INTERNATIONAL STUDENT ACCOMMODATION IN NEW SOUTH WALES

Organisation: City of Ryde Council

Name: Mr Scott Cox

Position: Manager - Environmental Health and Building

Date Received: 7/10/2011

City of Ryde

The Committee Manager
Social Policy Committee
Parliament House
Macquarie Street
SYDNEY NSW 2000

6 October 2011

Dear Mr Notley-Smith,

Social Policy Committee Inquiry into student accommodation

Thank you for the opportunity to lodge a submission to the above inquiry.

The issue of unauthorised boarding houses has raised a number of concerns from the residents of the City of Ryde. A number of their concerns have included unkempt lawns and gardens, accumulation of rubbish, overcrowding and fire safety.

The City of Ryde Council has been working for a number of years to address the issue of unauthorised boarding houses and the provision of appropriate student accommodation. To date, the actions of Council have included:

> The engagement of two consultant's as part of an Integrated Enforcement Education Project. The objective of the project was firstly to research the supply of student accommodation and secondly to evaluate the issue of unauthorised boarding houses and Council's approach to enforcement. Staff training in investigation techniques was also a key element of the project.
> The engagement of key stakeholders (residents, landlords, students, tertiary providers and developers) regarding the issue of boarding houses (both unauthorised and approved) and student accommodation
> Council staff are currently developing a boarding house policy (draft attached). The boarding house policy will include an interim enforcement policy as well as a development control plan with requirements specific to boarding houses. The boarding house policy will be presented to Council later this year.
> Council staff have developed a working relationship with Macquarie University for the sharing of information in order to identify unauthorised boarding houses and to promote better welfare and support for International Students.

Regulation

From a regulatory point of view, the following suggestions are made to the Committee:

Registration of Boarding House

Apart from conditions of development consent, boarding houses are largely unregulated. Council would like to see a state wide registration system established at no cost or detriment to existing Council resources. A registration system would be a way of ensuring that approved boarding houses are being managed appropriately. It is also recommended that legislation be changed to enable regular inspections of boarding houses and that a Plan of Management be available on the site for Council staff to view at the time of inspection.

Protection of tenants

A lot of Council's work in the past (and present) has had the interest of the boarders/lodgers (students) at the forefront of its objectives. It is felt that lodgers of boarding houses (legal and illegal) have limited or no means of protection. It would be an opportune time to have some legislated protection measures put in place to protect vulnerable students from unreasonable landlords, similar to the protection provided for tenants under the Residential Tenancy Act.

Powers of Council staff

The powers of Council staff are limited with regard to inspections of boarding houses. As they are a residential premises, entry can only be gained by the invitation of the occupier or owner. Due to this delay, often evidence may be concealed when access to a property is eventually granted.

It is recommended that changes be made to legislation to enable Council staff faster and easier means of access to the property, rather than having to apply for a search warrant if access is denied. The denial of access should only be permitted for appropriate reasons and the reinspection (following denial of access) should be allowed within an appropriate timeframe.

Planning controls

Exemption from SEPP (Affordable Housing)

It is Council's desire that local planning controls will be the determinants of boarding house applications. As the City of Ryde is developing its own boarding house policy, the opportunity for exemption from the SEPP (once certain State Government requirements have been met) would like to be considered.

The City of Ryde would also like the opportunity to work with the Department of Planning to draft model instruments in respect of affordable accommodation, in particularly boarding houses.

Council resolutions

The Council would like to see recommendations similar to those identified in the Council resolutions (attached) of 19 April 2011 and 3 May 2011 to protect students be pursued.

Please find attached the following documents:

- ➢ Integrated Enforcement and Education – Illegal Boarding Houses Project by Gail Le Bransky
- ➢ Integrated Enforcement Project by Nicholas Mamouzelos
- ➢ Council resolutions dated 19 April 2011 and 3 May 2011.
- ➢ Draft Development Control Plan – Boarding Houses
- ➢ Draft Interim Enforcement Policy – Boarding Houses

For any further information regarding this matter, please do not hesitate to contact Scott Cox Manager – Environmental Health & Building on 9952 8182.

Yours faithfully

Scott Cox
Manager – Environmental Health & Building

Integrated Enforcement and Education – Illegal Boarding Houses Project

Research Report

December 2010

ACKNOWLEDGEMENTS

DISCLAIMER

GML Social Research

Locked Bag 2190, Suite 296/91 Longueville Road Lane Cove 2066

(02) 9418 3397 Mob: 0421 186071

www.gmlresearch.com

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A. Executive Summary

In August 2010, GML Social Research was commissioned by the City of Ryde to assist Council to:

- establish key relationships with a number of stakeholders including Macquarie University, students, housing providers, other Councils and Government Agencies.

- comprehensively research the issues relating to student accommodation and unauthorised boarding houses

- report on the opportunities for appropriate student housing to Council, and

- promote the Homestay Program within the City of Ryde

This report represents the culmination of the first three tasks and presents options for the promotion of Homestay, aligned to the research findings.

A1. Key findings

The key findings from the research are presented in detail in Section 12 of this report. However a number of issues were particularly influential in shaping the recommendations of this report to Council. These are summarised below:

- Of the 626 international students interviewed, 99 students were living in boarding houses; 273 in flats or apartments; 137 in share houses; 47 in on-campus accommodation; 44 staying with friends or family; 22 in Homestay accommodation; and 4 in other accommodation, including hostels and granny flats.

- 75 per cent of international students were satisfied with their current living arrangements, however is also apparent that being satisfied does not equate with living in optimal conditions for study and lifestyle. Satisfaction with accommodation was largely associated with low cost and convenient proximity to the university.

- Of those students who were dissatisfied with their accommodation students in Homestay accommodation were the least satisfied group, followed by students living in boarding houses. Dissatisfaction was commonly associated with overcrowding, dirty, unsafe or noisy living environments and lack of privacy, cost and distance from the university.

- Many international students experience problems with housing, particularly in the first 12 months. International students are very mobile, often leaving their accommodation within a short time of arrival. Lack of knowledge of consumer rights and welfare support systems mean that the only recourse for many students who are dissatisfied with their living arrangements is to move out.

- 393 of the 626 (62.7 per cent) of the students surveyed indicated that they did not know where to go to obtain housing help if they needed it.

- Price is most significant factor determining where an international student will live. The majority are living in accommodation priced below $200 per week and a small percentage is paying less than $100 per week for a room. Many students are prepared to trade-off the accommodation standards and arguably their safety in order to live cheaply at a convenient distance from the university.

- Overseas agents were not found to be making arrangements for boarding house accommodation prior to the student's arrival in Australia. The research suggests that boarding house accommodation is sourced through word of mouth contacts, through uni advertisement boards and in some cases newspaper advertisements. The internet is key source for share houses, a category for which there may be some overlap with boarding houses. These findings have significant implications for the ongoing aspects of the project in raising awareness of international students about housing issues.

- Homestay as it is currently priced and delivered is not a popular option among international students. The type of food provided, lack of opportunities to speak English (many hosts are from non-English speaking backgrounds) and the perception of poor value for money are the main concerns.

- Council's surveillance of unauthorised boarding houses relies upon information from local residents and there is much more that can be done to improve communication with affected local residents. However, a more proactive surveillance and enforcement regime has significant resource implications for Council. In respect of over-crowded rental accommodation, as Council has no regulation which stipulates the maximum number of adult residents per bedroom it is dependent upon real agents to be vigilant and to enforce the terms and conditions of leases.

- The research suggests that students are complicit in hiding evidence of breaches rather than risk being evicting into homelessness. Furthermore, Council's crackdown on the underground student housing market has a significant flow-on effect to the local housing market. Effectively, owners or head tenants are able to provide housing to fewer potential tenants if occupancy ratios are strictly applied.

- Increasing accommodation option for students requires a multi-faceted solution. It is clear that the housing needs of students cannot be met by the University alone and in fact, given significant investment in rental properties it would be damaging to the local economy to attempt to do so. The research points to four key areas for action:

  1. significant expansion of affordable on-campus accommodation at Macquarie University;
  2. promoting an alternative Homestay experience that meets the needs and expectations of international students;
  3. increasing the volume of affordable housing stock and choice for the community as a whole; and
  4. promoting rental opportunities in areas outside the LGA such as the suburbs on Chatswood, St Leonards and Parramatta on the direct rail link to Macquarie University.

- The adoption of head tenancy schemes by Macquarie University Housing Office is evidence of the university seeking alternative approaches to housing international students, in circumstances that offer a greater degree of protection than direct experience of private renting. However, implementation by the university is constrained by low vacancy rates in the private rental market.

- Many local governments are taking active steps to integrate international students into their communities. An increasing presence of international students and associated intensification of student housing within the City of Ryde requires Council to direct some of its initiatives towards building closer connections between the students and the community.

- Possible initiatives that have been tried in other jurisdictions to improve the integration of international students in local communities including: welcoming and orientation events; international student festivals; provision of tailored information

through websites and seminar programs; programs to build ongoing relationships between individual students and community members and families; and student volunteering.

A2.   Recommendations

In the light of these findings, the report makes the following 25 recommendations for the consideration of Council.

<u>Increasing housing supply</u>

1. Continues to engage with Macquarie University and private investors to develop an appropriate planning response to the shortages of student accommodation issue, within the context of the Macquarie Park Master plan. Town planning for the area should fully consider the impact on the University population (students and staff) on housing demand.

2. Ensures that approval processes for the development of on-campus accommodation are resolved quickly and efficiently.

3. Engages with the Northern Sydney Institute of TAFE regarding future student housing needs and builds these expectations into town planning for the Meadowbank and Ryde areas.

4. Develops data and a range of objective measures of supply and demand to inform decision-making regarding SEPP (Affordable Housing) developments and other higher density forms of student accommodation and justify such decisions to residents.

5. Considers introducing a student housing policy within its local environmental planning scheme.

6. Adopts a consistent and proactive approach to attract new housing development by packaging together a range of levers that serve to reduce the costs to developers of providing housing. Levers to consider include planning concessions and floor-space bonuses and concessions on developer levies and charges who are building affordable accommodation aimed at the rental market.

7. Permits development of 'granny flats' to be incorporated into the main dwelling of properties in residential zones as per the recommendation of the Draft City of Ryde housing strategy.

8. Raises the issue of student housing shortages and the flow on effects to the wider community at the most senior echelons of Macquarie University.

Acting on unauthorised boarding houses and rental over-crowding

9. Persists with a zero tolerance policy in relation to unauthorised boarding houses and continues to train enforcement personnel in surveillance and evidence gathering methods.

10. Takes steps to educate landlords on the standards required by law by preparing guidelines for off-campus student housing, compatible with the SEPP (Affordable Rental Housing) so that the standards and requirements are unequivocal. It is proposed that the guidelines are reproduced in Mandarin, Cantonese and Korean languages.

11. Liaises with the editors of Chinese and Korean language newspapers about placing stories and information housing standards and regulations.

12. Conduct quarterly breakfast meetings involving Councillors and senior staff Council with real estate agents operating within the LGA to discuss issues related to international students.

13. Increases the visibility of Council's activity by providing information to local residents via Council's website, newsletter and letterbox drops in targeted areas with information about how to report suspected unauthorised boarding houses; the current legal requirements and the actions Council can legitimately take.

14. Engages with residential advocacy groups, such as Neighbourhood Watch and Neighbourhood Action Groups by providing regular reports on Council actions and providing a meeting structure for specific issues to be raised with Council, and for Council to report on how it is responding to community concerns.

Raising student awareness

15. Works with appropriate personnel at Macquarie University to ensure that information on the University website regarding the cost of housing is clear, accurate and up to date and that sources of accommodation are legitimate. It is also important that students are adequately informed about housing services on campus.

16. Develops specific materials relating to safety issues and potential exploitation from living in unauthorised boarding houses and other forms of over-crowded rental accommodation. As this is an issue which affects other local Councils, notably the City of Sydney, Randwick and Parramatta City Councils, combined efforts to develop a video resource that could be screened at orientation sessions and uploaded to University websites would be the most effective use of resources.

Promoting Homestay

17. Promotes Homestay within the LGA with a view to increasing the number of local hosts. Promotional opportunities include articles in the Council newsletter to residents including stories about local Homestay hosts, and promotions at community events such as the annual Granny Smith Festival.

18. Seeks Diversity and Social Cohesion Program funding to conduct a pilot 'Boarders without Boarders' program. This program proposes an alternative Homestay arrangement linking older people who need assistance with light housework or home maintenance such as lawn mowing with international students looking for low cost accommodation and conversations in English.

19. Offers cross-cultural training through the Community Life Division of Council for potential Homestay hosts on an annual basis.

Connecting international students with the local community

20. Considers a partnership with Macquarie University, the Northern Sydney Institute of TAFE and the NSW Community Relations Commission (International Student Project) to link web based information about local activities, events and housing options to international student portals.

21. Advocates to the NSW Government for funding and practical assistance to put in place a program of activities to improve community integration of international students in the City of Ryde. Examples of activities include: social, sporting and cultural activities involving international students and local communities in locations such as Waterloo Park and the Shrimpton's Creek Parklands; and a sporting skills development program that would help international students learn about Australian culture and connect with the local community based on the *GloBall* concept.

22. Encourages the development of a community volunteer program at Macquarie University, similar in scope to Newcastle University's *Community Connections* program and assists the University to promote the program to local residents.

23. Works with Macquarie University and the Northern Sydney Institute of TAFE to actively recruit international students as volunteers for local community events such as the Granny Smith Festival, Home and Community Care funded agencies and Ryde Bushcare. This work would be an adjunct to the role already played by the Community Life Division in recruiting volunteers.

24. Promotes issues related to international students to the wider community at major community events in the LGA. Options for Council at these events include displaying and providing information about: becoming a Homestay host or community connections volunteer; volunteering opportunities for international students; and housing rights and responsibilities.

Advocacy and collective action

25. Works collectively with other affected LGAs – notably the City of Sydney and Randwick City Council - to challenge the State Government's discriminatory policies in relation to travel concessions for international students in NSW.

1.   Introduction

The Integrated Enforcement and Education – Illegal Boarding Houses Project arose from Ryde City Council's desire to reduce the supply of unauthorised boarding houses and explore and encourage opportunities for appropriate student housing within the City of Ryde's. The issue has placed considerable strain on Council's resources, noting that over a 15 month period preceding May 2010, Ryde City Council conducted 225 inspections of suspected unauthorised boarding houses, with action being taken in 70 per cent of cases.

In response to the emergence of these potentially unlawful and substandard boarding style dwellings, and in the context of wider concerns about housing availability in the Macquarie University precinct, the project takes a long term strategic approach with a view to:

- Addressing accommodation supply issues, including promotion of Homestay
- Increasing community integration of international students
- Raising awareness of rights and responsibilities of all stakeholders, and
- Building Council's capacity to carry out enforcement and community liaison

GML Social Research was commissioned to assist Council's implementation of the project by undertaking research and conducting a community/stakeholder awareness program in relation to illegal boarding houses, appropriate student housing options and improving community relations between residents and international students.

2.   Project scope and methodology

The extent of GML Social Research's brief was work with Council representatives and the Project Steering Committee to:

a) Establish key relationships with a number of stakeholders within Macquarie University, housing providers, Government Agencies and community representatives.

b) Comprehensively research the issues relating to student accommodation and unauthorised boarding houses

c) Report on the opportunities for appropriate student housing to council

d) Promote the Homestay program within the City of Ryde

e) Undertake publicity aimed at relevant groups

Our methodology included in the following steps.

- Preliminary meetings were conducted with the Project Manager and Councillors to confirm the terms of reference, methodology, obtain copies of all documentation necessary for the initial stages of the review and identify key internal and external stakeholders to be contacted in the course of the project. A detailed Project Plan was devised to establish the accountabilities for delivery of the project.

- The first phase of the research was a literature and research review. There has been a dual focus to the research: firstly to obtain information about the NSW legislation aimed at the provision of affordable rental accommodation, the extent of unauthorised boarding houses and related enforcement systems; and secondly to understand the issues relating to international student housing options, needs and experiences, and community integration of international students.

- Extensive consultations with Macquarie University and TAFE NSW representatives, with other Councils and universities in Australia facing similar issues, housing providers, industry and community representatives were conducted to identify and understand:

  ➢ the current student housing market surrounding Macquarie University and the University's plans for increasing the volume of on-campus accommodation to meet the increasing demand

  ➢ main groups in the community who are affected by illegal boarding houses

  ➢ current local government responses and practices in relation to illegal boarding houses

  ➢ international student preferences in relation to housing and the motivations for living in illegal boarding houses

  ➢ opportunities for provision of alternative accommodation options, including the potential for public-private or cross-sectoral partnerships to meet unmet accommodation needs, and

  ➢ approaches to improving the integration of international students adopted by other councils and jurisdictions

- A background paper drawing on the findings of the research and consultation was prepared as a basis for discussion at a stakeholder's workshop held on 20th October 2010. The workshop was designed to consider how the quantum of affordable accommodation for students can be increased and to formulate practical ways in which international students could be more engaged with the local community.

- Additional consultation with international students comprised:

  - A focus group with international students to explore issues in detail

  - A survey questionnaire interviews with 626 international students at a variety of locations on Macquarie University campus that are frequented by international students. The interviews were conducted by two Chinese background student research assistants in Mandarin, Cantonese or English. A copy of the survey questionnaire is included at Appendix A of this report.

Ongoing stages of the project development will incorporate the following steps.

1. A second stakeholder workshop to review the recommendations contained in this report.

2. Development of a communication strategy for wider community engagement focused on raising awareness of Council's approach to dealing with illegal boarding houses, actions that community members can take to report possible illegal boarding houses.

3. Working with Macquarie University and other identified stakeholders to raise awareness of international students of alternative low cost accommodation options and to increase the supply. A local media campaign encouraging home owners to become Home stay providers will be an important element of this activity.

3.   The current legislative and regulatory environment

Unauthorised boarding houses potentially may breach both public health and planning laws and regulations. The respective legislative instruments and regulations which govern boarding house style accommodation and their residents are outlined below.

3.1   NSW Residential Tenancies Act (1987)

Boarding house residents have few rights under NSW laws.

The NSW *Residential Tenancies Act* (1987) defines a residential tenancy agreement as: "any agreement under which a person grants to another person for value a right of occupation of residential premises for the purpose of use as a residence:

(a) whether or not the right is a right of exclusive occupation,

(b) whether the agreement is express or implied, and

(c) whether the agreement is oral or in writing, or partly oral and partly in writing,

and includes such an agreement granting the right to occupy residential premises together with the letting of goods."

Section 6(1) (d) states "this Act does not apply to a residential tenancy agreement if the tenant is a boarder or a lodger."

As definitions of a boarder and a lodger are not provided in the Act, there is some uncertainty about who is covered and who is excluded from the Act's provisions. It is generally agreed that boarding house residents are not covered by the *Residential Tenancies Act* (1987) which sets out tenants' rights. Attempts to introduce separate legislation covering boarding house residents have failed.

3.2   State Environmental Planning Policy (Affordable Rental Housing) 2009

On 31 July 2009 the NSW State Government released State Environmental Planning Policy (SEPP) (Affordable Rental Housing) 2009. This SEPP aims to encourage home owners, social housing providers and developers to invest and create new affordable rental housing to meet the needs of both a growing population and existing residents.

The main effects of the SEPP are to:

- introduce incentives in the form of development concessions on standards to developers who include a proportion of community housing in multi-unit housing;

- allow secondary dwellings and boarding houses in residential zones or on land zoned neighbourhood centres or mixed use;

- create a new land-use category called supportive accommodation;

- allow flats to be built on centrally-located land where they are not otherwise zoned if the flats are for social housing;

- continue to allow Housing NSW to build smaller developments (20 or less) units on a site without a council's consent; and

- allow group homes with 10 or less bedrooms to be developed without consent, and makes group homes a complying development subject to meeting specified development standards.

The SEPP specifies some minimum development standards. Among other matters, these it allow boarding houses to be built to the maximum floor space ratio of other residential accommodation permitted. It also allows (but does not require) a boarding house to have a private kitchen or bathroom facility in each room, opening up a market for so called 'new generation' boarding houses designed to cater for the student submarket. Where the dwelling is to be built on land zoned for residential flats the SEPP allows the development to have extra floor space ratio of 0.5 : 1 if the existing maximum floor space ratio is 2.5 : 1 or less, or of 20 per cent if the existing maximum floor space ratio is more than 2.5 : 1.

The City of Ryde has vociferously opposed the SEPP on the basis that it overrides Council's local planning controls by preventing it from rejecting an application for a boarding house or secondary dwelling on the ground that it is to be developed on land zoned residential, neighbourhood centre, local centre or mixed uses. The overruling of Council's planning powers is coupled with strong community objections to the encroachment of boarding houses (authorised and unauthorised) into local residential areas.

3.3   The Building Code of Australia

The Building Code of Australia (BCA) is national legislation and the standards applied must be taken into account in the design, construction and use of boarding houses. The BCA's provisions address requirements for structural adequacy, amenity (including natural light, ventilation, cooking, bathing, toilet, facilities etc), and smoke detection and egress in fire etc.

The BCA does not provide a distinct definition of a boarding house but includes the term in a definition for buildings providing a common place for long-term or transient living, including backpacker accommodation and guest houses.

The BCA (part A3, section A3.2 delineates between a house (class 1a (no limit of number of related occupants) and a boarding house (class 1b for maximum 12 unrelated occupants and maximum 300 sq m floor area, or class 3 for larger). In this way a boarding house may be defined as either:

"Class 1b – A boarding house, guest house, hostel or the like:
(i) With a total area of all floors not exceeding 300 m_2 measured over the enclosing walls of the class 1b; and

(ii) 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."

or

"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 or the like."

Different standards apply to the two classes, and Class 3 buildings have much more stringent fire safety requirements. The NSW Government makes available financial assistance to enable boarding house operators to upgrade their properties, and to comply with fire safety requirements

3.4   NSW Local Government Act (1993)

Council's powers of entry and inspection of suspected unauthorised boarding houses is conferred by *the Local Government Act (1993)*. However, under Section 193 (1) of the Act Council is required to give the owner or occupier of the premises written notice of the intention to enter the premises and (2) specify the date of the intended inspection. Section 193 (3) of the Act states that notice is not required to be given under the following circumstances.
"(a) if entry to the premises is made with the consent of the owner or occupier of the premises, or

(b) if entry to the premises is required because of the existence or reasonable likelihood of a serious risk to health or safety..."

Where Council becomes aware of shared accommodation facilities that breach building, health and planning laws, Council will coordinate investigation and enforcement activities to achieve compliance. This includes conversions to Class 1b building use without being suitably upgraded or granted necessary permits or approvals.

Anecdotal evidence from students during the focus group interviews suggests that students are asked by boarding house operators to hide mattresses, suitcases and other evidence of habitation ahead of planned inspections. Students willingly comply because they do not want to lose their accommodation, especially if the inspections take place close to the end of semester (when they may be planning to travel home) or during exam periods.

The *Local Government Act (1993)* also contains provisions to protect low income residents (including students and residents of boarding houses). When serving orders that might make such residents homeless, councils are required to defer enforcement of the orders until they have ensured that satisfactory alternative accommodation arrangements can be found within the locality. Section 131 A of the Act requires Council to:

"(1)...consider whether the resident is able to arrange satisfactory alternative accommodation in the locality.

(2) If the person is not able to arrange satisfactory alternative accommodation in the locality, the council must provide the person with:

(a) information as to the availability of satisfactory alternative accommodation in the locality, and
(b) any other assistance that the council considers appropriate".

3.5   NSW Environmental Planning and Assessment Act (2000)

Under Section 118J (1) (e) the NSW *Environmental Planning and Assessment Act* (2000) unauthorised development relating to a Class 1 or Class 10 building attracts maximum penalties of (a) $750 for an individual (b) $1,500 for a corporation. These penalties are considered to be an inadequate deterrent to current and potential operators of illegal boarding houses, especially in relation to the potential income.

3.6 Environmental Planning and Assessment Amendment (Boarding Houses) Bill 2010

NSW is considered to be under-regulated in relation to boarding houses and the existing regulations offer few deterrents to operators of unauthorised boarding houses. In November 2010, the Environmental Planning and Assessment Amendment (Boarding Houses) Bill was introduced to the lower house as a Private Members Bill. It is unlikely that the Bill will be heard before the NSW Parliament rises for the March election and therefore will lapse.

The objective of this Bill is to provide for the regulation of boarding houses and other places of shared accommodation:

(a) by amending the *Environmental Planning and Assessment Act 1979* as follows:

    (i) to enable powers of entry and inspection under the Principal Act to be exercised in relation to premises that are being unlawfully used for the purposes of a boarding house or other place of shared accommodation,

    (ii) to facilitate proof of the use of premises as a boarding house or other place of shared accommodation in proceedings under the Principal Act,

    (iii) to enable a court to sentence a person to a maximum of 6 months imprisonment for an offence involving unlawful development for the purposes of a boarding house or other place of shared accommodation if the offence caused or contributed to appreciable danger or harm to any person,

    (iv) to require proprietors of boarding houses to notify the Director-General of the Department of Services, Technology and Administration of relevant particulars and to require those particulars to be entered into a Register of Boarding Houses to be kept by that Director-General, and

(b) by amending the *Environmental Planning and Assessment Regulation 2000* to provide for an increase in the penalty notice amount for an alleged offence involving unlawful development for the purposes of a boarding house or other place of shared accommodation, and

(c) by amending the *Ombudsman Act 1974* to require the Ombudsman to report on the Ombudsman's work and activities in relation to any complaints made about the conduct of a council, or an authorised officer of a council, in the exercise of the proposed powers referred to in paragraph (a) (i).

3.7 National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students 2007

In addition to regulation with regard to public health and land use planning, each of the tertiary institutions within the Ryde LGA has legislative obligations in relation to quality assurance and consumer protection for international students.

Regarding accommodation services, the *National Code of Practice for Registration Authorities and Providers of Education and Training to Overseas Students* 2007 includes requirements that providers:

- offer relevant information on indicative living costs and accommodation options prior to enrolment (Standards 2.1 (h)ii)

- be satisfied that there are appropriate accommodation, support and general welfare arrangements in place for students under 18 years (Standard 5.2)

- give access to welfare related support services to assist with issues that may arise during their study, including accommodation issues (Standard 6.3).

However, there is no obligation for education providers to directly provide accommodation services.

4. International students in the City of Ryde

The City of Ryde has experienced a significant increase in the numbers of international students within the city in a relatively short period of time. At the end of 2009 there were 12,396 international students enrolled at Macquarie University, accounting for 34.8 per cent of the total student population. Of these international students approximately 11,200 are studying at the North Ryde campus, the remainder attending offshore programs in China, Hong Kong, Japan, Korea, Malaysia and Singapore. In 2008/09 Macquarie International achieved a budget surplus of $2.09 million, with international fee income of $161 million, representing a 14 per cent growth from 2008[1].

In addition to the international students at Macquarie University there are approximately 1,110 international students attending NSW Government schools and TAFE colleges within the Ryde LGA. This comprises:

- 870 TAFE students at Meadowbank and Ryde colleges, and

- 240 in NSW Government secondary schools

While not all of these students live within the LGA, estimates suggest that the numbers living within the LGA represent between 5 and 8 per cent of the current estimated resident population of approximately 105,000.

A number of factors militate against continued growth in international student numbers. The table below shows a slowing of growth in the higher education sector and declines in the vocational education and ELIOS sectors.

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[1] Macquarie University (2010) *Annual Report 2009* pp.24-25.

Table 1: **Changes in student enrolment numbers by sector 2007-2010**

International student commencements by sector YTD August 2007 to YTD August 2010
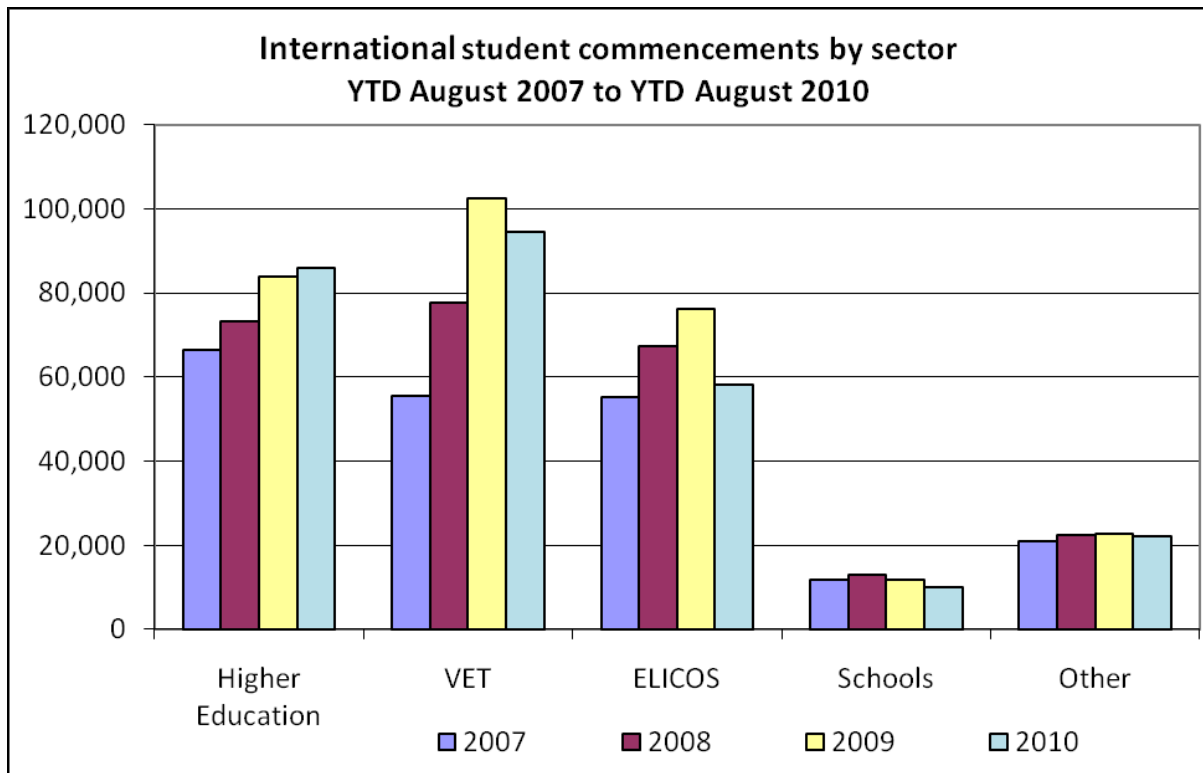
Source: Australian Education International Monthly Summary of International Student Enrolment Data1 – Australia – YTD August 2010

It is expected that the number of new international student may fall by between 20 and 30 per cent. The vocational training and 'pathways' training sectors are expected to decline even more substantially. The main factors influencing future student numbers are: visa changes and delays which create uncertainty and present an unwelcoming approach; cost increases due to appreciating Australian Dollar in relation to competitors and countries of origin; and negative word of mouth generated by issues associated with housing availability, cost of living cost increases, safety concerns and lack of public transport concessions [2].

5. Current student housing options

There are four alternative housing options for students at Macquarie University who wish to live on-campus.

- 250 beds at Dunmore Lang College, an independent, not-for-profit residential college affiliated with Macquarie University. The cost of rooms range between $410 and $550 per week and include meals. Approximately 40 per cent of beds are allocated to international students.

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[2]   Universities Australia (2010) *Outlook for 2011* http://www.universitiesaustralia.edu.au/page/policy---advocacy/international/outlook-for-2011/

- 210 beds at Robert Menzies College an Anglican residential college offering fully catered accommodation and academic and pastoral support for students at Macquarie University. The cost of rooms for international students ranges from $358 to $393.50 per week including all meals, utilities, study and recreational facilities. Approximately 50 per cent of beds are allocated to international students.

- 109 beds in 23 apartments on Herring Road within the campus. These apartments are fully furnished and cost from $180 to $200 per week.

- 890 beds in the Macquarie Campus Life Village. This is a commercially operated property offering furnished rooms in five, two or one bedroom apartments. There is at least a three months wait for a room in the village which cost from $210 to $340 per week depending on the number of occupants. Unlike the residential colleges, Residential Agreements are for 52 week periods – from 1st of January until the 31st of December and meals are not included.

The University also provides fully furnished apartments within a 10 minute walk from the campus. These options include:

- 168 beds in 45 apartments in the Balaclava complex. These apartments are fully furnished and cost from $130 to $240 per week.

- 92 beds in 23 apartments in the Macquarie Parkland complex. These apartments are fully furnished and cost from $150 to $200 per week.

Off-campus accommodation options include:

- Private rental apartments where the university takes the head lease and sub-lets to students.

- Homestay accommodation offering a room and meals, usually for a short-term duration based on an agreement between a 'preferred provider' and host family. Macquarie University currently has preferential arrangements with around five home stay providers.

- Private rental apartments and houses where the student takes the lease independently of their education provider. In many cases, the student sublets to others, or groups of students may jointly lease the property.

- Private house accommodation where rental is on a room-by-room basis with multiple rooms rented via an agent or owner (not in residence). Many such

arrangements are deemed to be unauthorised boarding houses, due to overcrowding or unauthorised works.

6.   Private rental market

The growth in student accommodation has been primarily to meet the housing needs of international students. However, with only about 1800 dwellings for its entire student body, the supply of bed spaces has not kept pace with the escalation in the numbers of international students. As a result of chronic student housing shortages, private rental demand is high and supply is low.

Current trends relating to rising rents and historically low vacancy rates make access to affordable housing for students in the North Ryde and Marsfield area increasingly difficult. Recent data released by the Real Estate Institute of NSW indicate that the vacancy rate for Sydney's middle ring suburbs including North Ryde and Marsfield has dropped to 1.3 per cent, well below 3 per cent the rate widely regarded to represent a balance between supply and demand[3]. Housing NSW analysis and research on affordable housing in the City of Ryde undertaken by Judith Stubbs and Associates each point to lack of affordable rental options for low to moderate income households as a pressure point for the LGA.

Rental statistics released by Housing NSW below show that LGA-wide rents for three-bedroom houses rose by 15 per cent from 2009 levels. Rents in the suburbs immediately surrounding Macquarie University are critical drivers of the escalation of rents. Housing NSW record the median rents for two-bedroom apartments in North Ryde and Marsfield as $380 and $400 per week respectively. The median rents for two-bedroom apartments in North Ryde and Marsfield have risen 5.6 per cent from 2009. Median rents for three-bedroom apartments in North Ryde and Marsfield are $550 per week[4].

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[3]   REINSW, 2010 'Deteriorating rental vacancy rates in Sydney and Newcastle making things even harder for tenants' Media Release July 2010 http://www.reinsw.com.au/Rental-vacancy-rates-deteriorate-in-Sydney-and-Newcastle/default.aspx

[4]   Housing NSW (2010) *Median Weekly Rents - Greater Metropolitan Region by Postcodes - All Dwellings – Sep 2010* http://www.housing.nsw.gov.au/Centre+For+Affordable+Housing/NSW+Local+Government+Housing+Kit/NSW+Local+Government+Housing+Kit.htm

Table 2:   **Annual change in median rents for Ryde LGA**

Area	Median rents 2 bedroom flats-$ per week	Median rents 3 bedroom houses-$ per week	Annual change in rents (%) 2 bedroom flats	Annual change in rents (%) 3 bedroom houses	Total New Bonds	Total Bonds Held
Ryde	365	550	4	15	991	11,522
Sydney SD	420	380	5	9	41,319	443,081

Source: NSW Housing Rent and Sales data for June Quarter 2010.

Housing NSW analysis of housing affordability for December 2008 showed that the Ryde LGA had only 2 per cent of rental stock that was affordable to very low incomes and 14 per cent of rental stock that was affordable to low incomes, including students[5].

From the anecdotal evidence and evidence of rising purchase prices, it appears that international student demand for housing has had a substantial impact on the owner occupied market in Marsfield and North Ryde. In many areas, free-standing houses and town house properties are being taken out of the owner occupied residential sector, which had the effect of reducing supply to that group and pushing up prices.

To meet Metropolitan Strategy targets and to address shortfalls in housing supply, the Draft City of Ryde Housing Study indicates Council's strategic goal to increase the number of dwellings in the Macquarie Park corridor. From 1 Jan 2004 - 31 July 2009 1499 new dwellings were approved and there is potential for 3,260 additional dwellings in the corridor. The anticipated growth includes approved additional student housing[6].

7.   Housing preferences of international students

In the absence of viable alternatives, many international students have opted to stay in the boarding houses operating illegally within the City of Ryde. This trend in low density residential suburbs such Marsfield and North Ryde has resulted in a strong community backlash. While the economic importance of students to the city is clear, some community

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[5]   Housing NSW (2008) Proportion of Rental and Purchased Stock that is Affordable Table M3 *Affordable Housing Data Kit* http://www.housing.nsw.gov.au/Centre+For+Affordable+Housing/NSW+Local+Government+Housing+Kit/NSW+Local+Government+Housing+Kit.htm

[6]   Draft LEP2010 Amendment 1 (Macquarie Park)

concerns have been expressed about accommodation and associated issues, particularly in Marsfield and North Ryde where there are high student concentrations. Residents have been concerned about loss of local amenity, waste management and noise issues arising from unauthorised boarding houses in their streets.

While Council has taken a strong stance against unauthorised boarding houses, it is committed to broader approach focusing on enforcement alone. A key element of the research has been to speak to international students about their living arrangements and experiences with housing while studying at Macquarie University. Survey interviews were conducted in English, Cantonese or Mandarin with 626 international students in a variety of locations on the university campus. In addition, two focus groups were conducted. While the number of students who attended was very low, it provided an opportunity to explore individual accounts of housing experiences and to seek feedback from students on potential future options.

The survey found that the largest proportion of the students interviewed (44 per cent) were living in flats or apartments. The next largest groups were living in share houses (22 per cent) and boarding houses (16 per cent). It should be noted that there may be some overlap between these two categories. Likewise, some students who indicated that they were living with family and friends, on the basis of other information provided, may in fact be living in boarding houses. Very few students were staying in Homestay (4 per cent) or on-campus accommodation (8 per cent).

The table below shows the breakdown of student's current living arrangements and the numbers of students in each category.

Table 3: *Responses to survey question: What type of accommodation are you living in?*

Number of Students	Boarding House	Flat or Apartment	Homestay	On-campus accomodation	Other (hostel, granny flat etc)	Share House	Staying with friends or family
	99	273	22	47	4	137	44
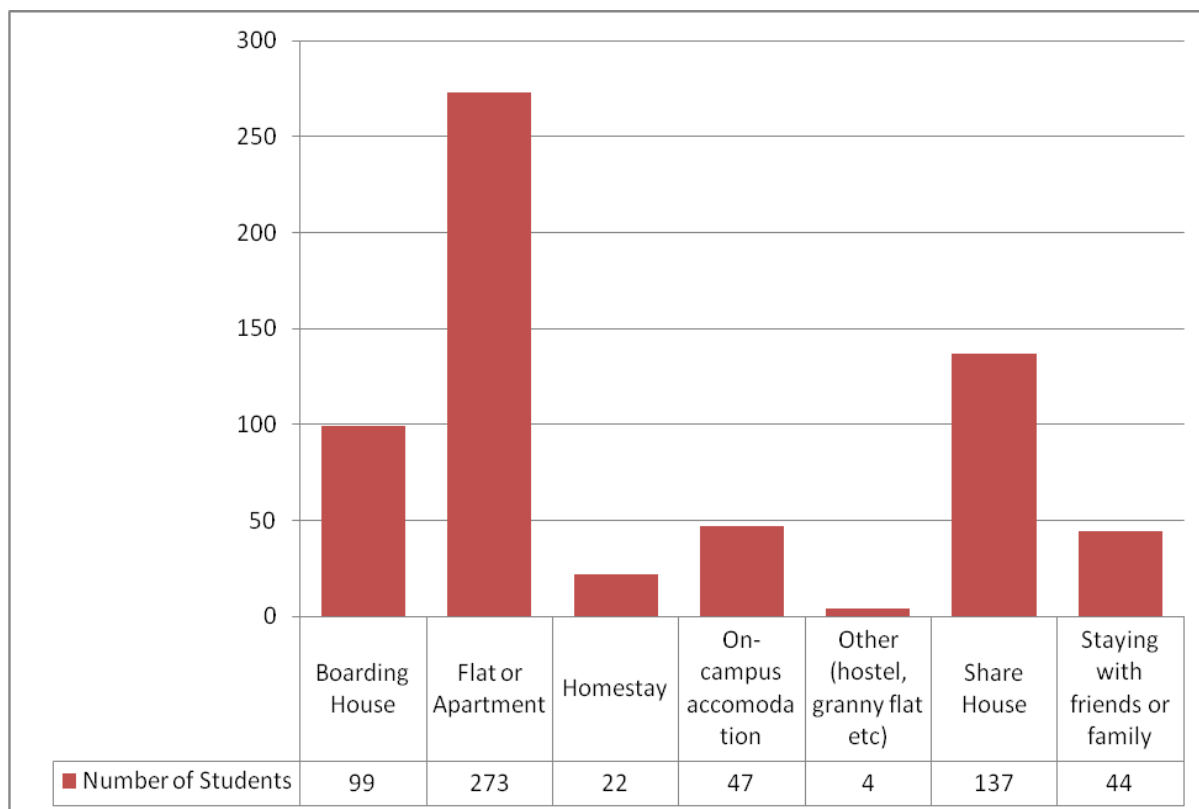
Source: GML Social Research survey Macquarie University Campus

International students were asked if they were satisfied with their current living arrangements revealing that 75 per cent of international students were satisfied with their current living arrangements. This result supports an earlier study of Melbourne University students which found that students on average were quite satisfied with their living arrangements[7].

The research suggests that students who are staying with family or friends or living in on-campus accommodation were more likely to be satisfied with their accommodation that other groups of the students. Students in Homestay accommodation were the least satisfied group, followed by students living in boarding houses. It is not known how many of these students are living in boarding houses which would be deemed to be 'unauthorised' by Council.

The table below shows the proportions of students who are satisfied with their current living arrangements correlated with the form of accommodation they are using.

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[7]   Doreen A. Rosenthal, V. Jean Russell & Garry D. Thomson (2006) *A Growing Experience the Health and Well-Being of International Students at The University Of Melbourne* University of Melbourne March 2006
http://www.kcwh.unimelb.edu.au/__data/assets/pdf_file/0006/33936/a_growing_experience.pdf

Table 4: *Responses to survey question: Are you satisfied with your current living arrangements?*

	Boarding House	Flat or Apartment	Homestay	On-campus accomodation	Other (hostel, granny flat etc)	Share House	Staying with friends or family
■ Dissatisfied	29	65	12	9	1	31	7
■ Satisfied	70	208	10	38	3	106	37
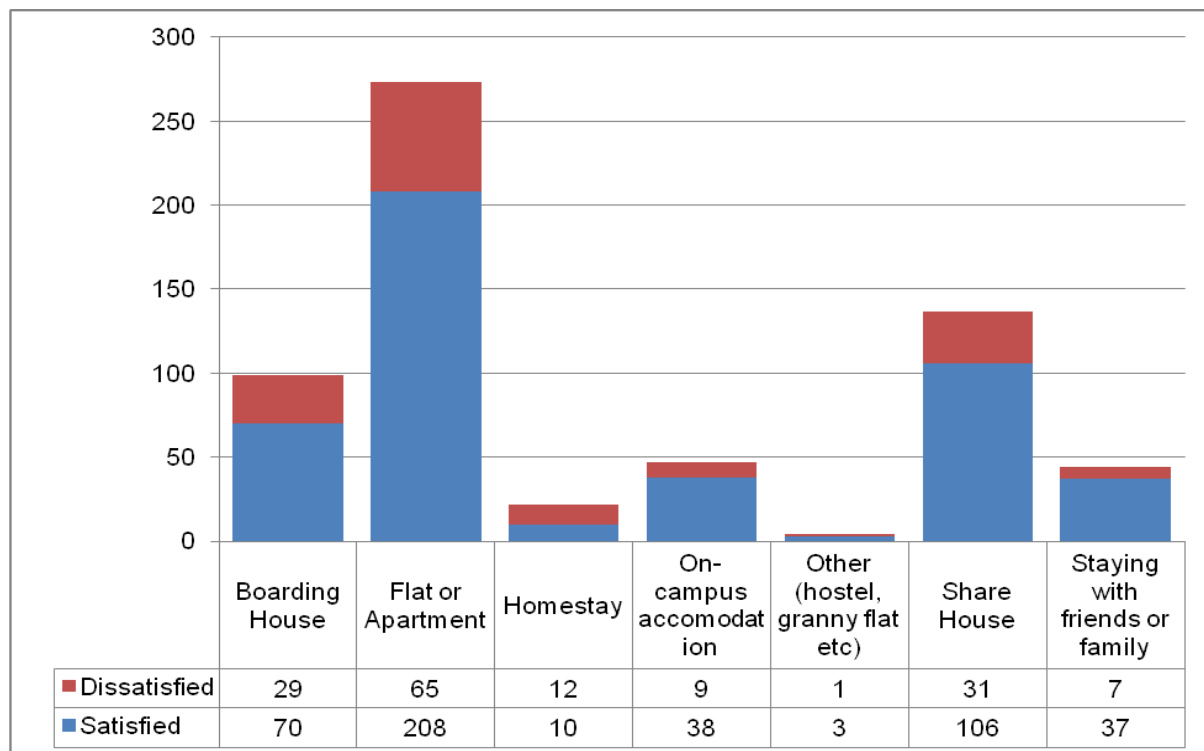
Source: GML Social Research survey Macquarie University Campus

Despite the relatively positive findings, the survey interviews revealed that many international students experience problems with housing, particularly in the first 12 months. The table below shows that dissatisfaction with living arrangements peaked at 38 per cent of students who had been studying at Macquarie University for three months or less, dropping to 22 per cent of students who had been at the university for more than one year.

Table 5: *Satisfaction with living arrangements by length of time at Macquarie University*

	0-3 mths	4mths - 1 year	More than I year
■ Satisfied	26	151	295
■ Dissatisfied	16	56	82
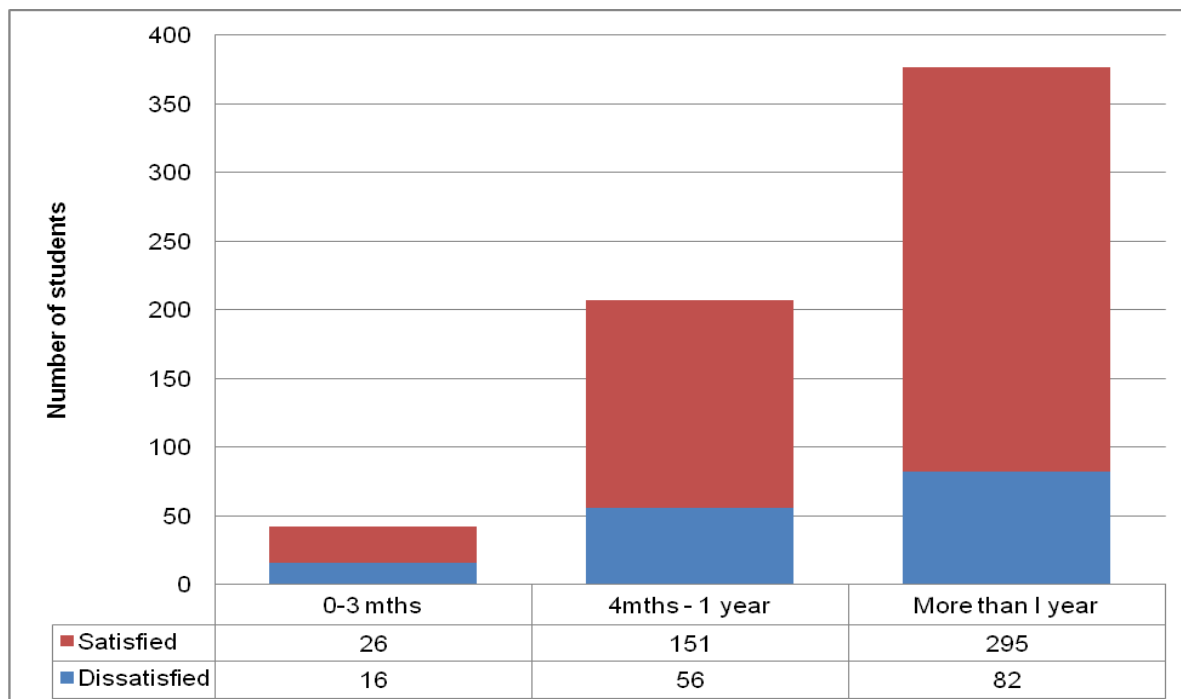
Source: GML Social Research survey Macquarie University Campus

The overwhelming majority of students who were satisfied with their accommodation cited the fact that it was cheap, convenient and close to the university. Good relationships with flatmates and/or access to social activities were other dominant reasons for satisfaction with accommodation. On-campus accommodation was seen to offer a good social environment and extra facilities for international students.

The most common reason for dissatisfaction with current living arrangements related to overcrowding and lack of privacy. Students also indicated that the cost of their accommodation in relation to what was provided and the distance from the university, transport and or shops were also key concerns. Many were also concerned that their current living environment was dirty, unsafe or too noisy to study effectively. The table below provides a breakdown of the reasons given by the students interviewed.

Table 6: *Responses to survey question: Why are you dissatisfied with your current living arrangements?*
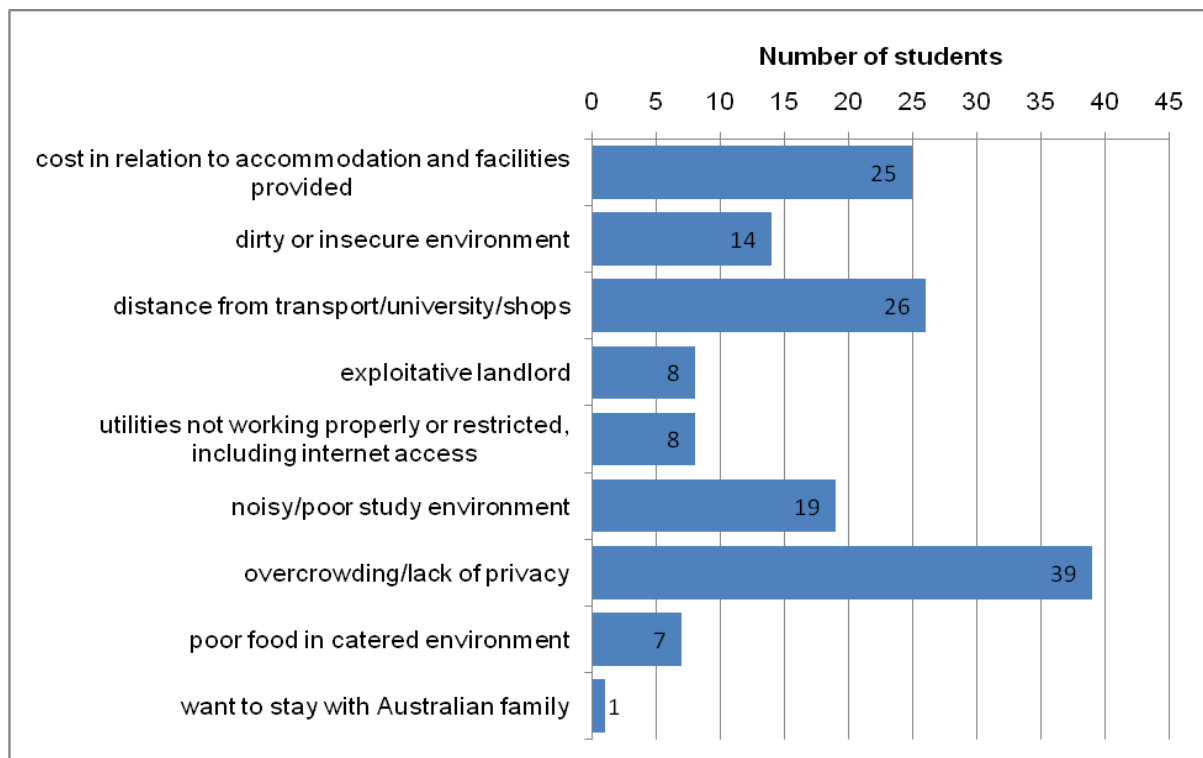
Source: GML Social Research survey Macquarie University Campus

Lack of knowledge of consumer rights and welfare support systems mean that the only recourse for many students who are dissatisfied with their living arrangements is to move out. 393 of the 626 (62.7 per cent) of the students surveyed indicated that they did not know where to go to obtain housing help if they needed it.

The survey data shows that international students are very mobile, often leaving their accommodation within a short time of arrival. While some of this early moving can be accounted for by students moving out of Homestay arrangements into a less closely monitored living environment, it does not fully explain it.

Table 7: *Number of times moved by length of time at Macquarie University*

	never moved	moved once	moved twice	moved three or more times
▪ more than I year	63	120	127	67
▪ 4mth-1year	87	73	36	11
▪ 0-3mths	28	12	2	0
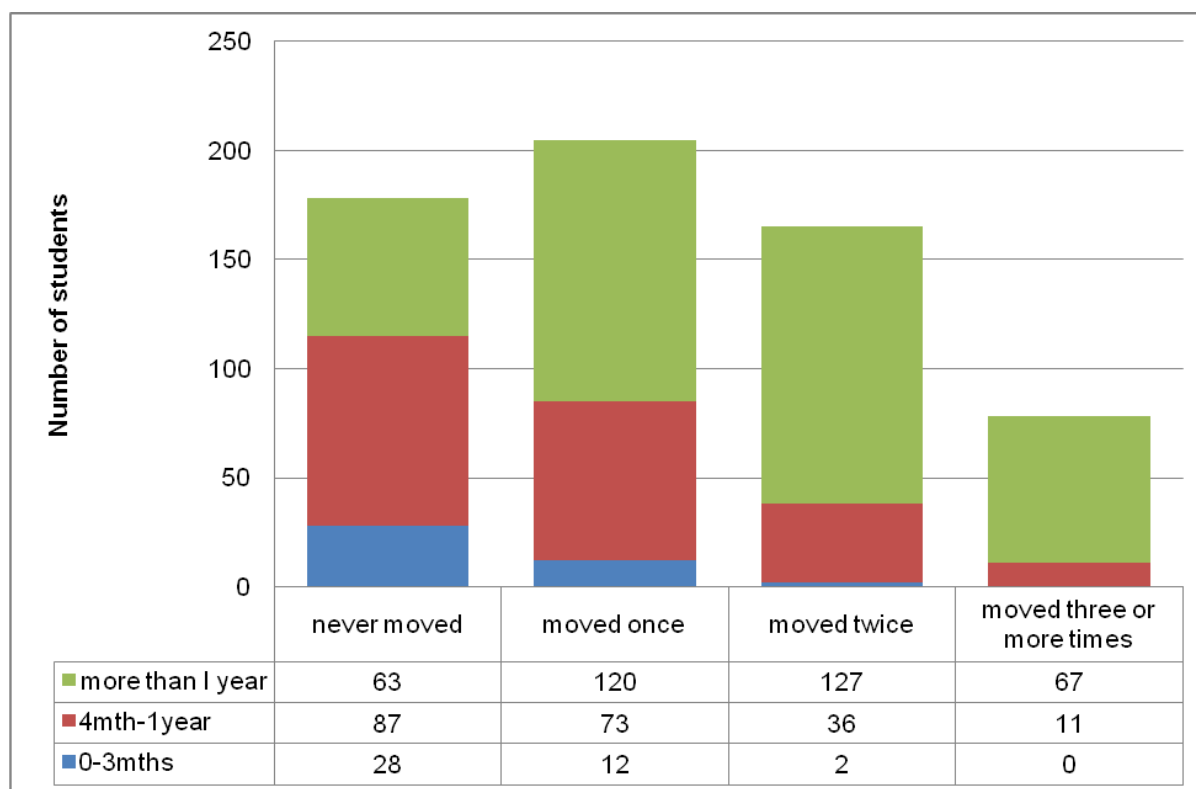
Source: GML Social Research survey Macquarie University Campus

In addition to moving out of Homestay arrangements, common reasons for moving included high rentals, dirty overcrowded and inconveniently located properties, students returning to their home countries for holidays and landlords constantly increasing the rent or "taking back the property".

The inability to access transport concessions is another important driver in housing choice by international students. The research found that in the absence of concessions, there is a strong preference amongst international students to live within a convenient walking distance from the campus. Alternatively many students choose to live in a suburb where there is a strong presence of an ethnic community or excellent transport connections[8].

However, the most significant factor determining where an international student will live is cost. The diagram below, based on survey findings shows, shows that the majority of students interviewed are living in accommodation priced below $200 per week and a small

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[8]   International Education Futures Brisbane Taskforce (2008) *Report of Taskforce Findings* Economic Development Branch, Brisbane City Council April 2008.

percentage is paying less than $100 per week for a room. The students who attended the focus groups did not wish to pay more than $150 per week for accommodation. This finding aligns with room pricing analysis conducted by the Student Accommodation Industry Association in 2009 which found that the majority of international students seek accommodation at a price point between $100 and $175 per week. The industry study found only 27 per cent of students paid over $200 for their rooms[9].

Figure 1: *Number of students in each weekly rental range*
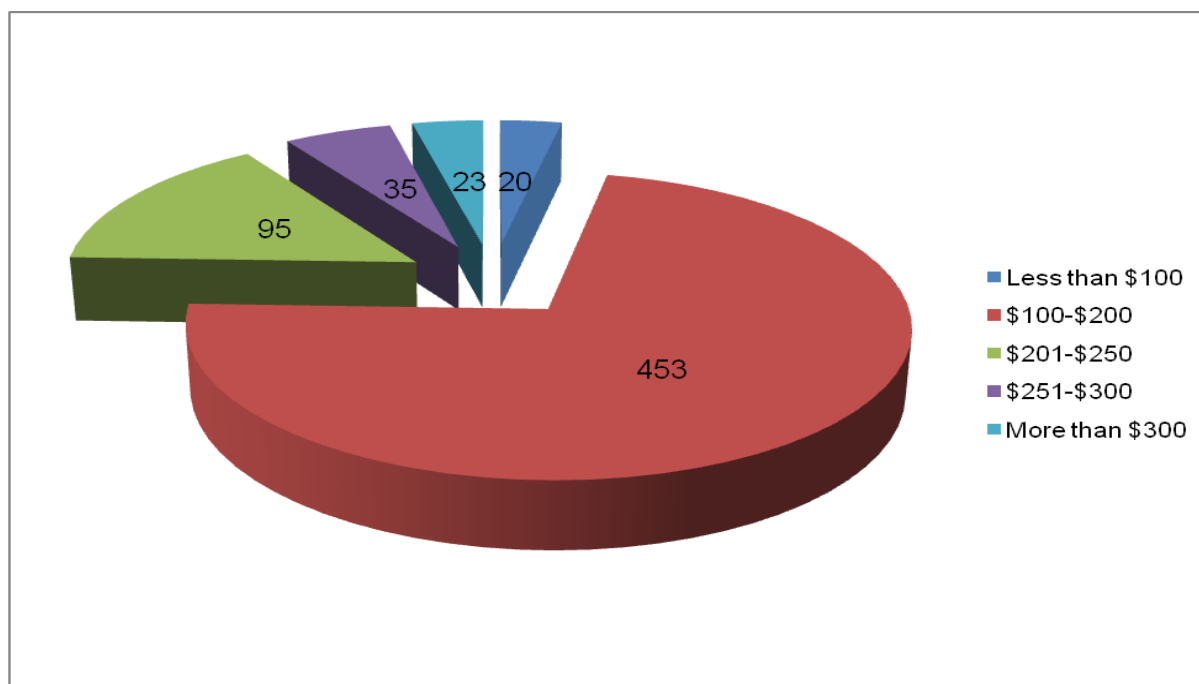
Source: GML Social Research survey Macquarie University Campus

The survey found that the majority of on-campus accommodation is priced above the preferred price point. Catered options such as residential colleges and Homestay rooms are the most expensive option and are less favoured by students. The private rental market in the suburbs around Macquarie University is unable to meet this price expectation, except in shared rooms. The table below shows the number of students in each rental price point by accommodation type.

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9   Student Accommodation Industry Association (2010) *Presentation to the Beyond 2010 Industry Seminar,* Sydney 12 August 2010

Table 8: *Numbers of students by weekly rental by accommodation type*

	Boarding house	Flat or apartment	Homestay	On-campus	Other accommodation	Share House	Staying with family or friends
>$300	0	9	0	12	0	1	1
$251-$300	1	7	3	20	0	3	1
$201-$250	0	45	17	13	3	15	2
$100-$200	98	207	2	2	0	118	26
< $100	0	5	0	0	1	0	14

Source: GML Social Research survey Macquarie University Campus

The survey findings negate the commonly held view that much of the boarding house accommodation is organised by unscrupulous overseas agents prior to the student's arrival in Australia. The research suggests that the majority of overseas agents are providing legitimate accommodation such as Homestay or on-campus accommodation. Boarding houses are sourced through word of mouth contacts, through uni advertisement boards and in some cases newspaper advertisements. The internet is key source for share houses, a category for which there may be some overlap with boarding houses. These findings have significant implications for the ongoing aspects of the project in raising awareness of international students.

Table 9: *Responses to survey question: How did you find your current accommodation?*

	Arranged by agent before arrival	Arranged by family before arrival	Friends, word of mouth	Housing services at University	Internet advertisements	Newspaper	Real estate agents	Uni board ad
■ Boarding House	0	0	28	1	6	17	0	46
■ Other	1	0	0	0	3	0	0	0
■ Staying with family or friends	1	13	18	0	5	1	6	0
■ Share House	4	0	58	9	49	3	10	5
■ on-campus accommodation	21	0	3	22	1	0	0	0
■ Homestay	18	0	2		0	0	1	1
■ Flat or Apartment	10	2	58	11	76	31	49	36
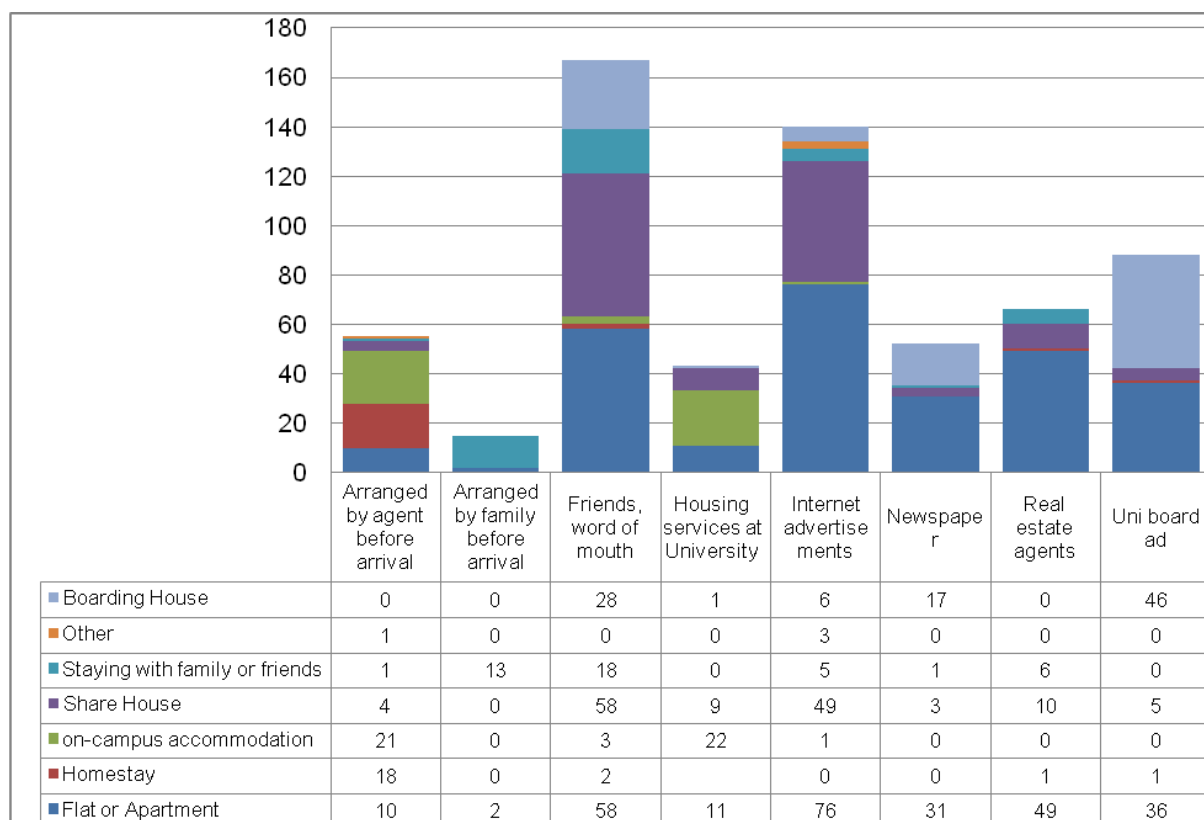
Source: GML Social Research survey Macquarie University Campus

8.   Key risk factors

8.1   Overcrowding

The research confirms anecdotal evidence that many international students are living in overcrowded conditions, including sleeping in makeshift beds in common areas, such as lounge and dining rooms, and in garages.

Unauthorised conversion of a building (converting a building from Class 1a to Class 1b) may lead to danger to residents due to inadequate fire protection or sub-standard conditions. Smoke alarms are required to be installed adjacent to all sleeping areas and this requirement can be overlooked when students are sleeping throughout a house. Too many people in a dwelling also put greater strain on electricity supplies through the increased use of heating and cooling systems and cooking appliances; this leads to blown fuses and power outages. Exits and access ways may be blocked and make it difficult to evacuate the premises in the event of an emergency.

Overcrowding puts pressure on kitchen, laundry and bathroom facilities, and increases the risk of insanitary conditions developing. There is increased stress on waste disposal systems such as septic tanks and garbage collection, which has flow on effects for the neighbourhood.

Too many people living together in close quarters also generate health risks by increasing the chances of the transmission of infectious diseases, such as tuberculosis or flu. Living in overcrowded premises has been shown to impacts negatively on occupants in terms of their psychological, study and social needs[10].

8.2   Exploitation of residents

International students who live in overcrowded premises do not have statutory occupancy rights under the NSW *Residential Tenancies Act* (1987). Because they are not usually recorded on a lease agreement, they are not easily able to demonstrate that they are tenants. Landlords or head tenants do not lodge bonds with the Office of Fair Trading Rental Bond Board as required by the *Residential Tenancies Act* and as a result international students often experience difficulties having their bond returned.

Residents of these properties may be subjected to frequent rent increases, increasing numbers of students coming into the house, onerous house rules, or eviction with little warning. There is also anecdotal evidence from the student focus groups of theft of property in overcrowded housing and disputes over payment of rents and bonds.

Case studies of Chinese students at Macquarie University published in the Northern District Times[11] indicated that students often fall prey to unscrupulous landlords who were "making a career out of renting rooms". One student rented a single room in a three bedroom townhouse on Herring Road for $150 per week only to find that the landlord later divided the lounge room into three additional single rooms and converted the garage into two additional single rooms. With 10 people living in townhouse, the conditions in the kitchen at meal times

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10   Smith, S., Forbes-Mewett, H., Nyland, C., Ramia, .G, & Sawir, e. (2007) *The Right to Adequate Housing in the Context of International Education* Paper presented at the Australian International Education Melbourne, October 2007.

11   Jingwen Sen (2010) Overcrowding? We have no choice in *Northern Times* 25 October 2010.

were very difficult. Another student paid $195 per week for a room in a Marsfield townhouse in which the landlord had divided the living room into several single rooms.

While the extent of rental overcrowding is the City of Ryde's high density housing areas such as Eastwood and West Ryde is currently unknown the problem in high-rise apartment blocks in Sydney's CBD is well documented.   Subletting of leases in these blocks is common, and can result in large profits for these individuals, sometimes by as much as double what the primary leaseholder pays to rent the apartments. A 2007 newspaper account described 13 students living a three bedroom apartment. The sub-letter was netting around $1,300 a week from their international student tenants, despite paying no more than $700 for the apartment[12].

A report on the ABC program *Lateline*[13] uncovered further evidence of exploitation of international students that occurs when a head tenant signs a lease, but does not move into the apartment. Rather they sublet the apartment on a room by room basis to as many students as possible. These students are often threatened by the head tenant that if they assert their legal rights by bringing a claim or alert local authorities to what is happening they will have their visas rescinded and be forced to leave the country. As a business proposition it is very lucrative because the head tenant is not responsible for maintenance and the income is usually not declared for tax purposes.

A Sydney Morning Herald report outlined the rewards from such subletting: "*There was one person leasing 20 to 30 apartments around the city, subletting them to groups of renters and estimated to be earning more than $100,000 a year — without owning a skerrick of property himself. Another was squeezing nine adults into a two-bedroom apartment, shoe-horning two into the tiny study area alone*".[14]

A resident of an inner-city high rise interviewed for the backpacker accommodation research told the researchers that he was aware of significant over-crowding in his building with eight to twelve people crammed in two-bedroom apartments. He described an apartment on his floor which:

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12   Edwards, H. (2007) "Student cramming", *Sun Herald* 25 March p.32.

13   Australian Broadcasting Commission (2010) *Lateline* transcript of interviews 13 September 2010
        http://www.abc.net.au/lateline/content/2010/s3010745.htm

14   Wellings, S. (2007) "Ten's company, never a crowd", *Sydney Morning Herald* 28 July p.4.

" ... had twelve young people in it, young Asian people who told me they were students at UTS. They were moving out because of the excessive water penetration from their two bathrooms that had flooded right into the living room and it was a complete mess. They allowed me to take some photographs of it, which I did, and I asked them who the agent was and they said there was no agent. A man in the building came and collected money from them. They were paying about a hundred and twenty dollars – I think the ones sleeping on the balcony were only paying a hundred, but the others were paying a hundred and twenty dollars each, which came to, if you do the sums, a lot of money." [15]

8.3   Social tensions and amenity impacts

Poor relationships between international students and local residents are one consequence of Macquarie University's reliance on the local housing market to accommodate students.

Community tensions have arisen from the drift of unauthorised boarding houses and other forms of rental over-crowding into residential areas as a result of the shortfall of legitimate, appropriate accommodation. Similarly, a report on backpacker accommodation in Sydney[16] identified the displacement of backpackers into residential areas as a tension for local governments which must balance the opinions and grievances of local residents who object to development applications for backpacker hostels, with the legitimate economic and commercial interests of developers. The report contends that local government decisions "made in the short-term to assuage immediate community complaints can have deleterious long-term consequences that may in fact create further impacts on amenity in the future." In particular, it opens the market to unauthorised and illegal use of accommodation stocks to meet supply gaps.   While the report is predominantly concerned with backpacker accommodation, its recommendation for the development of data and objective measures of supply and demand to inform Council decision making is relevant to the City of Ryde's predicament.

The City of Ryde faces a high degree of community concern about the potential for legitimate 'new generation' boarding houses that may be approved under the State Environmental Planning Policy (Affordable Rental Housing) 2009 to change the character of residential neighbourhoods. One resident action group, MARS, has requested that Council

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[15]   Allon, F, Bushell, R, and Apouchtine, N (2008) *Backpackers in Global Sydney*: *Final Report*
Centre for Cultural Research, University of Western Sydney, 2008

[16]   *Ibid.*

postpone consideration of Board House DAs under the SEPP until after a planned State Government review of the instrument.

Amenity issues caused by unauthorised boarding houses and overcrowding include unkempt gardens, lawns and swimming pools, installation of portable toilets in gardens, clothes being dried on railings, shopping trolleys being abandoned in streets and rubbish bins not regularly removed from footpaths and front yards. Reports of such issues are taken seriously by Council and investigated as they may be indicative of inappropriate student or other accommodation. However, many of the amenity issues are not covered by regulation and are not enforceable by Council. Brisbane City Council (BCC) also has noted that there are practical limitations in seeking to create and enforce regulations on tenants of a rented dwelling. In particular the BCC questions whether owners can be held responsible for the behaviour of tenants. For example, matters of routine maintenance of properties are specified in leases and tenancy legislation protects tenants from being disturbed by property owners while occupying a property[17].

9. Awareness of rights and responsibilities

9.1 Raising awareness of students

Research conducted in Victoria[18] found that many students believed that they were not provided with accurate information about living expenses prior to arriving in Australia and found prices for accommodation were much higher than they expected. This was despite the requirement of the *Education Services for Overseas Students Regulations 2001* that all institutions provide accurate living expense information. Participants in focus groups conducted as part of this project also suggested that living costs were higher than expected. While Macquarie University provides information on its website about the cost of living in Sydney and the cost of renting, it does not clarify that the price estimates are per person rather than for the entire property. There is also no information about bond requirements, or the Australian norm to rent properties unfurnished, or rental scams.

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[17] International Education Futures Brisbane Taskforce (2008) *Report of Taskforce Findings* Economic Development Branch, Brisbane City Council April 2008

[18] Smith, S., Forbes-Mewett, H., Nyland, C., Ramia, .G, & Sawir, e. (2007) *The Right to Adequate Housing in the Context of International Education* Paper presented at the Australian International Education Melbourne, October 2007.

The research conducted for this project mirrored the finding of Smith et.al.[19] that many international students have difficulty in distinguishing between boarding houses and share house arrangements. Descriptions provided in interviews with international students about living arrangements suggested that while students regard their arrangements as a share house, they are in fact living in similar circumstances to an unauthorised boarding house. The survey found approximately 23 per cent of the respondents living in such share houses, unprotected under State tenancies laws.

Language is a barrier for many students, understanding the rules and regulations as well as customs and cultural expectations makes obtaining housing much more difficult for international students. The evidence gathered for this project highlights a lack of awareness of international students about their rights in relation to housing. Information provision needs to focus on three critical elements:

1) adequate pre-departure information regarding accommodation options and costs, employment, community support, public safety, etiquette, personal safety, norms and cultures.

2) obtaining properties in the private rental market and the rights and protections afforded by the NSW *Residential Tenancy Act* (1983), and

3) unauthorised boarding houses/illegal sublets and the disadvantages and problems that may arise from renting rooms in these houses or other overcrowded premises.

Both the Victorian Department of Consumer Affairs and NSW Departments of Fair Trading have produced resources on rental accommodation targeting international students, but these are not widely distributed and are largely guides prepare them and inform them when they try to secure private rental accommodation. They do not cover the underground accommodation market, where students are much more vulnerable to exploitation and a high cost of housing in relation to the standard provided.

However, information provision and awareness-raising alone will not resolve the problem of unauthorised boarding houses and rental over-crowding within the City. The proliferation of

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[19] Smith, S., Forbes-Mewett, H., Nyland, C., Ramia, .G, & Sawir, e. (2007) *The Right to Adequate Housing in the Context of International Education* Paper presented at the Australian International Education Melbourne, October 2007.

these forms of accommodation is symptomatic of a wider housing shortage and the lack of specialised student housing at a price point that is acceptable to international students and their families. Many students are prepared to trade-off the accommodation standards and arguably their safety in order to live cheaply at a convenient distance from the University.

9.2 Support for students with housing difficulties

The research conducted for this project and for similar studies in Sydney, Melbourne and Brisbane[20] indicates that while international students residing in boarding houses and other shared accommodation face problems arising from requirements of rent payments in advance, non-return of bonds, over-crowding and unfair rent increases they do not always seek help from University welfare services to resolve their difficulties. This is largely due to:

- Lack of understanding of where to complain, or what the outcomes might be
- Fear of retaliation by accommodation providers that could cost them their visa
- status
- Cultural differences, especially when there is not a strong emphasis on consumer protection in their country of origin
- Belief that nothing can be done so they don't bother
- Lack of time due to other pressures such as full time study and part time work commitments.

While international students should be able to rely on their education providers for information and assistance, the survey of international students at Macquarie University confirmed that many international students are not sufficiently aware of support services provided by the university. In response to the survey question "Do you know where to go for housing help and advice services if you need it?" 393 students (62.7 per cent of respondents) indicated that they did not know where to go. Macquarie University welfare staff reporting seeing as many as one student a week with significant housing difficulties, however, the evidence suggests that are many more that are unwilling or unaware of their right to complain.

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[20] See Tursic, S (2008) *Needs Assessment of International Students in the City of Sydney Project Report* Work placement project on behalf of the City of Sydney Council, August 2008; Smith, S., Forbes-Mewett, H., Nyland, C., Ramia, .G, & Sawir, e. (2007) *The Right to Adequate Housing in the Context of International Education* Paper presented at the Australian International Education Melbourne, October 2007, and; International Education Futures Brisbane Taskforce (2008) *Report of Taskforce Findings* Economic Development Branch, Brisbane City Council April 2008.
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The University must do more to ensure that international students are adequately informed about housing services on campus. As there was no correlation between the lengths of time students had been studying at the university and their knowledge of where to go for housing help, the information should be provided to students beyond the initial orientation or pre-enrolment period. It is understood that Macquarie University is developing a management strategy aimed at adopting a more proactive role in the delivery of housing to its international student population.

It is also worth noting that international students' preference for furnished apartments is goes against industry norms and may put them at a disadvantage in the private rental market. This situation increases their chances of winding up in boarding houses or over-crowded share accommodation. Providing information to international students about where to buy cheap second hand furniture and low cost furniture removalists would go some way to mitigating this problem.

9.3   Reporting by the community

A key challenge for Council is to be responsive to community demands for zero toleration of unauthorised boarding houses within the City of Ryde, while at the same time attempting to bring illegally operating premises into the regulatory system defined by the SEPP (Affordable Rental Housing).   Council's surveillance of unauthorised boarding houses relies upon information from local residents. However, given that many of the premises are difficult to distinguish from other residential properties, a more proactive surveillance regime would have significant resource implications for Council.

Council wishes to engage in a public education campaign to increase awareness of residents of actions that they can take if they suspect a property is being used unlawfully as a boarding house. At present residents can provide details can provide details of their suspect properties on Council's website. The information is provided anonymously from the site and there have been instances of vexatious complaints.   It is proposed that Council should increase the visibility of Council activity in response to the growing concerns of residents. Letterbox drops with information about how to report suspected unauthorised boarding houses in targeted areas are recommended.

However evidence gathering and enforcement by Council is complicated by the vulnerability of boarding house residents, who fear being evicted into homelessness if they cooperate

with investigations. As discussed in section 3.4 of this report, students are often complicit in hiding evidence of breaches because they do not want to move close to the end of the semester. It is therefore difficult for Council to establish sufficient evidence to secure prosecution for breaches of regulations.

The International Education Futures Brisbane Taskforce in its strategic approach to addressing issues in relation to accommodation over-crowding and unauthorised boarding houses recommended that Brisbane City Council engage with residential advocacy groups, such as Neighbourhood Watch and Neighbourhood Action Groups. It proposed regular reports between neighbourhood groups and Council to provide a structure for specific issues to be raised with Council, and for Council to provide regular reports on results back to residents. The Taskforce noted that the initiative would assist the community to better understand the role of Council staff, what is able to be addressed under relevant legislation, and what issues are beyond the direct influence of Council[21].

It should be noted that there may be difficulty in reconciling the City of Ryde's approach of attempting to bring an illegal boarding house into the regulatory system, if appropriate, with the desire of local residents to shut it down altogether. To counter this, more information should be provided to local residents about the current legal requirements, the actions Council can legitimately take and to encourage a more welcoming approach to international students.

9.4   Changing behaviours of boarding house operators

Interviews with property owners and boarding house operators were not conducted as part of the project. It is therefore difficult to determine if there is a genuine lack of understanding regarding legislative requirements regarding housing conversions, fire standards and other compliance issues or if operators are knowingly evading their legal obligations.

Council should take steps to educate landlords on the standards required by law. The City of Whitehorse in Melbourne[22] has responded to the increased demand for shared

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[21]   International Education Futures Brisbane Taskforce (2008) *Report of Taskforce Findings* Economic Development Branch, Brisbane City Council April 2008.

[22]   City of Whitehorse (2010) *Shared Accommodation Housing*
http://www.whitehorse.vic.gov.au/Shared-Accommodation-Housing.html

accommodation housing by setting out detailed information about the standards to which operators must comply. The guidelines set out building regulations requirements in accordance with Building Code of Australia for changing a Class 1a building (a single dwelling) to a Class 1 b building (shared accommodation). They also set out the essential building safety measures including:

- Smoke alarm installation requirements for hard wired smoke alarms installed in any area between the bedrooms and the remainder of the building.

- Emergency lighting requirements to assist evacuation of occupants in the event of fire.

- Fire extinguisher and fire blanket requirements

- Unobstructed exit doors

- Swimming pool fencing

- Emergency evaluation procedures displayed throughout the building

- At least one toilet, one bath or shower and one wash basin for every 10 persons

- Adequate light and ventilation in all habitable rooms, including bedrooms.

The guidelines also set out a number of non-compulsory items that owners should consider to improve the safety of tenants and the public health requirements (comparable with the requirements of the SEPP Affordable Rental Housing) which aim to prevent overcrowding in prescribed accommodation, ensure reasonable standards of hygiene, sanitation and maintenance, and reduce the risk of communicable diseases.

Importantly, recognising that many of the operators are from the Asian community, the City of Whitehorse publishes the guidelines in community languages including Chinese and Vietnamese.

It is proposed that the City of Ryde introduces similar guidelines, compatible with the SEPP (Affordable Rental Housing) so that the standards and requirements for places of shared accommodation are unequivocal.

In addition to regulating boarding houses through the SEPP, Council may also consider introducing a student housing policy within its local environmental planning scheme. For example, Stonnington and Glen Eira City Councils in Melbourne have introduced policies for the use or development of student housing. Key objective of the policy is to channel purpose-built student housing into locations which have good access by foot or public transport to the tertiary institutions which generate the demand for this type of housing, and which offer high accessibility to relevant facilities such as shops, community facilities and appropriate services and to ensure that the design, mass, scale, and character of student housing is appropriate to its location and sensitive to its impact on surrounding properties. The Stonnington and Glen Eira City policies stipulate the employment of a suitably qualified manager or lead tenant who is accommodated on-site for all student accommodation. This requirement is more stringent than the NSW SEPP, which requires boarding houses to have on-site accommodation for a manager only if the boarding house has 20 or more lodgers. Both the NSW SEPP and the Stonnington and Glen Eira City policies require the provision of facilities that promote student interaction and a sense of community, such as a common lounge or recreation room. Given that many unauthorised boarding houses utilise lounge and dining areas as makeshift bedrooms, this aspect of policy is critical for enforcement.

9.5   Changing behaviour of real estate agents

The extent to which real estate agents are aware of or implicated in illegal subletting arrangements in the City of Ryde is unknown. Council actions against unauthorised boarding houses, especially for structural modifications are largely directed at property owners. However, overcrowding and amenity issues also arise through primary lease holders subletting rental accommodation such as town houses and apartments. In the majority of cases, the head tenant is offered a standard rental tenancy agreement which stipulates the number of occupants in the property. Section 51 (e) of the NSW *Rental Tenancies Act 2010* which comes into force in January 2011 specifies that a tenant may not "*cause or permit a number of persons to reside in the residential premises that exceeds any number specified in the residential tenancy agreement*".

Council has no regulation which stipulates the maximum number of adult residents per bedroom and therefore is dependent upon the agent to enforce the terms and conditions of the lease. This can only be achieved through routine inspections of the properties they manage. Impacted strata title property owners are also offered some protections—albeit less specifically defined— through the NSW *Strata Schemes Management Act 1996.* Part 116 of the Act specifies that "*owners, occupiers and other persons not to interfere with*

structure of lot or services to lot" and Part 117 that "*owners, occupiers and other persons not to create nuisance*". However, the Body Corporate does not have the power to evict tenants and must appeal to the property owner or their real estate agent to take appropriate action.

There is scope for more communication with real estate agents in the City of Ryde in relation to issues related to international students through forums such as business breakfasts involving Councillors and senior staff.

On a broader scale, Universities Australia approached the National Real Estate Institute seeking to work with them to develop tools to educate their members (landlords and estate agents) about the needs of international students in accessing student housing. Unfortunately, the Institute did not see a role for itself in this area. A pilot project is understood to be planned under the COAG National International Student Strategy in conjunction with the Victorian branch of the Real Estate Institute[23].

10. Options for increasing the availability of accommodation for students

It is widely recognised that international education providers throughout Australia need to expand the provision of accommodation to levels commensurate with growing student numbers[24]. However, no one solution will address the issue of accommodation availability and access for students in the local area. The research points to four key areas for action:

1. significant expansion of affordable on-campus accommodation at Macquarie University;
2. promoting an alternative Homestay experience that meets the needs and expectations of international students;
3. increasing the volume of affordable housing stock and choice for the community as a whole; and
4. promoting rental opportunities in areas outside the LGA such as the suburbs on Chatswood, St Leonards and Parramatta on the direct rail link to Macquarie University.

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[23]   Moore, A (2010) *Overview of Student Housing Issues* Presentation to 'More than just a roof over my head' Universities Australia 10 October 2010.

[24]   Baird, The Hon. Bruce (2009) *Review of the Educational Services for Overseas Students (ESOS Act) 2000 Interim Report – November 2009.* Commonwealth of Australia. www.aei.gov.au

Each of these options is explained in detail in the sections below, including the potential role for Council in its delivery.

10.1 Expansion of on-campus accommodation

Macquarie University recognises that more dedicated student accommodation is needed to meet marketing and operational requirements in relation to international students and to alleviate pressure on the private rental market. However, given the current financial constraints and uncertainties regarding future international student numbers, the University is inclined to move cautiously on the development of student housing.

The 2009 Macquarie University Concept Plan envisages up to 5,000 bed spaces on campus and the University has Major Project approval from the Minister for Planning for a concept plan which will deliver 3,450 additional student beds. (Major project application MP06_0016). The University is working to develop a Student Housing Master plan for future on and off campus student housing. Staged development is envisaged[25].   It is expected that around 300 new beds will commence development in 2011. Macquarie University Office of Major Projects has advised that DA approval has been granted for a 150-bed project and a 60-bed project is in the pipeline. Robert Menzies College also has DA approval for an additional 150 beds.

Previous partnerships between the University and Campus Village Life have resulted in high quality accommodation options. However, these units are perceived to be unaffordable by many international students. Future development of on-campus accommodation should provide a range of price points.   In particular, it needs to be recognised that many international students are comfortable staying in dormitory or twin share bedrooms, using shared facilities, in order to reduce their accommodation costs. This style of accommodation may be one means of increasing the availability of cheaper, close to campus accommodation options for students[26].   The University has indicated that it is seeking more dense outcomes from future accommodation provision than previous town house style developments. This is not only from the point of view of cost effectiveness, but also to achieve better interactions between students.

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[25]   Macquarie University (2009) Concept Plan http://www.mq.edu.au/omp/projects/projects_housing.html

[26]   Universities Australia (2009) *Submission to the Senate Inquiry into the Welfare of International Students* August 2009

Consideration should also be given to allowing innovative modular forms of student housing. For example the Australian National University has completed construction of two multi-storey, modular student accommodation wings attached to the Ursula Hall Accommodation complex. The pre-fabricated apartment units at the ANU were purpose built in China, where their interiors are furnished ready for occupation. This allowed for speedier construction and minimised the impact on campus amenity. Each apartment (pictured below) includes its own kitchen and bathroom facilities, balcony plus internet access and television. One and two bedroom units are available. The facility will also include a common room, laundry and bike storage. These units have been well received by students. Approximately 50 per cent of the residents are international students studying at post-graduate level. The cost of the apartments ranges from $200 per week.

Figure 2: **Modular Student Accommodation at Australian National University**

10.2 Promoting an alternative Homestay model

While Homestay appears to be an ideal option for increasing the range and volume of student accommodation within the City of Ryde, in practice there is uncertainty about the extent to which it meets the needs of international students.

A particular concern arises from Homestay provided in a non-compliant environment. While there have been significant efforts in recent years to achieve a higher industry standard, including the establishment of a Homestay Providers Association, on-campus student welfare and housing officers note that there continues to be instances where the Homestay host sources multiple students from different providers. In the worst cases, the family sleep in the living room offering their bedrooms to paying guests.

However, even Homestay that is provided by well-meaning hosts is failing to meet student's requirements[27]. The main issue is the perceived high cost in relation to the services provided. Homestay is charged at around $260 including all meals. Food is also a critical issue as Asian students tend to dislike standard Australian faire such as fatty meats and potatoes, salads and bread. At focus groups students also raised issues about poor quality food, such as fish fingers, sandwiches and burgers being served as meals by Homestay hosts. Other issues that cause problems in the Homestay relationship include opportunities for conversations in English with hosts who are tired or may not be from an English-speaking background themselves, time spent in the shower, access to laundry and internet facilities.

A key issue is how best to transform the relationship between the Homestay host and the student from a purely monetary exchange to one of mutual cultural and linguistic exchange. Two approaches are proposed to address this issue. The first is to promote Homestay within the LGA with a view to increasing the number of local hosts. Promotional opportunities include articles in the Council newsletter to residents including stories about local Homestay hosts, and promotions at community events such as the annual Granny Smith Festival. It is also recommended that Council offer cross-cultural training through Community Services for potential hosts on an annual basis.

Secondly it is recommended that Council seek grant funding to conduct a pilot program 'Boarders without Boarders'. This program proposes an alternative Homestay arrangement linking older people who need assistance with light housework or home maintenance such as lawn mowing with international students looking for low cost accommodation and conversations in English. Standard contracts would be offered specifying the number of hours and the nature of the work the student is required to provide in return for discounted accommodation charges. In line with student preferences, students in the program would provide for and prepare their own meals. The program specifications include commissioning a local community organisation with the capacity to source older people who are looking for company and some extra assistance to continue living at home. A registered Homestay provider would be commissioned to place the students. A placement fee of $300 per student has been suggested. It is expected that the accommodation fee would be $120 per week, payable monthly in advance to the host.

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[27] Overseas Student Education Experience Taskforce (Victoria) (2008) *Taskforce Report* December 2008 Victorian Government.

While there are many benefits to be derived from this program for the LGA's ageing population and to meet chronic student housing shortages, strong safeguards are needed to protect the interests of all parties. For this reason, frail older people, or people with dementia would not be able to participate because of the risk of exploitation and the lack of capacity for mutual exchange. The community organisation is responsible for ongoing monitoring to ensure the well-being of the older person and that the student is meeting their obligations. The Homestay provider would monitor students in the program.

The feasibility of this program was discussed during focus groups with international students, with Council's Community Services Division and with one of Macquarie University's preferred Homestay providers. Students indicated that this type of accommodation would suit them, especially early in their study career.

10.3 Increasing housing stock and affordability

It is clear that the housing needs of students (domestic and international) cannot be met by the university alone and in fact, given significant investment in rental properties it would be damaging to the local economy to attempt to do so. The adoption of head tenancy schemes by Macquarie University Housing Office is evidence of the university seeking alternative approaches to housing international students, in circumstances that offer a greater degree of protection than direct experience of private renting. This approach also serves to counter to the general pattern of real estate agency preference not to let to students. Implementation by the university is constrained by low vacancy rates in the private rental market.

Affordability will be improved only by increased supply to meet the market. Furthermore, Council's crackdown on the underground student housing market has significant consequences for housing availability by reducing the number of properties on offer. Effectively, owners or head tenants are able to provide housing to fewer potential tenants if occupancy ratios are strictly applied.

The planning provisions for Macquarie Park have also been reviewed in recent years and these will deliver additional dwellings, usually in the form of apartments near Macquarie University and North Ryde train stations and student housing at Macquarie University. The Draft Ryde Housing Strategy indicates that there is potential for 3, 260 additional dwellings in the area. Proposed university housing has been factored into this number at a ratio of 2.5 proposed beds per dwelling – accounting for 1,380 of the new dwellings.

Council may adopt a more proactive approach by packaging together a range of levers to reduce the costs to developers of providing housing. Levers to consider include planning concessions and floor-space bonuses (already a component element of the SEPP Affordable Rental Housing) and concessions on developer levies and charges who are building affordable accommodation aimed at the rental market. However it is noted that there may be market resistance to this form of development. For example the Property Council of Australia (SA Branch)[28] its submission to the SA International Student Taskforce identified a number of barriers to delivering student accommodation developments being: yield competitiveness against other asset classes; the perceived 'peakiness' of returns (fluctuating student accommodation vacancies); local government planning issues; and poor community awareness of the needs of and benefits from attracting international students. The capacity of universities to undertake more head-leases over new developments would be a major incentive for potential investors as it virtually guarantees the developer a steady stream of tenants[29]. The Property Council of Australia (NSW Branch) does not have a specific position in relation to the provision of student housing but is supportive of the SEPP (Affordable Rental Housing).

Another important way of increasing affordable housing options without loss of local amenity is for Council to permit development of 'granny flats' to be incorporated into the main dwelling. This was a recommendation in Draft City of Ryde housing strategy.

While bringing existing boarding houses under regulatory control utilising the guidelines created under the SEPP (Affordable Rental Housing) will increase the quality of available of student/low income housing it is unlikely to increase the quantum of housing unless new affordable rental developments are approved. This is unlikely given the depth of community and Council opposition to the SEPP as it applies to developments in low density residential areas.

10.4 Promoting rental opportunities outside of the LGA

The completion of the Macquarie University station and rail link provides an opportunity to encourage the dispersion of students (domestic and international) into rental accommodation

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28   Property Council of Australia (SA Branch)(2009) Submission to International Student Taskforce SA DFEEST Higher Education Directorate 25 September 2009.

29   Macintyre, C. (2003) 'New Models of Student Housing and their Impact on Local Communities' in Journal of Higher Education Policy and Management Vol. 25, No. 2, November 2003 pp110-118.

in suburbs along the rail link. This includes medium density developments in Chatswood, Artarmon, St Leonards and Parramatta.

International students are unable to get concession on public transport in NSW, which can act as a disincentive to live further from campus and impacts negatively on affordability. Consequently many are unwilling to move beyond walking distance from their campus. Information for students about accommodation options should emphasise the potential cost benefits of travelling from these areas.

Council also should work collectively with other affected LGAs – notably the City of Sydney and Randwick City Council - to challenge the State Government's discriminatory policies in relation to travel concessions for international students in NSW.

11. A welcoming environment in the City of Ryde

In addition to finding suitable accommodation, social isolation and difficulties integrating into Australian life are other issues commonly identified by international students and key stakeholder groups. The problems faced by international students are different to those of domestic students and may have a severe impact on their life and study success, including visa cancellations. Some specific issues include:

- Difficulties in English language and poor knowledge of customs and cultural expectations
- Few opportunities for social interaction with local students and residents because of housing arrangements, study and work commitments, low income or feelings of discrimination.
- Poor awareness of local community expectations of 'good neighbour' behaviours such as unkempt gardens and yards, clothes being dried in public view, shopping trolleys being abandoned in streets, and rubbish bins not regularly removed from footpaths and front yards.
- Lack of local knowledge and awareness of their rights, particularly if they come from a country without strong consumer protections.
- Disruption to study caused by overcrowded or poor housing[30].

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[30] See: Tursic, S (2008) *Needs Assessment of International Students in the City of Sydney Project Report* Work placement project on behalf of the City of Sydney Council, August 2008; International Education Futures Brisbane Taskforce (2008) *Report of Taskforce Findings* Economic Development Branch, Brisbane City Council April 2008; Xiaoli Pei (n.d) *What is the big issue for international students?* http://webdiary.com.au/cms/?q=node/2526

Many local governments are taking active steps to recognise and value the contribution that international students make to the economic, social and cultural life of their communities. An increasing presence of international students and associated intensification of student housing within the City of Ryde requires Council to direct some of its initiatives towards building closer connections between the students and the community.

The NSW Government has committed to working with local government to make social engagement activities and services accessible to international students[31], however no details of how it intends to engage with Councils were released prior to the cessation of Parliament. It is proposed that Council advocate to the NSW Government for funding and practical assistance to put in place a program of activities to improve community integration of international students in the City of Ryde.

A range of possible initiatives that will help to a more cohesive social fabric are outlined in the sections below.

11.1 Welcoming and information provision

A number of cities including Wollongong, Darebin, Melbourne and Adelaide have opted to hold receptions for commencing students hosted by the Lord Mayor as part of promotional activities highlighting the importance of international students. While such gestures are largely symbolic, they do provide an opportunity to introduce students to the local culture and provide information about housing, tenancy rights and the resources available to them to support their needs.

Two cities that have opted to offer more than a civic reception are Wollongong and Darebin in Melbourne. *Welcome to Wollongong* is held in February each year and the program includes a formal welcome at a civic reception followed by an international student festival offering free giveaways, food and drinks, entertainment, and activities. The event is open to the whole community but the project coordinator indicated that community attendance is low. This may be due to conducting the event on a weekday. The program has been evaluated and was found to have achieved its primary objective of making international students feel welcomed and a greater sense of belonging to the Wollongong community. The researchers

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[31] NSW Government (2010) *NSW Government Initiatives on International Education 2010: A Response to the Findings of the New South Wales Ministerial Taskforce on International Education* http://www.detinternational.nsw.edu.au/documents/govt_initiatives_2010.pdf

recognised the important link between international students' level of English language proficiency and their social and cultural adjustment to life in Australia[32].

As part of its *A Fair Go for Overseas Students* project, the City of Darebin recently held a *Festival of Light and Friendship* for international students living and studying in the area. The event included cultural activities, a talent quest, headline entertainment, market stalls and a world food court. Prayer and meditation tents were set up for Hindu, Buddhist and Muslim participants. A lantern walk to promote harmony and community safety was conducted. Other initiatives include the establishment of an Overseas Students Advisory Committee and a *Boarders without Borders* program to help create more affordable Homestay accommodation.

Adelaide City Council has partnered with education institutions and student support agencies to provide information and support for new students to Adelaide through the development of website and a regular seminar program. The website includes information to assist international to adjust to life in Adelaide and make the most of their time in the City. Monthly workshops cover a range of topics such as student safety, health and wellbeing, jobs and finance and knowing your rights and responsibilities.

The NSW Government has committed to develop and maintain a web portal to deliver comprehensive information to international students. The web portal will link to a variety of websites to provide information on safety, travel, the cost of living, accommodation, volunteering opportunities, community services and events, and health insurance[33]. It is suggested that the City of Ryde considers a partnership with Macquarie University, the Northern Sydney Institute of TAFE and the NSW Community Relations Commission (International Student Project) to produce web based information about local activities and housing options, and to conduct a welcoming event for incoming students.

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[32]   Kell, P., Schmelitschek, V., Smith, A. and Vogl, G. (2009) *Welcome To Wollongong Community Action Project* http://www.isana.org.au/articles/index.php

[33]   NSW Government (2010) *NSW Government Initiatives on International Education 2010: A Response to the Findings of the New South Wales Ministerial Taskforce on International Education* http://www.detinternational.nsw.edu.au/documents/govt_initiatives_2010.pdf

11.2   Community connections

One off events are limited in their impact and do little to build lasting relations between international students and local residents or to integrate the student into the community. The following sections provide examples of initiatives that have been developed to address this issue.

11.2.1 Linking students with local families

The University of Newcastle has developed the *Community Connections* program which provides opportunities for members of the local community to befriend and develop reciprocal relationships international students. Through this program, volunteers and students are able to share their culture, learn from each other, and develop greater understanding and tolerance of individual and cultural differences.

The *Community Connections* program was initiated in 1997 and has involved over 700 volunteers from the University and across the local Newcastle community, supporting more than 1000 international students. In 2010, the program has around 70 active volunteers, providing support to a similar number of international students, with a waiting list on each side. Volunteers attend information sessions before joining the Program and are introduced to an international student through a careful matching process, facilitated by the Program Coordinator. Regular newsletters, excursions, and social events organised by the University bring volunteers and students and their families together.

When volunteers and students meet, they engage in a range of activities including shopping, having coffee, cooking, walking, visiting each other's homes, going to the movies, the theatre, the beach or museums, and playing with children. In an internal program evaluation in 2007, students identified chatting and sharing food as the most important activities for building the relationship with their volunteer.

Community Connections is funded by the University of Newcastle. The funding includes a full-time coordinator and operational funds of around $5,000 per annum[34].

A similar volunteer scheme was introduced by the University of Adelaide in 1995 to encourage international students to spend time with members of the local community. The program is designed to supplement, not replace the formal academic language and learning support offered by the University. Typically, a student and a volunteer meet for an hour a

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[34]   Information provided by Manager, Community Relationships International, University of Newcastle.

week at a mutually convenient location, to share interests around a common area of study. The volunteer scheme helps international students develop their English language communication skills and understanding of local culture while encouraging members of the local community to engage with the University. In 2009, the program involved 100 volunteers and there is a high retention rate among the volunteers. The University has acknowledged while the program is simple, meeting the needs of growing numbers of international students is likely to involve more complex coordination and additional resources[35].

In response to the issues experienced by international students, the City of Darebin has included the development of a Community Hospitality Guide outlining ways that residents can make international students feel welcome and a Neighbourhood Awareness Campaign regarding the benefits and plight of international students with suggestions of how to welcome them in its *Fair Go for International Students* strategic program[36].

It is proposed that the City of Ryde encourages the development of a community volunteer program at Macquarie University and assists the University to promote the program to local residents.

11.2.2 Volunteering by international students

Many of the existing volunteering programs for international students involve international students working to assist newly arrived students settle in. Examples include the *International Student Welcome Booth Volunteer Pilot Program* in Melbourne which provides training to international students to work at a booth at Melbourne Airport approaching and welcoming newly-arrived international students, providing them with information and assisting them with immediate questions[37]. Another program is the *Peer Mentor* program at the University of Adelaide. The program recruits peer mentors among international and local students. It is designed to helps new international students become familiar with the University and academic expectations, and importantly to develop social networks[38].

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[35] Department of Education, Employment and Workplace Relations (2009) *Examples of good practice in assisting international students to integrate with Australian students and the wider community* Australian Government http://www.aei.gov.au/AEI/PublicationsAndResearch/Publications/Good_Practice_pdf.pdf

[36] City of Darebin (2009) *Submission to the Inquiry into the Welfare of International Students* The Darebin Overseas Student Advisory Council and the City of Darebin.

[37] http://internationalstudents.org.au/content/view/67/1/

[38] Department of Education, Employment and Workplace Relations (2009) *Examples of good practice in assisting international students to integrate with Australian students and the wider community* Australian Government http://www.aei.gov.au/AEI/PublicationsAndResearch/Publications/Good_Practice_pdf.pdf

The City of Ryde has a program for recruitment of volunteers for local Home and Community Care funded agencies and Ryde Bushcare. The active recruitment of international students into local volunteering programs would have mutual benefits to both the students, who have the chance to practice their English and meet people from a variety of backgrounds, and the community. Nine per cent of the student survey respondents indicated that they were interested in volunteering activities. Fourteen per cent of the student survey respondents that they were interested in any activities offered, while another 6 per cent of respondents were not sure of the activities they wanted to be involved in, but would like the opportunity to improve their English.

11.2.3 Community events

Community events such as the annual Granny Smith Festival and Lunar New Year celebrations are important opportunities not only to involve international students as participants and volunteers, but also to promote issues related to international students to the wider community. Options for Council at these events include displaying and providing information about:

1. Homestay schemes
2. Community connections schemes
3. Volunteering opportunities for international students
4. Housing rights and responsibilities

There is also scope to involve international students in smaller scale community events. For example social, sporting and cultural activities involving international students and local communities could be conducted in locations such as Waterloo Park or the Shrimpton's Creek Parklands. Twenty six per cent of international student survey respondents indicated that they were interested in attending barbecues, while twenty eight per cent of the respondents expressed interest in participating in sporting activities.

It is proposed that Council seek sponsorship to run a community sporting activity that would help international students learn about Australian culture and connect with the local community. One model to be considered is the *GloBall* program, a joint initiative of the Essendon Football Club, Royal Melbourne Institute of Technology, City of Melbourne and the Australian Federation of International Students. Students have the opportunity to attend free games at the club and skills sessions with players. Community events are also held at the football grounds to highlight social aspects of Australian culture and expose international

students to some of Australia's history and traditions[39]. A *GloBall* style program in the local context could operate in a local park and comprise skills sessions for rugby, soccer and/or basketball over a number of weeks culminating in a game and barbecue.

12.   Key findings and recommendations

This final chapter draws together the key findings from the research, and provides recommendations for the consideration of Council. The findings below have emerged from an extensive review of the available literature, in-depth discussions with a wide range of stakeholders including education providers, housing providers, local government and community representatives and consultation with students through focus groups and a survey of 626 international students. The research found that:

- Until recent years, Macquarie University has paid insufficient attention to the housing consequences of expanded international student numbers. While there are concept plans that will deliver 3,450 additional student beds, given uncertainties regarding future international student numbers, the University is inclined to move cautiously on the development of student housing. Only around 300 new beds will be commenced in 2011.

- A direct consequence of the current shortage of affordable student housing has been the emergence of unauthorised boarding houses and other forms of over-crowded rental accommodation. There is significant community tension over the displacement of student housing into residential areas as a result of the shortfall of legitimate, appropriate accommodation. In addition to general concerns over over-crowding and loss of amenity, there has been strident local opposition to the potential development of legitimate 'new generation' boarding houses that may be approved under the *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

- Of the 626 international students interviewed, 99 students were living in boarding houses; 273 in flats or apartments; 137 in share houses; 47 in on-campus accommodation; 44 staying with friends or family; 22 in Homestay accommodation; and 4 in other accommodation, including hostels and granny flats. It should be noted that there may be some overlap between these categories.

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[39]   Department of Education, Employment and Workplace Relations (2009) *Examples of good practice in assisting international students to integrate with Australian students and the wider community* Australian Government http://www.aei.gov.au/AEI/PublicationsAndResearch/Publications/Good_Practice_pdf.pdf

- 75 per cent of international students were satisfied with their current living arrangements. Of those students who were dissatisfied with their accommodation students in Homestay accommodation were the least satisfied group, followed by students living in boarding houses.

- Despite the relatively positive findings in relation to satisfaction with accommodation, the survey interviews revealed that many international students experience problems with housing, particularly in the first 12 months. It is also apparent that being satisfied does not equate with living in optimal conditions for study and lifestyle. The overwhelming majority of students who were satisfied with their accommodation cited the fact that it was cheap, convenient and close to the university. On-campus accommodation was reported as offering a good social environment and extra facilities for international students.

- The most common reason for dissatisfaction with current living arrangements related to overcrowding and lack of privacy. Students also indicated that the cost of their accommodation in relation to what was provided and the distance from the university, transport and or shops were also key concerns. Many were also concerned that their current living environment was dirty, unsafe or too noisy to study effectively.

- Lack of knowledge of consumer rights and welfare support systems mean that the only recourse for many students who are dissatisfied with their living arrangements is to move out. 393 of the 626 (62.7 per cent) of the students surveyed indicated that they did not know where to go to obtain housing help if they needed it.

- The survey data shows that international students are very mobile, often leaving their accommodation within a short time of arrival. While some of this early moving can be accounted for by students moving out of Homestay arrangements into a less closely monitored living environment, it does not fully explain it. Other common reasons for moving included high rentals, dirty overcrowded and inconveniently located properties, students returning to their home countries for holidays, landlords increasing the rent or landlords "taking back the property".

- The inability to access transport concessions is another important driver in housing choice by international students. The research found that in the absence of

concessions, there is a strong preference amongst international students to live within a convenient walking distance from the campus.

- The most significant factor determining where an international student will live is cost. The survey found that the majority are living in accommodation priced below $200 per week and a small per cent are paying less than $100 per week for a room. Many students are prepared to trade-off the accommodation standards and arguably their safety in order to live cheaply at a convenient distance from the university.

- The survey findings negate the commonly held view that much of the boarding house accommodation is organised by unscrupulous overseas agents prior to the student's arrival in Australia. The research suggests that the majority of overseas agents are providing legitimate accommodation such as Homestay or on-campus accommodation. Boarding houses are sourced through word of mouth contacts, through uni advertisement boards and in some cases newspaper advertisements. The internet is key source for share houses, a category for which there may be some overlap with boarding houses. These findings have significant implications for the ongoing aspects of the project in raising awareness of international students.

- International students who live in overcrowded premises do not have statutory occupancy rights under the NSW *Residential Tenancies Act* (1987). The evidence gathered for this project highlights a lack of awareness of international students about their rights in relation to housing or where to go for housing help if they need it. The project has exposed a need for provision of:
  1. more detailed pre-departure information regarding accommodation options and costs, employment, community support, public safety, etiquette, personal safety, norms and cultures.

  2. information about obtaining properties in the private rental market and the rights and protections afforded by the NSW *Residential Tenancy Act* (1983), and

  3. information about authorised boarding houses and the disadvantages and problems that may arise from renting rooms in these houses or other overcrowded premises.

- Council's surveillance of unauthorised boarding houses relies upon information from local residents and there is much more that can be done to improve communication

with affected local residents. However, a more proactive surveillance and enforcement regime has significant resource implications for Council. In respect of over-crowded rental accommodation, as Council has no regulation which stipulates the maximum number of adult residents per bedroom it is dependent upon real agents to be vigilant and to enforce the terms and conditions of leases.

▪ Evidence gathering about unauthorised boarding houses and enforcement by Council is impeded to some extent by the complicity of students who were willing to hide evidence of breaches rather than risk being evicting into homelessness. Furthermore, Council's crackdown on the underground student housing market has a significant flow-on effect to the local housing market. Effectively, owners or head tenants are able to provide housing to fewer potential tenants if occupancy ratios are strictly applied.

▪ Increasing accommodation option for students requires a multi-faceted solution. It is clear that the housing needs of students cannot be met by the University alone and in fact, given significant investment in rental properties it would be damaging to the local economy to attempt to do so. The research points to four key areas for action:

   1. significant expansion of affordable on-campus accommodation at Macquarie University;
   2. promoting an alternative Homestay experience that meets the needs and expectations of international students;
   3. increasing the volume of affordable housing stock and choice for the community as a whole; and
   4. promoting rental opportunities in areas outside the LGA such as the suburbs on Chatswood, St Leonards and Parramatta on the direct rail link to Macquarie University.

▪ The adoption of head tenancy schemes by Macquarie University Housing Office is evidence of the university seeking alternative approaches to housing international students, in circumstances that offer a greater degree of protection than direct experience of private renting. This approach also serves to counter to the general pattern of real estate agency preference not to let to students. Implementation by the university is constrained by low vacancy rates in the private rental market. Affordability will be improved only by increased supply to meet the market.

- While Homestay appears to be an ideal option for increasing the range and volume of student accommodation within the City of Ryde, in practice there is uncertainty about the extent to which it meets the needs of international students. Alternative, more affordable models are needed meet student's requirements. The capacity to self-cater was a key issue raised by students.

- While bringing existing boarding houses under regulatory control utilising the guidelines created under the SEPP (Affordable Rental Housing) will increase the quality of available of student/low income housing it is unlikely to increase the quantum of housing unless new affordable rental developments are approved. This is unlikely given the depth of community and Council opposition to the SEPP as it applies to developments in low density residential areas.

- In addition to finding suitable accommodation, social isolation and difficulties integrating into Australian life are other issues commonly identified by international students and key stakeholder groups. The problems faced by international students are different to those of domestic students and may have a severe impact on their life and study success, including visa cancellations.

- Many local governments are taking active steps to recognise and value the contribution that international students make to the economic, social and cultural life of their communities. An increasing presence of international students and associated intensification of student housing within the City of Ryde requires Council to direct some of its initiatives towards building closer connections between the students and the community.

- Possible initiatives that have been tried in other jurisdictions to improve the integration of international students in local communities including: welcoming and orientation events; international student festivals; provision of tailored information through websites and seminar programs; programs to build ongoing relationships between individual students and community members and families; and student volunteering.

12.1 Recommendations

Council has taken a strong stance against unauthorised boarding houses, however it is committed to broader approach focusing on enforcement alone. The recommendations below are a reflection of this multi-faceted approach. In particular, the recommendations recognise that Council, in partnership with Macquarie University and other private sector investors, must act to increase the supply of affordable housing in the vicinity of the University. Not to act is likely to create further impacts on amenity in the future, as more unauthorised and illegal use of accommodation stocks are used to meet supply gaps.

In the light of the evidence presented in this report, it is recommended that Ryde City Council:

Increasing housing supply

1. Continues to engage with Macquarie University and private investors to develop an appropriate planning response to the shortages of student accommodation issue, within the context of the Macquarie Park Master plan. Town planning for the area should fully consider the impact on the University population (students and staff) on housing demand.

2. Ensures that approval processes for the development of on-campus accommodation are resolved quickly and efficiently.

3. Engages with the Northern Sydney Institute of TAFE regarding future student housing needs and builds these expectations into town planning for the Meadowbank and Ryde areas.

4. Develops data and a range of objective measures of supply and demand to inform decision-making regarding SEPP (Affordable Housing) developments and other higher density forms of student accommodation and justify such decisions to residents.

5. Considers introducing a student housing policy within its local environmental planning scheme.

6. Adopts a consistent and proactive approach to attract new housing development by packaging together a range of levers that serve to reduce the costs to developers of providing housing. Levers to consider include planning concessions and floor-space bonuses and concessions on developer levies and charges who are building affordable accommodation aimed at the rental market.

7. Permits development of 'granny flats' to be incorporated into the main dwelling of properties in residential zones as per the recommendation of the Draft City of Ryde housing strategy.

8. Raises the issue of student housing shortages and the flow on effects to the wider community at the most senior echelons of Macquarie University.

Acting on unauthorised boarding houses and rental over-crowding

9. Persists with a zero tolerance policy in relation to unauthorised boarding houses and continues to train enforcement personnel in surveillance and evidence gathering methods.

10. Takes steps to educate landlords on the standards required by law by preparing guidelines for off-campus student housing, compatible with the SEPP (Affordable Rental Housing) so that the standards and requirements are unequivocal. It is proposed that the guidelines are reproduced in Mandarin, Cantonese and Korean languages.

11. Liaises with the editors of Chinese and Korean language newspapers about placing stories and information housing standards and regulations.

12. Conduct quarterly breakfast meetings involving Councillors and senior staff Council with real estate agents operating within the LGA to discuss issues related to international students.

13. Increases the visibility of Council's activity by providing information to local residents via Council's website, newsletter and letterbox drops in targeted areas with information about how to report suspected unauthorised boarding houses; the current legal requirements and the actions Council can legitimately take.

14. Engages with residential advocacy groups, such as Neighbourhood Watch and Neighbourhood Action Groups by providing regular reports on Council actions and providing a meeting structure for specific issues to be raised with Council, and for Council to report on how it is responding to community concerns.

Raising student awareness

15. Works with appropriate personnel at Macquarie University to ensure that information on the University website regarding the cost of housing is clear, accurate and up to date and that sources of accommodation are legitimate. It is also important that students are adequately informed about housing services on campus.

16. Develops specific materials relating to safety issues and potential exploitation from living in unauthorised boarding houses and other forms of over-crowded rental accommodation. As this is an issue which affects other local Councils, notably the City of Sydney, Randwick and Parramatta City Councils, combined efforts to develop a video resource that could be screened at orientation sessions and uploaded to University websites would be the most effective use of resources.

Promoting Homestay

17. Promotes Homestay within the LGA with a view to increasing the number of local hosts. Promotional opportunities include articles in the Council newsletter to residents including stories about local Homestay hosts, and promotions at community events such as the annual Granny Smith Festival.

18. Seeks Diversity and Social Cohesion Program funding to conduct a pilot 'Boarders without Boarders' program. This program proposes an alternative Homestay arrangement linking older people who need assistance with light housework or home maintenance such as lawn mowing with international students looking for low cost accommodation and conversations in English.

19. Offers cross-cultural training through the Community Life Division of Council for potential Homestay hosts on an annual basis.

Connecting international students with the local community

20. Considers a partnership with Macquarie University, the Northern Sydney Institute of TAFE and the NSW Community Relations Commission (International Student Project) to link web based information about local activities, events and housing options to international student portals.

21. Advocates to the NSW Government for funding and practical assistance to put in place a program of activities to improve community integration of international students in the City of Ryde. Examples of activities include: social, sporting and cultural activities involving international students and local communities in locations such as Waterloo Park and the Shrimpton's Creek Parklands; and a sporting skills development program that would help international students learn about Australian culture and connect with the local community based on the *GloBall* concept.

22. Encourages the development of a community volunteer program at Macquarie University, similar in scope to Newcastle University's *Community Connections* program and assists the University to promote the program to local residents.

23. Works with Macquarie University and the Northern Sydney Institute of TAFE to actively recruit international students as volunteers for local community events such as the Granny Smith Festival, Home and Community Care funded agencies and Ryde Bushcare. This work would be an adjunct to the role already played by the Community Life Division in recruiting volunteers.

24. Promotes issues related to international students to the wider community at major community events in the LGA. Options for Council at these events include displaying and providing information about: becoming a Homestay host or community connections volunteer; volunteering opportunities for international students; and housing rights and responsibilities.

Advocacy and collective action

25. Works collectively with other affected LGAs – notably the City of Sydney and Randwick City Council - to challenge the State Government's discriminatory policies in relation to travel concessions for international students in NSW.

CITY OF RYDE

INTEGRATED ENFORCEMENT PROJECT

BOARDING HOUSES

Contents:-

1. Preface

Ryde Council, by way of motion passed on 4 May 2010 resolved to, amongst other things, 'that the Council endorse an integrated enforcement program on boarding houses that has the objective of reducing the supply of unauthorised boarding houses and explores and encourages opportunities for appropriate student housing.' The Project was divided up into two parts;

- Strengthening alternatives to illegal boarding houses as a means to provide safe and appropriate accommodation to students: and

- Enforcement:- supporting Council's enforcement obligations under the Environmental Planning and Assessment Act and identifying the requirements for enforcement.

The Enforcement component of the Project has been conducted pursuant to that motion, (although limited by the budget and scope of this project).   This report details the findings of the Enforcement component of the project. Specific detail that either identifies or tends to identify either individuals or premises has been omitted for a number of reasons; these being:-

(a) preserve the integrity of ongoing investigations and avoiding prejudice prior to any

    Court proceedings.

(b) protect the identity of tenant's who reside or have resided at illegal boarding houses.

(c) protect the identity of community sources who have provided invaluable information during the course of the project, and

(d) comply with non-disclosure provisions of State and Commonwealth agencies.

1.2. Background

The City of Ryde is home to Macquarie University, one of the leading providers of education to international students'. In particular, Macquarie University is favoured by both mainland and Hong Kong Chinese students who follow the Shanghai Jiao Tong University Academic Rankings of World Universities. Macquarie University is currently ranked 9th in Australia.

International Students attending Macquarie University are mainly drawn from:-

- Hong Kong

- China

- Korea

- Malaysia

- Taiwan

- Singapore

- India

The Project has revealed that the majority of these students prefer and tend to reside within a 3 kilometre radius of Macquarie University; well within the boundaries of the Ryde Local Government Area. The flow on result is a supply – demand imbalance in rental accommodation which has created an environment conducive to the operation of illegal boarding houses contrary to the provisions of the Environmental Planning & Assessment Act.

Following enquiries, interviews and liaison with other agencies, the Project has revealed that essentially two groups have emerged to take advantage of this situation; opportunist investors and organised syndicates.

The opportunistic investor is typically a middle aged couple acting on advice, with invariable assistance from real estate agents; they tend to invest in a residential home, which they promptly convert into a multi room dormitory style boarding house. The modifications are carried out in an amateurish fashion, with home handyman style partitions, plumbing and cabling effected. During the time of this project, twenty illegal boarding houses which fall into this category and having been previously detected have been served Penalty Infringement Notices and or Orders pursuant to the Environmental Planning & Assessment Act. Seventeen of this group have re-offended.

Boarders for this style of boarding house are then mainly drawn by way of advertisements in Chinese language papers, internet sites, telegraph pole postings and word amongst their peers and friends.

The organised syndicates are different in that they have a relative degree of sophistication in the manner they operate illegal boarding houses. Research conducted included key data from the United Nations Investigations Unit, reveals a vertically integrated structure commences with the recruitment of international students in mainland China and Hong Kong. The syndicates, for a fee, assist with the application and provision of various Student Visas within Australia. They also arrange and provide accommodation for these students at what ultimately end up as illegal boarding houses.

The extent of vertical integration, from information received, includes migration agents, lawyers and real estate agents working in tandem to facilitate these international students. Investigations conducted as part of this Project support this information with one such described tandem arrangement operating from commercial premises within the Ryde Local Government Area. Information concerning this syndicate operation has been referred to the Department of Immigration & Citizenship, who are conducting enquiries into this matter as part of broader investigations into student visa fraud.

Some of these arrangements require the prepayment of accommodation fees prior to the prospective students arriving in Australia. This leads to a more sinister aspect of illegal boarding houses beyond the simple unauthorised land use component.

Upon arrival in Sydney, persons entering as international students in this manner are conveyed to a boarding house that has been allocated to them where they are settled. This has been confirmed by a number of Macquarie University students interviewed during the course of the Project.

Depending on their length of stay in Australia, these persons in Australia by virtue of Student Visas are frequently rotated amongst different boarding houses. Information received and verified by several sources, including Macquarie University students residing within these illegal boarding houses, were interviewed during the course of the Project, suggests that the frequency of rotation ranges from thirteen weeks to six months.

Anecdotal evidence indicates that the reasons for these frequent rotations is aimed to prevent familiarisation by the boarders of their surroundings and minimise the opportunity for government authorities to speak to these boarders.

The information that rotation takes place adds further weight to the belief that some illegal boarding houses are operated in a syndicate fashion. From those illegal boarding houses investigated during this project, eight are suspected of operating in this way.

1.3 Bona Fide -v- Sham Students

It should be noted at this point that the scope of the Project was to facilitate and coordinate an effective means of conducting enforcement of illegal boarding house operators whilst maintaining a genuine degree of understanding and compassion for boarders facing the prospect of seeking alternate accommodation arising from enforcement action. In particular the Council was concerned with student exploitation and exposure to unsafe accommodation.

Arising from the Project and virtually overlapping the core illegal boarding house issues are matters that tend to go to the source of the problem of syndicate operated illegal boarding houses; sham students, immigration offences and the sex trade; matters outside the scope of local government and this Project, but well within the domain of Immigration authorities and Police. (See appendix 1.)

1.4 Typical Illegal Boarding House - Ryde LGA

The Project, by way of physical attendance and inspection conducted in conjunction with the Compliance Unit of Ryde Council has revealed that the typical illegal boarding house within the Ryde Local Government Area predominantly caters for international students attending Macquarie University.

The original physical structure of the premises prior to unlawful conversion commences with a free standing 3 to 5 bedroom brick and tile house with a double garage. Unauthorised modifications result in these premises being converted to 5 to 12 room boarding houses, with garages more often than not partitioned and utilised as rooms. This proved to be the case during the course of inspections conducted of illegal boarding houses within the Ryde LGA.

Rent charged of tenants for a room within illegal boarding houses range from $150 to $390 per week. Payment is collected from the tenant's in cash, often without any receipt provided. Where a receipt is provided it is a generic type with no identifiable details.

Tenants often have no more than a given name and mobile number as their contact for the boarding house.

Most illegal boarding houses encountered retained original bathroom facilities which meant that in most cases 2 bathrooms with the odd third bathroom catered for up to 15 residents.

Hygiene emerged as a major issue with the cleanliness of premises inspected ranging from a just acceptable level of cleanliness to cases of putridness and filth.

The majority of premises had poor levels or cleanliness and hygiene creating environments conducive for the spread of disease.   This included blocked toilets, bathrooms over run with mould and kitchen utensils covered in grease and grime.

Lawns and gardens were found to be overgrown and unkempt. Rubbish bins were generally putrid and overflowing, which is a good evidentiary indicator of excess number of persons residing within the premise. Many of the bins were observed to be exhibiting signs of maggot infestation.

Letterboxes and surrounds are full of letters addressed to a multitude of different names, predominantly Asian sounding; again an excellent indicator of boarding house use.

1.5   Fire Hazards

The issue of fire hazards rates a special mention within illegal boarding houses. The use of home handyman type repairs has been previously mentioned in this report. However, the extent of do it yourself repairs and maintenance is clearly evident in many illegal boarding houses within unauthorised electrical wiring.   Some prevalent examples observed during the course of the Project include:-

- exposed wiring.

- unauthorised works, including the installation of dozens of additional power points onto existing electrical boards.

- use of up to 10 rice cookers, often simultaneously via power boards on single circuit boards. For the electrically literate; a load in excess of 5000 watts from a single power point.

- disconnection of smoke alarms.

- heavy fortification of premises with bars, metal grills and deadlocks on all doors and windows with only one entry / exit point permitted for use.

- storage of large quantities of inflammable solvents such as mineral turpentine and paint thinner next to mattresses and plywood within garages converted to boarding rooms.

Enquiries conducted with NSW Fire & Rescue Service Community Safety Branch confirmed that the above factors are high risk fire factors, particularly the high load placed on electrical circuit boards by multiple rice cookers.

Advice was received that, in the absence of any electrical safety cut-out devices, the risk of electrocution and fire was extremely high from this practice.

1.6 Applicable Legislation

Local Council's within New South Wales are handicapped to a degree by the legislation available to enforce regulations and prosecute owners and operators of illegal boarding houses. There is no special or particular legislation available for proceedings in matters involving illegal boarding houses.

Similarly, tenants of illegal boarding houses are at the mercy of unscrupulous landlords and operator's. These tenants have no redress available through the Residential Tenancies Tribunal or any other simple cost effective remedy available at law.

The provisions of the Environmental Planning & Assessment Act 1979, ('the Act') and the subordinate regulations within provide for the offences of 'conduct a development without consent' and 'conduct a development not in accordance with consent.' Related offences involving fire safety are also dealt with by way of the Act. These provisions are generic and apply to any land use infringement. Power to require the removal or dismantling of unauthorised works is also provided by the Act by way of orders.

Powers of entry, search and inspection are by virtue of the Act as well. There are deficiencies noted within these powers and the ambiguity created in respect of entry onto residential premises, particularly in instances where the owner of the illegal boarding house

resides at the subject premises, creating the dilemma of determining whether the premises are residential or commercial. This has a significant impact upon the powers and procedures available for entry and inspection by authorised Council Officers.

1.7 Deterrent Effect

Generally, the present sanctions provided for within legislation are seen as often being insufficient even for the opportunistic operators; a succession of fines at $1500 per fine and an Order are not always enough to be immediately effective.

These penalties are of little deterrent to syndicate operators who turnover up to $4000 per week from each premises they operate. It is believed, based on the method of collection of the rents that the majority of funds generated in illegal boarding houses are outside the tax system. The operators rely on those premises to house persons engaged in horizontally integrated industries such as massage parlours and brothels. Therefore, these operators often engage Council in a cat and mouse game whilst seeking to continue their enterprises. This was clearly evident from the results of audit conducted into the twenty premises identified for audit.

For compliance to be an effective deterrent, frequent attention to and follow up on illegal boarding houses is required. Multiple inspections upon premises with the issue of Penalty Infringement Notices on each occasion can be a useful tool in disrupting and dismantling illegal land use if the penalties are sufficiently onerous and punitive.

1.8   Real Estate Agents - Engagement & Education

Ryde, Eastwood and Epping based real estate agents were individually approached during the course of the Project for the purpose of engagement and education. These sessions with the real estate agents consisted of providing background to the Project and explaining the risks and detrimental effects of illegal boarding houses with the community.

Agents suspected of facilitating tenants to these boarding houses were encouraged to not engage or facilitate the buying or selling of premises that are earmarked for the purpose of illegal boarding houses and to further divest themselves of any rent rolls associated with these premises.. Encouragingly, this involved only a very small number of real estate agents suspected of involvement with illegal boarding houses.

The real estate engagement yielded some key information for the Project and is regarded as a very successful component of the Project.

1.9   Inter-Agency Liaison

Liaison has been ongoing with other agencies with an interest in the activities within and arising from the operation of illegal boarding houses. The agencies that have expressed a keen and ongoing interest are:-

Department of Immigration & Citizenship

DIAC are the key agency that has expressed an ongoing interest in illegal boarding houses. There are various immigration issues, including student visa fraud and 'student' sex workers that DIAC maintain a high level of liaison on.

NSW Police - Eastwood Local Area Command

The Eastwood Local Area Command has been provided briefings on matters arising during the course of the Project that are within the sphere of Police responsibility.

Support by way of accompanying and assisting Compliance Officers during inspections in the event the need arises has also been afforded. This resource was not required during the tenure of the Project.

Parramatta City Council

The existence of illegal boarding houses is prevalent near major educational institutions. As such, Parramatta City Council has been experiencing an increase in the number of illegal boarding houses, particularly in proximity to the UWS campus. The Lord Mayor of Parramatta has sought a briefing on the Project undertaken by the City of Ryde with the view of possible joint future projects. Further, the Lord Mayor of Parramatta City has made representations to the State Member for Ryde in respect of a Private Members Bill concerning illegal boarding houses.

Australian Tax Office (ATO)

Referral of information to the ATO is recommended in cases where there is evidence that the operation of illegal boarding houses is generating income via the cash economy. The involvement of the ATO may provide an additional deterrent effect against unscrupulous operators.

1.10   Training

The Compliance Unit of Ryde Council were provided training and education identified as relevant to the duties required of and conducted by a compliance officer tasked with investigating illegal boarding houses.

This training was conducted during the course of several days within the tenure of the Project. This included class-room and field training. Training covered the following areas:-

- Applicable law

- Boarding house identifiers

- Evidence & intelligence gathering

- Record keeping

- Powers of search & entry

- Search warrant preparation

- Court case preparation

- Occupational health & safety

- Officer survival

- Professional responsibility & accountability

Compliance Unit officers displayed an eagerness to learn during the training and were able to absorb and understand all the fundamentals of law and procedure required for effective and professional compliance duties.

1.11   Enforcement Survey

A follow up survey of twenty premises that had previously been detected operating as illegal boarding houses was conducted during the tenure of the Project. The subject premises were located in Marsfield, Eastwood, Macquarie Park and Ryde.   The initial results of the survey are indicative of the initial assessment of boarding house operators indicating differentiation between opportunistic investors and others engaged in more organised activities. The re-offend rates are 85%.

Appropriate compliance action has been initiated in relation to the persons identified as re-offending. The high re-offend rate is indicative of the lucrative returns generated by the operation of an illegal boarding house. The mean weekly rent for a four bedroom house in the Ryde Local Government Area is approximately $750. The average illegal boarding house is generating approximately $3200 to $4000 per week which makes it a very lucrative reason to risk operating, even after being detected.

The survey revealed that a number of the premises that had been previously dealt with and subsequently had unauthorised modifications and partitions dismantled had re-installed all of the previous unauthorised works and were again operating as illegal boarding houses. This was particularly evident in some of the larger premises.

1.12 General Observations

Gaining information from and earning the trust of students, particularly Chinese students residing within the various illegal boarding houses has been doubly difficult.

In general, there is a significant cultural barrier to overcome and the invariable reluctance to engage with any government agency or authority. The relative success of illegal boarding houses is reliant on these barriers protecting and shielding the operators from scrutiny. Information received from some students supports the existence of an additional barrier; operators of boarding houses imposing silence upon boarders to the extent that they are instructed not to provide any type of information to any government officials.

Overcoming these barriers is an issue that Macquarie University and other educational facilities may assist with by way of an outreach or engagement program.

1.13 Recommendations

Macquarie University Engagement

Macquarie University should be encouraged to become a key partner in combating illegal boarding houses by way of establishing reporting through their existing information networks. The best sources of information originate from the student body and as such commensurate resources should be allocated by Macquarie to foster this information flow back to Council.

Legislation

An approach to State Government is recommended for either the introduction of new legislation that specifically addresses illegal boarding houses, with the underlying intent of preventing the establishment of these illegal premises and assisting in the dismantling of existing premises. It is recommended that a working group that includes representatives from Local Government, DIAC and Police is formed with input for legislation.

Clearly the source of the issue is the supply - demand imbalance in student accommodation. It is recommended that a much greater onus is placed on educational institutions to facilitate proper accommodation for international students prior to accepting enrolment.

Resources

The effective monitoring and enforcement of illegal boarding houses requires dedicated staffing and equipment resources. It is recommended that two officers, trained and competent in all relevant disciplines of compliance are tasked with these duties.

Given the existing workload of the Compliance Unit, it may be useful to engage additional trained resources on a defined contract period to deal with the issue of boarding houses on a dedicated basis. The income stream from fines and penalties is likely to fund any such resources.

Entering premises to conduct inspections and enforcement always carries an element of risk. Therefore the utilisation of two officers mitigates this risk and provides a more effective and professional means of attending to these duties. With the current number of illegal boarding houses within the Ryde LGA estimated to be quite large, there is a compelling case for these resources to be allocated as a matter of priority.

External Agencies

The continued liaison with external agencies, including state government, Police, DIAC, the ATO and other Councils is recommended as a whole of government approach in dealing with illegal boarding houses. Mutual assistance and joint agency activities are far more effective in yielding lasting results in the compliance field.

Real Estate Agents

A program of continued engagement and education is recommended for real estate agents. This is to minimise opportunities for the acquisition of properties that are earmarked as suitable for use as illegal boarding houses.

Information Leaflet

It is recommended that Council consider the preparation of an information letter for posting to all premises within the City of Ryde in Cantonese, Mandarin and English briefly setting out the existence of illegal boarding houses within the area and the risks posed by those premises; particularly fire and health hazards. The letter may include details for complaints or information to be provided to Council.

Appendix 1:

Contemporary evidence compiled from 2006 to present has revealed that up to ninety percent of female sex workers in Asian operated brothels and massage parlours in the Sydney metropolitan area originate from mainland China, Hong Kong, Taiwan or South Korea. Approximately eighty percent of this Asian group are bearers of International Student visas.   This evidence is mainly derived from raids and inspections upon 85 brothels, 53 of which were illegal brothels within the Parramatta and Ryde Local Government Areas.

As recent as the 18th February 2011, inspections of premises within the Ryde Local Government Area revealed two illegal brothels staffed by sex workers in Australia by virtue of Student Visas.

Interviews conducted with many of these sex workers revealed that they do not participate in any type of genuine study; rather having being brought to Australia under the guise of International Student Visa for the express purpose of engaging in sex work.

A common denominator that emerged was that the majority of these sex workers were enrolled in non-university facilities by way of Visas under student visas classes s572, s575 and s580. Further common denominators to emerge were:-

- Visa application and travel facilitated by upfront fee payment or debt to syndicate members.
- Accommodation facilitated by syndicate members for sex workers to reside either in brothels or boarding houses

- Identification papers including passport invariably held for 'safe keeping' by brothel owner at undisclosed location. Only identity documents available were poor quality copies of Student Visa.   This factor again featured in illegal brothels uncovered on the 18/02/2011.

- Educational institutions nominated in the main are in the main obscure private colleges providing ELICOS, (English Language Intensive Courses for Overseas Students).

Further investigations conducted during the course of the project revealed that a single 'recruitment' contact point has been extensively utilised through Chinese language papers and websites for students tutoring services, boarding house accommodation and sex work. Many of these ads have been traced to accommodation listings and sex work opportunities in premises within the Ryde Local Government area. This information has also been referred to the Department of Immigration & Citizenship.

Councillor Pickering disclosed a less than significant non-pecuniary interest in Item 17 – ADVICE ON COURT ACTIONS – of the Committee's Report No. 6/11, for the reason that the owner of Rocco International had a court order to make payment to a previous company at which he was a shareholder.   This item was not considered at the meeting and was deferred to the Committee of the Whole Meeting No 07/11 to be held on 3 May 2011.

1   CONFIRMATION OF MINUTES – Meeting held on 05 April 2011

RESOLUTION: (Moved by Councillors Petch and Pickering)

That the Minutes of the Committee of the Whole Meeting 05/11, held on Tuesday 05 April 2011, be confirmed.

Record of Voting:

For the Motion: Unanimous

2   STUDENT HOUSING – SUPPLY AND DEMAND PROJECT

Note: Mr Frank Chen, Ms Jade Jiang, Ms Yvonne Wang and Mr Jing Cheng addressed the Committee in relation to this Item.

Note: Councillor Salvestro-Martin declared a less than significant non-pecuniary interest in this item for the reason that he is a joint-owner of a boarding house.

Note: Councillor Butterworth arrived at the meeting at 9.05pm during public participation on this item.

MOTION: (Moved by Councillors Pickering and Maggio)

(a)   That Council note the report "Integrated Enforcement and Education Program – Illegal Boarding Houses Project" prepared by Gail Le Bransky.

(b)   That this matter be deferred to enable Council to immediately request the State Government to confirm the timing of the planned changes on the Affordable. Housing SEPP.

AMENDMENT: (Moved by Councillors Petch and Campbell)

(a)   That Council endorse in principle, the report "Integrated Enforcement and Education Program – Illegal Boarding Houses Project" prepared by Gail Le Bransky.

(b)   That Council staff engage with all relevant local education providers, landlords, students and local resident groups when drafting affordable housing or similar housing policies.

(c)   That Council staff develop factual information sheets to be placed on the City of Ryde website that explain what an illegal boarding house is. The information will target not only students but landlords, developers and residents as well. The information will be written in Mandarin, Cantonese, Korean and English.

(d)   That Council work with Macquarie University to ensure adequate provision of on-site student accommodation and encourages the university to accept a duty of care in terms of the accommodation choices made by it's international students.

(e)   That Council staff provide local Chinese and Korean newspapers with information sheets on illegal boarding houses to be presented in the newspaper.

(f)   That Council staff develop a boarding house policy that achieves three things:

1.   Defines what a boarding house is in Ryde;
2.   Identifies development controls for the assessment of boarding houses in keeping with relevant legislation;
3.   Provides clarity for the enforcement process of illegal boarding houses.

(g)   That Council support a project bid by Council staff of $50,000 to employ additional resources in the enforcement of unauthorised land uses namely boarding houses and brothels.

(h)   That Council staff advise relevant representatives at Macquarie University of the program "Community Connections" run by the University of Newcastle and encourage they explore something similar.

(i)   That Council staff work with other affected Local Government Areas and request the State Government review it's current policy on travel concessions for International Students.

The Amendment was put and **CARRIED** there being seven (7) votes for and five (5) votes against. The Amendment then became the Motion.

Record of Voting

For the Amendment: Councillors Butterworth, Campbell, Li, O'Donnell, Petch, Salvestro-Martin and Tagg

Against the Amendment: The Mayor, Councillor Etmekdjian and Councillors Maggio, Perram, Pickering and Yedelian OAM

RESOLUTION: (Moved by Councillors Petch and Campbell)

(a)   That Council endorse in principle, the report "Integrated Enforcement and Education Program – Illegal Boarding Houses Project" prepared by Gail Le Bransky.

(b)   That Council staff engage with all relevant local education providers, landlords,

students and local resident groups when drafting affordable housing or similar housing policies.

(c)   That Council staff develop factual information sheets to be placed on the City of Ryde website that explain what an illegal boarding house is. The information will target not only students but landlords, developers and residents as well. The information will be written in Mandarin, Cantonese, Korean and English.

(d)   That Council work with Macquarie University to ensure adequate provision of on-site student accommodation and encourages the university to accept a duty of care in terms of the accommodation choices made by it's international students.

(e)   That Council staff provide local Chinese and Korean newspapers with information sheets on illegal boarding houses to be presented in the newspaper.

(f)   That Council staff develop a boarding house policy that achieves three things:

1.   Defines what a boarding house is in Ryde;
2.   Identifies development controls for the assessment of boarding houses in keeping with relevant legislation;
3.   Provides clarity for the enforcement process of illegal boarding houses.

(g)   That Council support a project bid by Council staff of $50,000 to employ additional resources in the enforcement of unauthorised land uses namely boarding houses and brothels.

(h)   That Council staff advise relevant representatives at Macquarie University of the program "Community Connections" run by the University of Newcastle and encourage they explore something similar.

(i)   That Council staff work with other affected Local Government Areas and request the State Government review it's current policy on travel concessions for International Students.

Record of Voting

For the Motion: Councillors Butterworth, Campbell, Li, O'Donnell, Petch, Salvestro-Martin and Tagg

Against the Motion: The Mayor, Councillor Etmekdjian and Councillors Maggio, Perram, Pickering and Yedelian OAM

Against the Motion: Councillor Maggio

11   PORTERS CREEK - GROSS POLLUTANT TRAP - Tender Evaluation

Note: Councillor Perram left the meeting at 11.00pm and did not return. He was not present for consideration of this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Petch)

That Council accept the tender price submitted by Optimal Stormwater for an amount of $182,850 exclusive of GST to construct a gross pollutant trap at Porters Creek in accordance with their second submitted option.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Maggio left the meeting at 11.04pm and did not return.

RECOMMITTAL OF ITEM

RESOLUTION: (Moved by Councillors Campbell and O'Donnell)

That Item 8 – DEFERRED REPORT - BOARDING HOUSE - ENFORCEMENT AND EDUCATION PROJECT be recommitted.

Record of Voting:

For the Motion: Unanimous

8   DEFERRED REPORT - BOARDING HOUSE - ENFORCEMENT AND EDUCATION PROJECT

RESOLUTION: (Moved by Councillor Petch and Tagg)

a)   That Council note the report "City of Ryde Integrated Enforcement Project – Boarding Houses" (**attached**) prepared by Ethics and Integrity Research.

(b)   That Council staff develop a factual information sheet targeting students, landlords, developers and residents on what constitutes an unauthorised boarding house. The information sheet be placed on the City of Ryde's website. The information be written in Cantonese, Mandarin, Korean and English.

(c)   That Council work with the University to pursue adequate provision of on-site student accommodation and that the University accepts a duty of care in terms of the accommodation choices made by it's international students.

(d)   That Council staff continue to work with Government agencies in the regulation of boarding houses as required.

(e)   That Council works with the Local Member to strengthen the ability to regulate illegal boarding houses and ensure legal boarding houses match the existing neighbourhood character.

(f)   That Council staff develop a Ryde Boarding House Policy which:

1.   Defines what a boarding house is in Ryde; and
2.   Identifies development controls for the assessment of boarding houses in keeping with relevant legislation; and
3.   Mandates Plans of Management for boarding houses; and
4.   Introduces mandatory inspection of approved boarding houses on a fee-for-service basis; and
5.   Provides clarity for the enforcement process of illegal boarding houses; and
6.   Ensures Council observes its duty of care to the tenants of illegal boarding houses.

(g)   That the General Manager report to Council regarding the development of a webpage to display details of premises that have been confirmed to be operating as illegal boarding houses or have illegal internal modifications consistent with that use. The webpage is to show the address of the property and the name and address of the registered owner with all entries to remain for at least a 12 month period.

(h)   That the General Manager investigate any breach of confidential material relating to this matter and that a confidential report be provided back to Council on the findings of this investigation.

Record of Voting:

For the Motion: Unanimous

OPEN SESSION

RESOLUTION: (Moved by Councillors Petch and Butterworth)

That the Committee resolve itself into open session.

Record of Voting:

For the Motion: Unanimous

DRAFT

City of Ryde

INTERIM

ENFORCEMENT POLICY - BOARDING HOUSES

NOVEMBER 2011

ADOPTED BY THE CITY OF RYDE ON …….

1

1. Introduction

This policy explains the enforcement approach adopted by the City of Ryde in relation to student accommodation, unauthorised boarding houses and share housing accommodation.

Due to the significant student population in the City of Ryde and the limited affordable housing supply, a number of unauthorised boarding houses have been established. These boarding houses primarily cater for the overseas student population.

The City of Ryde understands that not all student accommodation arrangements are boarding houses. The broad definition of a *boarding house* under the Ryde LEP 2010 and the lack of a planning definition for other forms of shared housing has brought a number of living arrangements to be scrutinised as illegal boarding houses, where in fact, no development consent should be required nor any enforcement action taken. These are normally situations where there is no overcrowding of the premises and no illegal building works erected.

This policy is intended to be an interim enforcement policy until a legislated registration system is put in place for the regulation of boarding houses. The policy aims to provide the community with a common sense enforcement approach to the regulation of unauthorised boarding house development allowing for accommodation that is consistent with the "typical family arrangement" in terms of the number of occupants and quality of accommodation.

This policy will detail the appropriate information that determines the difference between a boarding house and a shared house arrangement and the steps taken by Council staff to reasonably determine that difference.

This policy should be read in conjunction with Council's Enforcement Policy.

The City of Ryde acknowledges that it has an obligation under Section 8 of the Local Government Act 1993 to ensure that the exercise of its regulatory power is carried out consistently and without bias.

This policy was adopted by the City of Ryde on (insert date)

2. Purpose of the Policy

The purpose of the policy is

- To provide clarity in the expectations of Council with respect to shared house arrangements and boarding house developments.

- To provide certainty to residents, landlords and tenants regarding the enforcement of unauthorised boarding houses and to reaffirm that the City of Ryde has a minimal tolerance approach to unauthorised building works and unauthorised boarding houses but is supportive of appropriate shared housing arrangements.

- To provide a practical guide to the community on the types of share accommodation arrangements that are considered appropriate.

- To allow for alternative student accommodation arrangements that can be reasonably deemed to be a share house accommodation arrangement.

- To provide consistency in the enforcement of unauthorised boarding houses, and to ensure transparency, procedural fairness and natural justice to residents, students and landlords.

- To use a standardised matrix of requirements that can assist staff to determine what can be reasonably deemed a boarding house and a share house.

- To establish an annual registration scheme and inspection program of approved boarding houses until a legislated system has been implemented.

- To promote the supply of appropriate student housing

- To provide certainty and information to landlords and property owners the relevant information as so they may comply with laws that aim to protect public health and safety.

- To provide tenants and students taking up rental accommodation with relevant information.

- To promote tenant/resident safety by way of fire safety measures

- To protect streetscape amenity of existing streets for the residents of Ryde.

3. Definitions

The definition of a boarding house is broad and captures most share accommodation arrangements where room(s) are let, apart from where a

lease (tenancy agreement) is in place. The definition of a *boarding house* in the Ryde LEP is as follows:

3.1   Boarding House

A boarding house is defined in the Ryde LEP as:

(a*) is wholly or partly let in lodgings, and*
(b) provides lodgers with a principal place of residence for 3 months or more, and
(c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
(d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,
but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

In general terms, a boarding house is where only a room is let.

As most student living arrangements are transient and short term, leases are very rarely entered into. A lease may bind a student into a property for a period longer than the student needs. Tenancy Agreements (Leases) are not mandatory for boarders/lodgers under the Residential Tenancy Act 2010.

To date, the only distinguishing difference between an illegal boarding house and a share house is the presence of a residential tenancy agreement (lease).

3.2   Share house accommodation

There is currently no standard planning definition in NSW for *share house accommodation.* The term is often used to describe a group of unrelated people sharing a dwelling. Students living together often represent a share house arrangement. Often there may be a lease in place but not all tenants are listed on the lease due to the short term nature of their accommodation.

4. What is an illegal Boarding House

An illegal boarding house is a building operating as a boarding house without prior development consent from Council. Due to the broad nature of the definition of a boarding house, the City of Ryde, for practical reasons, has decided to refine the definition of a boarding house for enforcement purposes.

This approach has the intention of allowing suitable short term accommodation while preventing overcrowding of existing dwellings. Council staff will deem a building to be operating as a boarding house and commence enforcement action if one or a combination of the following scenarios presents itself:

4.1 Where additional bedrooms have been created without prior development consent to accommodate more tenants.

The creation of additional bedrooms requires the prior consent of Council so as to prevent overcrowding. Council staff will commence enforcement action to have the unauthorised walls and bedrooms removed.

4.2 Where the number of tenants is greater that the number of lawfully created bedrooms

This will be deemed as overcrowding and a potential risk to the health and safety of the occupants as well as a potential impact on the existing amenity of the area.

4.3 Where the maximum number of tenants exceed 6 (in the case of dwellings with 6 or more lawfully created bedrooms).

4.4 Where there is no lease or contract for the rental of the property.

4.5 More than one kitchen has been installed in the building

4.6 Key locks on bedroom doors

4.7 Multiple beds in bedrooms

4.8 Potential fire safety issues such as exposed electrical wires and absence of fire detection/alarm systems

4.9 The property is not being maintained. Lawns may be overgrown and swimming pool water discoloured.

4.10 Undersized rooms (less than 12m^2) used as bedrooms where no development records are available. This will prevent study's or storage areas being used as bedrooms

4.11 Complaints from neighbours

It should be noted that not all of the above scenarios alone will deem a building to be operating as a boarding house, however, they represent a number of common factors consistent with illegal boarding houses. Council staff can use these to assess the probability of the use being a boarding house.

5. What is share house accommodation

For the purposes of this policy, Council staff will consider the following accommodation arrangements as shared house accommodation and not illegal boarding houses:

5.1   Where the number of tenants is no more than the number of lawfully created bedrooms (up to a maximum of 6 bedrooms).

        A residential tenancy agreement or contract is in place.

5.2   Where the owner lives on site and sublets the lawfully created bedrooms (One person per bedroom and a maximum of 5 tenants)

        A residential tenancy agreement or contract is not required for this scenario.

5.3   Where a tenancy agreement is in place (for dwellings with more than 6 lawfully created bedrooms).

        The residential tenancy agreement must be current and at least 50% of tenants must be signatories on the document.

5.4   Only one kitchen has been installed in the building

5.5   No key locks on bedroom doors

5.6   No multiple beds in bedrooms

5.5   No fire safety issues such as exposed electrical wires and absence of fire detection/alarm systems

5.5   The property is being maintained. Lawns may be overgrown and swimming pool water discoloured.

5.5   No undersized rooms (less than 12m^2) used as bedrooms where no development records are available.

5.5   Complaints from neighbours

6   Issues associated with illegal boarding houses

The potential issues associated with illegal boarding houses include:

  ➢ Inadequate maintenance of private open space and gardens
  ➢ Illegal and faulty building work
  ➢ Compromised amenity of tenants and residents

- ➢ Overcrowding – shared bedrooms and occupation of garages
- ➢ Fire safety – Transient tenants are usually unfamiliar with building characteristics unlike a home owner or long term tenant
- ➢ Noise
- ➢ Limited rights of occupants

Apart from overcrowding, it is worth noting that Council receives complaints on the above issues for all types of properties and not just illegal boarding houses.

The key issue for illegal boarding houses is the creation of additional bedrooms contrary to the development consent and original floor layout.

7 Investigating Suspected Unauthorised Boarding Houses

The following describes Council's procedures for the investigation of a

7.1 Initiation

- Service request received and registered in Council's Customer Request Management System.
- Staff will contact the customer to seek further details.
- Council staff will review council records to determine the following:
  - o Any previous development approvals for the subject premises.
  - o The most recently approved set of floor plans for the subject premises.
  - o Any attributes that are connected to the subject premises, i.e. heritage, flood prone etc.
  - o View aerial photographs

7.2. Site Inspection

- Council staff will inspect the property. Prior notice of the inspection is not given to owners or tenants as per legislated enforcement powers. If no-one is home, a business card will be left on site followed by a letter seeking access.
- If access is denied then staff will obtain a search warrant.

7.3. Investigation

- Council staff will interview tenants, owners and residents.
- During an investigation staff will be looking for:
  - o Illegal bedrooms
  - o Room conversions such as garage to bedroom

- A Copy of a Residential Tenancy Agreement or similar contract
- Numbers displayed on bedroom doors
- Individual locks on bedroom door,
- Written instructions on walls such as house rules etc.
- The condition of property, lawn maintenance, quality of pool water etc.
- Smoke alarms installed and working
- Availability and management of bins/waste.
- Number of kitchens.
- General condition of house, e.g. no exposed wires.
- Availability of car spaces if garage used as bedroom

- Photographic evidence will be collected.

7.4. Enforcement Action

Council staff have a number of enforcement options to pursue in relation to regulating unauthorised boarding houses. These include:

- Take no action at all if deemed to be a share house arrangement
- Verbal or written warnings if works are rectified immediately
- Serve an order to demolish illegal walls or to reinstate a room to its original state
- Serve an order requiring the unauthorised use as a boarding house to cease
- Serve an order requiring the owner to clear overgrown vegetation and treat pool water
- Serve a Penalty Infringement Notice (fine) for carrying out work without consent
- Serve a Penalty Infringement Notice (fine) for not complying with an order
- Commence legal proceedings for failure to comply with order
- Staff will advise the complainant of actions taken by staff throughout the process

8. Seeking development consent to operate a boarding house

Boarding Houses are now a permissible development in the City of Ryde in the following zones:

R1 – General Residential
R2 – Low Density Residential
R3 – Medium Density Residential
R4 – High Density Residential
B1 – Neighbourhood Centre
B4 – Mixed Use

B6 – Enterprise Corridor

To convert an existing dwelling to a boarding house, prior development consent is required.

Before a Development Application for a boarding house suspected as operating as a boarding house can be determined, the following Council resolution must be complied with :-
- o House converted back to original status
- o Boarding house use to cease
- o *That Council refuse to consider DA's for boarding houses that are operating illegally until they are fined and the premises restored to an unmodified state.*

Property owners interested in seeking development approval for a boarding house are encouraged to consult the following documentation:

- o State Environmental Planning Policy (Affordable Rental Housing) 2009
- o City of Ryde Development Control Plan 2010 – Part 3.8 Boarding Houses
- o Ryde Local Environmental Plan 2010.

Council has a Pre-lodgement service where staff will provide written feedback on the merit of a development application for a fee. Appointments are made through Council's Building and Development Advisory Service in the Ryde Planning and Business Centre.

Supporting information required to accompany a development application that seeks to convert an existing dwelling to a boarding house includes:

- A Building Code of Australia Assessment Report
- An Access report
- Statement of Environmental Effects
- Plan of Management
- A waste management plan

9. Annual audits of approved boarding houses

Council staff will conduct annual audits of approved boarding houses. The audit will review the conditions of development consent and the requirements with the Plan of Management to ensure that the boarding house is being managed according to the consent.

10. Review of the Policy

This Policy will be reviewed within 3 years of its adoption by the City of Ryde.

City of Ryde
Development Control Plan 2010

Part 3.6
Boarding Houses

City of Ryde

Translation

ENGLISH

If you do not understand this document please come to Ryde Civic Centre, 1 Devlin Street, Ryde Monday to Friday 8.30am to 4.30pm or telephone the Telephone and Interpreting Service on 131 450 and ask an interpreter to contact the City of Ryde for you on 9952 8222.

ARABIC

إذا تعذر عليك فهم محتويات هذه الوثيقة نرجو الحضور إلى ميكز بلدية رايد Ryde Civic Centre على العنوان: Devlin Street, Ryde 1 من الاثنين إلى الجمعة بين الساعة 8.30 صباحاً والساعة 4.30 بعد الظهر، أو الاتصال بمكتب خدمات الترجمة على الرقم 450 131 لكي تطلب من أحد المترجمين الاتصال بمجلس مدينة رايد على الرقم 9952 8222، نيابة عنك.

ARMENIAN

Եթե այս գրությունը չէք հասկանար, խնդրեմ եկէք` Րայդ Սիվիք Սէնթրը, 1 Տեվլին փողոց, Րայդ, (Ryde Civic Centre, 1 Delvin Street, Ryde) Երկուշաբթիէն Ուրբաթ կա. ժամը 8.30 – էն ժամը 4.30, կամ հեռաձայնեցէք Հեռաձայնի եւ Թարգմանության Ասպատակություն' 131 450, եւ խնդրեցէք որ թարգմանիչ մը Րայդ Քաղաքապետարանին հետ կապ հաստատէ ձեզի համար, հեռաձայնելով' 9952 8222 թիւին։

CHINESE

如果您看不懂本文，請在周一至周五上午 8 時 30 分至下午 4 時 30 分前往 Ryde 市政中心詢問（Ryde Civic Centre，地址: 1 Devlin Street, Ryde）。你也可以打電話至電話傳譯服務中心，電話號碼是: 131 450。接通後你可以要求一位傳譯員為你打如下電話和 Ryde 市政廳聯繫，電話是: 9952 8222。

FARSI

اگر این مدرک را نمی فهمید لطفاً از 8.30 صبح تا 4.30 بعد از ظهر دوشنبه تا جمعه به میکز شهرداری رايد، Ryde Civic Centre, 1 Devlin Street, Ryde مراجعه کنید یا به سرویس مترجم تلفنی، شماره 450 131 تلفن بزنید و از یک مترجم بخواهید که از طرف شما با شهرداری رايد، شماره 9952 8222 تلفن بزند.

ITALIAN

Se non capite il presente documento, siete pregati di rivolgervi al Ryde Civic Centre al n. 1 di Devlin Street, Ryde, dalle 8.30 alle 16.30, dal lunedì al venerdì; oppure potete chiamare il Telephone Translating and Interpreting Service al 131 450 e chiedere all'interprete di contattare a vostro nome il Municipio di Ryde presso il 9952 8222.

KOREAN

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Amend. No.	Date approved	Effective date	Subject of amendment
X	01/01/1111	01/01/1111	XXXXXXXX

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ENGLISH

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Amend. No.	Date approved	Effective date	Subject of amendment

1.0 INTRODUCTION

1.1 Boarding Houses

Boarding houses play a key role in providing affordable housing for many people on lower incomes. Increasingly boarding houses and a suite of other forms of housing are being sought by people needing more affordable accommodation close to work, study, transport, and services.

The State Environmental Planning Policy (Affordable Rental Housing) 2009 (Affordable Rental Housing SEPP) was introduced on 31 July 2009 to increase the supply and diversity of affordable rental and social housing in NSW. It includes controls for a new generation of boarding houses providing more affordable housing options including for students and key workers in areas close to tertiary education facilities, hospitals, and centres. With expansion of Macquarie University in particular, the City of Ryde has seen a significant increase in demand for low rental housing for student accommodation in proximity to the university.

In the development of this Part, Council is striving for a balance between a number of factors, including:

- Improved standards of residential amenity, safety and wellbeing for boarding house occupants as well as for neighbouring residents;

- Encouraging the development of a mix of housing types and affordable housing options, and

- Meeting State government policy requirements whilst seeking development outcomes which are compatible within the local context.

1.2 Purpose

This purpose of this Part is to provide development controls applicable to boarding houses in the City of Ryde.

1.3 Objectives

The objectives of this Part are:

1. To provide detailed development controls and guidance to applicants in the preparation and assessment of Development Applications for boarding houses.

2. To encourage the provision of high quality boarding houses within the City of Ryde.

3. To recognise boarding house accommodation as an essential component of the City of Ryde's residential housing mix.

4. To facilitate the effective delivery of new affordable rental housing in the form of boarding houses where permissible in residential and business zones in the City of Ryde.

5. To support government policy which encourages the establishment of boarding house accommodation, facilitates the retention and mitigates the loss of existing affordable rental housing.

6. To encourage appropriate design of boarding house development in terms of bulk, scale, privacy and amenity to ensure the impact and operation does not interfere with surrounding land uses and amenity.

7. 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.

8. To ensure that boarding houses are designed to be compatible with and enhance the local area character and streetscape, and the desired future character.

9. To ensure that any building has that has been developed or adopted into a boarding house maintains a satisfactory standard of amenity for both the needs of occupants and neighbours alike.

1.4 Land Affected by this Part

This Part applies to land within the City of Ryde where boarding houses are permitted.

1.5 Development covered by this Part

This Part applies to development for the purposes of boarding houses including:

- Establishment of a new boarding house by the conversion of an existing building;
- Construction of a new boarding house; and
- Alterations and additions to an existing boarding house.

NOTE: Boarding Houses referred to in this DCP include both Class 1b and Class 3 Boarding Houses *(Refer to Section 1.9 Building Classifications under the Building Code of Australia).*

1.6 Relationship of this Part to other Plans and Policies

This Part supplements and gives guidance to the objectives and controls of Ryde LEP 2010 and State Environmental Planning Policy (Affordable Rental Housing) 2009 (also referred to in this Part as the Affordable Rental Housing SEPP).

This Part is also to be read in conjunction with:

- Other Parts of the City of Ryde Development Control Plan 2010, including but not limited to:
  - Parts 3.3, 3.4 and 3.5 of chapter 3.0 Development Types, chapter 4.0 Urban Centres, and chapter 5 Special Areas with respect to local area character; and
  - Part 7.1 Energy Smart, Water Wise; Part 7.2 Waste Minimisation and Management; Part 9.3 Parking.
- [DRAFT] City of Ryde Enforcement Policy – Boarding Houses.

Where boarding house development is associated with residential flat building design, the provisions of State Environmental Planning Policy No. 65 Residential Flat Development (SEPP No. 65) are also relevant.

1.7 Application of this Part

This Part has been designed to apply controls to boarding house development located in all land use zones where boarding houses are permissible with consent in the City of

Ryde. This Part is to be applied in conjunction with the provisions of the Affordable Rental Housing SEPP.

As at August 2011, Division 3 Boarding Houses under Part 2 of the Affordable Rental Housing SEPP applies controls to boarding houses on land within any of the following zones:

R1 General Residential;

R2 Low Density Residential (if within an "accessible area");

R3 Medium Density Residential:

R4 High Density Residential;

B1 Neighbourhood Centre

B2 Local Centre

B4 Mixed Use

NOTE: "accessible area" is defined under the Affordable Rental Housing SEPP (refer also next section 1.8 Interpretation).

In the City of Ryde, boarding houses are permissible with consent in all the above zones and, in addition, in the B6 Enterprise Corridor land use zone.

Controls

(a) Regardless of location, all boarding house developments in the R2 Low Density Residential land use zone are required to comply with this DCP.

NOTE: This DCP does not provide for any variation on the minimum and maximum size of boarding rooms identified under the Affordable Housing SEPP.

1.8   Interpretation

Terms used in this section are the same as defined in the Environmental Planning and Assessment Act 1979, State Environmental Planning Policy (Affordable Rental Housing) 2009, the Ryde LEP 2010 (and Standard Instrument LEP template), and the Dictionary under Part 10 of this DCP.

Boarding House

"Boarding house" is a land use/development type defined under environmental planning instruments, and is defined under the State Environmental Planning Policy (Affordable Rental Housing) 2009 and Ryde LEP 2010 as follows:

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 may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and

(d) that has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, a serviced apartment, seniors housing or hotel or motel accommodation.

A boarding house is a type of land use under the group term "residential accommodation" and is distinct from other types under this group such as dwelling house, dual occupancy, hostel, group home, semi-detached dwelling, secondary dwelling, etc Refer Ryde LEP 2010).

Where bedroom facilities are provided in addition to those identified in the above definition, and the living emphasis shifts away from communal living to self contained units, a development may no longer be considered a boarding house, but rather a *serviced apartment* or similar (refer definitions under Ryde LEP 2010).

In plain terms, a boarding house is generally a building containing a number of rooms available for rent on a relatively short term basis (minimum 3 months). Generally boarding houses provide lodgings (as distinct from as a tenant in shared accommodation), and which is not subject to a long term residential lease. A distinction exists between residents of boarding houses (known technically as "lodgers" or "boarders") and "tenants" of residential accommodation under a longer term rental contract such as a residential tenancy agreement (refer Residential Tenancies Act).

From the outside a boarding house may look like any other residential building in the street, however on the inside it provides accommodation that is generally smaller in size and has fewer facilities (some of which may be shared) to keep the accommodation costs low.

Accessible Area and Walking Distance

Boarding house development in the R2 Low Density Residential land use zone are required to meet the accessible area test under the Affordable Rental Housing SEPP.

The following definitions apply: "Accessible area" and "walking distance" have the same meanings as under the Affordable Rental Housing SEPP, which are defined as:

> *accessible area* means land that is within:
>
> (a) 800 metres walking distance of a public entrance to a railway station or a wharf from which a Sydney Ferries ferry service operates, or
>
> (b) 400 metres walking distance of a public entrance to a light rail station or, in the case of a light rail station with no entrance, 400 metres walking distance of a platform of the light rail station, or
>
> (c) 400 metres walking distance of a bus stop used by a regular bus service (within the meaning of the *Passenger Transport Act 1990*) that has at least one bus per hour servicing the bus stop between 06.00 and 21.00 each day from Monday to Friday (both days inclusive) and between 08.00 and 18.00 on each Saturday and Sunday.
>
> *walking distance* means the shortest distance between 2 points measured along a route that may be safely walked by a pedestrian using, as far as reasonably practicable, public footpaths and pedestrian crossings.

1.9 Structure of this Part

This Part has five sections and a Schedule.

Section 1.0   Introduction

Section 2.0   Location and Character

Section 3.0   Other Design Requirements

Section 4.0   Subdivision, Demolition and Change of Use

Section 5.0   Management

Schedule

1.10   Building Classifications under the Building Code of Australia

The Building Code of Australia (BCA) is a national construction code containing requirements for fire safety, access, amenity, health and safety, and structural standards. The BCA classifies buildings according to the purpose for which they have been designed, constructed or intended to be used. Boarding houses are included in Class 1b and Class 3, defined as:

> *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. Examples include a boarding house, hostel, backpackers accommodation, guest house or residential part of a hotel, motel, school or detention centre.*

The distinction in classification is important in understanding design and safety implications and requirements for boarding houses as they vary for each. This Part does not repeat BCA provisions, however it addresses the different design and planning requirements for Class 1b and Class 3 Boarding Houses.

Disability (Access to Premises – Buildings) Standards 2010 (Disability Discrimination Act 1992) may apply to proposals involving a change in classification of building in relation to both classifications of boarding houses under the Building Code of Australia.

Existing buildings may require additional works to be upgraded to current BCA requirements. For example, where a dwelling house is proposed to be converted into a boarding house (change of classification to Class1b) smoke detection systems and emergency lighting will need to be upgraded to meet the requirements of the new classification. In the case of conversion of buildings to Class 3 boarding houses, more stringent fire safety requirements than Class 1b boarding houses apply.

Reference to the Environmental Planning and Assessment Regulations 2000 (in particular Clauses 93 and 94) also applies.

BCA Consultant's report will be required to be prepared and submitted with the Development Application for:

- Establishment of a new Class 3 boarding house by the conversion of an existing building;

- Alterations and additions to an existing Class 3 boarding house

The following table identifies some of the scope of works and requirements under the two classes of boarding houses.

Development Proposal		Class 1b	Class 3
Existing Building	Establishment of a new boarding house by the conversion of an existing building (change of classification)	Requirements for upgrading existing building for conformity with BCA include: Minor works such as: • smoke detection systems • emergency lighting. [It is advisable for the benefit of the applicant to seek the advice of a suitably qualified BCA consultant]	Requirements for upgrading existing building for conformity with BCA include: Minor works such as: • smoke detection systems • emergency lighting, and Major works including: • building elements (dividing walls, doors, stairways, hall widths etc) to meet fire resistance requirements. NOTE: A report prepared by a suitably qualified BCA consultant is required submitted with DA.
	Alterations and additions to an existing boarding house	AS ABOVE [It is advisable for the benefit of the applicant to seek the advice of a suitably qualified BCA consultant]	AS ABOVE NOTE: A report prepared by a suitably qualified BCA consultant is required submitted with DA.
New Building	Construction of a new boarding house	Building to be designed to comply with BCA (Class 1b).	Building to be designed to comply with BCA (Class 3).

2.0 LOCATION AND CHARACTER

2.1 Local Area Character

This section is provided to assist applicants in designing boarding houses in the City of Ryde which are compatible with the local area character as required under the Affordable Rental Housing SEPP (refer Clause 30A of the SEPP).

In the City of Ryde, many boarding house developments occur as infill development in an existing suburban area or centre and consideration of the local character comprises a number of matters. The local character varies due to factors including, the site characteristics, the streetscape, the expected and/or desired future character of the area identified through the land use zone objectives and applicable development standards.

Character is a consideration in the assessment of the external appearance of the building and how that relates to the context within which it is proposed.

Local area character is not a function of the land use. For example, where a boarding house is proposed through the conversion of an existing building (dwelling-house) to a boarding house it is the works proposed to the building that will be assessed in term of compatibility with local area and streetscape character, not the change in function of the building from a dwelling-hose to a boarding house.

Local area character is shaped by many contributing factors such as:

- The underlying natural landform
- Distinctive landscape elements
- The age and style of the existing buildings
- The scale and form of the buildings
- Street and subdivision patterns
- Setbacks of the buildings
- Materials, building techniques and details
- Views, vistas and skylines.

Local area character is also shaped by the planning controls applying to the land use zone in which the proposal is located. In the City of Ryde, boarding house development is permissible in a number of different residential and business land use zones which in turn include different character areas. There are also areas in the City which are changing in character. Where areas are in transition, the local area character is also informed by the planning controls and any desired future character statements under the LEP and the DCP.

For a new development to be compatible with the local area charcater, it should contain, or at least respond to, the essential elements that make up the character of the surrounding urban environment and comply with the relevant locality controls. In some areas, planning instruments or urban design studies have already described the urban character. In others (the majority of cases), the character needs to be defined as part of a development application.

To assist in the design of boarding house development this section provides guidance on matters for consideration with respect to character including location and siting, visual and physical impact. Also included is guidance on the expected and desired future

character of the various land use zones within which boarding house development is permissible within the City of Ryde.

2.2 Objectives

Objectives

1. To provide controls that particular for the City of Ryde which support the deemed to satisfy and minimum requirements under the State Environmental Planning Policy (Affordable Rental Housing) 2009.

2. To clarify the standards which apply to boarding house development on land where the Affordable Housing SEPP does not apply.

3. To provide guidance for the design of boarding houses to respect the local character and streetscape context and the varying expectations of the land use zones within which the development is proposed.

4. To ensure planning and design of new proposals or additions to existing boarding houses complement Council's desired future character of the zones.

5. To clarify the maximum scale of boarding house development in terms of size of accommodation related to density and land use zones and class of building.

3. To provide planning provisions relating to built form issues and impacts on the environment.

4. To ensure development is of a scale and form that is compatible with the character and quality of streetscapes.

Controls

(a) A site analysis describing the local character, and relevant local; are planning controls and demonstrating the design response is to be prepared and submitted with the Development Application.

(b) On land where the Affordable Rental Housing SEPP 2009 does not apply, boarding houses must comply with the Height, Floor Space Ratio and Density controls under the LEP for the relevant land use zone within which the boarding house is proposed to be located, and equivalent to:

(i)   Dwelling-houses in R2 Low Density Residential zone;

(ii)   Multi-dwelling housing in the R3 Medium Density Residential zone.

(b) Local area character is to be determined using the tables below. Details demonstrating compliance are to be submitted with the Development Application.

(c) Boarding house development 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 area/item.

(e) In the R1 General Residential and R2 Low Density Residential zones, a maximum number of 12 bedrooms and 12 residents per boarding house will be permitted.

(f) The total number of bedrooms in boarding houses in the R3 Medium Density Residential, R4 High Density Residential, B1 Neighbourhood Centre zone, B4 Mixed Use

zone, and B6 Enterprise Corridor zone will depend on whether it can be demonstrated that the proposal will not have an adverse impact on the amenity of the surrounding neighbourhood with regard to noise, privacy, overshadowing, traffic, scale and the like, and that the development is compatible with the local character and streetscape.

(g) Notwithstanding compliance with numerical standards under the SEPP and LEP, applicants must demonstrate that the bulk and relative mass of development is acceptable for the street and adjoining dwellings in terms of:

      i. Overshadowing and privacy;

      ii. Streetscape (bulk and scale);

      iii. Building setbacks;

      iv. Parking and landscape requirements;

      v. Visual impact and impact on existing views (Council encourages view sharing between surrounding residences);

      vi. Any significant trees on site; and

      vii. Lot size, shape and topography.

Table 1: LOW DENSITY RESIDENTIAL CHARACTER (Applicable in the R2 Low Density Residential zone)	
Character Element	**The development is to generally comply with Ryde LEP 2010 and Ryde DCP Part 3.3 particularly the following:**
Natural landform and topography	S2.5.2 Topography and Excavation
Distinctive landscape elements	S2.5 Site Configuration 2.12 Landscaping 2.15 Fences
The age and style of existing buildings	2.2 Dwelling Houses
The scale and form of buildings	S2.7.1 Height S2.7.2 Ceiling Height 2.14 External Building Elements
Setbacks of buildings	S2.4 Public Domain Amenity particularly 2.4.1 Streetscape S2.8 Setbacks
Landscape Character/ Open Space	S2.5 Site Configuration: 2.5.1 Deep Soil Areas, 2.5.2 Topography and Excavation S2.12 Landscaping
Views vistas and skylines	S2.4 Public Domain Amenity particularly 2.4.2 Public Views and Vistas 2.13.4 View Sharing
Access	S2.10 Car Parking and Access 2.4.3 Pedestrian and Vehicle safety

Table 2: MEDIUM DENSITY RESIDENTIAL CHARACTER

(Applicable in the R3 Medium Density Residential zone, or in the R2 Low Density Residential zone where minimum standards are met for multi-dwelling housing)

	The development is to comply with:
Natural landform and topography	SEPP 65 and
Distinctive landscape elements	Ryde LEP 2010 and
The age and style of existing buildings	Relevant Parts of Ryde DCP including but not limited to:
The scale and form of buildings	• 3.5 Multi Dwelling Housing (attached) (for Low Density Residential Zone)
Setbacks of buildings	• 7.2 Waste Minimisation and Management
Landscape Character/ Open Space	• 9.3 Parking
Views vistas and skylines	
Access	

Table 3: HIGH DENSITY RESIDENTIAL LOCAL AREA CHARACTER

(Applicable in the R4 High Density Residential land use zone)

Character Elements	The development is to be designed to comply with:
Natural landform and topography	SEPP 65 and
Distinctive landscape elements	Ryde LEP 2010 and
The style of existing buildings	Relevant Parts of Ryde DCP including but not limited to:
The scale and form of buildings	• 3.4 Residential Flat Buildings & Multi Dwelling Housing (not within the Low Density Residential Zone)
Setbacks of buildings	• 7.2 Waste Minimisation and Management
Landscape Character/ Open Space	• 9.3 Parking
Views vistas and skylines	
Access	

Table 4: BUSINESS ZONES LOCAL AREA CHARACTER	
As part of a residential development (where permissible) or mixed use development in B1 Neighbourhood Centre, B4 Business Mixed Use or B6 Business Enterprise Corridor land use zones	
Character Elements	**The development is to be designed to comply with:**
Natural landform and topography	SEPP 65 and
Distinctive landscape elements	Ryde LEP 2011 and
The style of existing buildings	Relevant Parts of Ryde DCP including but not limited to:
The scale and form of buildings	• 4.1 Eastwood
Setbacks of buildings	• 4.2 Shepherds Bay Meadowbank
Landscape Character/ Open Space	• 4.3 West Ryde Urban Village
Views vistas and skylines	• 4.4 Ryde Town Centre
Access	• 4.5 Macquarie Park Corridor
	• 4.6 Gladesville Town Centre and Victoria Road Corridor
	• 7.2 Waste Minimisation and Management
	• 9.3 Parking

3.0   OTHER DESIGN REQUIREMENTS

Boarding houses, as places of shared accommodation, are generally for occupants who are unrelated and effectively strangers. It is therefore important to maintain a level of safety, amenity and security for all occupants in the design.

In larger scale boarding houses, internal circulation design is used to assist in creating smaller internal environments enhancing amenity, safety and privacy for occupants.

Proposals should also consider the impact of Boarding Houses on adjoining properties, where both noise disturbance and visual intrusion should be minimised.

The Affordable Rental Housing SEPP 2009 includes simple provisions regarding the following matters:

- accommodation size (minimum and maximum sizes of boarding rooms and maximum occupancy per boarding room);
- manager's accommodation (when to be provided and minimum size);
- kitchen and bathroom facilities (adequate facilities required); and
- communal living rooms (when required and minimum requirements for solar access).

Additional matters also apply as required under the BCA.

To ensure consistency and a minimum standard for facilities provided in all boarding houses in all zones in the City of Ryde this section also identifies design requirements which are not covered in the Affordable Housing SEPP 2009, addressing matters such as privacy, accessibility, sustainability and energy efficiency specific to development in the City of Ryde.

3.1   Objectives

Objectives

1. To refer to detailed provisions in other Parts of this DCP which are relevant to the design of boarding house development, including:

> (a) waste sorting and storage facilities suitable for boarding house type development;

> (b) on-site parking which meets standard design requirements for on-site parking and access;

> (c) energy efficient and sustainable design requirements.

2. To ensure that the site layout and building design, including internal layout, minimises the noise emitted from the boarding house and minimises adverse impact on privacy of adjoining properties.

3. To ensure all new boarding houses and building conversions, plus associated spaces (including communal open space, parking areas and the like) are designed to provide an acceptable level of safety, amenity and privacy for occupants of boarding houses, and also for occupants of neighbouring residential developments.

4. To assist opportunities for ongoing savings in energy and water use in boarding house development to assist ongoing affordability of low rental accommodation.

5. To specify additional considerations in relation to traffic-generating developments.

6. To ensure all new boarding houses and building conversions (including communal open space, parking areas and the like) are designed to be accessible for all to meet obligations under the Disability Discrimination Act (DDA) 1992 and the Disability (Access to Premises – Buildings) Standard 2010.

7. To ensure a satisfactory minimum level of facilities are provided for the maximum permissible number of lodgers.

8. To require facilities that are designed to meet the long term needs of residents and to promote student/lodger interaction and a sense of community.

9. To identify adequacy with respect to kitchen, bathroom (toilet/shower) facilities, laundry (washing and drying) facilities available within the boarding house for the use of each lodger to meeting the resident's needs and to maximise energy and water efficiency.

10. To provide for internal circulation and enhanced amenity for occupants of boarding houses.

11. To provide for adequate space and appropriate location of management functions.

12. To encourage and maintain a high level of personal safety and property security for residents.

3.2   Landscaped Area and Open Space

The SEPP includes provisions relating to the landscape treatment of the front setback, and minimum requirements for private open space areas for the use of lodgers, and for the use of the manager (where accommodation for manager is provided).

Controls

(a) Landscaping of the unbuilt upon area is to be provided for the recreational needs of

(b) Parking spaces and access thereto is not to be located within communal open space areas or landscaped areas.

(c) where possible, communal open space is to be/include:

> (i) north-facing to receive a minimum 2 hours solar access to at least 50% of the open space area between 9am and 3pm on 21 June;

> (ii) provided at ground level in a courtyard or terrace area, wherever possible adjacent to the main circulation route;

> (iii) provided with partial cover from weather;

> (iv) connected to communal indoor spaces, such as kitchens or living areas;

> (v) contain communal facilities such as barbecues, seating and shade structures where appropriate; and

> (vi) screened from adjoining properties and the public domain.

(d) Where provided, private open space is to be clearly separated and defined for private use.

3.3 Privacy (Acoustic and Visual) and Amenity

Controls

(a) The main entrance of the boarding house is to be located and designed to address the front (street) elevation.

(b) Accessways to the front entrance of the boarding house are to be located as far as possible

(b) In all Class 1b boarding house developments (including intensification of, or conversion of an existing buildings) adequate sound insulation shall be provided in the walls between bedrooms to meet a sound transmission rating equivalent to …………in accordance with the BCA, to ensure reasonable acoustic privacy for boarding room occupants.

(c) Consideration should be given to ensure that habitable rooms adjoining the recreational area are also protected from excessive noise.

(d) Boarding houses are to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbouring buildings.

(e) The consent authority may request an acoustic report prepared by a suitably qualified acoustical consultant, if there is the potential for significant impacts from noise emissions.

3.4 Sustainability and Energy Efficiency

Attention to energy efficiency and sustainability in the development and establishment of boarding houses is important for ongoing affordability and amenity for occupants as well as for contribution of the development to environmental sustainability in general.

Controls

(a) Boarding houses are to be designed to comply with the requirements for boarding houses contained in Part 7.1 Energy Smart, Water Wise under this DCP.

(b) A BASIX Certificate is to be submitted with the Development Application.

> NOTE: From July 2007, all residential development (including boarding house development) of a total estimated cost of works of $50,000 or more requires which must be submitted with the development application. A Certificate is issued once a BASIX assessment has been satisfactorily completed, using the on-line tool. Refer NSW Department of Planning and Infrastructure website at: www.planning.nsw.gov.au

3.5 Parking and Traffic

The Affordable housing SEPP contains parking rates for boarding houses. The design of parking spaces will also need to take into consideration the following controls.

Controls

(a) On land where the parking requirements under the Affordable Housing SEPP do not apply, parking is to be provided on the site in accordance with the rates and requirements identified under this DCP (refer Part 9.3 Parking).

(b) An application for a boarding house incorporating 75 or more bedrooms is to be supported by a Traffic Report, prepared by a suitably qualified person, addressing as a minimum the following factors:

> (i) the prevailing traffic conditions;

> (ii) the likely impact of the proposed development on existing traffic flows and the surrounding street system;

> (iii) pedestrian and traffic safety; and

> (iv) justification of any variation to the parking requirements (if proposed).

3.6 Accessibility

The design of boarding houses needs to provide an environment that is physically accessible to all members of the community, including those with disabilities.

Controls

(a) All boarding house developments will be required to comply with Disability (Access to Premises – Buildings) Standards 2010.

(b) Access to the building including communal open space and parking areas must be designed in accordance with the provisions of the BCA and relevant Australian Standards (including AS1428 – Design for Access and Mobility), and Part 9.2 Access for People with Disabilities under this DCP.

3.7 Waste Minimisation and Management

Controls

(a) Waste storage and recycling facilities shall be provided on the premises in accordance with the requirements for boarding houses contained in Part 7.2 Waste Minimisation and Management (under this DCP).

3.8 Internal Building Design

Controls

General

(a) In the R2 Low Density Residential zone (and where Class 1b under the BCA) boarding houses shall make provision for the following facilities within each building, as a minimum;

(i) bedrooms including storage for occupants;

(ii) laundry facilities;

(iii) sanitary facilities;

(iv) communal living rooms (where possible); and

(v) waste storage and recycling facilities.

(b) In all other land use zones (and where Class 3 under the BCA) boarding houses shall make provision for the following facilities within each building, as a minimum;

(i) manager/operator accommodation (20 or more lodgers as required by SEPP);

(ii) laundry facilities;

(iii) communal food preparation facilities (in addition to private provision where required);

(iv) sanitary facilities;

(v) bedrooms (containing sufficient storage area for each occupant);

(vi) storage facilities; and

(vii) waste storage & recycling facilities.

Internal circulation

(c) No bedrooms/boarding rooms shall open directly onto communal living, dining and kitchen areas.

(d) The internal circulation areas are to be designed to enhance choices for lodgers about privacy and interaction. In this regard, in all zones excluding R2 Low Density Residential land use zone, boarding houses are to be designed so that no more than 8 boarding rooms share a stairway, corridor or external communal living area.

Personal Security

(e) Areas adjacent to shared entry lobbies are to be visible from the outside to the inside.

(f) Communal and common areas are to be well lit and provide clear sight lines, and located in safe and accessible locations.

(g) All boarding house developments are to be designed to optimises safety and security, both internal to the development and for the public domain by employing design criteria including:

   i.   maximising overlooking of public and communal spaces while maintaining internal privacy;
   ii. avoiding dark and non-visible areas;
   iii. maximising activity on streets, providing clear, safe access points;
   iv. providing quality public spaces that cater for desired recreational uses;
   v.   providing lighting appropriate to the location and desired activities; and
   vi. clear definition between public and private spaces.

Management office design

(h) Where management offices are to be provided, they are to be located at a central, visible point which is convenient to all users of the boarding house.

Specific Rooms. Areas and Facilities

(i) The development is to be designed to meet the requirements identified in the following table. Details relating to compliance with this section are to be included on plans and in the statement of environmental effects submitted with the development application:

(i) Bedrooms/ Boarding Rooms NOTE: Bedrooms also refer to boarding rooms, especially where additional facilities are provided other than bedroom facilities.	a. Bedroom spaces are to be designed as the principal place of residence for occupants. b. Each boarding room (excluding any private kitchen or bathroom facilities) must comply with the minimum areas identified in the SEPP. Plans shall clearly show the size and maximum occupation of each room. No variation will be allowed. c. Where additional facilities are proposed in boarding rooms, the following additional gross floor areas apply: (i) Minimum 2.1m² for any ensuite, which must comprise a hand basin and toilet; plus (ii) 0.8m² for any shower in the ensuite (in addition to above); plus (iii) 1.1m² for any laundry, which must comprise a wash tub and washing machine; plus (iv) 2m² for any kitchenette, which must comprise a small fridge, cupboards and shelves (in addition to required wardrobe space), a microwave, and a minimum of 0.5m² bench area. (For fire safety reasons no other cooking appliances are permitted.)
(ii) Communal Living Rooms	a. Indoor communal living rooms/areas are to be located: (i) near commonly used spaces, such as kitchen, laundry, lobby entry area, or manager's office; (ii) adjacent to the communal open space; and (iii) where they will have a minimal impact on bedrooms and adjoining properties in terms of noise generation. b. Where possible, at least one communal living room should be provided on each storey of boarding houses greater than one storey in height. c. Class 1b boarding houses must have indoor communal living areas of a minimum 12.5m² or 1.25m²/resident, whichever is greater. Class 3 Boarding Houses should provide a common living area a minimum 15m² in area, with a further 15m² provided for each additional 12 persons thereafter. NOTE: The communal living area calculation can include any dining area, recreation room or games room, but cannot include bedrooms, bathrooms, laundries, reception area, storage, kitchens, car parking, loading docks, driveways, clothes drying areas, corridors and the like. d. Internal doors to communal areas should contain glass to enable natural surveillance from circulation areas. e. The use of highlight windows is encouraged along side boundaries, to minimise direct overlooking, particularly when adjoining or adjacent to residential properties.

(iii) Communal Kitchen and Dining Areas	a. Where communal kitchens are provided, they are to be in a central location, accessible to all residents.
	b. A communal kitchen area is to be provided with a minimum area of 6.5m² in total or 1.2m² for each resident occupying a bedroom that does not contain a kitchenette (as outlined above), whichever is greater, and is to contain:

> (i) One sink for every 6 people, or part thereof, with running hot and cold water; and
> (ii) One stove top cooker for every 6 people, or part thereof, with adequate exhaust ventilation. |
	c. A combined kitchen and dining area should have a minimum area of 15m² with an additional 1m² per room in a development that contains 12 or more bedrooms.
	d. No bathrooms, toilets or bedrooms shall open directly on to communal kitchen facilities.
	e. Where food is proposed to be provided as part of Boarding House operations, or is for sale, kitchen and food areas shall comply with the National Code for the Construction and Fitout of Food Premises and be provided with sufficient ventilation (eg exhaust system) in accordance with the BCA.
	f. Kitchen facilities shall be available for all lodgers twenty-four hours per day/ 7 days per week
(iv) Bathroom Facilities	a. In all boarding houses communal bathroom facilities must be in an accessible location for all occupants 24 hours per day. Where some rooms may be provided with ensuites, overall facilities must comply with the minimum facility requirements for the total occupancy of the premises.

b. Bathrooms should be a minimum of 5m². |
| (v) Laundries and Drying Facilities | a. Laundry and drying facilities are to be provided for all lodgers. Where lodgers do not have their own laundry facilities, laundry and drying facilities are to be provided equipped with the following as a minimum:

> (i) One automatic washing machine and one domestic dryer for every 12 lodgers; one additional automatic washing machine for every additional 12 lodgers or part thereof;

> (ii) At least one large laundry tub with running hot and cold water; and

> (iii) 30 metres of clothesline for every 12 residents in an outdoor area (can be retractable). |
| | b. Outside drying areas shall be located in a communal open space in a location which maximises solar access and ensures that the usability of the space is not compromised. |
| | c. Internal drying and laundry facilities shall be located in a safe and accessible location for all residents, and separate from communal kitchen facilities. |

4.0 SUBDIVISION, DEMOLITION AND CHANGE OF USE

4.1 Introduction and Objectives

Once a boarding house is established, it plays a key role in providing affordable housing for people on lower incomes in our community. To support ongoing retention of low rental affordable housing, the Affordable Rental Housing SEPP does not permit the subdivision of boarding houses. Controls supporting retention of low-cost rental housing under Part 3 of the SEPP apply where buildings were low-rental residential buildings as at 28 January 2000.

Objectives

1. To support the retention and continuation of affordable accommodation for the City's community in the form of boarding houses.

2. To support the retention of existing affordable rental housing requirements of the Affordable Rental Housing SEPP.

4.2 Controls

Controls

(a) The strata subdivision or community title subdivision of boarding houses is prohibited (refer Clause 52 Affordable Rental Housing SEPP 2009).

(b) Where a development application proposes the demolition or change of use of an existing boarding house, the following requirements apply:

i. If the buildings were low-rental residential buildings as at 28 January 2000, details addressing the provisions Part 3 of Affordable Rental Housing SEPP 2009 are to be submitted with the Development Application.

ii. If the building became low-rental residential (as defined under the Affordable Rental Housing SEPP 2009) after 28 January 2000, Council may require the submission of a Social Impact Assessment to accompany the development application which addresses, as a minimum, the social and economic impacts of the potential loss of low-rental accommodation, including the demand for and availability of comparable low-rental accommodation.

5.0   MANAGEMENT

5.1   Introduction and Objectives

Council encourages boarding houses which are well maintained and operated in a manner that maintains a high level of amenity for the occupants as well as for the residents of neighbouring properties.

All boarding houses in the City of Ryde are required to be managed by an off-site or an on-site Manager who has overall responsibility for the operation, administration, cleanliness, maintenance and fire safety of the premises in accordance with an approved Plan of Management.

Objectives

1. To ensure that boarding houses are operated in a manner that minimises impacts on adjoining owners and residents in a manner acceptable to Council.

2. To ensure acceptable ongoing management and operational practices within boarding house accommodation in order to ensure the safety and wellbeing of the occupants.

3. To ensure boarding houses comply with fire safety requirements and are operated and maintained in a manner acceptable to Council.

4. To assist Council in monitoring the operations of boarding houses and affordable rental housing generally in the City of Ryde.

5.2   Controls

Controls

(a) All boarding houses are required to be managed by an off-site or an on-site manager who has overall responsibility for matters including the operation, administration, cleanliness, maintenance and fire safety of the premises. Management is to be in accordance with an approved Plan of Management.

> NOTE: The preparation of an Emergency Management and Evacuation Plan will be required by condition of consent.

(b) A Plan of Management is to be submitted with each Development Application for a boarding house. The Plan of Management, as a minimum, must address the ongoing management and operational aspects of the boarding house identified in the template attached to this Part (**Schedule 1**).

> NOTE: The approved Plan of Management will form part of any development consent. The Plan of Management can only be amended with the agreement of Council in writing. Copies of the approved Plan of Management must be provided to the relevant managing agent, and are required to be on display and available at all times to lodgers.

(c) The name and contact details of the on-site manager or managing agent is to be provided at all times externally at the front entrance on the boarding house.

(d) Occupiers of adjacent properties adjacent are to be provided with a 24 hour telephone number for a principal (for example owner or manager) so they can contact the premises.

SCHEDULES

Schedule 1 – Plan of Management Template

This section contains an example of a Plan of Management for a Boarding House applicable in the case of either an off-site or an on-site Manager. This template is to be used in the preparation of Plans of Management required under this Part (refer Section 5.0 of the Part).
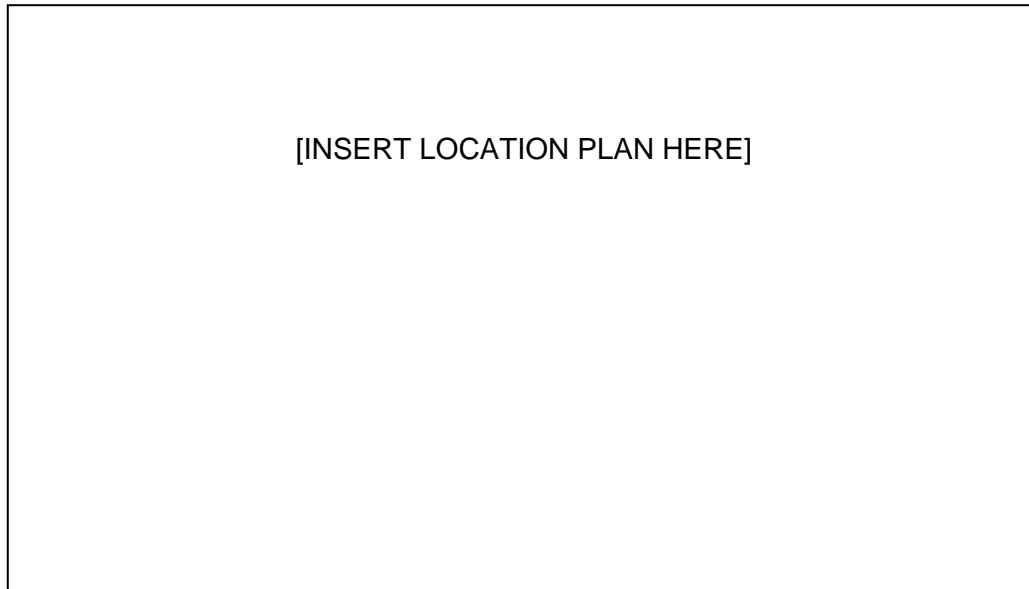
NOTE: Requirements may change from time to time, and consultation should be made with Council to ensure currency of requirements.

PLAN OF MANAGEMENT
Boarding House
[INSERT ADDRESS]

1. INTRODUCTION

1.1   This Plan of Management provides directions and controls on the use and management of the premise as a Boarding House. The directions and controls are to be strictly adhered to in the operation of the Boarding House, to ensure compliance with the conditions of Development Consent and health and amenity requirements for both the occupants and surrounding residents.

1.2   The Plan of Management refers to the plans prepared by [INSERT NAME] dated [INSERT DATE OF PLANS] and Development Application No. [INSERT NUMBER].

1.3   The Plan of Management has been prepared for a Boarding Housing at premises [INSERT ADDRESS, SUBURB]. The Boarding House was approved on [INSERT DATE OF DA CONSENT] and is subject to compliance with the Conditions of Consent. The Conditions of Consent and a copy of the approved plans are provided as **Annexure A.**

1.4   The Boarding House is to be managed by [INSERT WHETHER AN Off-site Manager, or On-site Manager] who will be familiar with the content of the Plan of Management.

1.5   The Plan of Management sets out the various requirements and responsibilities of management and lodgers and includes:

(a) Manager's contact details
(b) Council approval compliance details
(c) Inspection and recording records
(d) Maintenance of an Incidents Register
(e) Requirements for keeping Council informed of any change in management

1.6   The location of the premises is shown on Figure 1 – Location Plan.

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┌─────────────────────────────────────────────┐
│                                             │
│                                             │
│                                             │
│            [INSERT LOCATION PLAN HERE]       │
│                                             │
│                                             │
│                                             │
│                                             │
└─────────────────────────────────────────────┘
```

2.   DEFINITIONS

2.1   In this Plan of Management:

(a) **Building**: means the building known as [INSERT ADDRESS].

(b) **Business**: means the operation of the building as a Boarding House

(c) **Common Room**: means the room identified as the dining room on the approved plans.

(d) **Common Areas:** means the common room, kitchen, laundry/bathroom, downstairs WC, first floor bathroom opposite the stairs, hallways and the stairs as identified on the approved plans.

(e) **Common Open Space Area:** means the external communal area including the front yard, side yard, rear yard, including all ground floor patios and porches as identified on the approved plans.

(f) **Council**: means City of Ryde Council.

(g) **Boarder, Lodger:** means a person having the benefit of the use a nominated bedroom and the common rooms /areas within the building.

(h) **Manager:** means the Manager engaged by the business proprietor.

(i) **Owner:** means the registered proprietor/s of the building.

(j) **Room:** means that part of the building occupied and used by a lodger.

3.   DUTIES OF THE MANAGER

3.1   The proprietor shall engage a Manager whose responsibilities are, but not limited to, the following:

The Manager shall:
(a)   Be contactable between the hours of 8.00 am to 6pm Monday to Saturday inclusive.
(b)   Oversee all residential concerns.
(c)   Enforce the minimum occupancy period.
(d)   Organise the cleaning and maintenance of the common areas and common open space areas.
(e)   Enforce the maximum occupancy levels.
(f)   Provide lodgers with appropriate information prior to the commencement of occupation.
(g)   Carry out inspections on a regular basis (minimum – once every 3 months) to ensure that the building is maintained in a clean and tidy condition at all times and that all facilities and fittings are appropriately maintained.
(h)   Record all inspections in a log book which must be made available to Council upon request.
(i)   Organise the waste collection and facility needs for the site, and the ongoing storage and collection of waste on-site including transfer of waste to and from collection points for the waste collection service as required, and regular cleaning of bins/waste storage areas/rooms.
(j)   Maintain an incident register,
(k)   Maintain the electrical circuits to a safe standard; and
(l)   Notify the Council in writing of any change in the management and provide contact details for the new management.

4.   MAXIMUM NUMBER OF LODGERS

4.1   The maximum number of lodgers in the building is [INSERT NUMBER IN TEXT AND IN NUMERALS]. The maximum number of persons per bedroom is as follows:

• Bedroom one (1): [INSERT number in text and in numeral]
• Bedroom two (2): [INSERT number in text and in numeral]
• Bedroom three (3): [INSERT number in text and in numeral]
• Bedroom four (4): [etc]
• Bedroom five (5): [etc]
• Bedroom (etc): [etc]
• Bedroom (etc): [etc]

It is the Manager's responsibility to ensure that these numbers are not exceeded.

5.   MINIMISING IMPACTS ON RESIDENTS

So as to minimise impacts upon the residents of adjoining premises as well as residents of the building the following rules are to apply:

a. No loud music or television noise is permitted after 10.00pm.
b. No parties or gatherings are permitted upon the premises after 10.00pm.
c. No visitors other than residents of the property are permitted after 10.00pm.
d. No use of the outdoor areas is permitted after 10.00pm.

6. DISPLAY OF HOUSE RULES

The house rules are to be clearly displayed throughout the premises and are to detail the following:

a. Guest (boarder) behaviour
b. Visitor policy
b. Activities and noise
c. Operating hours of outdoor common areas
d. Emergency contact details
e. Advice concerning the responsible consumption of alcohol, and
f. A zero tolerance policy on illegal drugs.

[NOTE: the above list is provided as a minimum. Other house rules may also relate to:
- use of communal space and facilities, quiet enjoyment etc
- keeping shared facilities clean and tidy
- keeping of pets
- use of parking spaces (bicycle parking and motorcycle parking spaces available on first come first use);
- incidents register will be referred to prior to renewing any lease;
- balconies or porches not to be used for the purpose of drying clothing.]

7. FIRE SAFETY

All fire safety features within the building are to be regularly maintained in accordance with any statutory requirements.

A copy of the annual fire safety statement and current fire safety schedule for the premises must be prominently displayed in the reception area.

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.

All residents are to be made aware of the fire safety features of the building and what to do in the event of an emergency.

All staff shall be trained in relation to the operation of the approved Emergency Management & Evacuation Plan.

8. CLEANING & MAINTENANCE

The subject premises are at all times to be maintained in a safe and healthy condition. In this regard all common areas are to be cleaned to a professional standard at least once a week. The cleaning and maintenance is to occur to both the area and fixtures and fittings in the area.

In addition all boarders are to be made aware, upon their entering into an agreement to occupy, of their responsibilities in relation to the maintenance and cleaning of the facility.

Further, the common open space areas are to be maintained in a neat and orderly manner. This will require twice/month mowing and garden maintenance during spring and summer and once/month mowing and garden maintenance during autumn and winter.

9. BOARDER/ LODGER INFORMATION

All boarders are to be made aware of the contents and their obligations under approved Plan of Management.

In this regard:
- A full copy of the approved Plan of Management is to be permanently displayed in each boarding room and each common area.
- A copy of the approved Plan of Management is to be made available upon request.

10. BOARDING HOUSE FURNITURE & FACILITIES

[THIS SECTION IS TO BE USED TO LIST THE FURNITURE AND FACILITIES PROVIDED WITHIN EACH ROOM OF THE BOARDING HOUSE.
AN EXAMPLE LIST IS PROVIDED]

[Example List:]

1. *Each boarding room shall be provided with:*
   (a) One (1) single bed, mattress and bedding
   (b) One student desk & chair
   (c) One desk lamp
   (d) Clothes storage facility of 1.0m3
   (e) Window furnishing/blind
   (f) A phone line which the lodger may activate

2. *The kitchen is to be provided with a sink, one stove (or an oven and cook top) and two large refrigerators/freezer.*

3. *The laundry is to be provided with at least one washing machine.*
   [NOTE: the ratio will vary according to number of boarders]

4. *The common room is to be provided with a dining table and [insert number] chairs*
   [NOTE: Ratio of 1 chair minimum per approved boarder]

5. *A broom, bucket and mop are to be kept in the common room for use by lodgers as necessary.*

6.   The entrance door, sliding doors from boarding rooms to patios or porches and each boarding room shall be fitted with a classroom latch (dead bolt) which is able to be opened from the inside by a single handle motion.

[NOTE: additional inclusions should also be listed here, such as television, sofas, etc, and identification of access and facilities for people with disabilities.]

[End of example list]

11. WASTE MANAGEMENT & RECYCLING

Residents of the facility are to be encouraged where possible to take advantage of Council's waste and recycling facilities. It is the responsibility of the boarder to sort garbage and place it in the appropriate receptacles.

The manager is to be responsible for the collection arrangements, including making sure that the waste containers are placed adjacent to the kerb on the day of collection and removed back onto the property promptly after collection, and including the servicing o special waste such as "sharps" and/or sanitary napkin receptacles. Where receptacles are provided for the disposal of sanitary napkins, these are to be serviced and able to be readily cleaned on a regular basis.

12. SAFETY & SECURITY
The following matters are to be provided within the property:

- Internal signage indicating the property caretaker or manager and contact numbers;
- Emergency contact numbers for essential services including fire, ambulance, police and utilities such as gas, electricity, plumbing and the like;
- Perimeter lighting;
- Circuit breaker;
- Individual room keys (a master key is to be maintained by the manager and made available to the fire brigade);
- Landline telephone available for use by residents in the event of an emergency.

[NOTE: other safety and security measures for reference in the POM might also include:

- surveillance or security camera systems;

- fencing and secure gates;

- Identification of access and facilities for people with disabilities

- Information about maximum loading of electrical circuits.

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[END OF PLAN OF MANAGEMENT]

Ryde City Council
Civic Centre
1 Devlin Street
Ryde NSW 2112

www.ryde.nsw.gov.au

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