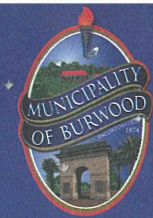


Submission

No 46

INTERNATIONAL STUDENT ACCOMMODATION IN NEW SOUTH WALES

Organisation: Burwood Council
Name: Councillor John Faker
Position: Mayor
Date Received: 11/10/2011



Mr Bruce Notley-Smith MP
Chair
Social Policy Committee of the Legislative Assembly
Parliament of NSW
Macquarie Street
SYDNEY NSW 2000

Folder No: F08/140406
Trim No: 11/36857

7 October 2011

Dear Mr Notley-Smith,

Inquiry by the Social Policy Committee of the Legislative Assembly

Thank you for your letter of 26 September 2011 inviting me to make a submission on Council's behalf to the Social Policy Committee's inquiry into international student accommodation in NSW.

The Burwood Council area does not host nor is it adjacent to major educational institutions that are attended by many international students.

However student housing demand does have flow on impacts that Council has to deal with from time to time. Burwood is attractive to international students, being located at the heart of the Inner West, and having a large supply of residential accommodation at the more affordable end of the scale. It also has a high level of public transport accessibility to major universities and colleges.

Council currently deals with about 3 to 4 complaints each year from neighbours of properties used as student accommodation, concerning dumped rubbish, pests, noise, odours and other problems. These complaints arise from overuse of the properties, which are often rented and then converted and sub-let for multiple occupancies without the knowledge of the owners or managing agents.

Inspections by Council officers arising from complaints indicate that living conditions in these premises are often unsanitary and unsafe, with entire floors being covered with mattresses, and showers and toilets inadequately maintained. The conditions in the houses or units detrimentally impact on the amenity of neighbours and whole residential complexes.

The existing legislation and regulations are inadequate to deal with problems now arising from the use of certain premises for student accommodation with the following main practical problems:

- There are no regulations governing maximum numbers of people that can live in houses or individual bedrooms;
- There is no system for notification or approval of use of premises for student accommodation purposes of this type; and
- The existing powers of local councils are limited to dealing with unauthorised building work if such has occurred, or issuing notices for rubbish removal or vermin control.

More broadly, the problems associated with excessive occupancy of premises for student accommodation indicate:

- A lack of planning by State and Federal agencies to ensure that housing demand from international students is understood and that there are appropriate responses in terms of increased supply of student housing and adequate regulations of operations,
- The potential for damage to Australia's educational industry supplying services to international students, which is now a major part of the regional economy of Sydney and local economies as well; and
- The real damage likely to be caused to Australia's international image and reputation.

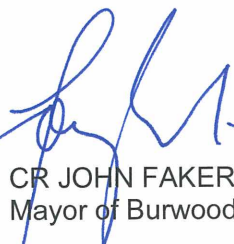
At the local level Burwood Council applies its Development Control Plan Part 37 – Shared Accommodation to development applications for boarding houses and backpacker accommodation. It sets up a system of accommodation standards covering bedroom size, provision of kitchen and bathroom facilities, fire safety, parking and other important matters. Under licensing requirements, there are annual inspections of shared accommodation such as boarding houses to ensure compliance. I enclose a copy of DCP Part 37 for the Inquiry.

However this local initiative is insufficient alone to deal with problems associated with excessive occupancy of student accommodation because the broader legal and management framework is inadequate. Council would like to see additional actions at the Federal and, in particular, the State Government levels in the following areas:

- A thorough public review by the responsible Federal and State agencies of student accommodation with specific regard to the needs of international students to identify the scale and nature of demand and canvassing the options to supply and manage student housing;
- New systems for regulation of the maximum occupancy rates for dwellings and bedroom, and provision of facilities for such matters as kitchens, bathrooms, toilets, recreation, parking; and setting standards for management of noise, rubbish generation and other matters that impact on neighbours;
- New systems providing for councils to be notified of and/or to approve the use of premises for student accommodation and provision of powers for councils to enforce orders relating to the above standards. Of course, these systems would need to be efficient and supported by additional resources for implementation by councils.

Thank you for the opportunity to provide input to the Inquiry of the Social Policy Committee. If I can be of further assistance, please do not hesitate to contact me on 9911 9916 or by email at mayor@burwood.nsw.gov.au.

Yours sincerely



CR JOHN FAKER
Mayor of Burwood

enc

PART 37 – SHARED ACCOMMODATION

(including boarding houses and backpacker accommodation)

1. HOW TO READ THIS PART

Any reference in a Part of this Consolidated Plan to "this DCP" or "this Plan" is a reference to the Part of this Consolidated Plan where the reference is contained.

2. EFFECT OF INCONSISTENCY OR DUPLICATION

2.1 A provision in this Part will have no effect to the extent that it is:

- 2.1.1 the same or substantially the same as a provision in the Burwood Planning Scheme Ordinance 1979 (BPSO) or another environmental planning instrument (EPI) applying to the same land; or
- 2.1.2 inconsistent with a provision of the BPSO or another EPI applying to the same land, or its application prevents compliance with a provision of the BPSO or another EPI applying to the same land,

and the provision in the BPSO or other EPI will apply.

DEVELOPMENT CONTROL PLAN NO. 37

Shared Accommodation

(Including boarding houses and backpacker accommodation)



BURWOOD COUNCIL

heritage ■ progress ■ pride

PO Box 240, BURWOOD NSW 1805

Suite 1, Level 2, 1-17 Elsie St BURWOOD NSW 2134

Phone: (02) 9911-9911 Fax: (02) 9911-9900

www.burwood.nsw.gov.au

council@burwood.nsw.gov.au

Adopted Council Meeting 26 September 2006

Effective from 10 October 2006

Adopted as Part 37 of Burwood Consolidated Development Control Plan

TABLE OF CONTENTS

1.0	INTRODUCTION.....	2
1.1	PURPOSE OF THE DCP	2
1.2	AIMS OF THE DCP	2
1.3	LAND TO WHICH THE DCP PART APPLIES.....	3
1.4	DATE THIS DCP OPERATES.....	3
1.5	RELATIONSHIP TO OTHER PLANS.....	3
1.6	DEFINITIONS	3
2.0	RELEVANT PLANNING OR RELATED LEGISLATION.....	5
2.1	SEPP 10 – RETENTION OF LOW-COST RENTAL ACCOMMODATION	5
2.1.1	SEPP 10 PLANNING PROCESS	5
2.1.2	BASIX.....	5
2.2	BUILDING CODE OF AUSTRALIA (BCA).....	6
3.0	PLANNING & DESIGN CONTROLS.....	7
3.1	BOARDING HOUSES	7
3.1.1	PLANNING REQUIREMENTS	8
3.1.1.1	BUILDING FORM & APPEARANCE.....	8
3.1.1.2	BUILDING DENSITY AND HEIGHT	10
3.1.1.3	SETBACKS.....	11
3.1.1.4	ROOM SIZE, RECREATIONAL AREAS & WASHING FACILITIES	12
3.1.1.5	OPERATIONAL CONTROLS.....	16
3.1.1.6	FIRE SAFETY & ON-SITE SECURITY MEASURES	18
3.1.1.7	ACOUSTIC MINIMISATION IMPACT.....	19
3.1.1.8	LANDSCAPING & OUTDOOR RECREATIONAL AREAS.....	20
3.1.1.9	ACCESSIBILITY.....	21
3.1.1.10	CAR PARKING	22
3.1.1.11	ACCESSIBILITY	22
3.2	BACKPACKER ACCOMMODATION	23
3.2.1	PLANNING REQUIREMENTS	23
3.1.1.1	LOCALITIES	23
3.1.1.2	BUILDING DENSITY AND HEIGHT	24
3.1.1.3	SETBACKS.....	24
3.1.1.4	ROOM SIZE, RECREATIONAL AREAS & WASHING FACILITIES	24
3.1.1.5	OPERATIONAL CONTROLS.....	26
3.1.1.6	FIRE SAFETY & ON-SITE SECURITY MEASURES	28
3.1.1.7	ACOUSTIC MINIMISATION IMPACT.....	29
3.1.1.8	CAR PARKING	29
3.1.1.9	ACCESSIBILITY	30
4.0	SECTION 94 CONTRIBUTIONS.....	31

1.0 INTRODUCTION

1.1 Purpose of the DCP

This Development Control Plan (DCP) Part relates to shared accommodation and has been prepared to provide planning controls to guide development of boarding houses and backpacker accommodation. The DCP Part has been prepared pursuant to Section 72 of the *Environmental Planning & Assessment Act, 1979*.

This DCP Part aims to encourage the increased provision of quality boarding houses as well as achieve improved standards of accommodation when existing buildings are to be adapted and/or converted to a boarding house, or through the expansion of existing boarding houses, or when major refurbishment and upgrades occur.

This DCP Part aims to ensure planning and design of new proposals or additions to existing boarding houses complement Council's general planning provisions relating to built form issues and impacts on the environment. This will ensure that the operation and management of boarding houses have a minimum adverse impact on adjacent land uses and the public domain.

1.2 Aims of the DCP

The primary aims of this DCP Part are to:

- Encourage the increased provision of high quality boarding houses and backpacker accommodation in the Burwood local government area (LGA).
- Recognise boarding house accommodation as an essential component of residential housing for low to moderate income earners in the Burwood local government area (LGA).
- Provide a consistent and coherent policy for applicants, Council officers and the community alike, for the assessment of DA's for boarding houses or backpacker accommodation.
- Provide guidance to applicants on building requirements and Council regulations in the preparation of a development application of a boarding house or backpacker accommodation. This will ensure that shared accommodation such as boarding houses and backpacker accommodation adopt appropriate designs in terms of bulk and scale to ensure the physical impact of the development and their operation does not interfere with surrounding land uses.
- Ensure that any building has that has been developed or adopted into a boarding house, or backpacker accommodation maintains a satisfactory standard of amenity for both the needs of occupants and neighbours alike.
- Minimise adverse impacts of boarding houses and backpacker accommodation on adjoining properties and the wider locality by introducing effective planning and design controls.
- Maintain the residential amenity of both the property and locality, where a boarding house or backpacker accommodation is located.

-
- Ensure the appropriate level of fire safety within all boarding houses and backpacker accommodation and that acceptable levels of service provision are maintained.

1.3 Land to which the DCP Part applies

This DCP Part applies to all land in the Burwood local government area (LGA) where boarding houses and/or backpacker accommodation are permissible as per the Burwood land use table.

For the purposes of this DCP Part, backpacker accommodation may be defined as a motel which is permissible in Business related land use zones.

This DCP Part applies to any development applications (DAs) regarding boarding houses or backpacker accommodation, which seek to do any of the following:

- To establish new purpose built shared accommodation buildings;
- To convert or adapt existing buildings to become shared accommodation uses;
- To substantially alter existing shared accommodation premises/uses;
- To substantially refurbish/upgrade existing shared accommodation premises.

1.4 Date this DCP operates

This DCP Part was adopted by Council on 26 September 2006 and came into force on 10 October 2006.

1.5 Relationship to other Plans

This DCP Part should be read in conjunction with the following.

DCP Part 12 – Exempt & Complying

DCP Part 17 – Waste Management

DCP Part 18 – Residential Flat Buildings; and

DCP Part 22 – Car Parking.

1.6 Definitions

Affordable Housing has the same meaning as in the Environmental Planning & Amendment Act (Affordable Housing Act) 2000. The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or are provided for in an environmental planning instrument.

Backpacker accommodation providing accommodation for tourists, travellers or persons engaged in recreational pursuits and that is similar to a 'motel' however, it provides:

- (a) shared facilities, such as a communal bathroom, kitchen or laundry, and
- (b) shared accommodation in which there are two or more persons in a room, and
- (c) temporary accommodation.

Bed & Breakfast (B&B) Accommodation means tourist and visitor accommodation comprising buildings and parking) where the accommodation is provided by the permanent residents of the dwelling for a maximum of 4 guests and:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided with guests' rooms, and
- (c) dormitory-style accommodation is not provided.

For further information on Bed & Breakfast Accommodation, refer to Council's Exempt & Complying DCP Part No. 12.

Boarding house means a building:

- (a) that is wholly or partly let in lodgings, and
- (b) that provides lodgers with a principal place of residence for 3 months or more, and
- (c) that generally has shared facilities, such as communal bathroom, kitchen or laundry; and
- (d) that has rooms with one or more lodgers, and includes a hotel (not being premises to which a hotelier's licence under the Liquor Act 1982 realtes).

Gross floor area means the sum of the floor area of each story of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and include:

- (a) the area of a mezzanine within the storey, and
- (b) habitable rooms in a basement, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic, but excludes
- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading access, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking) and,
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) voids above floor at a level of a storey or storey above.

Landscaped area means a part of a residential site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

Long term resident is defined as a resident who has used the boarding house as their principle place of residence for a period of three (3) months or more consecutive months.

Short term accommodation is defined as accommodation which is provided for short term residents or tourists staying less than three months.

Temporary means the provision of short term accommodation on a nightly, weekly or monthly basis, with a person staying in the premises for not more than 2 months.

2.0 RELEVANT PLANNING OR RELATED LEGISLATION:

Whilst every effort has been made to ensure that this DCP Part is a comprehensive document, there is a significant amount of government legislation and policy applicable in terms of standards and the like which should always be referred to in conjunction with this DCP Part.

Some of these are outlined below:

- Local Government Act 1993,
- Local Government (Orders) Regulation 1999,
- Public Health Act 1991,
- Public Health (General Regulation) 2002,
- Australian and New Zealand Food Standards Code,
- Protection of Environment Operations Act 1997,
- Building Code of Australia, and
- The Disability Discrimination Act 1992.

2.1 State Environmental Planning Policy (SEPP) 10 – Retention of Low-Cost Rental Accommodation.

State Environmental Planning Policy (SEPP) No. 10 – Retention of Low Cost Rental Accommodation is a State government policy which seeks to ensure people on low incomes have affordable places to rent. This policy was first gazetted on 6 July 1984 at a time when many inner city buildings in Sydney, Newcastle and Wollongong were being remodelled to serve other markets. This policy commenced applying to Burwood Council on 28 January 2000.

SEPP 10 came into play when an owner or developer of a low rental residential building wishes to alter, to add to, subdivide or, in some circumstances, change the use of, or demolish the building. When Council receives such a request, it must consider a number of matters set out in the policy, including how the proposal will affect rental stock in the area, the impact on current residents and future needs on the community.

2.1.1 SEPP 10 Planning Process

Part of the development application (DA) process may involve consideration of the requirements of SEPP 10. SEPP 10 is a State Government initiative, administered by the Department of Planning (DoP) which provides a means to retain low cost rental accommodation through the DA process. All DA's that propose development works to existing boarding houses (operating with lawful consent before 28 January 2000) are subject to determination under SEPP 10.

The SEPP 10 planning process requires Council to determine if SEPP 10 applies, and if so refers the DA to DoP for concurrence. DoP liaises with the applicant to secure sufficient information, undertakes the assessment and provides a determination of concurrence with conditions or refusal and then refers the DA back to Council for consent.

The concurrence of the Director General of DoP is required under SEPP 10 if the development proposal incorporates any of the following:

- Demolition of the boarding house;
- Alterations or additions to the structure or fabric of the inside or outside of the boarding house; or
- Changing the use of the boarding house to another use (particularly to backpackers accommodation); or
- Strata subdividing the boarding house;
- It should be noted that this policy does not stop routine maintenance. In fact, financial assistance may be available to owners of boarding houses who make their buildings fire safe.

2.2 Building Code of Australia (BCA)

The **Building Code of Australia (BCA)** is an important piece of legislation relevant to the planning and design of Boarding Houses. It contains the technical provisions for the design and construction requirements including fire safety, access and structural stability. Whilst many of the relevant design and construction standards are contained within this DCP Part, reference should be made to the BCA and the relevant **Australian Standards (AS)** that are contained in the BCA to ensure compliance with all aspects where necessary.

Applicants considering establishing a Boarding House either within an existing building or by way of erection of a new boarding house building, must refer to these provisions. DA's proposing the establishment of a boarding house do not require determination under SEPP 10. The BCA classifies buildings according to the purpose for which they have been designed, constructed or intended to be used. To this extent, boarding houses fall under two separate classifications under the BCA, namely:

- Class 1b** *A boarding house, guest house, hostel or the like with a total floor area not exceeding 300m² and in which not more than 12 persons would ordinarily be resident, which is not located above or below another dwelling or another Class of building other than a private garage.*
- Class 3** *A residential building, other than a building of Class 1 or 2, which is a common place of long term or transient living for a number of unrelated persons, including - a boarding house, guest house, hostel, lodgings house or backpackers accommodation.*

The distinction in classification between Boarding Houses is important in understanding the design and safety implications and requirements under the BCA, as the requirements vary for each Class. Throughout in this DCP Part, provisions have been included which reflect the requirements for the building classification.

2.2.1 BASIX

BASIX is a NSW Government SEPP that seeks to ensure that new homes are designed and built to use less potable water and produce fewer greenhouse gas emissions. BASIX is a flexible tool which allows the user to select from a range of options in order to meet the energy and water reduction targets. Every DA for a residential dwelling must be submitted with a BASIX Certificate. A Certificate is issued once a BASIX assessment has been satisfactorily completed, using the on-line tool.

3.0 PLANNING & DESIGN CONTROLS

3.1 BOARDING HOUSES

Boarding houses throughout the Burwood LGA are an important source of affordable long-term accommodation for a diverse range of people within the community, but particularly single people. Very often, people who live in boarding houses have less access to private open space, shared internal amenities and facilities and rely heavily on public transport. Thus, the external environment that surrounds the boarding houses has increased importance to boarding house residents.

Boarding houses provide long-term accommodation for a range of people including some of the most marginalised groups within the community. Boarding house residents include older/aged people, low income earners, unemployed and other persons that require affordable accommodation. Council encourages the retention and provision of boarding house stock to assist meeting the household needs of these groups.

What is Affordable Housing?

Affordable housing is housing that is priced at such a level that allows low to moderate income earners enough income after paying housing costs to meet other basic needs such as food, clothing, transport, medical care and education. While the terms can encompass public and community housing, it is more often used to describe other forms of assistance targeted at people who are either not eligible for public housing or who tend not to be able to access it.

3.1.1 Planning Requirements:

This section of the DCP Part outlines the planning requirements which apply to boarding houses. These provisions seek to minimise negative impacts on the amenity of adjoining neighbours and ensuring a complementary development. It also enables improved residential amenity for future occupants through careful building layout and design. Very often, boarding houses are developed as infill development in established areas, where existing buildings are converted to accommodate this use.

Many of the existing boarding houses that are located within the Burwood LGA were established prior to the making of the Burwood Planning Scheme Ordinance (BPSO) in 1979 hence this DCP Part applies to the construction of new boarding houses, as well as, alterations and additions to the existing boarding houses and/or for the conversion of existing buildings to boarding houses.

Planning provisions which are contained in the following pages of this DCP Part regarding boarding houses relate to any DAs seeking to:

- Erect or construct a new boarding house,
- Convert or adapt existing buildings to become a new boarding house, or
- Undertake substantial alterations and additions to existing boarding houses.
- To substantially refurbish/upgrade existing boarding house premises.

3.1.1.1 Building Form & Appearance

The overall building form and appearance of a boarding house will be determined to a large extent by the architectural character of the surrounding environment.

Provisions

- P1** Building form and appearance of new boarding houses where viewed from public streets and adjoining sites are to be compatible with surrounding development.
- P2** Boarding houses shall comply with the relevant building height, floor space ratio (FSR), building setback and building envelope controls as stipulated throughout this DCP Part.
- P3** Boarding houses shall be designed to reflect the predominant design features and respect the character of streetscape on which they are located.

Design elements include:

- Massing and proportions
 - Roof form and pitch
 - Façade articulation and detailing
 - Window and door proportions
 - Features such as verandahs, eaves and parapets
 - Building materials, patterns, textures and colours
 - Decorative elements
 - Vehicular footpath crossings, fence styles and/or
 - Building setbacks
 - Building height
- P4** Boarding houses that are located within or in the vicinity of a Heritage Conservation Area (HCA) or Heritage Item (HI) must be designed sympathetically to the significance of the heritage property.
- P5** Boarding houses must provide the following facilities within each building:
- Manager/operator accommodation,
 - Sleeping room or bedrooms (containing sufficient storage area to store clothes, linen and personal items for each occupant)
 - Communal laundry facilities,
 - Communal washing/sanitary facilities,
 - Communal food preparation facilities in the form of a communal commercial grade kitchen and/or tea making facilities within individual rooms,
 - Communal lounge,
 - Garbage storage and recycling facilities,
 - Communal lounge and kitchen to each floor of multi-storey developments.
- P6** Boarding houses shall be designed so that the main entry point(s) of the building are located to the street fronted elevation of the building and/or away from side boundary areas where adjoining property privacy may be compromised.

-
- P7** All parts of the premises and all appurtenances (including furniture, fittings, bedsteads, beds and bed linen) must be kept in a clean and healthy condition and free from vermin.

BASIX

- P8** Boarding houses are to satisfy the NSW Department of Planning's (DoP's) requirements for reduction in water and energy usage and provision of thermal comfort.

Signage

- P9** Only one (1) external sign is permitted for the boarding house development. The sign is limited to a maximum area of 0.3m² and its location is to be identified in the application for Council's consideration. The sign shall only provide the name of the boarding house and its address.

Strata Subdivision

- P10** Boarding houses are to be maintained and operated as a single entity hence strata-subdivision of the individual rooms of a boarding house is not be permitted.

3.1.1.2 Building density and height

It is important that the height and density of shared accommodation reflects the desired outcomes of buildings in the relevant land use zones.

Provisions

P1 Floor Space Ratio (FSR)

The maximum permissible FSR under Clause 55, BPSO, 1979 are:

Zone	Maximum FSR
Residential 2 (b1)*	0.4:1*
Residential 2(b2)*	0.55:1*
Residential 2 (c1)	0.75:1
Residential 2 (c2)	1:1

The FSR of the Residential 2(a)* zone is not included under Clause 55, however, a maximum ratio of 0.5:1* will be permitted.

(* The FSR in the Residential 2(a), Residential 2(b1) & Residential 2(b2) zones relate to alterations & additions to existing boarding houses only.)

P2 Height

Notwithstanding the land use zonings, proposals for the development of new or any alterations & additions to existing boarding houses shall not exceed two-stories in height.

P3 Minimum Frontage Width

A boarding house shall not be erected on an allotment of land having a frontage of less than 19m for a two-storey development.

3.1.1.3 Setbacks

Building setbacks are an important aspect of any development. Hence, compliance with the provisions below is warranted.

Provisions:

P1 The minimum boundary setbacks for a boarding house is as follows:

(i) **Front Setback provisions**

No. of Storeys	Minimum Setback from Street Alignment
1	Existing predominant building line
2	6m

(ii) **Side and Rear Setback provisions**

No. of Storeys	Minimum Setback from Side & Rear Boundaries
1	2.0m
2	3.5m

P2 Balconies, pergolas, etc. are not to encroach into the minimum setback area as set out in **P1** above.

3.1.1.4 Room Size, Recreational Areas & Washing Facilities

It is important that bedrooms and other facilities in boarding houses are sufficiently sized to accommodate the needs of the building residents.

Provisions

Bedrooms/sleeping rooms

P1 The minimum dimensions for a sleeping room within a boarding house, shall be as follows:

Room Type	Minimum Room Size (m ²)
Single person bedroom	12m ²
Two person bedroom	17.5m ²

P2 Dormitory style accommodation in boarding houses is not permitted.

Bedroom storage

P3 Each bedroom is to ensure that there are sufficient storage and furnishing provided in the room. These requirements are as follows and should be met:

(a) Secure Storage Facilities	Minimum capacity of 1m ³ per person. Where more than 1 person is accommodated in the room, the storage space must be lockable.
(b) Minimum Room furnishings	<ul style="list-style-type: none">• Bed (including base and mattress)• Wardrobe• Mirror• Table & Chair• A night light or other approved illumination device for each bed.• Waste container• An approved latching device on the door• Curtains, blinds or similar privacy device All room furnishings shall be detailed in the Management Plan and maintained in good repair.

Kitchen and tea making facilities

P4 Communal kitchen areas:

(a) Class 1b Kitchen Facilities	A communal commercial grade kitchen area with kitchen sink and facilities for food preparation, tables and chairs in a central location, accessible to all residents with a minimum area of 6.5m ² for 1-6 residents or 11m ² for 7-12 residents.
--	---

(b) Class 3 Kitchen	A commercial grade communal kitchen and dining area with a minimum area of 15m ² , plus 1m ² per additional person above the minimum 12 persons.
(c) Kitchen Requirements	<p>The following must be provided in any kitchen as a minimum:</p> <ul style="list-style-type: none"> • One sink for every 6 people with running hot and cold water; • One stove top cooker for every 6 people • A refrigerator with storage space of 0.13m³ per person. • A freezer with storage space of 0.05m³ per person. • Exhaust ventilation • A lockable drawer or cupboard for food storage for each guest in the kitchen area.

P5 Any kitchen facilities and utensils for the storage or preparation of food must be kept in a clean and healthy condition, in good repair, free from foul odours and, as far as practicable, free from dust, flies, insects and vermin.

P6 The floor of any kitchen must have an approved impervious surface.

Indoor Recreational Areas

P7 Boarding houses provide accommodation for people who are unrelated and generally strangers. Whilst building design and layout should encourage resident interaction, it is also important to provide and maintain privacy for residents. DA's for boarding houses are to consider the impact of the development on adjoining properties, where both noise disturbance and visual impact should be minimised.

(a) Indoor Communal Areas	<p>Class 3 boarding houses are to provide a common living area of a minimum 15m² in area, with a further 15m² provided for each additional 12 persons thereafter.</p> <p>A separate communal living area must be provided on each floor of multi-storey premises.</p>
(b) Location of Indoor areas	Communal living facilities where located on the ground floor are to be located near commonly used spaces, such as kitchen, laundry, lobby entry area, manager's

	<p>office etc, or adjacent to the communal outdoor open space.</p> <p>Communal recreation areas should have a northerly aspect and should be located where they will have a minimal impact on adjoining properties in terms of noise generation. The use of double glazed windows or acoustic barriers can assist with this.</p> <p>Consideration should be given to ensure that habitable rooms adjoining the recreational area are also protected from excessive noise.</p> <p>The use of highlight windows is encouraged along side boundaries, to minimise direct overlooking, particularly when adjoining or adjacent to residential properties.</p>
--	---

Laundries, Bathrooms and drying facilities:

P8 Laundry facilities are to be equipped with the following in the Table as a minimum:

a) Laundry facility Requirements	<p>(i) One automatic washing machine for the first 10 residents plus 1 automatic washing machine for every additional 15 residents thereafter or part thereof or equivalent; and</p> <p>(ii) One domestic dryer for first 10 residents plus 1 domestic dryer for every additional 20 residents thereafter or part thereof or equivalent; and</p> <p>(iii) One large laundry tub with running hot and cold water for up to 10 residents and one additional tub for premises that contain more than 10 residents; and</p> <p>(iii) 30 metres of clothesline for every 12 residents on an outdoor area (can be retractable).</p>
b) Clothes drying areas	<p>Outside drying areas shall be located in the communal courtyard area to enable maximum solar access. Internal drying and laundry facilities shall be located in a</p>

3.1.1.5 Operational Controls

An important aspect of minimising potential adverse impacts of boarding houses on the surrounding environment is by ensuring that they are managed in a proper manner. A Management Plan is a useful tool that can be used to ensure suitable management practices are in place to minimise impacts on adjoining owners and ensure suitable amenity is maintained for residents living in the boarding house.

Provisions:

Management Plan

- P1** A management plan is to be developed and maintained and be accessible to Council as requested. The management plan shall address the following operational aspects of the boarding house:
- fees for residency,
 - kitchen usage, the provision of meals or resident provision of meals,
 - use of communal space and facilities,
 - parking for cars,
 - cleanliness and maintenance of the property and grounds,
 - house rules e.g. guest behaviour, activities and noise, visitor policy, operating hours of outdoor common areas, use of alcohol and/or drugs.
- P2** An operational Management Plan must be submitted with each boarding house DA including new and existing boarding houses to ensure that the proposed premises operates in a manner that maintains a high level of amenity.

Management and Registration

- P3** A management office shall be visibly located within the boarding house and be accessible to all boarders.
- P4** The boarding house must be registered annually with Council.
- P5** Properties located adjacent to the boarding house premise are to be provided with a 24 hour telephone number for the property manager/caretaker.

On-site Manager/Management

- P6** All new boarding houses are to have a contact person acting as an agent of the Manager and must be nominated and contactable 24 hours per day, 7 days a week.
- P7** The boarding house agent may be accessible off-site or be one the occupants who resides on the premises.
- P8** A clearly visible sign with the name and telephone number of the contact person must be displayed externally at the front entrance of the boarding house and internally in the common area.
- P9** Where on-site managers are provided, they must be over 18 years of age.

-
- P9** An on-site manager/management must be responsible for the operation, administration, cleanliness and fire safety of the premises, including compliance with the Management Plan as well as an Emergency Management and Evacuation Plan.

Maximum number of boarders and lodgers

- P10** The number of occupants (not including children under the age of 5 years) must not exceed the maximum number of persons determined by the council to be accommodated in each bedroom or dormitory and in the whole premises.

Bedroom numbering

- P11** A schedule showing the numeral designation of each bedroom and the number of persons permitted to be accommodated in each bedroom must be conspicuously displayed on the premises.
- P12** Each bedroom must be numbered in accordance with the schedule and there must be displayed clearly on the door of, or in each bedroom illustrating the maximum number of persons allowed to be accommodated in the bedroom.

3.1.1.6 Fire safety and on-site security measures

As boarding houses can range in size from small to large, consideration should be given to ensuring the continued safety and security of both the residents of the premises as well as residents of adjoining streets and surrounding neighbourhood. Hence, the role of on-site management and ensuring that there are proper security measures in place is very important. In addition, on-site management is important to ensure the orderly daily operations of the premise. Fire safety, is also another critical aspect of boarding house development, which must be considered.

Provisions:

Fire Safety Regulation:

- P1** Boarding Houses (Class1b or 3) must provide a high level of fire safety. Fire management practices are to be established to ensure safe and efficient access and egress and that all fire equipment and warning systems are regularly checked on an annual basis (a fire safety statement is to be supplied to Council) and maintained in accordance with the provisions of the Local Government Act 1993 and Building Code of Australia (BCA).
- P2** A floor plan must be permanently fixed to the inside of the door of each bedroom and that indicates the available emergency egress routes from the respective sleeping room.
- P3** Council requires new premises to comply with the provisions of the Building Code of Australia (BCA). Where a DA proposes alterations and additions or upgrade to an existing premises it will be expected that the whole of the building will be upgraded in respect of Fire Safety and will be assessed on its merits.

Additional safety measures:

- P4** Additional safety and security measures for all residents may include but are not limited to such things as internal signage indicating the property caretaker or manager and contact number, emergency contact numbers for essential services such as fire, ambulance, police, and utilities such as gas, electricity, plumbing, installation of perimeter lighting, appropriate fencing and secure gates, all residents to have own keys.

3.1.1.7 Acoustic Impact minimisation

One of the main concerns of residents that adjoin a new boarding house is the potential noise impact on their existing amenity. This section of the DCP Part seeks to ensure new or modified boarding houses are planned and operated in a manner that minimises any potential adverse impact on surrounding properties.

Provisions

P1 The following noise abatement provisions should be complied with:

Design considerations for noise abatement include consideration of the:	<ul style="list-style-type: none">• Location of windows in respect to the location of windows in neighbouring properties.• Sensitive location of communal outdoor areas away from main living area or bedroom windows of any adjoining dwelling.• The use of screen fencing or planting as a noise buffer for external noise sources or in terms of transferral of noise from communal areas to surrounding land uses.• The use of acoustic barriers as a noise buffer to external noise sources from surrounding land uses and/or passive design considerations within the building to minimise noise intrusion;• The incorporation of double glazing of windows or use of glass blocks (for light penetration but not suitable where natural ventilation is also required);• Locate similar building uses (such as bedrooms to bathrooms) back to back internally within the building, to minimise internal noise transmission.
---	--

P2 The development standards contained within **Part F5 of the BCA** regarding sound transmission & insulation ratings and construction that applies to Class 3 buildings shall now apply to Class 1B buildings.

3.1.1.8 Landscaping & Outdoor Recreational Area

Landscaping should be incorporated into the design concepts for new boarding house developments to ensure that they reflect the character of adjoining properties.

Boarding house residents often only occupy one room as their own space and as such access to outdoor areas is an important element in the building's design. Wherever possible, the design of outdoor spaces should enhance the experience and living environment for all residents.

Provisions:

P1 Landscaping of the unbuilt upon area is to be provided for the recreational needs of residents, to enhance the amenity of the area and streetscape, to provide for privacy screening and to make allowance for deep soil planting.

P2 The minimum standards for landscaping of boarding house development is as follows

Residential Zone	Percentage (%) of Site Area
2(c1)	50%
2(c2)	50%
2(a)	45%
2(b1)	45%
2(b2)	45%

P3 Wherever possible communal open space areas should be connected to communal indoor spaces such as kitchens or livings areas. Communal facilities such as BBQ's, seating and pergolas are also encouraged.

P4 Planting should be used to screen communal outdoor areas from adjoining properties or the public way, with trellis, screens with climbing vines or the like, used to complement deciduous tree planting.

3.1.1.9 Accessibility

All new boarding houses and building conversions including associated spaces such as communal open space and parking areas and the like are to be accessible for all people in the community. Hence, consideration should be given to ensuring that such spaces are accessible.

Provisions:

Disabled Access

P1 Access, corridors and facilities are to be designed in accordance with the following:

Building Code of Australia – Access and Egress (part D, E and F)

Australian Standard 2890.

P2 There shall be a minimum 1 accessible/adaptable room per 10 bedrooms in all new boarding houses or existing boarding houses which are seeking substantial alterations and additions.

3.1.1.10 Car Parking

Given the demographic profile of the average boarding house resident and the semi-permanent nature of their occupation, car ownership and usage is relatively low. Notwithstanding this, any proposals for new boarding houses should ensure adequate provision is made for both residents and staff or the on-site manager to minimise off-site impacts.

Hence, boarding house development should ensure adequate parking to be provided on-site.

Provisions

- P1** All car spaces are to have minimum dimensions in accordance with AS 2890.1 (1993) and located behind the Building Line.
- P2** Driveways are to be treated with a variation of paving materials and colours, to give a visual change.
- P3** Car parking is to be designed to Australian Standard for off-street Parking.

Boarding houses:

- P4** The minimum on site car parking is as follows:

- One (1) car space per ten (10) beds.
- One (1) car space per two (2) employees.

For further information, refer to Council's DCP Part No. 22 – Car Parking.

3.1.1.11 Accessibility

Provisions:

- P1** Access and facilities should be designed in accordance with the following:
 - Building Code of Australia – Access and Egress (part D, E and F)
 - Australian Standard 4299-1995 Adaptable Housing

3.2 BACKPACKER ACCOMMODATION

Backpacker accommodation, which is a commercial activity, is defined as a dwelling house, whole of a residential flat building or the residential component of a mixed residential and commercial building, which provides temporary accommodation for travellers and tourists who have their principle place of residence elsewhere, which contains a communal kitchen or living area and laundry facilities and which has 2 or more beds in each bedroom.

Very often, people that live in backpacker accommodation have less access to private open space, shared internal amenities and facilities and rely heavily on public transport. Hence, this form of development should be located in close proximity to facilities and amenities of a commercial area.

3.2.1 *Planning Requirements:*

This section of the DCP Part outlines the planning requirements which apply to backpacker accommodation. These provisions seek to minimise negative impacts on the amenity of adjoining neighbours. It also enables improved residential amenity for future occupants through careful building layout and design.

It is proposed that planning provisions which are located on the following pages relate to any DA's seeking to:

- Erect or construct a new backpacker accommodation,
- Convert or adapt existing buildings, or
- Additions to, refurbish or upgrading of existing backpacker accommodation.

3.2.1.1 Localities

Backpacker accommodation is only permissible in commercial zones.

Provisions

P1 Backpacker accommodation is only permissible in commercial zones within the Burwood LGA.

These land use zones include:

Business Special	3(b)
Business Special	3(c)1
Business Special	3(c)2

3.2.1.2 Building density and height

It is important that the height and density of buildings should reflect the desired outcomes of buildings in the relevant land use zones.

Provisions

Floor Space Ratio (FSR)

P1 Development for the purpose of backpacker accommodation will be allowed to the maximum permissible FSR under Clause 55, BPSO, 1979 are:

Zone	Maximum FSR
Business Special 3(b)	1.5:1
Business Special 3(c)1	2:1
Business Special 3(c)2	2:1

3.2.1.3 Setbacks

Building setbacks are an important aspect of any development. Hence, compliance with the provisions below is warranted.

Provisions:

- P1** Provisions regarding building setbacks for backpacker accommodation will be assessed on their merits.

3.2.1.4 Room Sizes, recreational areas and washing facilities

It is important that bedrooms and other facilities in boarding houses are sufficiently sized to accommodate the needs of the building occupants.

Sleeping rooms

- P1** The number of people accommodating a room will be determined by allocating a minimum of 5.5m² of floor area for each person.
- P2** Light and ventilation shall be provided to sleeping rooms in accordance with the provisions of the Building Code of Australia (BCA).
- P3** Each room should contain adequate secure storage facilities to provide storage space for clothes and travel gear.
- P4** Appropriate floor coverings shall be used in the rooms to minimise the impact of noise.
- P5** Bedding and flooring must be easily be cleaned and maintained.

Kitchen Dining and Living Areas

- P6** The floor area of the combined kitchen and dining area will be determined on the basis of 1m² per occupant.
- P7** The communal living area must be able to accommodate up to 50% of occupants at any one time

Toilets and showers

P8 Toilet and shower facilities within the premises are to comply with the provisions of the Building Code of Australia

P9 Toilet and shower facilities for employees and disabled persons are to be provided in accordance with the provisions of the BCA.

P10 Taps, showerheads and toilets are to be fitted with appliances with a AAA rated water conservation rating.

P11 The amount of washing facilities to be provided are is calculated on the following figures:

Facilities	No of persons
Bathrooms (shower and or plunge bath)	1 per 10
Washbasins	1 per 10
Toilet – up to 10 residents	1 per 10
Toilets- more than 10 residents	1 per 20 males 1 per 15 females

P12 Toilet facilities must be provided in a separate compartment from the bathroom / shower room.

Laundries and Drying Facilities

P13 A common laundry shall be provided for the use of all residents of the premises.

P14 Provision shall be made for the placement of an outdoor clothes line.

P15 All clothes dryers shall have an energy star rating of 4 or greater.

3.2.1.5 Operational Controls

An important aspect of minimising potential impacts of boarding houses on the surrounding environment is by ensuring that they are managed in a proper manner. A Management Plan is a useful tool that can be used to ensure suitable management practices are in place to minimise impacts on adjoining owners and ensure suitable amenity is maintained for residents living in the backpacker accommodation.

Provisions:

Management Plan

- P1** A management plan is to be developed and maintained and be accessible to Council as requested. The management plan shall address the following operational aspects of the backpacker accommodation:
- fees for residency,
 - kitchen usage, the provision of meals or resident provision of meals,
 - use of communal space and facilities,
 - parking for cars,
 - cleanliness and maintenance of the property and grounds,
 - house rules e.g. guest behaviour, activities and noise, visitor policy, operating hours of outdoor common areas, use of alcohol and/or drugs.
- P2** An operational Management Plan is to be submitted with each DA for a backpacker accommodation (including new and existing boarding houses) to ensure that the proposed premises operate in a manner that maintains a high level of amenity.

Management and Registration

- P3** A management office shall be visibly located within the backpacker accommodation and be accessible to all boarders.
- P4** The backpacker accommodation is to be registered annually with Council.
- P5** Properties located adjacent to the backpacker accommodation premise must be provided with a 24 hour telephone number for the property manager/caretaker.

On-site management

- P6** All new boarding houses are to have a contact person acting as an agent of the Manager and must be nominated and contactable 24 hours per day, 7 days a week.
- P7** The boarding house agent may be accessible off-site or be one the occupants who resides on the premises.
- P8** A clearly visible sign with the name and telephone number of the contact person must be displayed externally at the front entrance of the boarding house and internally in the common area.
- P9** Where on-site managers are provided, they must be over 18 years of age.

Maximum number of boarders and lodgers

P10 The number of occupants (not including children under the age of 5 years) must not exceed the maximum number of persons determined by Council to be accommodated in each bedroom or dormitory and in the whole premises.

Bedroom numbering

P11 A schedule showing the numeral designation of each bedroom and the number of persons permitted to be accommodated in each room must be conspicuously displayed on the premises.

P12 Each bedroom must be numbered in accordance with the schedule and must be displayed clearly on the door of or in each bedroom the maximum number of persons allowed to be accommodated in the bedroom.

3.2.1.6 Fire Safety and on-site security measures

Consideration should be given to ensuring the continued safety and security of both the residents of the backpacker accommodation as well as residents of adjoining streets and surrounding neighbourhood. Hence, the role of on-site management and ensuring that there are property security measures in place is very important. In addition, on-site management is important to ensure the orderly daily operations of the premise. Fire safety is also another critical aspect backpacker accommodation development, which must be considered.

Provisions:

Fire Safety Regulation:

- P1** Backpacker accommodation must provide a high level of fire safety. Fire management practices are to be established to ensure safe and efficient access and egress and that all fire equipment and warning systems are regularly checked on an annual basis (a fire safety statement is to be supplied to Council) and maintained in accordance with the provisions of the Local Government Act 1993 and Building Code of Australia (BCA).
- P2** A floor plan must be permanently fixed to the inside of the door of each sleeping room to indicate the available emergency egress routes from the respective sleeping room.
- P3** Council requires new premises to comply with the provisions of the Building Code of Australia (BCA). Where a DA proposes alterations and additions or upgrade to an existing backpacker premises it will be expected the whole of the building will be upgraded in respect of Fire Safety and will be assessed on its merits.

Security Cameras:

- P4** All new backpacker accommodation must provide closed circuit television cameras that are installed in all common areas and shall be connected to a central monitoring centre within the accommodation.

Additional safety measures:

- P5** Additional safety and security measures for all residents may include but are not limited to such things as internal signage indicating the property caretaker or manager and contact number, emergency contact numbers for essential services such as fire, ambulance, police, and utilities such as gas, electricity, plumbing, installation of permitter lighting, appropriate fencing and secure gates, all residents to have own keys.

3.2.1.7 Acoustic Impact minimisation

One of the main concerns of residents that adjoin a new backpacker accommodation premise is the potential noise impact on their existing amenity. This section of the DCP Part seeks to ensure new or modified Boarding houses are planned and operated in a manner that minimises any potential adverse impact on surrounding properties.

Provisions

P1 The following noise abatement provisions should be complied with:

Design considerations for noise abatement include consideration of the:	<ul style="list-style-type: none">• Location of windows in respect to the location of windows in neighbouring properties.• Sensitive location of communal outdoor areas away from main living area or bedroom windows of any adjoining dwelling.• The use of screen fencing or planting as a noise buffer for external noise sources or in terms of transferral of noise from communal areas to surrounding land uses.• The use of acoustic barriers as a noise buffer to external noise sources from surrounding land uses and/or passive design considerations within the building to minimise noise intrusion;• The incorporation of double glazing of windows or use of glass blocks (for light penetration but not suitable where natural ventilation is also required);• Locate similar building uses (such as bedrooms to bathrooms) back to back internally within the building, to minimise internal noise transmission.
---	--

3.2.1.8 Car Parking

Given the demographic profile of a backpacker and the semi-permanent nature of their occupation, car ownership and usage is relatively low. Notwithstanding this, any proposals for new boarding houses should ensure adequate provision is made for both residents and staff or the on-site manager to minimise off-site impacts.

Hence, development should ensure adequate parking to be provided on-site.

Provisions

- P1** All car spaces are to have minimum dimensions in accordance with AS 2890.1 (1993) and located behind the Building Line.
- P2** Driveways are to be treated with a variation of paving materials and colours, to give a visual change.
- P3** Car parking is to be designed to Australian Standard for off-street Parking.
- P4** The minimum on site car parking is as follows:
 - One (1) car space per ten (10) beds.
 - One (1) car space per two (2) employees.

3.1.1.9 Accessibility

Provisions:

- P1** Access and facilities should be designed in accordance with the following:
 - Building Code of Australia – Access and Egress (part D, E and F)
 - Australian Standard 4299-1995 Adaptable Housing

4.0 SECTION 94 CONTRIBUTIONS

The Burwood Planning Scheme Ordinance (PBSO) provides for a room used or capable of being used as a domicile to fall within the definition of a '*dwelling*'. The meaning of dwelling serves in determining how Section 94 Contributions will be levied by Council.

The following information applies to both the conversion of existing buildings as well as the erection of new buildings for the purpose of being used as a boarding house.

Provisions:

- P1** Where a boarding house is designed to have communal kitchen and bathroom facilities, it is regarded as one '*dwelling*' and each bedroom is considered to be a bedroom in that dwelling for the purpose of Section 94 contributions.

Council will collect Section 94 contributions depending on whether it is considered to be a 0-1 bedroom dwelling, 2 bedroom dwelling or 3 or more bedroom dwelling.

Any existing dwelling on site which is proposed to be demolished or converted will be given a credit on the amount of contributions to Council.

- P2** Where a boarding house is designed that each bedroom is provided with its own kitchen(ette) and bathroom facility, each such bedroom is considered to be capable of being used as a single person bed-sit type dwelling or self contained unit for the purpose of Section 94 Contributions. As a result, Council will collect S94 contributions depending on the number of persons that can be accommodated in the boarding house.

Any existing dwelling on site which is proposed to be demolished or converted to a boarding house will be given a credit.

For further information refer to Council's Section 94 Contributions Plan.

