



Planning &
Environment

Explanation of Intended Effect

*Proposed
amendment to the
State Environmental
Planning Policy
(Affordable Rental
Housing) 2009 –
Boarding Houses*

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Explanation of Intended Effect

This Explanation of Intended Effect (EIE) has been prepared according to Section 3.30 of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979).

It is presented in three parts:

- Part 1 –Executive Summary
- Part 2 –Planning context
- Part 3 –Proposed change

Part 1 – Executive summary

The *State Environmental Planning Policy (Affordable Rental Housing) 2009* (ARHSEPP) was introduced on 31 July 2009 to increase the supply and diversity of affordable, rental and social housing throughout NSW. It recognises the strong need in communities for a range of housing types. By introducing planning controls for infill affordable housing, secondary dwellings, and other housing types, the ARHSEPP aims to help address ongoing rental shortages experienced across all regions of NSW, particularly focused at rentals at the lower end of the market. Boarding houses are one form of housing facilitated by the ARHSEPP.

The Department of Planning and Environment is reviewing the ARHSEPP, including the boarding house provisions, as part of the wider SEPP review program. This process has highlighted a need to reconsider car parking provisions for boarding houses to address concerns regarding parking impacts. In response, the Department of Planning and Environment is proposing to increase the parking standards that cannot be used to refuse consent, as outlined in this Explanation of Intended Effect (EIE).

Have your say.

The Department of Planning and Environment is seeking your feedback on the proposed changes to car parking provisions for boarding houses.

Submissions can be made online or by writing to:

Director, Housing and Infrastructure Policy
Department of Planning and Environment
GPO Box 39 Sydney NSW 2000

Part 2 – Planning context

Boarding houses are an important form of residential development providing diversity in housing choice for a variety of people across the housing spectrum. The inability to strata subdivide boarding houses under the ARHSEPP means they valuably contribute to the stock of long term rental housing across NSW.

State government planning provisions for boarding houses are contained within Part 2, Division 3 of the ARHSEPP¹. These supplement local planning controls, which apply in matters where the ARHSEPP is silent.

Definition of boarding house

The ARHSEPP adopts the definition of ‘boarding house’ contained within the *Standard Instrument—Principal Local Environmental Plan* (Standard Instrument):

‘**boarding house** means a building that:

- is wholly or partly let in lodgings
- provides lodgers with a principal place of residence for three months or more
- may have shared facilities, such as a communal living room, bathroom, kitchen or laundry
- has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers.

but does not include backpackers’ accommodation, a group home, hotel or motel accommodation, seniors housing or serviced apartments.’

Types of boarding houses

Boarding houses take a variety of forms, are delivered in different contexts and by different providers. There are two forms of boarding houses facilitated in NSW, distinguished by whether rooms have access to shared facilities (termed ‘traditional boarding houses’) or include self-contained kitchen and/or bathroom facilities (termed ‘new generation boarding houses’).

Boarding houses can be delivered as a standalone development, or as part of larger mixed-use developments that also include private apartments and/or non-residential uses. They can be provided by private developers, student housing operators, community housing providers and Government.

The Department of Planning and Environment does not collect data on the demographic characteristics of boarding houses, however evidence suggests residents include a broad range of cohorts. These include retirees, international and domestic students, people with ‘additional needs’ that occupy assisted boarding houses or specialist social housing and people working in key local service industries.

¹ The ARHSEPP is one of a number of State-government Acts, policies and programs aimed at delivering and managing boarding houses in NSW. Others include the Financial Assistance Program, run by the Department of Family and Community Services; and the Boarding Houses Act 2012, which among other requirements related to occupancy requires a boarding house operator to register a boarding house or two or more assisted lodged, or of five or more other lodgers with Fair Trading.

Part 3 – Proposed changes

Car parking standards

The car parking provisions for boarding houses contained at Part 2, Division 3 of the ARHSEPP have been reviewed to address concerns raised by the community regarding the impacts of on-street car parking as a result of new boarding house development in some areas.

The Department of Planning and Environment is proposing to amend the car parking provisions for boarding houses in the ARHSEPP based on these concerns.

For boarding rooms, the ARHSEPP currently contains parking standards of:

- 0.2 spaces per room for boarding houses in an accessible area²
- 0.4 spaces per room for boarding houses not in an accessible area³.

The car parking standards for boarding houses are non-discretionary development standards. This means that a consent authority cannot refuse a boarding house application on the basis of car parking if the proposed development meets those car parking standards. Despite this, a consent authority may still grant consent to a boarding house application proposing different car parking standards, if supported. This could include rates lower or higher than the new standard.

These standards are lower than for other housing developed under the ARHSEPP, reflecting the accessibility of areas where boarding houses are permissible and the expected car ownership of occupants when the SEPP was developed. However, with boarding houses catering to an increasingly diverse range of cohorts, levels of car ownership among boarding house residents varies. Feedback received from the community and local councils indicates that impacts on on-street parking availability for neighbours is an issue in some areas.

Proposal – Increase parking standards

It is proposed to increase the parking standards that cannot be used as grounds to refuse consent for boarding houses. The new higher standards will align with those for one-bedroom dwellings in infill development under the ARHSEPP.

The proposed new standard at Clause 29(2)(e) is 0.5 spaces per boarding room. The intent is to reduce on-street parking impacts created by boarding house developments.

Have your say.

The Department of Planning and Environment is seeking your feedback on the proposed changes to car parking provisions for boarding houses.

² accessible area means land that is within:

- 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or
- 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or
- 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the Passenger Transport Act 1990) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.

³ Ibid 2.