

#E2022/126203
Your ref:
Contact: Natalie Hancock



13 January 2023

Department of Planning and Environment

To Whom it may concern

SEPP (HOUSING) 2021 EXPLANATION OF INTENDED EFFECT SUBMISSION

The following response is provided by Council staff on behalf of council in the absence of an available Council meeting for our elected representatives to formally consider this submission. As such Council reserves the right to alter and or provide further information.

Byron Shire Council welcomes the opportunity to provide a submission on the Explanation of intended effect – proposed changes to the in-fill affordable housing, group homes, supportive accommodation, and other provisions of the State Environmental Planning Policy (Housing) 2021. Noting that, several of the proposals pertain to reform of other legislation separate to the SEPP (Housing) 2021.

Council is generally supportive of intent to:

- replace the current definitions of groups homes with high support accommodation and supported living
- update the Guidelines for Developing an Affordable Housing Contribution Scheme.
- introduce temporary supportive accommodation (TSA) pathways with guidance on standards to be met.

These align with a long-held Council position on the need for planning pathway improvements to be more responsive to the planning circumstances within regional areas.

In reference to the other proposed amendments, the following comments are made:

a. Infill provisions

There is potential for the increased bonuses to undermine council's local planning provisions, contributing to an inconsistency with an endorsed strategy, LSPS and infrastructure capacity and forward planning.

As with housing delivery, Council is embracing local solutions to more efficient and cost-effective infrastructure provision. The implications of potential ad hoc placement of density bonuses on car parking, water and waste-water servicing needs to be carefully managed to avoid undermining sound forward infrastructure planning.

This coupled with an intent to reform clause 4.6 of the Standard Instrument LEP, without articulation by the Department of the proposed revised content, places Council in a position of having to table concern that such reforms may be based on the housing markets and development pressures more attributed to metropolitan areas. Council

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requests that further consultation occurs on the draft wording to ensure any reforms support good planning outcomes for regional areas.

Council continues to reiterate the view held in an earlier submission on the draft SEPP (Housing) in 2020 on where development bonuses have been awarded or contributions concession provided at an impost on the greater community. The 'affordable housing' dwellings apportioned as a % of the development's GFA should be rented at affordable rates in perpetuity and the land identified potentially in a LEP schedule 1 under an Affordable Housing Contribution Scheme clause. This would also ensure that the dwellings transition to short term rental accommodation.

Only where concessions were not granted it is reasonable that after 15 years, rents could revert to market rates.

b. Planning pathways for social and affordable housing

Whilst acknowledging expansion of self-assessment powers for NSW Land and Housing Corporation (LAHC), Aboriginal Housing Office (AHO) and State significant development (SSD) residential development may not necessarily apply to Byron Shire at the present, Council is aware that TAHE are looking at their holdings in regional locations and that the Northern Rivers Reconstruction Commission undertakings are progressing.

When coupled with the proposed new lower SSD threshold, there may be point when a TAHE Affordable Housing Pilot Programs or LAHC, AHO are relevant. As such, Council requests that further consideration be given to how provisions relate to and support housing diversity in regional areas. There needs to be some flexibility to tailor the standards and consultation to suit the different conditions in regional locations. As an example, accessibility to public transport, work and services can be vastly different from metropolitan settings.

Minimum lot size for dual occupancy

It is proposed that a minimum lot size of 400m² for dual occupancy lots for LAHC and AHO will override minimum lot sizes in LEPs. A change to be given effect by a change to the SEPP (Exempt and Complying Development Codes) 2008. In Byron Shire dual occupancies are permitted with consent across diverse zones including rural, village and urban. It is unclear if this change will relate to unsewered locations, non LEP standard template zoned areas, or areas of risk such as coastal hazard. It is important the LEP provisions are retained in such circumstances.

Measures are required to avoid erosion of local planning oversight/assessment and a disconnect with council expertise and place-making.

c. More opportunities for boarding houses (p29)

The intent to:

- extend the boarding house 25% FSR bonuses to land where shop housing is permitted
- expand the catchment from 400m to 800m of a business zone.

will result in a broadening of land to which a bonus may be sought. For the reasons stated in a. above, it is important that councils are afforded the capacity to address this in the context of their local planning provisions, consistency with an endorsed strategy, LSPS and infrastructure capacity and forward planning.

Other matters

Byron Shire Council is a net zero emission supportive Council. It is further requested that consideration be given to a standard for car parking, the installation of renewable energy (e.g. solar) accessible electric vehicle charging stations. This would avoid the need for the residents to retrospectively seek for the provision of such facilities and enable affordable housing renters access to a charging station.

As an example, it could be included in Appendix 4 Accessibility and usability standards for independent living units – Provision 5. It should also include a charging station in the visitor parking location so that aged care service providers to complex could charge their vehicle whilst its providing a service to a resident.

In summary, Council welcomes NSW government proposals that assist in delivering more appropriate and affordable housing choice. However, in doing so, it maintains the need for local government retaining control over the determination of locally appropriate development.

Your sincerely

A handwritten signature in black ink, appearing to read 'Sharyn French', with a stylized flourish at the end.

Sharyn French
Acting Director Sustainable Environment & Economy