



City of Canterbury
City of Cultural Diversity

Our Reference: T-29-155

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Ms Carolyn McNally
A/Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001



Att: Metropolitan Delivery (CBD)

Dear Ms McNally,

Re: Planning Proposal to amend LEP to include a provision relating to boarding houses in the R2 and R3 zones; your reference 14/05269

I refer to correspondence from your department dated 22 March 2014 in response to our revised controls for boarding house development in the R2 and R3 residential zones.

I am writing to you to advise that this matter was considered by Council on 12 June 2014, where it was resolved that the current planning proposal to restrict the size and location of boarding houses in our low density residential zones not be pursued in its current form and that further investigations be undertaken as part of the housing affordability study.

A copy of the report is attached for your information.

If you require any further assistance please contact our Urban Planner Lisa Ho on 9789 9377.

Yours sincerely

Warren Farleigh
TEAM LEADER URBAN PLANNING

11 July 2014

Enclosure: Council report

3 PLANNING PROPOSAL TO RESTRICT THE LOCATION OF BOARDING HOUSES

FILE NO: T-29-155

REPORT BY: DIRECTOR CITY PLANNING

Summary:

- Council has resolved to prepare a planning proposal to restrict the location and size of boarding houses.
- The planning proposal was submitted to the Department of Planning and Environment for a Gateway determination.
- Advice received indicated the proposal in its submitted form would not be acceptable and further evidence based research to support the intent of the planning proposal was requested.
- This research was prepared and submitted, however, the Department has subsequently requested additional investigations and justification to the proposal.
- Council has previously resolved to undertake a housing affordability study and it would be appropriate for these additional investigations to be undertaken as part of that study as they relate to similar areas of investigation.
- In the circumstances, it is recommended that the current planning proposal not be pursued pending completion of the housing affordability study.

Council Delivery Program and Budget Implications:

This report has no implications for the Budget and supports our Community Strategic Plan long term goal of Balanced Development.

Report:

Boarding houses are now permissible in all residential zones under our LEP. This permissibility is mandated under the State Government Standard Instrument template, meaning we have no choice. However, under the provisions of our previous planning controls, boarding houses were not permissible in our low density residential zones.

Council resolved on 13 August 2013 to prepare a planning proposal to introduce strict locational criteria into our LEP that would serve to significantly restrict the location of boarding houses in the Low Density R2 zone. This planning proposal was submitted to the Department of Planning and Environment for a Gateway Determination. Advice received was that, despite the locational criteria apparently being acceptable for Bankstown Council, our planning proposal would not be supported in its current form. We were requested to carry out some evidence based research to support our proposal, particularly in relation to the scale and intensity of other forms of residential development permissible in our zones.

This was done and our research concluded that it would be appropriate for the size of a boarding house to be linked to the population density/occupancy rate that would otherwise be achieved in our R2 and R3 zones, based on ABS statistics. This concluded that boarding houses in the R2 zone should be restricted to a maximum of 6 lodgers (equivalent occupancy rate for a dual occupancy development) in the R2 zone and 12 lodgers (equivalent occupancy rate for a small townhouse development) in the R3 zone. This proposition was put to the

PLANNING PROPOSAL TO RESTRICT THE LOCATION OF BOARDING HOUSES (CONT.)

Department. Subsequent advice received requests further investigations be undertaken in relation to matters such as identifying the demand for smaller housing need and supply in Canterbury, undertaking a local community profile, affordable housing options for key workers, and other matters.

These additional requested investigations take this planning proposal well outside the intended scope of Council's original resolution. Council has separately resolved to undertake a housing affordability study and these are broader matters that would be investigated as part of that study and are not necessarily exclusively related to boarding house development or demand/supply.

It is disappointing that the Department has now sought to effectively "move the goalposts" once again despite the initially requested research being carried out. In these circumstances, it is considered there is no real point in pursuing this matter further at this point in time, particularly given our limited resources available to complete other time consuming projects and tasks.

It is understood that other Councils have either tried or are proposing a similar approach to our initial planning proposal and similar indications are that these proposals will also not be supported through the LEP Gateway.

As Council has already resolved to carry out a housing affordability study, it would be appropriate for the additional matters raised by the Department to be pursued through that study. This study is scheduled to commence in the second half of 2014.

It is also noted that at the meeting on 22 May 2014, Council resolved that a report be prepared investigating the inclusion of locational and other restrictions for boarding houses in Canterbury Development Control Plan 2012. These investigations are underway and will be the subject of a further report.

It is important however, that a DCP can not contain the same types of provisions (for example: floor space ratio) or overtly restrict development that is otherwise permissible under an LEP or State policy.

RECOMMENDATION:

THAT the current Planning Proposal to restrict the size and location of boarding houses in our low density residential zones not be pursued in its current form and that further investigations be undertaken as part of the housing affordability study to be commenced in the coming months.

PLANNING PROPOSAL TO RESTRICT THE LOCATION OF BOARDING HOUSES (CONT.)

CITY DEVELOPMENT COMMITTEE
RESOLUTION - 12 JUNE 2014

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Min. No. 175 RESOLVED (Councillors Hawatt/Vasiliades)

THAT the current Planning Proposal to restrict the size and location of boarding houses in our low density residential zones not be pursued in its current form and that further investigations be undertaken as part of the housing affordability study to be commenced in the coming months.