

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

29 March 2018

Dear Director,

The State Environmental Planning Policy (Affordable Rental Housing) 2009 needs to be reviewed in its entirety, for reasons outlined below.

Regarding the proposed amendments to parking, I support the proposal to increase car parking standards for boarding houses to 0.5 spaces per boarding room (from 0.2 parking spaces per boarding room in an accessible area, and 0.4 parking spaces per boarding room otherwise). I also hope that this can be applied retrospectively to boarding houses recently approved for development.

Despite widespread community opposition, the Land and Environment Court just a couple of weeks ago upheld an appeal regarding the demolition of a 1900s house and construction of a 29 room boarding house for 50 people with just 7 car spaces.

This latest boarding house approval means I will soon be sandwiched between two boarding houses with inadequate parking, on a street with limited parking.

The policy allows developers to build and lease smaller, and therefore cheaper, "micro apartments" in buildings of a larger scale than otherwise permitted.

## **PARKING ISSUES**

My local council's Development Control Plan C18 2007 presumes *"given the demographic profile of the average boarding house resident and the semipermanent nature of their occupation, car ownership and usage is relatively low"*.

ABC's fact check using ABS Census data proved this claim to be misleading. See <http://www.abc.net.au/news/2014-08-15/joe-hockey-poor-people-cars-claim-misleading/5671168>

Regarding neighbouring proposed boarding houses, the inadequate allocation will increased pressure on already limited street parking and cause loss of amenity.

We are also battling the impact of non-residents (aka commuters) adding to parking woes in our street, due to imposition of timed parking in the nearby commercial area.

The development application also does not address traffic congestion, nor road safety. My street lacks appropriate road rules to handle the impact of Westconnex traffic (expected 400 cars at peak our are predicted to use my street as a rat run), let alone increased traffic due to an additional 50 residents. The bend in my street is particularly dangerous for vehicles entering and exiting driveways nearby. It's only a matter of time before someone has an accident or is injured.

## **ENFORCABILITY OF RENTAL CAPPING**

Clause 6 of the SEPP defines affordable housing as 30% of up to 120% of median income in Greater Sydney Region.

But even 30% of median household income is too high - seeing as tenants will be all individuals rather than households.

Regarding the boarding house approved next door, conditions of consent allow for rent to be 40% of 120% of median income of [my local area].

Based on the court ruling, 19 square metre rooms at can rent for \$478 per week (based on 2016 Census data for [my local area].

That's not exactly affordable housing. At this time, there are a number of two bedroom units advertised for rent on [realestate.com.au](http://realestate.com.au) for less.

Furthermore, the occupancy agreement in the plan of management for the boarding house has no reference to proof of income.

How does the landlord know if a resident is eligible?

Are councils required to monitor compliance with rental cap? If yes, how often?

If this policy is truly about ensuring essential workers and vulnerable people have access to adequate housing, more needs to be done to enforce and monitor rental capping.

More research also needs to be done on the psychosocial impacts of the design and operation of new generation boarding houses (also known as micro bed sits).

## **MANAGEMENT OF TENANTS**

The residents of my street have long been dealing with violence and anti-social incidents at the existing 10 room boarding house, soon to be extended 20 rooms with building starting in the next few months.

Clearly current monitoring measures are insufficient (and having a complaints register does sweet FA). Despite regular visits from Police, violence and antisocial issues remain an issue. Councils have insufficient resources and powers to act regarding plan of management infringements.

Additionally, page 11 of the Ombudsman's report titled "More than board and lodging: the need for boarding house reform" states: "Our findings included that ADHC was still failing to undertake routine monitoring and appropriate reviews of licensed boarding houses, despite having provided improved policy guidance to staff in relation to their monitoring obligations. Our inquiry demonstrated that uncertainty over the enforceability of certain licensing conditions continued to adversely affect ADHC's capacity to effectively monitor and enforce the conditions ..."

See <https://www.pwd.org.au/documents/pubs/OmboAug2011.pdf>.

With increasing numbers of boarding houses invading suburbs across Sydney due to this policy, more needs to be done to help communities left to mop up the invasive impact of poor planning decisions.

## **ACCESS TO REVISED PLAN**

Prior to the conciliation hearing, the applicant submitted new plans to council for consideration by the court (original submission was four storeys and not compliant with the zoning of three storeys with a gabled roof).

Due to legislation, council was unable to share these new plans with opposing residents prior to conciliation. This advantages developers and disadvantages neighbours and communities.

As per legislation, council gave opposing residents five minutes prior to the hearing to view revised plan.

The legislation needs to be changed to ensure all concerned have adequate time to access information and prepare to address the court.

## **RESIDENT OPPOSITION AND LONG-TERM IMPACTS**

Opposing the development applications for both boarding houses has taken significant time, research and a personal toll.

Without expertise in planning or architecture, myself and others in my street have engaged qualified urban planners. More needs to be done to make it easier for residents to work through the legislation

and impacts of planning policies on their amenity.

I'm devastated and angry this excessive, non-compliant DA has been approved AND that significant community opposition has played second fiddle to meeting planning controls and housing stock targets.

The approved development next door will negatively impact the amenity, solar access, privacy, safety, security and sleeping patterns of residents in my building. Not to mention, we remain concerned about possible geotechnical impacts on our building (seemingly there are few protections for neighbours if developers/builders make mistakes).

### **REVIEW THE WHOLE SEPP, NOT JUST THE PARKING ELEMENT**

Amendments to the parking provisions are just the tip of the iceberg. Again, the policy needs to be reviewed in full and in line with other affordable housing options (such as negative gearing limits, vacant property taxation etc). Until this is done, developers will continue to line their pockets and communities will be left to mop up or live with the damage.

Yours faithfully,

Name withheld