



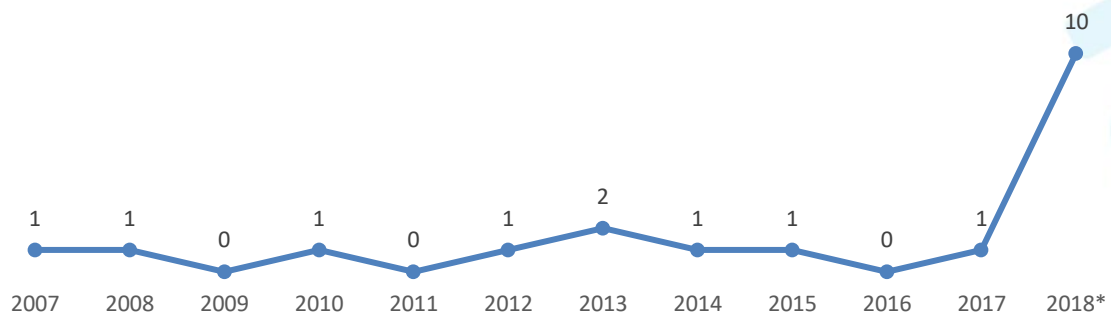
12 December 2018

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

RE: Proposed Amendment to the State Environmental Planning Policy (Affordable Rental Housing) 2009 – Boarding Houses

Thank you for the opportunity to comment on the draft policy. Historically, Council has received few development applications for boarding houses. However, application numbers have recently significantly increased as highlighted in the graph below. Recent applications have also been for much larger scale facilities and generated very significant community objection. On average, each boarding house development application lodged since 2015 has had attracted more than 50 submissions from residents and local businesses. In fact, over 200 submissions were received to a single application, highlighting the level of community concern in relation to this form of development. As such Sutherland Shire Council is supportive of the proposed change to limit the size of boarding houses in zone R2 Low density Residential to 12 rooms.

Sutherland Shire Council - Number of Boarding House
Development Applications Received



Given the challenging property market conditions and the shortage of housing for low and middle income people in Greater Sydney, Council expects further growth in boarding house numbers. As such a comprehensive review of the State and local planning framework for boarding houses is clearly warranted.

While Council considers that limiting boarding houses to 12 rooms in the R2 low density zone is a very positive step, 12 rooms on a single suburban lot still represents a far more intensive use of land than the typical house. Residents are justifiably concerned that the number of residents contained in a single boarding house will erode the amenity of adjoining properties. Council requests that further changes be made to the policy framework in order to improve development outcomes:

Better Manage Bulk & Scale

Boarding houses generally appear much larger than existing dwellings and provide a different built form. This can also potentially occur with infill dual occupancy and multi-unit dwellings. However, Sutherland Shire's LEP and DCP provide controls which help to visually integrate these forms of infill housing into established single dwelling streetscapes, such as:

- Minimum Landscaped Area requirements in the LEP (35% of site area in zone R2, 30% of site area in zones R3 and R4). This helps to ensure existing trees are preserved and ensures that there is deep soil in which to grow trees to screen building bulk and achieve privacy between residents.
- Building form controls in the DCP for the R2 zone limit the height of buildings in the rear 40% of a lot being single storey in height. This reduces the visual intrusion of building bulk and helps protect the privacy and amenity of neighbours' backyards.

Neither of these requirements can be applied to boarding houses because the Affordable Rental Housing SEPP specifies less restrictive minimum standards for landscaping and building height.

Council is also concerned that the impending commencement of the Low Rise Medium Density Housing Code may have further implications for boarding house development. Under the LRMDH Code, development will be permissible via complying development with larger gross floor area than would be permissible under SSLEP2015. SEPP ARH specifies the maximum FSR for boarding houses is based on "the existing maximum floor space ratio for any form of residential accommodation permitted on the land", suggesting that a boarding house developer may be able to apply the higher LRMDH code floor space limits. To avoid uncertainty, the boarding house FSR provision should be rewritten to refer specifically to the FSR specified by the relevant Local Environmental Plan or Precinct Plan under the Growth Centres SEPP which applies to the land.

Social Benefit

Boarding houses are intended to provide affordable housing. At present the definition of "boarding house" does not require the applicant to provide housing at an affordable cost. This could be addressed through the SEPP so that communities can be given greater certainty that boarding houses will actually be performing a social good.

Design & Quality

The Medium Density Design Guide implemented as part of the Low Rise Medium Density Housing Code is a reasonable model for improving the design outcomes of development. A similar design guide for boarding houses could be implemented via the ARH SEPP and would provide an opportunity to improve the design quality and amenity outcomes for boarding house residents and adjoining neighbours.

Preservation of Development Potential on Adjacent Sites

Boarding house applications in new high density areas are affecting the ability of adjacent sites to develop to their full potential. Under SEPP 65 and the Apartment Design Guide a residential flat building must provide setbacks from adjacent residential buildings to protect amenity, privacy and solar access. Boarding houses are currently not required to respect these setbacks. Council has found that when boarding houses are developed on single lots in new high density residential flat zones, they can effectively negate the development potential of adjacent sites. To avoid this conflict, boarding houses in zones where residential flats are permissible should comply with the building separation and setback requirements of the Apartment Design Guide.

Accessible and Adaptable Housing

Disability is often a contributing factor to reduced incomes, hence there is a need for affordable boarding houses to accommodate people with a disability. At present there are no requirements or objectives in the boarding house provisions of the ARH SEPP which encourage provision of access or provide support for people with disabilities. There are

currently no objectives or tests in the SEPP which allow Councils to require that accessible car spaces be provided, or that these spaces should be associated with accessible boarding house rooms.

Mixed Use Developments

Recently some developments have combined elements of boarding houses, affordable in-fill housing and other land uses in the same building. Some of the SEPP ARH boarding house controls are not drafted in a way which anticipates different land uses within the same development. This has led to judgements in the Land and Environment Court where non-boarding house components of a mixed use development have been able to benefit from boarding house provisions in the ARH SEPP. These provisions should be redrafted to clarify that they only apply to the boarding house component in a mixed use development.

Council trusts that this submission will be considered in any wider review of the policy. Should you have any questions, please contact the undersigned.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M Carlon', with a long horizontal stroke extending to the right.

Mark Carlon, Manager Strategic Planning