

May 2021

## SUBMISSION

### Proposed changes to boarding houses, co-living & student housing

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#### About Shelter NSW

Shelter NSW is a non-profit organisation that conducts housing research and advocacy on behalf of households on ordinary incomes—those in low- and moderately-paid work, in casual or part-time employment, or getting by on government support payments. We were founded in 1975 as a member-based organisation that today represents a diverse network of other organisations and individuals who share our vision of a sustainable housing system that provides a secure home for all. To advance our vision, we engage our members, experts, and partners and advocate on housing reforms that aim to benefit our economy, our society, and our environment.

#### About our submission

Shelter NSW (Shelter) appreciates the opportunity to comment on the proposed changes to the boarding house, co-living and student accommodation component of the Housing SEPP. Shelter's ongoing review of the planning system has previously presented evidence that the majority of planning strategies are failing to deliver solutions to the existing lack of housing affordability and choice that can adequately address the unmet housing needs of current and future residents. As such, we will make a series of comments on and recommendations regarding the proposed changes to the provisions in the Housing SEPP which aim to address these shortfalls and provide potential solutions for consideration.

Shelter is concerned that the three areas of land use change still need further clarification in terms of operation. By this we mean there exists some confusion for example in the principles regarding whether the provisions relate or apply to occupants, rooms or residents. There are significant design implications that follow from this, thus necessitating clarification. Furthermore, Shelter is also concerned about the locational requirements that would naturally support these new/enhanced land uses. For example, whether the provisions are as applicable or needed in regional, rural or remote areas, versus metro areas, and whether, for example, there is a requirement that student housing be located within a prescribed distance of a tertiary education facility. This is especially important given we have reviewed the changes from the perspective of households on ordinary incomes who struggle to afford good quality housing that suits their needs. Shelter would welcome the opportunity to meet with you to further discuss our concerns, which was suggested as part of the consultation process.

Thank you for reviewing our submission. To discuss any part of it, please contact our CEO, John Engeler, on 02 9267 5733 or by email at [john@shelternsw.org.au](mailto:john@shelternsw.org.au).



## Comments and recommendations

### Exhibition of proposed changes

As the State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARHSEPP) has had substantial additions to it without being exhibited, Shelter appreciates the opportunity to now comment on the proposed changes. We would like to suggest however that any proposed amendments be put out on public exhibition as they have far reaching consequences and it would otherwise be a missed opportunity for many to comment.

### Adding 'Meanwhile Use' into the ARHSEPP

Currently, there is a serious shortage of affordable or alternative housing options across NSW, and this impacts communities across a number of areas – from mental and physical health, to domestic violence, and overall community cohesion and strength.

Shelter NSW has been working closely with Women's Community Shelters (WCS) in the development of a proposal to include "meanwhile use" into the ARHSEPP. We are confident that WCS and other organisations working in this space have the relevant proven experience and expertise to deliver "meanwhile use" projects that assist for example in reducing homelessness and domestic violence in NSW. We have included an attachment (Appendix A) which is a report by WCS, in collaboration with Shelter NSW, which points out the substantial benefits of "meanwhile use". It highlights the barriers they have encountered in its practical application and proposes a way in which those barriers can be reduced (within the context of the current reviews of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* and the proposed new *Housing SEPP*). We suggest that "meanwhile use" be added to the ARHSEPP as a first-order solution to dealing with these issues - creating an alternative and safe solution for women escaping domestic violence and at risk of homelessness, or other such purposes.

Shelter is proposing the inclusion of "meanwhile use" as complying development which would aid organisations like WCS in achieving this mandate. Its inclusion would remove some of the barriers that currently exist, which vary from council to council. Women's housing is a complex and persistent issue that requires proactive and locally relevant solutions, and "meanwhile use" projects can make a real difference for residents like this, state-wide.

### Comments from Shelter NSW Regarding development controls for boarding houses, co-living and student accommodation

The proposed amendments suggest that some of the provisions for boarding houses, co-living, and student accommodation like building height, FSR and landscaped area follow as per the controls set

out in LEPs or DCPs. In our observation, councils are unlikely to have formulated development controls for co-living, and student accommodation in their DCP. Shelter is keen to explore this issue further.

## Shelter's Comments re Boarding houses

TYPE	BOARDING HOUSES	COMMENTS BY SHELTER
Category	Affordable	
Proposed definition	<p><b>Boarding house</b> means a building that-</p> <ul style="list-style-type: none"> <li>• is used for the purpose of affordable housing</li> <li>• provides residents with a principal place of residence for three months or more.</li> <li>• has some shared facilities such as a communal living room, bathroom, kitchen or laundry; and</li> <li>• has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or two adult residents.</li> </ul> <p>The term does not include backpackers' accommodation, group homes, serviced apartments, seniors housing or hotel or motel accommodation.</p>	<p>Shelter supports the new definition of a boarding house as an affordable rental product that is managed by a community housing provider. This offers a valuable opportunity to expand the supply of this housing type for its intended purpose. However, <b>we would like to suggest that the definition of boarding house should include a kitchenette and bathroom in every room.</b> This helps to provide the best amenity for people.</p>
Locational requirement	No longer Mandated in R2 zone, in the S1 LEP	<p><b>Shelter would like to suggest that boarding houses be mandated in R2 zones.</b> We identify the proposal for boarding houses to be no longer mandated in R2 zones as a restriction in delivering affordable housing products and addressing the unmet housing needs in many communities across NSW.</p>
FSR Bonus	Flat 20% FSR bonus where RFBs are permitted	Shelter supports the requirement of having 20% FSR bonus.
No. of rooms	Max 12 rooms in R2 zone	<p>The requirement of maximum 12 rooms in the R2 zone would lead to a spike in occupants (24 people), which is not ideal. <b>Shelter believes that the requirement should be 12 people instead of 12 rooms.</b> This helps it to align with the BCA control on boarding houses.</p>

		In the BCA, boarding houses is categorised in class 1A and Class 3. In class 1A, one of the limits is 12 people. The proposed provision is misaligning with that in the BCA.
<b>Room size</b>	12m <sup>2</sup> - Single 16m <sup>2</sup> – For double (excl. kitchen +bath)	Shelter supports this requirement. However, there needs to be clarity on whether these are usable spaces (excluding corridor and kitchen circulation space). The room sizes should be minimum <u>usable</u> space.
<b>Max. room size</b>	25m <sup>2</sup>	Shelter strongly supports the maximum room size to be 25m <sup>2</sup>
<b>Max Occupancy</b>	2 adults	Shelter supports this requirement, however, there needs to be proper consideration on all types of demographics. For example, the inclusion of children in an appropriate setting would therefore require the occupancy should be two persons.
<b>Car Parking</b>	(Retained the provisions of ARHSEPP)  <ul style="list-style-type: none"> <li>• 0.2 car spaces per boarding room in an accessible location</li> <li>• 0.4 car spaces per boarding room not in an accessible location</li> <li>• At least one parking space provided for each person employed in connection with the development and who is resident on the site.</li> </ul>	<p>We support that the ARHSEPP provisions for parking supply generally. However, short term car parking spaces for drop-off and pick-up should be provided.</p> <p>Shelter reiterated the concerns expressed by other stakeholders that the car parking requirements are not appropriate in areas with poor access to regular and reliable public transport, particularly in regional communities.</p> <p>Shelter NSW is keen to support environmentally friendly design such as the provision of Electric Vehicle (EV) charging bays connected with housing options for bicycles and cars. EV charging facilities should also be possible, considering renewable electricity options such as the including of onsite solar, green power or a Renewable Power Purchase Agreement.</p> <p>We strongly support more bicycle parking and allocation connected to recharging options.</p>
<b>Communal Open space</b>	25% of site area, min dimension 3m	Shelter supports the requirement around communal open space. However, it would be preferable if there was square metric requirement per room, similar to that

		<p>provided for communal living areas. We suggest a cap of 25% of the site area, with communal open space ideally to be located directly off communal areas.</p> <p>Additionally, we suggest that communal open spaces should also consider the amount of solar access they would be able to achieve.</p>
<b>Communal living area</b>	Min 35m <sup>2</sup> for any development containing 6 rooms + 15m <sup>2</sup> per 5 rooms (or part) above 6 rooms	We support the new guidance for communal living areas.
<b>Minimum private open space</b>	Nil	<p>Private open space is one of the core amenities that helps ensure solar access and natural ventilation. Shelter suggests a Juliette balcony, bay window, or similar modern expanded window treatment to the floor to promote this. Ideally, a 2.5sqm for single room and a 4sqm for double rooms that don't have ground floor external access is recommended.</p> <p><b>Boarding rooms needs to have natural ventilation.</b> There needs to be a criterion around natural ventilation to ensure that the occupants have access to operable windows. Some of the products delivered under this model fail to achieve this.</p>
<b>Landscaped area</b>	As per DCP or LEP	<p>This requirement is better than the existing one. However, the problem occurs when LEPs or DCPs do not have a landscape requirement – in that case, what would be the requirement?</p> <p>We suggest that a minimum landscape area requirement be added - applicable in cases where they do not exist in the LEPs and DCPs. If the council has one, this will override the default requirement set in the SEPP.</p>
<b>Commercial development</b>	<p>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.</p> <p>Commercial floor space permitted in business zones.</p>	We support the requirement of having commercial spaces on the ground floor in commercial zones.

<p><b>Prescribed consent conditions</b></p>	<p>Restriction on title- To be used for affordable housing, managed by a registered CHP.</p> <p>Registered CHP details to be provided to the consent authority prior to OC</p> <p>Registered CHP must demonstrate that the property is providing affordable housing, as required by the Registrar of Community Housing</p>	<p>Shelter supports the proposed changes to the definition of ‘boarding house’ to include the requirement that boarding house rooms are affordable (Appendix B provides an example of how unaffordable boarding house rooms are at present). Shelter’s position is that these rooms should be affordable in perpetuity and as such we do not support the proposal to apply a time limit of 10 years (as stated in the EIE) for new boarding houses to require rooms to be rented at affordable rates, after which they could revert to market rates. This would not increase the supply of genuine affordable rental units, providing housing assistance to those in need.</p> <p><b>Shelter believes that information on the registered CHP should be provided at the DA stage rather than OC.</b> We feel that having the prospective CHP already lined up during the DA stage, before the approval is given, helps to mitigate the community concerns around boarding housing.</p> <p>Recognised professional bodies, such as the Australian Institute of Architects, support our position on CHP at DA stage to assist in community consultation.</p> <p>Shelter supports the requirement for CHPs to demonstrate it provides affordable housing. <b>However, we suggest that this be expanded to all social housing providers as defined in the existing SEPP.</b></p>
<p><b>Other Planning provisions</b></p>	<p>LAHC self-assessment pathway on government owned land – R2 zone and where permitted</p>	<p>Shelter supports LAHC self-assessment pathways on government owned land. <b>However, we propose that R2 zone should also allow CHPs to build boarding houses.</b></p>

## Co-living

TYPE	CO-LIVING	COMMENTS BY SHELTER
<b>Category</b>	Diverse	<p>The proposed Co-living definition does not indicate that it is to be used for Affordable Housing (like the boarding housing provisions). Is it not clear as to what the problem we are trying to solve is with the Co-Living model?</p> <p>Similar to our suggestion for boarding housing, we would like to suggest that a bathroom for each room, and kitchenettes for up to 50% of the rooms, be added to the definition.</p>
<b>Proposed definition</b>	<p><b>Co-living</b> means a building or place that:</p> <ul style="list-style-type: none"> <li>• Has at least 6 private rooms</li> <li>• Each room accommodates no more than 2 people</li> <li>• Some all rooms may include a private kitchen and / or bathroom facilities</li> <li>• Provides occupants with a principal place of residence and managed communal spaces and facilities</li> </ul> <p>Does not include backpackers' accommodation, a group home, hostel, hotel or motel accommodation, seniors housing or a serviced apartment.</p>	
<b>Locational requirements</b>	Permitted with consent wherever RFB, shop top or multi-dwelling housing is permitted	We suggest that co-living be mandated in R2 zones if council permits.
<b>FSR Bonus</b>	Nil	Shelter supports decision to offer no height and FSR bonus in this typology.
<b>No. of rooms</b>	At least 6 private rooms  Maximum 12 rooms in R2 zone	We have a similar opinion to that of boarding houses of maximum 12 rooms in R2 zone. <b>We suggest that the criteria should be 12 people in R2 zone.</b>
<b>Room size</b>	12m <sup>2</sup> - Single 16m <sup>2</sup> – In any other case	There needs to be clarity on whether these sizes are excluding circulation spaces or not.
<b>Max. room size</b>	25m <sup>2</sup> (all values exclude private kitchen or bathroom facilities)	Shelter strongly supports the maximum room size to be 25m <sup>2</sup>
<b>Bicycle</b>	Minimum 1 bicycle space per 5 rooms	<p>We strongly advocate more bicycle parking be allocated. One bicycle per person would be a better provision.</p> <p>Similar to our comments on the boarding houses provision, Shelter is keen to support environmentally friendly design such as the provision of Electric Vehicle (EV) charging bays connected with housing options for bicycles and cars.</p>
<b>Motorcycle</b>	Minimum 1 motorcycle space per 5 rooms	Motorcycles are not a commonly used mode of transport. These spaces could be traded-off



		to add more bicycle parking. However, there should be some short-term car parking provided on site for drop-off and pick-ups etc.
<b>Communal Open space</b>	25% of site area, min dimension 3m	Shelter supports the requirement around communal open space. However, it would be better if square metric per room requirements similar to that provided for communal living area to be adopted.  Additionally, we suggest that communal open spaces should also give consideration to the amount of solar access they would be able to achieve.
<b>Communal living area</b>	Min 35m <sup>2</sup> for any development containing 6 rooms + 15m <sup>2</sup> per 5 rooms (or part) above 6 rooms	We support the new guidance for communal living areas.
<b>Minimum private open space</b>	Nil	<b>There needs to be a criterion around natural ventilation to ensure that the occupants have access to operable windows.</b>
<b>Landscaped area</b>	As per DCP or LEP	We suggest that a minimum landscape area requirement be added - applicable in cases where they do not exist in the LEPs and DCPs. If the council has one, this will override the default requirement set in the SEPP.

## Student Accommodation

TYPE	STUDENT ACCOMMODATION	COMMENTS BY SHELTER
<b>Category</b>	Diverse	
<b>Proposed definition</b>	<p><b>Student housing</b> is a building or a place that:</p> <ul style="list-style-type: none"> <li>• Provides accommodation and communal facilities for students enrolled to study at an educational establishment during the period of their enrolment,</li> <li>• May accommodate other residents who have an affiliation with the educational establishment</li> <li>• May include private kitchen and/or bathroom facilities in some or all rooms,</li> </ul>	<p>There needs to be a criterion around affordability included for student accommodation</p> <p>We think the lack of 'affordable' student accommodation is flawed. There needs to be proper consultation with students and not the University to understand why there is a need for affordable student accommodation.</p> <p>Shelter has provided additional comments below regarding the need for affordable student accommodation.</p>



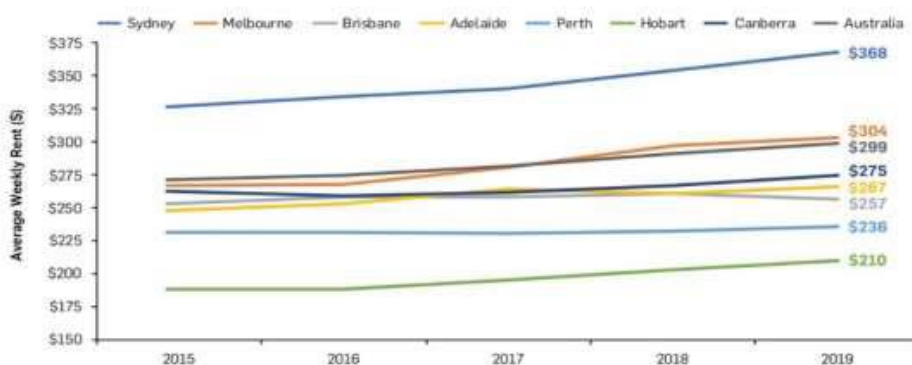
	<ul style="list-style-type: none"> <li>Includes on site-management</li> </ul>	
<b>Locational requirements</b>	No mandatory permissibility or prescribed zones	<b>There needs to be a general idea of where we would want to encourage student housing.</b>
<b>Car Parking</b>	<p>0.5 parking spaces per room</p> <p>0.2 car parking spaces per room where development is within 1km of an educational institution in Greater Sydney</p>	<p>We would like to suggest that the requirements for car parking differ in regional areas where student accommodation is not necessarily located in close proximity to Universities or where Universities are located in suburbs disconnected from the local town such as Wagga Wagga, Albury or Lismore, just to name a few</p> <p>We note a minimal allocation of parking should be retained for some students with a disability.</p>
<b>Bicycle</b>	One space per 10 rooms	<p>We suggest that <b>1 bicycle space per person should be allocated.</b></p> <p>Similar to our previous comments Shelter is keen to support longer term solutions which create conditions for the provision of Electric Vehicle (EV) charging bays connections for bicycles and cars.</p>

### Need for affordable student accommodation

Shelter NSW recognises the need for student housing; however, we question why the proposed Student Accommodation amendments to the ARHSEPP make no requirement for a percentage of student housing to actually be ‘affordable’.

In its *Student Accommodation – midyear market update 2019* (p13) report, Urbis provides a student rental rate analysis. It notes, in relation to the figure below: *Sydney records the highest average weekly fees reflecting the high cost of living compared to other capital cities.*

**CHART 2.1 - AVERAGE WEEKLY RENTS**  
AUSTRALIA 2015 - 2019



**Anecdotally, a quick review of local student accommodation rental sites reinforces our position that commercial student accommodation cannot be considered ‘affordable’.**

For example, the Iglu student housing provider was on December 1, 2020, advertising a ‘standard studio apartment’ in Redfern as being ‘available now’ and ‘from \$529 per week’. A single room in a 4-share student apartment (4 bedrooms, 4 bathrooms) was advertised as \$449 per week.

**In considering the rental affordability of student housing, it is useful to be reminded about the income profile of students.**

In August 2018, Universities Australia published its 2017 *Student Finances Survey*. In section 2.1 it sets out Student Income and notes that in 2017, the median income for all domestic undergraduate students was \$20,900, whereas international undergraduate students were \$18,300 (‘very-low’ income earners within the general Australia context). The Universities Australia analysis goes further, (in section 2.4) to examine the *Overall Estimated Annual Income Compared to Expenditure*. It concludes that a substantial proportion (over 30 per cent) of students at all degree levels estimated their income was *less* than their estimated expenses. This figure is amplified for Indigenous students (43.3 per cent) and International students (49.2 per cent).

Table 2.1 from the Universities Australia research is copied here for more detail:

**Table 2.1: Median annual student income from 2006-2017**

<b>Student median income</b> <i>(Rounded to nearest 100s)</i>	<b>2006</b>	<b>2012</b>	<b>2017</b>
<b>Domestic undergraduate</b>			
All domestic undergraduates	\$18,900	\$20,400	\$20,900
Full-time	\$16,600	\$18,300	\$18,300
Part-time	\$41,500	\$34,700	\$33,900
<b>Domestic postgraduate coursework</b>			
All domestic PGCW	No data	\$40,600	\$41,000
Full-time	\$15,100	\$23,000	\$23,600
Part-time	\$60,400	\$52,000	\$55,100
<b>Higher-degree research</b>			
All domestic HDR	No data	\$36,900	\$39,600
Full-time	\$38,200	\$35,600	\$36,800
Part-time	\$55,000	\$48,100	\$50,000
<b>International</b>			
Undergraduate	No data	\$19,700	\$19,200
Postgraduate Coursework	No data	\$33,700	\$21,900
HDR	No data	\$29,900	\$30,000

International students are keenly sought after, by education providers as well as state and federal governments. These students, however, are often vulnerable in the housing market. In its July 2019

article, *No Place Like Home – Addressing Exploitation of International Students in Sydney’s Housing Market*, the UNSW Human Rights Clinic describes the precarious life held by international students in Australia and Sydney, specifically. In its executive summary it states:

*Sydney... has very limited dedicated student accommodation on campus or within commercial Purpose-Built Student Accommodation (PBSA). As a result, most international students in Sydney rely on private rentals. Cost and other barriers render the formal rental market inaccessible to most international students. Instead, most live-in share houses, boarding houses and other insecure arrangements in the marginal rental sector, which they find online. International students are therefore highly vulnerable to deceptive and exploitative conduct both when finding a place to live, and as tenants.*

And in the conclusion, it states the following, and then calls on all levels of government to *Increase Access to Adequate Affordable Housing*:

*A considerable proportion of international students in Sydney (and other Australian cities) do not currently enjoy the basic human right to live in a place that is legally and physically secure, affordable, accessible, habitable, and has the facilities necessary for its occupants to live in security, peace and with dignity.*

These new land use measures and principles that assist their delivery, present the opportunity to significantly address this shortfall.

## Thank you

Shelter NSW appreciates the opportunity to comment on the proposed changes to the boarding house, co-living and student accommodation component of the Housing SEPP. We hope that the comments and insights we have provided bring some value to considerations in the housing policy space. We would be pleased to engage on the issues raised in our submission as suggested.

We would strongly welcome the opportunity to discuss our submission in more detail. Please contact our CEO, John Engeler, on 02 9267 5733 or by email at [john@sheltersnw.org.au](mailto:john@sheltersnw.org.au).

Yours faithfully



John Engeler  
Chief Executive Officer

## Appendix A



6 May 2021

The Hon. Robert (Rob) Stokes MP  
Minister for Planning and Public Spaces

Via email: [office@stokes.minister.nsw.gov.au](mailto:office@stokes.minister.nsw.gov.au)

Dear Minister Stokes,

### **Re: Proposal to expand the application of 'Meanwhile Use' to increase the availability of temporary accommodation for women and children**

Women's Community Shelters (WCS) works with communities to establish new crisis shelters that provide safety and support to women and children who are homeless or have experienced domestic violence. In partnership with various organisations, WCS established a supported accommodation option now known as 'Meanwhile Use'. This model involves partnering with developers and other landholders to identify underutilised or vacant property for use as housing for vulnerable women and children on a temporary interim basis of up to 5 years. 'Meanwhile Use' supports the *Premier's Priorities* and targets to reduce homelessness and domestic violence reoffending in NSW through access to supported housing at affordable rents.

We are writing to you today to point out the substantial benefits of 'Meanwhile Use'; to alert you to the barriers we have encountered in its practical application and to propose a way in which those barriers can be reduced (within the context of the current reviews of the *State Environmental Planning Policy (Affordable Rental Housing) 2009* and the proposed new *Housing Diversity SEPP*).

#### **What is 'Meanwhile Use'?**

'Meanwhile Use' can be defined as the short-term utilisation of temporarily empty buildings such as aged care facilities, residential premises, retail, and office buildings until they can be brought back into commercial operation or demolished. It makes use of empty spaces in advance of development instead of hiding spaces away behind hoardings and helps protect the building from vandalism.

'Meanwhile Use' ensures that redundant buildings or vacant development sites be occupied for the time it takes for development approval, providing benefits to the local community in a variety of ways. As well as making the best use of vacant building stock, 'Meanwhile Use' can support local government housing strategies and stimulate local economies.

#### **Women's Community Shelters experience in applying 'Meanwhile Use'**

WCS established their 'Meanwhile Use' housing program in response to a lack of affordable housing options for WCS clients exiting crisis shelters. This is often the result of the inability of clients to access public or community housing support options due to shortages and long waiting lists, or ineligibility for public housing.

WCS's current funding model does not include transitional housing, so 'Meanwhile Use' provides a critical safety net for women and children who require a longer period of supported accommodation to prevent re-entry into homelessness and break cycles of disadvantage.

WCS has built a network of 'Meanwhile Use' partners and properties over the last 3 years and now provides 84 crisis and transitional accommodation places to women and children across 13 properties located throughout Sydney.

### **Barriers to achieving success with 'Meanwhile Use'**

In some situations, the proposed 'Meanwhile Use' is different to the current development approval. For example, using an approved aged care facility temporarily as general residential, or general residential as a group home. Unfortunately, there is no mechanism within the current planning system that recognises or enables temporary or 'Meanwhile Use' outside of pre-existing development approval.

In these situations, a more flexible, collaborative approach is required from the local council to ensure success. At times this has proven difficult to achieve. When local councils are not supportive of the change and require lengthy planning approval processes to take place, the cost to 'Meanwhile Use' provision can be very costly and self-defeating – both financially and in terms of social benefit.

Examples of the barriers experienced by WCS in activating 'Meanwhile Use' opportunities are tabled in Appendix A.

### **Proposed Actions**

The following potential solutions for consideration have been identified:

- **Include 'Meanwhile Use' as complying development in the *State Environmental Planning Policy (Affordable Rental Housing) 2009* and the proposed new *Housing Diversity SEPP*.**
- Provide development and planning concessions on proposed Development Applications in recognition of the site being utilised and funded as a 'Meanwhile Use' service for a period of time.
- Provision of examples for developers and landholders on how 'Meanwhile Use' has a positive impact on place-making by seeing a building tenanted, thus improving safety, reducing risk of fires or squatters, and creating positive community connections.

In response to the above, Women's Community Shelters, with the support of Shelter NSW, has drafted suggested wording for inclusion in planning legislation related to the *State Environmental Planning Policy (Affordable Rental Housing) 2009* and the proposed new *Housing Diversity SEPP*. This is aimed at making the controls regarding a temporary change of use of building for 'Meanwhile Use' easier to navigate and can be found attached as Appendix B.

WCS is committed to breaking cycles of homelessness and domestic and family violence, however, this is only possible with access to secure and affordable housing. While critical shortages of affordable housing options exist in NSW, 'Meanwhile Use' projects offer an immediate alternative to meet the growing need. We ask that you seriously consider our proposal to include 'Meanwhile Use' as complying development in the *State Environmental Planning Policy (Affordable Rental Housing) 2009* and the proposed new *Housing Diversity SEPP*. These inclusions will help to reduce barriers in the planning system and support easy activation of 'Meanwhile Use' opportunities that provide safe and affordable housing to women and children.

If you have any queries or wish to discuss the details of this proposal please do not hesitate to contact me directly on 0409 690 907 or make contact with our Chief Operating Office, Simone Parsons on 0413 312 518 or by email [coo@womenscommunityshelters.org.au](mailto:coo@womenscommunityshelters.org.au).

Yours Sincerely,

A handwritten signature in black ink, reading "Annabelle Daniel", enclosed in a thin black rectangular border.

Annabelle Daniel  
**CEO, Women's Community Shelters**

**CC The Hon. Gareth Ward MP**  
**Minister for Families, Communities and Disability Services**

**CC The Hon. Melinda Pavey MP**  
**Minister for Water, Property and Housing**

### Appendix A Challenges in activating 'Meanwhile Use' Housing opportunities

	<b>Opportunity</b>	<b>Proposed 'Meanwhile Use'</b>	<b>Challenges</b>	<b>Outcome</b>
<b>Parramatta Women's Shelter</b>	2 x vacant residential properties land banked by developer and available for 3 years at no cost.	Interim location of Parramatta Women's Shelter with capacity to accommodate up to 6 families across the two properties.	Permitted use is as general residential and as such, development consent is required for a change of use to permit a group home.	The costs and time associated with pursuing development consent were considered prohibitive in this case. The decision was made to occupy the properties at a reduced capacity to comply with the permitted use.
<b>Beecroft House</b>	Redundant aged care facility available for 2 years at no cost.	Transitional housing for single women exiting crisis accommodation and affordable housing for single women at risk of homelessness.	The permitted use is an Aged Care Facility and restricts use to accommodate people under the age of 55 without development consent.	The property is occupied according to the permitted use as there is sufficient demand for accommodation by women over 55.
<b>Mosman House</b>	Redundant private hospital available for 2 years at no cost.	Transitional housing for single women exiting crisis accommodation and affordable housing for single women at risk of homelessness.	The permitted use is a Health Services Facility and requires that health services be delivered on site. Aged persons accommodation is permissible but only with development consent.	Ultimately development consent was not required as WCS was able to demonstrate compliance with permitted use as a hospital through coordination of health care services to be delivered on site. However, the overall time the property will be available has halved due to these challenges in navigating the planning system.



## **Appendix B Proposed Draft legislative reforms**

### **Meanwhile Use – short term supported accommodation.**

We are proposing that the following draft Division 5 which sits under Division 4 Supported Accommodation in SEPP (Affordable Rental Housing) 2009. 'Meanwhile Use – short term supported accommodation' to be complying development.

### **Division 5 Supportive accommodation - Meanwhile Use**

#### **Development to which Division Applies**

This Division applies only to existing residential, aged care or development, or Commercial Building to be used on a temporarily basis for up to 5 years for supportive accommodation.

#### **Development Standards**

The Division does not allow for the erection of any ancillary development facilities.

#### **Development Standards**

The Supportive accommodation - Meanwhile Use project must be managed by a registered Community Housing provider

#### **Complying Development**

Supportive accommodation - Meanwhile Use is defined as Complying development and may be undertaken without consent.

### **Subdivision Home businesses, home industries and home occupations**

#### **Development Standards**

The standards specified for this development are that the development can involve a temporary change of building use for up to 5 years.

#### **Note 1**

The elements that must comprise this development are specified in the definition of **home business, home industry or home occupation** the Standard Instrument.

#### **Note 2**

Under the *Building Code of Australia*, a change of building use involving a floor area greater than 10% of the floor area of a building would cause the building to contravene the development standard.

### **Subdivision Minor Building Alterations (internal)**

#### **Specified Development**

(1) minor internal building alteration for the replacement or renovation of -

- (A) a doorway, wall, ceiling or floor lining, or
  - (B) a deteriorated frame member, including stairs and stairwells, or
  - (C) a bathroom or kitchen, or
  - (D) a built-in fixture such as a vanity, a cupboard or a wardrobe, or
  - (E) an existing sanitary fixture, such as a grease trap or the like, or
  - (F) shelving or racking that is not higher than 2.7m, or
  - (G) a partition, work station or counter, is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item.
- (2) The installation of new or replacement insulation material in the ceiling, floor or wall of a building is development specified for this code.

### **Development Standards**

The standards specified for that development are that the development must not

- (A) not cause reduced window arrangements for light and ventilation needs, reduce the size of a doorway or involve the enclosure of an open area, and
- (B) not affect the load bearing capacity (whether vertical or horizontal) of a building, and
- (C) not include a change to the fire resisting components of, or interfere with the entry to, or exit from, or the fire safety measures contained within, a building, and
- (D) if it is the installation of a partition, work station or counter—
  - (i) comply with the requirements set out in the *Building Code of Australia*, and
  - (ii) if located beneath a fire sprinkler—not be higher than 1.5m, and
- (E) if it is the installation of new or replacement insulation material in a dwelling, it must be in accordance with Part 3.12.1 of the *Building Code of Australia*, and
- (F) not affect an existing awning, or more than 25% of the gross floor area of an existing building to which an awning is attached, unless the awning complies with the requirements set out in BP1.1 and BP1.2 of Volume 1 of the *Building Code of Australia*.

### **Subdivision Minor Building Alterations (internal)**

#### **Specified Development**

A minor internal non-structural building alteration, such as the following—

- (A) painting, plastering, cement rendering, cladding, attaching fittings or decorative work,
- (B) the replacement of an external window, glazing areas or a door (other than those on bush fire prone land),
- (C) the repair to or replacement of a non-structural wall or roof cladding,

- (D) the installation of a security screen or grill to a door or window or a security door,
- (E) the repair to or replacement of a balustrade,
- (F) restumping or repairing structure foundations without increasing the height of the structure, is development specified for this code if it is not constructed or installed on or in a heritage item or a draft heritage item or in a heritage conservation area or a draft heritage conservation area.


### **Development Standards**

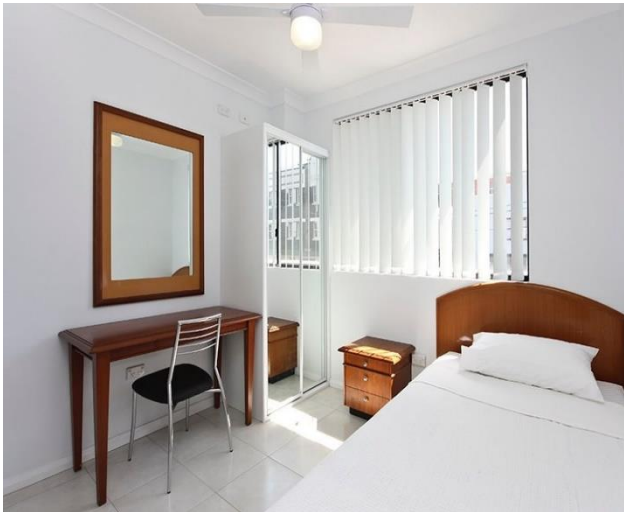
The standards specified for that development are that the development must—


- (A) not comprise the making of, or an alteration to the size of, any opening in a wall or roof, such as a doorway, window or skylight, and
- (B) not reduce the existing fire resistance level of a wall or roof, and
- (C) if located on bush fire prone land—
  - (i) be adequately sealed or protected to prevent the entry of embers, and
  - (ii) use equivalent or improved quality materials, and
- (D) not affect any existing fire resisting components of the building, and
- (D1) if the development involves cladding or is attaching fittings or decorative work—
  - (i) not be carried out on any building other than a 1 or 2 storey dwelling house, attached development or detached development, and
  - (ii) not involve the use of external combustible cladding, and
- (E) not affect the means of egress from the building in an emergency, and
- (f) if it is the installation of a security screen or grill to a door or window or a security door—
  - (i) be for the purposes of a dwelling, or
  - (ii) be for any other purpose so long as—
    - (A) the screen or grill is installed for a door or window that is situated at least 5m from the boundary of any road, or
    - (B) the security door is installed at least 5m from the boundary of any road, and
    - (C) not be under an awning, unless the awning complies with the requirements set out in BP1.1 and BP1.2 of Volume 1 of the *Building Code of Australia*.

## Appendix B

### Boarding House Examples from May 2021

Type	Boarding Houses	
Location	Newtown	
	Furnished	
Facilities	Own kitchen and bathroom	
Bond	\$1,200	
Rent	\$300	

Type	Boarding House - New generation	
Location	Alexandria	
	Fully furnished	
Facilities	Own kitchen and bathroom	
Bond	\$1,040	
Rent	\$260	

Type	Old hotel /motel converted to boarding house	
Location	Greenwich	
	Furnished	
Facilities	Kitchenet and bathroom	
Bond	\$1,380	
Rent	\$345	