

State Environmental Planning Policy (Affordable Rental Housing) 2009

Fact sheet

February 2019

General information about boarding houses

What is the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP)?

The ARHSEPP was introduced on 31 July 2009 to increase the supply and diversity of affordable rental and social housing in New South Wales.

The information in this fact sheet reflects the current policy.

Why do we need affordable housing?

In NSW there is a strong need for a range of affordable housing options. Affordable housing can be a safety need for households that would otherwise rely on social housing. It can also be a transitional step out of social housing into standard market housing. It can help workers, including key workers, find a home closer to where they work.

What is a boarding house?

A boarding house provides a form of low-cost rental accommodation for a wide range of tenants including singles, retirees, students and young couples.

The term 'boarding house' used in the ARHSEPP relates to 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; and
- has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers.

The term does not include backpackers' accommodation, group homes, serviced apartments, seniors housing or hotel or motel accommodation.

The ARHSEPP facilitates both the traditional form of boarding houses in which some or all facilities such as kitchens and bathrooms are shared, as well as new generation boarding houses where all boarding rooms have their own self-contained facilities.

Where are boarding houses permitted?

The ARHSEPP makes boarding houses permissible with consent in the following zones or equivalent zones for the local council area:

- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential



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- R4 High Density Residential
- B1 Neighbourhood Centre
- B2 Local Centre
- B4 Mixed Use

What is the assessment process?

Typically, the council's standard development application process applies, and applicants will need to lodge their application with the council.

Proposals must also consider relevant provisions of any local environmental plans and development control plans applicable to the area. In this way, the assessment of proposals is required to consider appropriate design and environmental factors.

Planning provisions for boarding houses

The following provides an overview of the ARHSEPP planning controls for boarding houses:

Character of the local area: requirements to ensure proposals are designed to be compatible with the character of the local area.

Accessibility requirements for the R2 Low Density and equivalent zones: boarding houses are permissible in the R2 Low Density Residential zone in locations close to public transport services:

(a) Sydney Region

- within 800m walking distance of a railway station or a Sydney Ferries wharf;
- within 400m walking distance of a light rail station; or
- within 400m walking distance of a bus stop used regularly between 6am and 9pm Monday to Friday, and 8am to 6pm weekends.

(b) Outside of Sydney Region

- Must be within 400m walking distance of land within a B2 Local Centre or B4 Mixed Use zone, or within an equivalent land use zone.

Limit on number of boarding rooms in the R2 Low Density or equivalent zone: approval can only be granted to new boarding house development in the R2 Low Density Residential zone if the proposed boarding house has 12 or less boarding rooms.

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Floor space ratio (FSR): as specified in the relevant local planning controls, as well as in areas where residential flat buildings are permitted, a bonus of a minimum of 0.5:1 if the current FSR is 2.5:1 or less, or 20% of the existing maximum FSR if the existing FSR is greater than 2.5:1.

Height: as specified in the relevant council local environmental plan.

Landscaped area: landscape treatment of the front setback should be compatible with the existing streetscape.

Solar access: at least one communal room must receive a minimum of three hours of direct sunlight between 9am and 3pm in mid-winter.

Private open space: at least 20m² to be provided and 8m² adjacent to the manager's accommodation (where applicable) in addition to the front setback area.

Parking requirements – proponents other than social housing providers:

- 0.5 car spaces per boarding room in all locations.
- At least one parking space provided for each person employed in connection with the development and who is resident on the site.

Parking requirements – social housing providers

- 0.2 car spaces per boarding room in an accessible location.
- 0.4 car spaces per boarding room not in an accessible location.
- At least one parking space provided for each person employed in connection with the development and who is resident on the site.

Room size: minimum 12m² for single boarding rooms and 16m² for doubles.

Maximum room size: 25m².

Maximum room occupancy: two adult lodgers.

Communal rooms: if a boarding house has 5 or more boarding rooms at least one communal living area is required.

Management: boarding houses with 20 or more residents must have an on-site manager.

Commercial development: if the boarding house is in a commercial zone, the ground floor of the boarding house which fronts the street cannot be used for residential purposes unless this is permitted by another environmental planning instrument.

Cycle parking: One parking space is required for a bicycle and one for a motorcycle per 5 boarding rooms.

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Where can I find out more?

- The ARHSEPP is available on the NSW legislation website at www.legislation.nsw.gov.au.
- Call on 1300 305 695.
- If English isn't your first language, please call 131 450. Ask for an interpreter in your language and then request to be connected to our Information Centre on 1300 305 695.
- Email housingpolicy@planning.nsw.gov.au

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Frequently Asked Questions

Q: What are the requirements for kitchens and bathrooms in boarding houses?

A: Adequate kitchen and bathroom facilities must be available within the boarding house for the use of each lodger. Some or all boarding rooms may be self-contained with a food preparation area (kitchenette) and ensuite facilities (toilet, shower and wash basin) for the exclusive use of lodgers of that room – however this is only an option, not a compulsory requirement.

Q: Does SEPP 65 apply to Building Code of Australia (BCA) Class 3 boarding house developments?

A: No, clause 4(4) of SEPP 65 excludes the application of SEPP 65 to boarding houses.

Q: Do other local council planning controls continue to apply??

A: If the ARHSEPP does not explicitly override a local council planning control, then the local council planning control continues to apply.

Q: What is the situation with voluntary planning agreements?

A: The ARHSEPP does not affect voluntary planning agreements (VPAs). A developer and consent authority can enter into a VPA.

Q: Do Section 7.11 development contributions apply?

A: The ARHSEPP does not affect the levying of developer contributions under Section 7.11 (former Section 94) of the *Environmental Planning and Assessment Act 1979*.

Q: Does BASIX apply?

A: The ARHSEPP does not change the application of State Environmental Planning Policy (Building and Sustainability Index: BASIX) 2004 to a development.

Q: Do I need a site compatibility certificate for development under the ARHSEPP?

A: Generally, no. Only development under Division 5 of the ARHSEPP requires a site compatibility certificate.

Q: Why do social housing providers receive a lower car parking requirement for boarding houses?

A: A reduced car parking rate was retained based on feedback that social housing providers should be supported in providing boarding houses for lower income earners and other groups.

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Q: Why was the 12-room limit introduced?

A: The 12-room limit was introduced so that boarding house development better reflects the built form and character of the surrounding R2 Low Density Residential area.

Q: What happens if there is a conflict between the controls in a local environmental plan and the ARHSEPP?

A: If there is an inconsistency between the ARHSEPP and the relevant council's local environmental plan (LEP), the provisions of the ARHSEPP will override those in an LEP to the extent of the inconsistency.