

Affordable rental housing - supporting group homes

The *State Environmental Planning Policy (Affordable Rental Housing) 2009* supports vulnerable people in our community by:

- increasing the number of areas where group homes can be built, and
- allowing group homes to be approved as complying development when certain provisions are met.

What is the Affordable Rental Housing SEPP?

The *State Environmental Planning Policy (Affordable Rental Housing) 2009* (Affordable Housing SEPP) was introduced in July 2009 and increases the supply and diversity of affordable rental and social housing in NSW.

The *Affordable Rental Housing SEPP* makes safe and secure accommodation in group homes more readily available to a wider range of people. People may suffer from lack of security in their rental tenure or find the quality of rental homes is very poor. The *Affordable Rental Housing SEPP* seeks to lift the supply and quality of group homes.

Why do we need affordable housing?

There is a strong need for affordable housing for all communities throughout NSW. Figures show that in February 2010, over 47,000 people in NSW were on waiting lists for suitable accommodation.

It is essential that all levels of government, private industry and the non-government sector work in partnership to develop innovative ways to provide more affordable housing for the NSW people.

GENERAL INFORMATION ABOUT GROUP HOMES

What is a group home?

Group homes provide temporary or permanent accommodation for people who may struggle to find a place to live, such as people with a disability, or people that are socially disadvantaged.

Where are group homes permitted?

The *Affordable Rental Housing SEPP* makes group homes permissible in the following zones:

- R1 general residential,
- R2 low density residential,
- R3 medium density residential,

- R4 high density residential,
- B4 mixed use,
- SP1 special activities,
- SP2 infrastructure, or
- Any equivalent zones for the local council area under the Standard Local Environmental Plan (LEP), in circumstances where a council has not yet made an LEP in accordance with the Standard Instrument.

A guide to the equivalent zones can be found at: <http://housingcode.planning.nsw.gov.au/LegislativeandPolicyDocuments/NSWCouncilEquivalentZonesUndertheCode.aspx>



Group Home in Pennant Hills
(Image courtesy of ADHC)

What is the assessment process?

There are two ways an application for a group home can be assessed.

Complying development: Providing a proposal for a group home meets all complying development requirements, an application may be determined within 20 days by a relevant local council or accredited certifier if it meets the complying development provisions in the *Affordable Housing SEPP*.

The certifying authority is required to notify neighbours of an application for complying development 14 days prior to approval. Where a Complying Development Certificate has been issued, the owner will need to provide neighbour notification 7 days prior to works commencing.

A list of accredited certifiers can be found at www.bpb.nsw.gov.au.

Development application: If the proposal for a group home is not able to meet the complying development requirements, a development application can be lodged with the relevant local council. In this case, the council assesses and determines the proposal in accordance with the *Affordable Housing SEPP* and all relevant council policies.

Who is the consent authority?

Proposals are determined by the relevant local council or, if they have a capital investment value of more than \$5 million, by the Joint Regional Planning Panel.

COMPLYING DEVELOPMENT PROVISIONS

Here is an overview of the group home development planning controls outlined in the *Affordable Housing SEPP*:

Site requirements: A minimum site area of 450 square metres and there must be a boundary with a lawful access road.

Site coverage: Maximum 70% of the site.

Building height: Maximum 8.5 metres.

Setbacks: The front setback must be the average distance of the setbacks of the nearest 2 group homes or dwellings or 4.5 metres if a dwelling is not within 40 metres of the site.

Articulation zone: If a group home has a setback from a primary road of 3 metres or more then it must incorporate an articulation zone.

Building separation: At least 1.8 metres.

Privacy: A new window must have a privacy screen if it is in a habitable room and is at least 1.5 metres above a finished floor level in certain circumstances. Setbacks and floor heights also need to be considered when including a balcony, deck, patio, pergola, terrace or verandah.

Landscaped area: Minimum 20% of the site area must be landscaped. Of this area 50% must be behind the building line to the primary road boundary. The landscaped area must be at least 2.5 metres wide.

Number of bedrooms: Permitted if development does not result in more than 10 bedrooms being within one or more group homes on a site.

Private open space: Minimum 24 square metres and accessible from a habitable room, at least 4 metres wide and a gradient not steeper than 1:50.

Car parking: Minimum 2 off street car spaces.

Earthworks and drainage: Provisions are outlined in Schedule 2, Clause 19 – 22 of the *Affordable Housing SEPP*. Areas which must be complied with include excavation and fill of sloping sights, run-off and erosion and drainage issues.

Swimming pools: Schedule 2, Clause 23 of the *Affordable Housing SEPP* outlines requirements.

Fences: Maximum 1.8 metres if the fence is behind the front building line and 1.2 metres if the fence is on or forward of that line. Different provisions exist in the case where a fence is to be constructed at an existing group home.

Access ramps: Gradient must not be steeper than 1:14 and must comply with the Australian Standard.



FREQUENTLY ASKED QUESTIONS

- Q. Do other local council planning controls continue to apply?**
 - A.** If the *Affordable Housing SEPP* 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 (LEP) and the Affordable Housing SEPP?**
 - A.** If there is an inconsistency between the *Affordable Housing SEPP* and the relevant council's LEP, the provisions of the *Affordable Housing SEPP* will override those in an LEP to the extent of the inconsistency.
- Q. Do section 94 development contributions apply?**
 - A.** The *Affordable Housing SEPP* does not affect the levying of development contributions under section 94 of the *Environmental Planning and Assessment Act 1979*.

Q. Does BASIX apply?

- A. The *Affordable Housing SEPP* does not change the application of the Building Sustainability Index (BASIX) requirements.

Q. Do I need a site compatibility certificate for development under the Affordable Housing SEPP?

- A. Generally, no. Only development under Division 5 of the *Affordable Housing SEPP* requires a site compatibility certificate. No other part of the *Affordable Housing SEPP* requires a site compatibility certificate.

Q. What if my development does not meet the complying development provisions?

- A. If your proposed group home does not meet the complying development provisions in the *Affordable Housing SEPP* a development application can be lodged with the council.

This means the local council will assess the application against the *Affordable Housing SEPP* controls, its relevant local controls and the general merits of the proposal.

FURTHER INFORMATION

An updated version of the *Affordable Housing SEPP*, incorporating the changes set out in the amending SEPP, is available on the NSW legislation website: www.legislation.nsw.gov.au

The *State Environmental Planning Policy (Affordable Rental Housing) 2009* and fact sheets on the recent changes can be found on the department's website: www.planning.nsw.gov.au/affordablehousing

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