear 25% area of the site must not exceed 1 storey in height*” to address potential privacy and amenity impacts to adjoining properties.

**Height concessions for servicing equipment (s74(3)) .**

In the Standard Instrument LEP building height is measured to include plant and lift overruns. The Draft SEPP establishes a height concession for servicing equipment. It is proposed that where a maximum building height of 9m applies, a height concession of 2.5m will apply to accommodate servicing equipment on the roof of the building, provided the part of the equipment is limited to an area of no more than 20% of the surface area of the roof.

We do not support this approach as plant on roofs can have poor streetscape and amenity impacts, and it is preferable to locate plant rooms internally within the principal building, or at ground level, to minimise visual impact.

However, if the DPIE proceeds with this height concession we recommend that:

- the proposed allowance of 2.5m is reduced; 2.5m is too generous and discourages more considered and sympathetic designs options for locating and housing servicing equipment.
- subclause (3)(a) is amended to recognise that the view of the roof from a public place may be from an elevated position depending on the topography. We suggest the clause could state: “is fully integrated into the design of the roof or contained and suitably screened from view from public places, including when viewed from above”
- subclauses(3) and (3)(c) are reviewed to make it clear that the maximum building height of 11.5m only applies to that 20% of roof surface area where the servicing equipment is located.

Our comments in relation to height concessions for servicing equipment also apply to similar concessions for hostels and residential care facilities at section 96(2)(b), and independent living units at section 97(2)(b) of the Draft SEPP.

**Seniors housing in RE2 Private Recreation zone (s76(1)(a))**

We do not support the proposal to permit seniors housing on land zoned RE2 Private Recreation where the development is carried out on land used for the purposes of an existing registered club, and at least 50% of the site adjoins a residential zone. Seniors housing is permitted in a wide range of residential and business zones, this permissibility should not extend to recreational land.

The Woollahra LGA is a densely populated area (48.47 persons/ha compared to 4.29 persons/ha for the Greater Sydney area) with almost 80% of residents living in medium or high density dwellings (id. Woollahra Community Profile). Woollahra’s high population density means access to open space, sport and recreation opportunities outside of the home is of critical importance to the community’s health and wellbeing. The ongoing coronavirus restrictions have further highlighted the value of open space and recreation areas to the community.



There are only 5 sites zoned RE2 in the Woollahra LGA. Excluding the RE2 zoned land owned by the Royal Sydney Golf Club, RE2 zoned land comprises only 0.7% of all land in the LGA. Given the availability and cost of land in the Woollahra LGA, there are limited opportunities for Council or private recreation providers to acquire additional land that is suitable for sport and recreational uses. It is therefore important that existing land zoned RE2 Private Recreation is retained and protected from incompatible uses such as seniors housing.

#### **Seniors housing in R2 Low Density Residential zone (s76(1)(d))**

Although we support the removal of ‘independent living units’ as a permitted use in the R2 zone, ‘residential care facilities’ are still permitted. We do not support this approach, seniors housing should not be a mandatory use in the R2 zone.

As stated in section 87 of the Draft SEPP “*residential care facilities typically require a different building shape from other residential accommodation*”. We therefore question why this use would be permitted in the R2 zone, and with an FSR up to 1:1 as proposed in section 96(c).

The R2 zone is the lowest density zone and is the most sensitive to inconsistent building forms and incompatible uses. Residential care facilities should not be a mandatory permitted use in the R2 zone. Rather, each council, in consultation with their community, should decide whether seniors housing (and which forms of seniors housing) are permitted in the R2 zone.

On 26 July 2021, Woollahra Council considered a report on seniors housing in the Woollahra LGA and resolved “*That Council requests an amendment to the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 so that its provisions will not apply to land zoned R2 Low Density Residential under the Woollahra Local Environmental Plan 2014.*” The justification for the exemption in the R2 zone is detailed in a separate submission titled “Request that land zoned R2 Low Density Residential under Woollahra LEP is excluded from seniors housing under the SEPP”, which follows this submission. Consistent with Council’s resolution the exemption request will also be submitted directly to the Minister for response.

#### **Design principles for seniors housing (s87–s93)**

The Draft SEPP includes provisions to address matters including neighbourhood amenity and streetscape, visual and acoustic privacy and solar access and design for climate. To support these provisions we recommend that the DPIE, in consultation with councils and the community, prepare best practice guidelines to provide detailed guidance and examples to promote good design, residential amenity and quality of living in seniors housing developments.

#### **Development for vertical villages and bonus FSR (s99)**

We do not support the proposed FSR bonus for vertical villages. The proposed FSR bonuses are too generous and will lead to building forms that are inconsistent with the streetscape character, and impact on the privacy and amenity of adjoining properties. We are also concerned that the bonus FSR is not tied to any affordable housing requirements so there is no public benefit arising from the bonus FSR.

We are particularly concerned about the bonus FSR applying to in-fill self-care housing, as this housing is effectively RFBs occupied by seniors. For example in the Woollahra LGA,

apartments in a recently developed RFB containing in-fill self-care housing achieved an average price of \$15,546/m<sup>2</sup>, with each apartment selling for more than \$5.5M. This is typical of the type of seniors housing being developed in the LGA.

In the Woollahra LGA the bonus FSR for in-fill self care housing would not be required to make this form of seniors housing economically viable. In fact, a bonus FSR provides an unfair market advantage to developers providing residential apartments for seniors, and creates a further pricing barrier and disadvantage to younger people and families trying to enter the apartment housing market.

We strongly advocate that the bonus floorspace must be dedicated to affordable housing. Our preference is for affordable housing to be retained in perpetuity, but suggest that the DPIE undertake further economic modelling and include provisions requiring that a percentage of the affordable housing arising from the bonus FSR to be retained in perpetuity. This would help mitigate the loss of affordable housing in the future, and also recognises that the developer has received bonus FSR on the site and it is in the public interest that the social benefit of this bonus is not eroded after 15 years, but shared by the public and the developer.

#### **Development for vertical villages and bonus height (s99(2)(b))**

In addition to the bonus FSR, the provisions also allow for a building height that exceeds the maximum permissible building height by up to 3.8m. This height allowance will effectively accommodate an extra storey. We do not support this approach.

The DPIE has not published any economic modelling available to justify these bonuses. The bonus height provision is not appropriate as it will lead to building heights that are inconsistent with adjoining buildings, and adversely impact privacy and amenity to adjoining properties. The bonus height provision will compromise the desired future character established by the controls in Council's LEP and DCP, and may even erode Council's ability to enforce the LEP building height controls on other nearby sites (see *Woollahra Municipal Council v SJD DB2 Pty Ltd [2020] NSWLEC 115*).

#### **Audit to check compliance**

The DPIE should undertake an auditing programme of seniors housing to ensure that the intended housing outcomes are achieved. For example audits of seniors housing should be undertaken to check restrictions on occupancy, provision of on-site support services, and compliance with resident access to services and facilities.

#### **Other matters**

##### **Clause 4.6 variations**

We understand that the DPIE is undertaking a review regarding how development standards in the Seniors SEPP could be varied using clause 4.6 of the Standard Instrument LEP. It is our view that where the standards in the Draft SEPP are more generous than the standards in Council's LEP there should be no scope to seek a variation under clause 4.6. We look forward to providing further comment once the DPIE has undertaken its review.

##### **Design requirements - Seniors Living Policy s(18(1)(a) and In-fill self-care housing (s85)**

Various references are made to the *Seniors Living Policy: Urban Design Guidelines for Infill Development* published by the Department of Infrastructure, Planning and Natural

Resources in March 2004. These guidelines need to be reviewed and updated in consultation with councils and the community.

## **Summary**

We thank you for the opportunity to provide comment on the Draft SEPP.

There are a number of proposals in the Draft SEPP that Council supports, such as removing boarding houses and independent living units as mandatory uses in the R2 Zone. This will help protect the character and amenity of the low density residential areas.

We request that you revise the co-living housing and vertical village provisions. In particular we are concerned with proposed FSR bonuses that are not tied to the provision of affordable housing. The DPIE has not published any economic modelling available to justify these bonuses. These bonuses unfairly favour the developer and are not in the public interest. Where FSR bonuses are provided, they should equally derive benefits to the public.

We would also like the Draft SEPP to further promote affordable housing, including applying more requirements for affordable housing to be retained in perpetuity. Requirements for retention of affordable housing should also apply to developments involving the Land and Housing Corporation as government and its agencies should be leading the way and setting best practice for others to follow.



## **Request that land zoned R2 Low Density Residential under Woollahra LEP is excluded from seniors housing under the SEPP**

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Woollahra Council requests an amendment to *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (Seniors Housing SEPP) and the proposed *State Environmental Planning Policy (Housing) 2021 public consultation draft*, (Draft Housing SEPP) so that seniors housing in any form is not permitted on land zoned R2 Low Density Residential under the *Woollahra Local Environmental Plan 2014*.

Our justification for this request is set out below.

### **1. Lack of housing diversity and affordability**

The Seniors Housing SEPP is not increasing the ‘diversity of residences that meet the needs of seniors or people with a disability’ in the Woollahra LGA. In the last five years, all new dwellings approved under the Seniors Housing SEPP have been in-fill self-care housing (i.e. RFBs occupied by seniors) which do not contain any accommodation for people with care needs, on-site services, or any ‘affordable places’.

The Seniors Housing SEPP is not contributing to housing affordability either, with these apartments for seniors on R2 Low Density Residential zoned land commanding sales prices that are the same, if not more than apartments in the R3 High Density Residential zone. For example apartments in a recently developed seniors housing RFB in the R2 zone achieved an average price of \$15,546/m<sup>2</sup>, with each apartment selling for more than \$5.5M. This is typical of the type of seniors housing being developed in the Woollahra LGA.

The Seniors Housing SEPP is currently being used as a loophole mechanism to develop RFBs in the R2 Zone, and we wholly support the proposal in the Draft Housing SEPP to omit independent living units such as ‘in-fill self-care housing’ as a mandated use in the R2 zone.

### **2. Access to infrastructure and services**

The Seniors Housing SEPP is not delivering dwellings which make an efficient use of existing infrastructure and services within the Woollahra LGA. Whilst recent DAs in the Woollahra LGA may have met the provisions under the Seniors Housing SEPP clause 26 (Location and access to facilities), the developments have a strong reliance on car travel and generally comprise basement parking with at least two parking spaces per dwelling.

Seniors housing is not a suitable use in the R2 Low Density Residential Zone. The R3 Medium Density Residential and B4 Mixed Use zones where land is in close proximity to retail, community, and recreational services is more suitable for seniors housing and provides a more efficient use of existing infrastructure and services. Additionally, being able to connect with the community is important to the health and well-being of people ageing in place. Activities such as being able to walk to a local centre or go to a nearby café with a visitor is a simple way people can feel more connected.

Although the Draft Housing SEPP partly addresses Council's concerns by removing independent living units as a mandated use in the R2 zone, residential care facilities will still be permitted use in the R2 zone under the Draft SEPP. We find that the draft provisions in section 83 (Location and access to facilities and services—residential care facilities) do not effectively address access arrangements to facilities services. To ensure ongoing compliance with section 83 of the SEPP we suggest that the DPIE prepare guidance notes identifying that conditions of consent and a positive covenant under section 88E of the *Conveyancing Act 1919* are applied to ensure continued access arrangements for residents of the development.

### **3. Design outcomes not consistent with R2 zone and inappropriate use of section 4.6 to vary height standards**

Development under the Seniors Housing SEPP is not producing seniors housing that is of “good design” suitable for low density residential areas. In the Woollahra LGA, the Seniors Housing SEPP is producing three storey RFBs over basement parking. This is predominantly occurring in the R2 Low Density Residential zone where the zone objective in the Woollahra LEP 2014 is *“To provide for the housing needs of the community within a low density residential environment.”*

In May this year the Minister for Planning and Public Spaces, the Hon Rob Stokes MP, wrote the Member for Vacluse, the Hon Gabrielle Upton MP, about the SEPP. In that letter the Minister states *“The Seniors SEPP is in place to increase the supply and diversity of housing that meets the needs of seniors or people with disability. If a new development is proposed as part of the Seniors SEPP, it cannot be approved unless it complies with strict standards, including limiting building heights to eight metres or less in low density zones where residential flat buildings are not permitted.”* (Department reference MDPE21/623)

Unfortunately in the Woollahra LGA development under the Seniors Housing SEPP is being approved with height and storeys that do not comply with the SEPP. Applicants are using section 4.6 (Exceptions to development standards) in the Standard Instrument LEP to vary the development standards to build RFBs of at least 3 storeys over basement parking.

The use of section 4.6 variations diminishes community confidence in the planning system, creates uncertainty about the built form that can be achieved, and is resulting in seniors housing developments that are inconsistent with the community's expectation for R2 zoned land.

Seniors housing is not a suitable use in the R2 zone and should not be a mandated permitted use in the zone.

### **4. Impacts on housing affordability in the R2 Low Density Residential Zone**

The Seniors Housing SEPP has the potential to skew land values in the R2 Low Density Residential zone and disadvantage families seeking traditional low density housing, such as dwelling houses.

Under the current Seniors Housing SEPP, the provisions are being used to produce upmarket seniors dwellings in the R2 Low Density Residential zone, with recent seniors apartments selling for more than \$5.5M. This is typical of the seniors housing developed in Woollahra's R2 zoned land, particularly in the last five years. Although the changes in the Draft Housing

SEPP may partly address this problem, residential care facilities will still be permitted in the R2 zone.

Seniors housing of any form should not be permitted in the R2 zone as this land use inflates the cost of R2 Low Density Residential zoned land. This reduces opportunities for lower density housing types for families as the greater sales yields can be achieved by developing using the Seniors Housing SEPP.

## **5. The strategic planning framework**

The Seniors Housing SEPP is undermining Council's strategic plans, including the local planning objectives in the Woollahra LEP 2014, and the *Draft Woollahra Local Housing Strategy 2021* which was reported to Council on 5 July 2021.

In the last five years over 80% of DAs for seniors housing have been in the R2 Low Density Residential zone. The development of seniors housing in the R2 zone is inconsistent with the zone objectives and is creating density in areas we haven't planned for, undermining the planning controls and local character provisions which have been developed in consultation with our community. The *Woollahra Local Strategic Planning Statement 2020* reaffirmed these local planning provisions and found them to be consistent with the *Greater Sydney Region Plan* and *Eastern City District Plan*.

Furthermore, the recent approvals for seniors housing have been clustered in specific areas. The cumulative impact of seniors housing on the low density character and existing local infrastructure is not suitably considered within the context of the Senior Housing SEPP. We recommend that the Draft Housing SEPP should require cumulative impact studies, including impacts on local character.

## **6. Woollahra is on track to meet its housing targets**

The *Draft Woollahra Local Housing Strategy 2021* identifies that Council is on track to meet housing supply targets, and there is a steady pipeline of new apartments being delivered in and around our local centres. We do not need to rely on seniors housing to provide for increased housing, particularly in areas zoned R2 where seniors housing development will compromise the character of the area.

We therefore seek an amendment to the Seniors Housing SEPP and the Draft Housing SEPP so that seniors housing, including residential care facilities, is not a mandated use on land zoned R2 Low Density Residential in the Woollahra LEP.



Submitted on Wed, 11/08/2021 - 10:10

Submitted by: Anonymous

Submitted values are:

**Submission Type**

I am making a personal submission

## Name

**First name**

Sergey

**Last name**

Babeshko

**Organisation name**

Your Home Security Pty. Ltd.

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

No

## Info

**Email**

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**Suburb**

Cammeray

**Postcode**

2062

**Submission**

Dear Sir/Madam,

I'm writing to make a submission to the Proposed Housing SEPP.

There is a huge number of people in the community who requires secure and affordable medium to long term accommodation. I believe the proposed large co-living models and boarding houses will not meet the needs of many people.

Many people want to live in smaller settings, like a residential house that looks like more a community. Therefore, I believe the 4-5 bedroom properties in low-density areas for up to 5-6 people would be ideal for many people who would like to live in the areas they are familiar with, close to the families and community. Those properties could be purposely built or easily converted from existing residential houses.

I think the small co-living properties should be allowed in all residential areas (including R2) and to be Complying Development and approvable by a Private Certifier.

**I agree to the above statement**

Yes