

# Responses to Questions on Notice

Received at the 10 December 2020  
Planning Meeting of Council

A handwritten signature in blue ink, appearing to read "Mark Arnold".

**Mark Arnold**  
General Manager

**QUESTIONS WITH NOTICE**

1 Affordable Housing Moratorium .....3

QUESTIONS WITH NOTICE

**Question with Notice No. 1 Affordable Housing Moratorium**

**File No:**

I2021/166

At Council's Planning Meeting held on 10 December 2020, Annie Radermacher asked the following question which was taken on notice:

*Is Council able to petition to State Government to get a moratorium on affordable housing boarding houses since none of them have been found to be affordable. What can we do to stop this scourge on our residential areas when it's not in fitting with any of the areas and all it has done is cause issues for our residents?*

**Response Director Shannon Burt:**

It is assumed that this question is about boarding houses delivered under the [State Environmental Planning Policy \(Affordable Rental Housing\) 2009 \(ARHSEPP\)](#) introduced on 31 July 2009. The ARHSEPP is clear on what affordable housing means: *housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.*

- (1) *In this Policy, a household is taken to be a very low income household, low income household or moderate income household if the household—*
- (a) *has a gross income that is less than 120 per cent of the median household income for the time being for the Greater Sydney (Greater Capital City Statistical Area) (according to the Australian Bureau of Statistics) and pays no more than 30 per cent of that gross income in rent, or*
  - (b) *is eligible to occupy rental accommodation under the National Rental Affordability Scheme and pays no more rent than that which would be charged if the household were to occupy rental accommodation under that scheme.*

The intent of the ARHSEPP is to facilitate the increased supply and diversity of affordable rental and social housing in NSW including boarding houses. The NSW Government as part of the Explanation of Intended Effect (EIE) for a new Housing Diversity State Environmental Planning Policy is currently reviewing the regulatory framework for boarding houses. A submission by Council staff on the EIE, whilst supporting a need for boarding houses made comment that the community held issue with the development and operation of boarding houses. Parking, amenity and importantly a need for them to remain affordable within the intent of the ARHSEPP were concerns identified.

Any petition to the NSW Government to halt the delivery of boarding houses under the ARHSEPP would more than likely elicit a response that Council demonstrate why this form of housing is not required in Byron Shire at the moment. This would be a difficult position for Council to support given the current planning proposal to limit short term rental visitor accommodation (STRA). This planning proposal in part, is premised on the fact that the

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cost of housing has become a prime source of household/economic stress for typical Byron Shire residents/households and hence there is a need for reduce the number of days STRA can be carried out to below the proposed cap outlined NSW Government State Environmental Planning Policy (Short- term Rental Accommodation) 2019.

In response, it is suggested a more appropriate course of action would be for staff to continue to work with the community and boarding house providers to set guidelines on good design. Staff's current work on a *style guide* as a supplementary document to support:

- Byron Shire Residential Strategy Policy 3: 'Housing that reflects the 'local' in our places'.
- Byron Shire Development Control Plan 2014 Part E local residential character narratives for each of our towns and villages.

would be a good place to capture this guidance.