



16 April 2018
Our Ref: 8763B.1HR_ARHSEPP

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

planning consultants

Submitted Via: Draft Plans and Policies Website

Dear Sir/Madam

**RE: SUBMISSION TO PROPOSED AMENDMENT TO STATE ENVIRONMENTAL
PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009**

1.0 Introduction

DFP Planning has prepared this letter of submission on behalf of Anglican Community Services (Anglicare). Anglicare is a social housing provider who deliver affordable rental housing (including boarding houses) for a broad range of population cohorts on a not-for profit basis across New South Wales (NSW).

DFP Planning has undertaken a comprehensive review of the documentation exhibited by the NSW Department of Planning and Environment (DPE) and has carried out an independent planning assessment of the proposal. Preliminary telephone consultations with DPE have been conducted to discuss and confirm some specific aspects of the proposal which were not explicitly outlined in the explanation of intended effect (EIE). DFP has extensive experience in providing town planning services for new boarding house developments, and alterations and additions to existing boarding houses across the Sydney Metropolitan Area utilising the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP).

The purpose of this letter is to provide a response to the proposed amendments to ARHSEPP which propose to increase car parking standards for boarding houses to 0.5 spaces per boarding room. This submission outlines the potential impacts of the proposed amendments on the feasibility boarding house developments undertaken by organisations such as Anglicare. In doing so, this submission also provides an assessment of how the proposed amendments will affect the delivery of affordable rental housing in NSW.

On behalf of Anglicare, we express our opposition to the proposed increase to the car parking standard for all boarding house developments.

Recommendation Summary

- Based on lack of evidence provided by DPE and the sound planning logic of the existing standards based on locational factors, we believe that Clause 29(2)(e) should not be amended.
- If DPE is of a mind to amend the car parking standard to 0.5 spaces per boarding room, we believe that it is appropriate to provide an alternative car parking standard for social housing providers as defined by the ARHSEPP (current definition under Section 4).

2.0 ARHSEPP Policy Objectives

The ARHSEPP was introduced in 2009 to increase the supply and diversity of affordable, rental and social housing throughout NSW. The policy (and DPE) recognises the strong need in communities for a range of housing types. The ARHSEPP aims to help address ongoing rental shortages, particularly focused at rental supply at the “lower end of the market” (as noted by DPE in the EIE).

Clause 3 of the SEPP outlines the aims of the SEPP (our emphasis).

“3 Aims of Policy

The aims of this Policy are as follows:

- a) *to provide a consistent planning regime for the provision of affordable rental housing,*
- b) *to facilitate the effective delivery of new affordable rental housing by providing incentives by way of expanded zoning permissibility, floor space ratio bonuses and non-discretionary development standards,*
- c) *to facilitate the retention and mitigate the loss of existing affordable rental housing,*
- d) *to employ a balanced approach between obligations for retaining and mitigating the loss of existing affordable rental housing, and incentives for the development of new affordable rental housing,*
- e) *to facilitate an expanded role for not-for-profit-providers of affordable rental housing,*
- f) *to support local business centres by providing affordable rental housing for workers close to places of work.*
- g) *to facilitate the development of housing for the homeless and other disadvantaged people who may require support services, including group homes and supportive accommodation.”*

3.0 Aims of the Proposed Amendment

The proposed amendment seeks to increase the car parking requirement for boarding houses to 0.5 spaces per boarding room. We understand that this new standard will apply in an all-inclusive manner, irrespective of the accessibility of the site of the proposed development, and irrespective of the nature of the applicant.

The proposed amendments are premised on the assertion that modern boarding houses are accommodating an increasingly diverse range of population cohorts in terms of age, and also in terms of socio-economic status. This increasing diversity in the population characteristics of boarding house residents will therefore (as is claimed in the EIE) result in a varied car parking generation depending on the likely car-ownership of certain residents. It is claimed by DPE that the car parking generation of some recent boarding house developments has been higher than was expected when the SEPP was being developed, purportedly resulting in adverse on-street parking impacts.

3.1 Evidence Cited

The evidence cited to account for the perceived increasing diversity of the demographic characteristics of boarding house residents is outlined in the following quote.

- *“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.”*

The evidence cited to account for the apparent associated parking impacts is summarised by the following quote.

- *“Feedback from the community and local councils indicates that impacts on on-street parking is an issue for neighbours in some areas.”*

Factual evidence has not been exhibited to justify the need for the proposed change to the current car parking standards which have a sound planning purpose. Based on the exhibited material, it is our opinion that the proposed amendments are not founded on a sound, evidence-based premise.

4.0 Impact of the Proposed Amendments

Anglicare is a not-for-profit social housing provider (in accordance with the definition outlined in Clause 4 of the ARHSEPP) whose operations including servicing “the lower end of the rental market”. The impact of the proposed amendments will be to increase the car parking rate for boarding house proposals by 0.3 spaces per room for sites located within an accessible area, and 0.1 spaces per room for sites not located within an accessible area. The proposed increase to the car parking standards will have implications for social housing providers such as Anglicare in terms of project feasibility.

Anglicare has utilised the provisions of the ARHSEPP for a number of boarding house developments including the following sites:

- Anglicare Windsor - 19 Fitzgerald Street, Windsor;
- Anglicare Westmead - 73 Hawkesbury Road, Westmead;
- Taverners Hill Hotel - 463 Parramatta Road, Leichhardt; and
- The Cecil Guesthouse - 23-27 Lurline Street, Katoomba.

The implications of providing additional car parking spaces will impact on the feasibility of many new boarding house developments, and alterations and additions to existing boarding houses. Anglicare have advised that their clientele predominantly comprises residents of low-socioeconomic status with a low level of private car ownership. Requiring parking to be provided in accordance with the proposed flat-rate of 0.5 spaces per room is likely generate parking that is surplus to requirements for these providers. This is particularly the case in “accessible areas”.

It is recognised that the current and proposed amended car parking standards for boarding houses are non-discretionary. It is the experience of DFP that consent authorities have applied the non-discretionary standards outlined in the ARHSEPP as a minimum car parking rate, and failure to comply with the rate has in some instances been used as a reason for refusal of development consent. As such it is our opinion that merit-based arguments for non-compliance with the proposed car parking standards will not be considered by the consent authority.

5.0 Discussion and Recommendations

Based on the preceding discussion we have proposed two (2) recommendations which are detailed below.

5.1 Retain Existing Provisions of Clause 29(2)(e)

Parking generation for boarding houses is primarily a function of:

- The likely car ownership of boarding house residents (determined by socio-economic and demographic factors); and
- The accessibility of the site to existing public transport infrastructure.

Based on lack of evidence provided by DPE and the sound planning logic of the existing standards based on locational factors, we believe that the current car parking standards outlined in Clause 29(2)(e) should be retained.

5.2 Alternate Car Parking Standard for Social Housing Providers

If DPE is of a mind to amend the car parking standard to 0.5 spaces per boarding room, we believe that it is appropriate to provide an alternative car parking standard for social housing providers as defined by the ARHSEPP (current definition under Section 4). An alternate parking standard for social housing providers is provided elsewhere in the ARHSEPP in relation to In-fill affordable housing (see excerpt below).

“14 Standards that cannot be used to refuse consent

(2) General A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

(a) parking

if:

(i) in the case of a development application made by a social housing provider for development on land in an accessible area—at least 0.4 parking spaces are provided for each dwelling containing 1 bedroom ...

(ii) in any other case—at least 0.5 parking spaces are provided for each dwelling containing 1 bedroom, at least 1 parking space is provided for each dwelling containing 2 bedrooms and at least 1.5 parking spaces are provided for each dwelling containing 3 or more bedrooms,”

An alternate car parking standard for social housing providers is also evident in other Environmental Planning Instruments aimed at facilitating the provision of affordable housing such as State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (SEPP Seniors). Sections 50 of SEPP Seniors relates to self-contained dwellings respectively and outline an alternate car parking standard as follows.

“50 Standards that cannot be used to refuse development consent for self-contained dwellings

A consent authority must not refuse consent to a development application made pursuant to this Chapter for the carrying out of development for the purpose of a self-contained dwelling (including in-fill self-care housing and serviced self-care housing) on any of the following grounds:

...

(h) parking: *if at least the following is provided:*

(i) 0.5 car spaces for each bedroom where the development application is made by a person other than a social housing provider, or

(ii) 1 car space for each 5 dwellings where the development application is made by, or is made by a person jointly with, a social housing provider.

If DPE is of a mind to amend the car parking standard to 0.5 spaces per boarding room, we believe that it is appropriate and consistent with current planning policy to provide an alternate car parking standard for social housing providers in a similar written structure to the sections outlined above.

Boarding house car parking generation is also determined by the accessibility of the site to existing public transport public transport infrastructure. There is significant strategic planning merit to retaining the existing differentiation between development within accessible areas, and development not located within an accessible area outlined in Clause 29(2)(e)(iii) (see excerpt below).

“29 Standards that cannot be used to refuse consent

(2) A consent authority must not refuse consent to development to which this Division applies on any of the following grounds:

...

(e) parking

if:

(i) in the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and

(ii) in the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and”

We believe that it is appropriate that an alternate parking standard for social housing providers retain the existing accessibility test. The existing standards of 0.2 spaces per room for accessible areas and 0.4 spaces per room for non-accessible areas is considered appropriate for social housing providers.

5.3 Justification for Recommendations

As has been outlined in **Section 4.0** of this submission, the all-inclusive nature of the proposed 0.5 space per boarding room will impact on project feasibility for boarding house projects undertaken by not-for-profit organisations. The implication of this effect will be to hinder the delivery of new of boarding houses as a form of affordable housing to the lower end of the rental market by social housing providers such as Anglicare.

Retaining the existing car parking development standards will enable a continuation of the current planning-based criteria for determining car parking standards and facilitate the ongoing delivery of boarding houses as a form of affordable rental housing.

If DPE is of a mind to amend the ARSEPP, the provision of an alternative car parking standard will still achieve all objectives of the policy as outlined in **Section 2.0** of this submission. Furthermore, the recommended alternate standard is consistent with Objective 11 of The Greater Sydney Region Plan 'Housing is more diverse and affordable'.

A recent study conducted by the Australian Housing and Urban Research Institute¹ has attempted to analyse the dwellings created under state affordable housing policies in NSW. In the absence of any comprehensive figures compiled and/or published by the Department of Planning and Environment, the study analysed planning applications between 2005 and 2016. The study found that 700 of the 2000 affordable units delivered in this period were provided in boarding house rooms. This represents more than a third of affordable housing units delivered in Sydney in that 10-year period. Boarding houses therefore make a significant contribution to affordable housing supply.

The proposed amendments will have a significant impact upon the provision of affordable housing in NSW which is contrary to the objectives of a range of broader planning policies including The Greater Sydney Region Plan.

6.0 Conclusion

DFP Planning has undertaken a comprehensive review of the documentation exhibited by DPE and has carried out an independent planning assessment of the proposed amendments to the ARHSEPP. On behalf of Anglicare, we express our opposition to the proposed increase to the car parking standard for all boarding house developments. The proposed amendments will impact on project feasibility for not-for-profit organisations. The requirement to providing additional car parking spaces under the proposed amendments is likely to hinder the delivery and retention of boarding houses as a form of affordable housing to the lower end of the rental market.

As has been outlined in this submission, it is our recommendation that the ARHSEPP should not be amended to increase the car parking standards for boarding houses to a flat rate of 0.5 spaces per room. Based on lack of evidence provided by DPE and the sound planning logic of the existing standards based on locational factors, we believe that the current car parking standards outlined in Clause 29(2)(e) should be retained.

If DPE is of a mind to amend the car parking standard to 0.5 spaces per boarding room, we believe that it is appropriate to provide an alternative car parking standard for social housing providers as defined by the ARHSEPP (current definition under Section 4).

The recommended alternate standard is consistent with the objectives of the ARHSEPP, the broader strategic planning framework (including The Greater Sydney Region Plan) and is in the public interest.

¹ Gurrán, N., Gilbert, C., Gibb, K., van den Nouwelant, R., James, A. and Phibbs, P. (2018) Supporting affordable housing supply: inclusionary planning in new and renewing communities, AHURI Final Report No. 297, Australian Housing and Urban Research Institute Limited, Melbourne



We would welcome the opportunity to discuss the matter further with DPE. Should you require any clarification of any matter raised in this submission, please do not hesitate to contact the undersigned 9980 6933.

Yours faithfully

DFP PLANNING PTY LTD

A handwritten signature in black ink, appearing to read 'Hugh Rigney', written over the printed name.

HUGH RIGNEY
PROJECT PLANNER

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Reviewed: _____

A handwritten signature in black ink, written over a horizontal line, indicating a review.