

Supporting new generation boarding houses

STATE ENVIRONMENTAL PLANNING POLICY (AFFORDABLE RENTAL HOUSING) 2009

The State Environmental Planning Policy (Affordable Rental Housing) 2009 (AHSEPP) helps create new generation boarding house accommodation by:

- Providing floor space incentives to encourage investment in new boarding houses.
- Setting clear standards for the design and construction of new generation boarding houses.

What is the Affordable Rental Housing SEPP?

The State Environmental Planning Policy (Affordable Rental Housing) (AHSEPP) was introduced on 31 July 2009 to increase the supply and diversity of affordable rental and social housing throughout NSW.

The AHSEPP allows for the development of new generation boarding houses in residential, mixed use and some commercial zones.

The NSW Government made amendments to the AHSEPP on 20 May 2011 to respond to matters raised in a review of the AHSEPP that was carried out after it had been in effect for a year.

Feedback during the review revealed general community support for a State planning policy to encourage more affordable rental housing, but also highlighted the need for the NSW Government to work more closely with councils and the community on identifying the most appropriate locations for new affordable housing.

The information contained in this fact sheet reflects the current policy.

Why do we need affordable housing?

Throughout NSW there is a strong need for a range of affordable housing options amongst the community. This is reflected in figures which show there were over 47,000 people in NSW on waiting lists for suitable housing accommodation in February 2010.

It is essential that government at all levels, private industry and the non-government sector work in partnership towards finding innovative ways to provide more affordable housing.

GENERAL INFORMATION ABOUT NEW GENERATION BOARDING HOUSES

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 AHSEPP 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;
- 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, group homes, serviced apartments, seniors housing or hotel or motel accommodation.

The AHSEPP encourages both the traditional form of boarding houses, being those with shared facilities as well as new generation boarding houses, being those that are buildings with self-contained rooms.

Where are boarding houses permitted?

The AHSEPP makes boarding houses permissible throughout the following zones or the equivalent zones for the local council area (see <http://housingcode.planning.nsw.gov.au/LegislativeandPolicyDocuments/NSWCouncilEquivalentZonesUndertheCode.aspx>):

- R1 General Residential
- R3 Medium Density Residential
- R4 High Density Residential
- B1 Neighbourhood Centre
- B2 Local Centre
- B4 Mixed Use

It also makes boarding houses permissible in R2 Low Density Residential zones in locations close to public transport services.

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 take into account 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 AHSEPP boarding house planning controls:

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

Accessibility requirements for R2 Low Density zones:

Boarding houses are permissible in R2 Low Density Residential zones 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.

Floor space ratio: As specified in the relevant local planning controls plus, in areas where residential flat buildings are permitted, a bonus of a minimum of 0.5:1 (or 20% of the relevant local floor space ratio, whichever is greater).

Height: As specified in the relevant council policy.

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 3 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: 12m² for single boarding rooms and 16m² for doubles.

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

Maximum room size: 25m².

Maximum room occupancy: Two adult lodgers.

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

Commercial development: If the boarding house is located 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.

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 of the boarding rooms may be self-contained with a food preparation area (kitchenette) and en-suite 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.** As some or all of the boarding rooms may be self-contained with a private kitchenette and en-suite facilities for the exclusive use of lodgers of that room, it is considered that SEPP 65 could, in some circumstances, apply to development of a boarding house that is a Class 3 building under the BCA. SEPP 65 defines residential flat buildings as including three or more storeys and four or more self-contained dwellings. However, many boarding houses are Class 1b buildings under the BCA and these buildings are excluded from SEPP 65.
- Q. Do other local council planning controls continue to apply?**
- A.** If the AHSEPP does not explicitly override a local council planning control, then the local council planning control continues to apply.
- Q. What happens if there is a conflict between the controls in a local environmental plan and the SEPP?**
- A.** If there is an inconsistency between the AHSEPP and the relevant council's LEP, the provisions of the AHSEPP will override those in an LEP to the extent of the inconsistency.
- Q. Do Division 7.1 development contributions apply?**
- A.** The AHSEPP does not affect the levying of development contributions under Division 7.1 (former Section 94) of the *Environmental Planning and Assessment Act 1979*.
- Q. Does BASIX apply?**
- A.** The AHSEPP does not change the application of the Building Sustainability Index (BASIX).
- Q. Do I need a site compatibility certificate for development under the SEPP?**
- A.** Generally, no. Only development under Division 5 of the AHSEPP requires a site compatibility certificate.

Q. What is the situation with voluntary planning agreements?

- A.** The AHSEPP does not affect voluntary planning agreements (VPAs). A developer and a consent authority can still enter into a VPA for the provision of affordable housing either under the SEPP or any other environmental planning instrument.



FURTHER INFORMATION

The AHSEPP is available on the NSW legislation website: www.legislation.nsw.gov.au

Further information can be found on the Department's website: www.planning.nsw.gov.au/affordablehousing

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