



The Hon Paul Green MLC
Chair
Select Committee on Social, Public and Affordable Housing
Parliament House
Macquarie Street
SYDNEY NSW 2000

14/05468

Dear Mr Green

I write to respond to questions on notice and further supplementary questions arising from hearings on 13 March 2013 as part of the Legislative Council inquiry into social, public and affordable housing.

You will recall that during the public hearing, in which I represented Planning and Infrastructure, that I took a number of questions on notice. These questions relate to the new planning system, secondary dwellings on rural land, floor space ratio bonuses on some forms of affordable housing, and the number of dwellings developed under the State Environmental Planning Policy (Affordable Rental Housing) 2009.

Supplementary questions were also provided to Planning and Infrastructure on 20 March 2014 and I have provided answers to these in the attachment.

A key aim of the Government's planning reforms is to improve the supply of housing, including the type of housing that people in local communities need. As part of these reforms, affordable housing will be considered at the strategic planning level. This will allow the need for affordable housing to be assessed and met across a wider area and facilitates the undertaking of complementary activities, such as the provision of economic and social infrastructure and partnering with affordable housing providers.

Under the current planning system, provisions applying to affordable housing may be located in local environmental plans or various state environmental planning policies. Having planning controls set out in multiple instruments can create confusion and inconsistencies that can cloud policy intentions and ultimately increase the cost of development.

With regard to questions asked about secondary dwellings being permitted on rural land, the permissibility of secondary dwellings on rural land is determined by the council in consultation with Planning and Infrastructure. Currently 70 councils permit secondary dwellings in one or more of the six rural zones.

The provisions contained in State Environmental Planning Policy (Affordable Rental Housing) 2009 include a planning incentive of a floor space ratio (FSR) bonus in certain circumstances for boarding houses and infill development. These circumstances are as follows:

- *Boarding houses* – if the development is on land within a zone in which residential flat buildings are permitted and the land does not contain a heritage item that is identified in an environmental planning instrument or an interim heritage order or on the State Heritage Register – the existing maximum floor space ratio for any form of residential accommodation permitted on the land, plus:
 - 0.5:1, if the existing maximum floor space ratio is 2.5:1 or less, or
 - 20% of the existing maximum floor space ratio, if the existing maximum floor space ratio is greater than 2.5:1.
- *Infill Development* – a floor space ratio bonus applies if the gross floor area of the development that is to be used for affordable housing is at least 20 per cent. The size of the floor space ratio bonus varies in relation to the existing floor space ratio and the percentage of gross floor area that is to be used for affordable housing.

Group homes or secondary dwellings are not subject to a floor space ratio bonus under State Environmental Planning Policy (Affordable Rental Housing) 2009.

Approvals for affordable housing under the provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009 are as follows:

	Developments	Dwellings
Infill development	119	1981
Boarding houses	96	1578
Group homes	28	134
Secondary dwellings	N/A*	2283
Total	243	5976

Approvals between 1 January 2010 and 30 June 2013

*Each secondary dwelling development is equivalent to 1 dwelling.

The data for the approvals for affordable rental housing are sourced from the Local Performance Development Monitor (LDPM) at Planning and Infrastructure. It should be noted that the figures are reliant upon councils correctly reporting the numbers of developments under the provisions of the State Environmental Planning Policy (Affordable Rental Housing) 2009 to Planning and Infrastructure.

Councils do not report to Planning and Infrastructure on which of the infill or boarding house developments have utilised the floor space ratio bonus mechanism contained in the State Environmental Planning Policy (Affordable Rental Housing) 2009.

Planning and Infrastructure's responses to the Committee's supplementary questions are attached to this letter.

Thank you for allowing me to clarify these matters with the Committee. Should you have

Yours sincerely


Stephen McIntyre
Deputy Director General
Planning Strategies, Housing and Infrastructure

Planning and Infrastructure's response to supplementary questions asked by the Legislative Council Select Committee on Social, Public and Affordable Housing

1. Affordable Housing Planning

a. Does the Agency have an Affordable Housing Strategy or Plan?

The current legislative instruments for affordable housing are the State Environmental Planning Policy (Affordable Rental Housing) 2009 and the State Environmental Planning Policy No 70 Affordable Housing (Revised Schemes).

b. Does the Agency still convene the Affordable Housing Taskforce? Please provide an update on the activity of the Taskforce.

The Affordable Housing Taskforce last met on 20 June 2013. Planning and Infrastructure is actively considering how the Taskforce can best advise the Government on affordable housing matters as part of the planning reform process.

c. Did the Government develop an Affordable Housing Choice SEPP as advised on 20 May 2011 by the Minister? If not, why not?

Work was undertaken to develop a new affordable housing policy, this work will be progressed in the context of the planning reforms.

d. Did the Government undertake work with local councils to develop Local Affordable Housing Choice Strategies as defined in Stage 2 of the approach announced on the 20 May 2011 by the Minister?

Planning and Infrastructure is currently working with a number of councils to develop local planning controls for boarding houses. Planning and Infrastructure will be working closely with councils as part of the planning reform process to develop planning controls for affordable housing that best suit each local area.

e. What resulted from the 3 November 2011 Affordable Housing Forum arranged by the Taskforce? Was a report made public? If not, why not?

An interim report by the Affordable Housing Taskforce was prepared. Its development included information obtained from the Affordable Housing Forum. The release of the interim report is a matter for the Minister. Planning and Infrastructure is talking to the Chair of the Affordable Housing Taskforce about the possibility of reviewing the report in the context of the new planning system.

2. State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

a. In relation to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, please indicate for each year since its inception how many properties have been approved and how many have completed construction.

There were 767 approvals for seniors housing developments under the Seniors SEPP during the period 2007 – 2013 across NSW (see table below). Planning and Infrastructure does not have details on the number of developments that have been completed under this SEPP.

	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	Total
	124	173	108	113	102	147	767

b. In relation to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, please indicate for each year since its inception how many properties have been constructed in each of the following categories:

- i. seniors
- ii. people with a disability
- iii. residential care facilities
- iv. hostels
- v. self-contained dwellings

The remittance of information from councils does not classify the approvals by different housing forms.

3. Local Environmental Plans (LEPs) – Local Government

a. How many councils have Affordable Housing provisions in their LEPs? Which councils are these?

The following councils have affordable housing provisions in their Standard Instrument Local Environment Plans.

Gosford LEP 2014	Seeks to protect certain caravan parks and manufactured home estates from being redeveloped and offers a development bonus in return for the provision of affordable housing
Draft Byron LEP 2014	The draft LEP for Byron contains affordable housing provisions
Bellingen	Seeks to protect certain caravan parks and manufactured home estates from being redeveloped
Waverley LEP 2012	Provides incentives for affordable housing
Ashfield LEP 2013	Provides incentives for affordable housing by allowing a greater building height in certain areas

b. How many councils have had Affordable Housing provisions rejected in their LEPs? Which councils are these?

No councils have had affordable housing provisions rejected as part of the Standard Instrument Local Environmental Plan process.

C. Does the Government acknowledge that some councils have provisions in their LEPs that prohibit the use of approved residential dwellings for tourism use?

Some local environmental plans prohibit tourism uses in certain zones.

4. Affordable Rental Housing SEPP 2009

a. Does the Government require councils to provide information relating to the approval of affordable housing under the AHSEPP?

Yes. Councils must provide the following information:

- Application type (DA, s96, CDC)
- Council reference number
- Date lodged
- Affordable Rental Housing SEPP category of development
- Number of new affordable housing dwellings
- Whether a Site compatibility Certificate was issued
- Date determined

The data is then matched to other data collected by Planning and Infrastructure. Accuracy is dependent on the correct information being submitted by councils.

b. Can a breakdown by LGA and by year be provided of the number of affordable rental housing dwellings provided under the AHSEPP in each of the following categories:

- i. infill development
- ii. boarding houses
- iii. group homes
- iv. secondary dwellings

Please see attached table for development under the State Environmental Planning Policy (Affordable Rental Housing) 2009 by local government area, by category and by year.

c. Can the Government explain why secondary dwellings are not permitted on rural zoned land?

The State Environmental Planning Policy (Affordable Rental Housing) 2009 makes secondary dwelling permissible in R1, R2, R3, R4 and R5 zones. The permissibility of secondary dwellings on rural zones is a matter for individual councils to consider.

d. Which councils (if any) have requested secondary dwellings be made permissible through the LEP process on rural zoned land?

See attached table for a list of councils in which secondary dwellings are permissible in a rural zone.

5. Affordable Housing (Revised Schemes) SEPP No 70 2002

a. Which councils (if any), apart from those originally included in SEPP 70, have requested their addition to the areas covered by SEPP No 70?

No additional councils have formally requested to be included in SEPP 70.

Affordable Rental Housing SEPP approvals 1/1/10-30/6/10 (Note: Monitoring of ARH SEPP started 1/1/10 but data was incomplete)									
Local Government Area	New affordable housing - approvals	New affordable housing - dwellings	New secondary dwelling - approvals	New boarding houses - approvals	New boarding dwellings	New boarding houses - approvals	New group homes - approvals	New group homes - dwellings	New group homes - dwellings
Albury	0	0	2	0	0	0	0	0	0
Ashtfield	0	0	1	1	32	0	0	0	0
Carterbury	0	0	3	0	0	0	0	0	0
Coffs Harbour	0	0	2	0	0	0	0	0	0
Dubbo	0	0	1	0	0	0	0	0	0
Eurobodalla	0	0	1	0	0	0	0	0	0
Fairfield	0	0	1	0	0	0	0	0	0
Gosford	0	0	7	0	0	0	1	0	10
Goulburn Mulwaree	1	33	0	0	0	0	0	0	0
Greater Taree	0	0	2	0	0	0	0	0	0
Holroyd	0	0	8	0	0	0	0	0	0
Kogarah	0	0	2	0	0	0	0	0	0
Ku-ring-gai	0	0	1	0	0	0	0	0	0
Marrickville	0	0	2	1	0	0	0	0	0
Newcastle	1	12	0	0	0	0	0	0	0
Paramatta	0	0	1	0	0	0	0	0	0
Penrith	0	0	15	0	0	0	0	0	0
Pittwater	0	0	4	0	0	0	0	0	0
Queanbeyan	0	0	4	0	0	0	0	0	0
Randwick	0	0	5	1	17	1	0	1	1
Ryde	0	0	13	0	0	0	0	0	0
Shoalhaven	0	0	3	0	0	0	0	0	0
Sutherland	0	0	1	0	0	0	0	0	0
Sydney City	0	0	1	0	0	0	0	0	0
Tamworth	0	0	2	0	0	0	0	0	0
The Hills	0	0	5	0	0	0	0	0	0
Tweed	0	0	2	0	0	0	0	0	0
Warrngah	0	0	4	0	0	0	0	0	0

Affordable Rental Housing SEPP approvals 1/1/10-30/6/10 (Note: Monitoring of ARH SEPP started 1/1/10 but data was incomplete)									
Local Government Area	New affordable housing - approvals	New affordable housing - dwellings	New secondary dwelling - approvals	New boarding houses - approvals	New boarding dwellings	New boarding houses - approvals	New group homes - approvals	New group homes - dwellings	New group homes - dwellings
Albury	0	0	2	0	0	0	0	0	0
Ashfield	0	0	1	1	0	32	0	0	0
Canterbury	0	0	3	0	0	0	0	0	0
Coffs Harbour	0	0	2	0	0	0	0	0	0
Dubbo	0	0	1	0	0	0	0	0	0
Eurobodalla	0	0	1	0	0	0	0	0	0
Fairfield	0	0	1	0	0	0	0	0	0
Gosford	0	0	7	0	0	0	1	0	0
Goulburn Mulwaree	1	33	0	0	0	0	0	10	0
Greater Taree	0	0	2	0	0	0	0	0	0
Holroyd	0	0	8	0	0	0	0	0	0
Kogarah	0	0	2	0	0	0	0	0	0
Ku-ring-gai	0	0	1	0	0	0	0	0	0
Marrickville	0	0	2	1	0	0	0	0	0
Newcastle	1	12	0	0	0	0	0	0	0
Parramatta	0	0	1	0	0	0	0	0	0
Perth	0	0	15	0	0	0	0	0	0
Pittwater	0	0	4	0	0	0	0	0	0
Queanbeyan	0	0	4	0	0	0	0	0	0
Randwick	0	0	5	1	0	17	1	1	1
Ryde	0	0	13	0	0	0	0	0	0
Shoalhaven	0	0	3	0	0	0	0	0	0
Sutherland	0	0	1	0	0	0	0	0	0
Sydney City	0	0	1	0	0	0	0	0	0
Tamworth	0	0	2	0	0	0	0	0	0
The Hills	0	0	5	0	0	0	0	0	0
Tweed	0	0	2	0	0	0	0	0	0
Warringah	0	0	4	0	0	0	0	0	0

Affordable Rental Housing SEPP approvals 1/1/10-30/6/10 (Note: Monitoring of ARH SEPP started 1/1/10 but data was incomplete)

	New affordable housing - approvals	New affordable housing - dwellings	New secondary dwelling - approvals	New boarding houses - approvals	New boarding dwellings	New boarding houses - approvals	New group homes - approvals	New group homes - dwellings	
Local Government Area	0	0	1	0	0	0	0	0	0
Young	2	45	94	3	49		2		11

Affordable Rental Housing SEPP approvals 1/7/10-30/6/11				2010-2011			
Local Government Area	New affordable housing - approvals	New affordable housing - dwellings	New secondary dwelling - approvals	New boarding houses - approvals	New boarding houses - dwellings	New group homes - approvals	New group homes - dwellings
Armidale Dumaresq	0	0	1	0	0	1	1
Ashfield	0	0	6	1	26	0	0
Bathurst	0	0	0	0	0	1	1
Blue Mountains	0	0	0	1	1	0	0
Burnwood	0	0	1	0	0	0	0
Byron	0	0	3	0	0	0	0
Camden	0	0	1	0	0	0	0
Cambelltown	0	0	5	0	0	1	1
Canada Bay	0	0	8	0	0	0	0
Canterbury	0	0	33	1	10	1	1
Caesnock	0	0	2	0	0	0	0
Clarence Valley	1	6	1	0	0	0	0
Coffs Harbour	0	0	3	0	0	0	0
Gosford	0	0	15	0	0	0	0
Greater Taree	0	0	1	0	0	0	0
Hornsby	2	23	42	0	0	0	0
Hurstville	0	0	21	0	0	0	0
Kogarah	0	0	1	1	16	0	0
Ku-ring-gai	2	2	3	0	0	0	0
Lake Macquarie	1	14	10	0	0	0	0
Leichhardt	0	0	1	1	12	0	0
Marrickville	1	7	10	3	18	0	0
Newcastle	0	0	16	10	10	0	0
Parramatta	5	54	1	0	0	0	0
Penrith	0	0	51	1	8	0	0
Pitwater	0	0	7	0	0	0	0
Port Macquarie	1	8	0	0	0	0	0
Port Stephens	0	0	2	0	0	0	0

Affordable Rental Housing SEPP approvals 1/7/10-30/6/11		2010-2011					
Local Government Area	New affordable housing - approvals	New affordable housing - dwellings	New secondary dwelling - approvals	New boarding houses - approvals	New boarding houses - dwellings	New group homes - approvals	New group homes - dwellings
Queanbeyan	0	0	1	1	5	1	1
Randwick	1	6	18	0	0	0	0
Shoalhaven	0	0	7	0	0	0	0
Sutherland	0	0	0	0	0	1	0
Sydney City	1	32	0	5	40	0	0
Tamworth	0	0	2	0	0	0	0
The Hills	10	15	8	0	0	0	0
Tweed	0	0	2	0	0	0	0
Walgett	0	0	0	0	0	6	15
Warringham	2	0	24	0	0	0	0
Waverley	0	0	5	0	0	0	0
Willoughby	1	4	6	0	0	0	0
Wollongong	1	5	19	0	0	0	0
Wyong	1	8	13	0	0	1	0
	30	184	350	25	146	13	20

Affordable Rental Housing SEPP approvals 1/7/11-30/6/12				2011-2012			
Local Government Area	New affordable housing - approvals	New affordable housing - dwellings	New secondary dwelling - approvals	New boarding houses - approvals	New boarding houses - dwellings	New group homes - approvals	New group homes - dwellings
Armidale Dumaresq	0	0	1	1	9	0	0
Ashfield	1	6	2	2	24	0	0
Bankstown	0	0	176	2	35	0	0
Blacktown	1	8	51	0	0	2	0
Botany Bay	0	0	4	0	0	0	0
Byron	1	1	46	0	0	0	0
Campbelltown	0	0	18	0	0	0	0
Canterbury	7	143	32	0	0	1	10
Cessnock	0	0	2	0	0	0	0
Clarence Valley	0	0	2	0	0	0	0
Coffs Harbour	0	0	2	0	0	0	0
Dubbo	0	0	4	0	0	0	0
Fairfield	1	18	164	0	0	0	0
Gosford	0	0	56	0	0	0	0
Hawkesbury	0	0	1	0	0	0	0
Holroyd	7	57	38	0	0	0	0
Hornsby	3	69	0	0	0	0	0
Kogarah	0	0	5	1	22	0	0
Ku-ring-gai	1	1	2	0	0	0	0
Lake Macquarie	0	0	2	0	0	0	0
Lismore	0	0	0	2	0	2	0
Marrickville	0	0	3	3	35	0	0
Muswellbrook	0	0	1	0	0	0	0
Newcastle	0	0	32	9	60	0	0
Parramatta	3	3	9	0	0	0	0
Penrith	1	20	74	0	0	0	0
Pittwater	2	47	18	0	0	0	0
Port Macquarie	1	7	0	0	0	0	0

Affordable Rental Housing SEPP approvals 1/7/11-30/6/12				2011-2012			
Local Government Area	New affordable housing - approvals	New affordable housing - dwellings	New secondary dwelling - approvals	New boarding houses - approvals	New boarding houses - dwellings	New group homes - approvals	New group homes - dwellings
Port Stephens	0	0	3	0	0	0	0
Queanbeyan	0	0	5	0	0	0	0
Randwick	0	0	17	0	0	0	0
Rockdale	1	5	0	0	0	0	0
Ryde	0	0	16	2	84	0	0
Shellharbour	0	0	2	0	0	0	0
Shoalhaven	0	0	4	0	0	1	0
Sutherland	1	11	0	0	0	0	0
Sydney City	1	802	0	9	130	0	0
The Hills	3	14	8	3	53	0	0
Warringah	0	0	24	0	0	0	0
Waverley	0	0	1	0	0	0	0
Willoughby	1	5	4	1	396	0	0
Wollongong	1	2	4	0	0	0	0
Wyong	1	10	24	0	0	1	2
	38	1,229	857	35	849	7	12

Affordable Rental Housing SEPP approvals 1/7/12-30/6/13				2012-2013			
Local Government Area	New affordable housing - approvals	New affordable housing - dwellings	New secondary dwelling - approvals	New boarding houses - approvals	New boarding houses - dwellings	New group homes - approvals	New group homes - dwellings
Armidale Dumaresq	0	0	1	0	0	0	0
Ashfield	0	0	7	2	28	0	0
Auburn	0	0	42	1	25	0	0
Bankstown	5	37	233	2	1	0	0
Blue Mountains	0	0	0	1	9	0	0
Botany Bay	0	0	4	0	0	0	0
Campbelltown	1	10	9	0	0	0	0
Canada Bay	2	22	16	1	19	0	0
Canterbury	4	37	19	3	60	0	0
Dungog	0	0	1	0	0	0	0
Fairfield	2	0	109	0	0	0	0
Gosford	3	29	112	0	0	0	0
Hawkesbury	0	0	2	0	0	0	0
Holroyd	5	43	43	0	0	0	0
Hurstville	0	0	2	0	0	0	0
Kogarah	1	1	9	0	0	0	0
Ku-ring-gai	0	0	1	0	0	0	0
Lake Macquarie	0	0	1	0	0	1	1
Leichhardt	0	0	0	2	28	0	0
Mailand	4	123	0	0	0	0	0
Marrickville	0	0	11	1	4	0	0
Muswellbrook	0	0	3	0	0	0	0
Newcastle	1	24	36	6	177	0	0
Parramatta	3	36	6	1	6	0	0
Penrith	4	32	100	1	8	0	0
Pittwater	0	0	24	0	0	0	0
Queanbeyan	0	0	11	0	0	0	0
Randwick	0	0	21	2	28	0	0

Affordable Rental Housing SEPP approvals 1/7/12-30/6/13				2012-2013			
Local Government Area	New affordable housing - approvals	New affordable housing - dwellings	New secondary dwelling - approvals	New boarding houses - approvals	New boarding houses - dwellings	New group homes - approvals	New group homes - dwellings
Rockdale	1	12	0	0	0	0	0
Ryde	0	0	6	0	0	0	0
Shoalhaven	0	0	3	0	0	0	0
Sutherland	0	0	0	0	0	1	46
Sydney City	0	0	0	9	140	1	15
The Hills	5	45	12	0	0	0	0
Warringah	1	1	71	0	0	0	0
Willoughby	1	23	12	0	0	0	0
Wollongong	3	5	11	1	1	0	0
Wyong	3	43	45	0	0	1	23
	49	523	983	33	534	6	91

Councils where secondary dwellings are permitted in rural zones	
Albury	Lithgow
Balranald	Lockhart
Bathurst (Draft Regional LEP 2014)	Mid Western Regional
Bega	Murray
Bellingen	Murrumbidgee
Berrigan	Nambucca
Bland	Narrandera
Blayney	Narromine
Bogan	Oberon
Bombala	Orange
Boorowa	Palerang (Draft LEP 2014)
Bourke	Parkes
Brewarrina	Pittwater (Draft LEP)
Cabonne	Queanbeyan
Carrathool	Richmond Valley
Central Darling	Snowy River
Cobar	Tamworth Regional
Coolamon	Tenterfield
Cooma-Monaro	Tumbarumba
Cootamundra	Tumut
Conargo	Upper Lachlan
Coonamble	Urana
Corowa	Wakool
Cowra	Walgett
Deniliquin	Warren
Dubbo	Warrumbungle
Eurobodalla	Weddin
Forbes	Wellington
Gilgandra	Wentworth
Gosford	Wagga Wagga
Goulburn Mulwaree	Wingecarribee
Griffith	Wollongong
Gundagai	Wyong
Harden	
Hay	
Jerilderie	
Junee	
Kiama	
Kyogle	
Lachlan	

Note that RU5 was the most common of the rural zones in which secondary dwellings were permissible.