

Development Guidelines

Boarding Houses (including student accommodation)



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Contents

1.1	Introduction	1
1.2	Planning Framework	1
1.3	State Environmental Planning Policy (Affordable Rental Housing) 2009	2
1.4	The Building Code of Australia	2
1.5	Incentives for the retention of boarding houses	3
1.6	Strata Subdivision	3
1.7	Operation and Management	3
1.8	Information to be submitted with a development application	4
1.9	Council contact details	5

1.1

Introduction

This Guideline provides advice on the basic information required for those who are considering seeking development consent for boarding houses.

The development controls in operation within the City of Sydney local government area aim to encourage the increased provision of boarding houses and to achieve improved standards of accommodation when existing buildings are adapted or converted to a boarding house, or through the expansion of existing boarding houses, or when major refurbishment and upgrades occur.

The development controls also aim to ensure the planning and design of new proposals or additions to boarding houses complement Council's general planning provisions relating to built form issues and impacts on the environment..

DISCLAIMER

The information contained here is a guide only. If you are considering establishing a boarding house either within an existing building, or by way of erection of a new building, it is recommended that you consult Council's Shared Accommodation Project Officer, or alternatively a private professional consultant to clearly determine the development application requirements.

1.2

Planning Framework

In short, the Sydney Local Environment Plan (LEP) 2012 is the principle planning instrument within the City of Sydney and has been prepared in accordance with the requirements of the *Environmental Planning and Assessment Act 1979*. It contains the goals, objectives, zones, and development controls for the local government area. The Sydney Development Control Plan (DCP) 2012 supports and compliments the provisions of the LEP by providing more detailed development controls. Together they comprise The City Plan and are available from the City's website at www.cityofsydney.nsw.gov.au.

Council's guide to lodging a development application provides advice on the process of submitting a development application to Council. This guide and development application forms are available from the 'One Stop Shop' and the City's website at: www.cityofsydney.nsw.gov.au.

1.3

State Environmental Planning Policy (Affordable Rental Housing) 2009

In some instances part of the development application (DA) process may involve consideration of the requirements of *State Environmental Planning Policy (Affordable Rental Housing) 2009*. The SEPP (Affordable Rental Housing) 2009 is a State Government initiative that assists in the provision of affordable housing near employment areas and provides a means to retain low cost rental accommodation. Generally, Council and the Central Sydney Planning Committee (CSPC) are the consent authority. However in some cases applicants may be required to apply to the Department of Planning and Infrastructure for a site compatibility certificate.

It should be noted that the granting of a certificate from the Department of Planning and Infrastructure will not necessarily result in the issue of favourable development consent from Council or the CSPC as the City always maintains the right to refuse the application.

Part 3 of SEPP (Affordable Rental Housing) 2009 only applies to boarding houses that were operating with lawful consent before 28 January 2000 (formerly subject to determination under SEPP 10). Part 3 applies to any proposal for:

- demolition;
- alterations and/or additions to the structure or fabric of the building;
- change of use to another use (particularly to backpackers accommodation); or
- strata subdivision (including company title to strata title).

SEPP (Affordable Rental Housing) 2009 is available from the NSW Government's legislation site at www.legislation.nsw.gov.au. The SEPP (Affordable Rental Housing) 2009 guidelines provide further information on the requirements for a DA subject to the policy. This is available from the NSW Department of Planning at www.planning.nsw.gov.au.

1.4

The Building Code of Australia

The Building Code of Australia (BCA) is relevant to the planning and design of boarding houses. It contains the technical provisions for the design and construction requirements, including fire safety, access and structural stability. Whilst many of the relevant design and construction standards are contained within the Sydney DCP 2012, reference should always be made to the BCA and the relevant Australian Standards to ensure compliance with all aspects where necessary.

The BCA classifies buildings according to the purpose for which they have been designed, constructed or intended to be used. To this extent boarding houses fall under two separate classifications under the BCA, namely:

- (1) **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.

- (2) **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...etc

This distinction in classification between boarding houses is important in understanding the design and safety implications and requirements under the BCA, as the requirements vary for each Class. Class 3 boarding houses are also subject to more stringent fire safety requirements which are reflected in state government initiatives such as *The Boarding House Financial Assistance Program*.

The Sydney DCP 2012 attempts to address the different design and planning requirements for each of the Class 1b and Class 3 boarding houses where applicable, as it recognises that each serves a slightly different function within the community, and fulfils a slightly different role.

1.5

Incentives for the retention of boarding houses

Both State and Local Government have recognised the vital role that privately owned and operated boarding houses play in the provision of low-income rental accommodation. The Centre for Affordable Housing within the NSW Department of Housing provides a number of grants and incentives for the creation of affordable housing, including boarding houses. There are also current financial assistance schemes which have been established to assist boarding house owners and operators with the continuing maintenance and upgrade requirements. These incentives are listed below:

- (1) The Boarding House Financial Assistance Program (NSW Department of Housing: www.housing.nsw.gov.au);
- (2) Land Tax Exemption (The Office of State Revenue: www.osr.nsw.gov.au); and
- (3) Residential Property Rating (contact Council officers at the City's One Stop Shop for more information).

1.6

Strata Subdivision

As a boarding house is required to be maintained and operated in a single entity, strata subdivision will not be permitted.

1.7

Operation and Management

All DAs submitted for a boarding house must contain a Plan of Management. A Plan of Management is a useful tool that can be used to ensure that suitable management practices are in place to minimise impacts on adjoining owners and ensure that a suitable amenity is maintained for residents living within the boarding house. The requirements of a Plan of Management are contained within the Sydney DCP 2012.

1.8

Information to be submitted with a development application

Council's guide to lodging a development application provides advice on the process of submitting a development application to Council. This guide and development application forms are available from the 'One Stop Shop' and the City of Sydney website.

This guideline summarises the key requirements that must be considered in a development application for a boarding house.

Any development application submitted to Council must be consistent with the provisions of *Sydney Local Environmental Plan 2012* and Sydney Development Control Plan 2012, and SEPP (Affordable Rental Housing) 2009 if applicable. The following information must be submitted with a development application:

- (1) Site Analysis Plan – at a scale of 1:100 or 1:200 showing:
 - (a) Total site area.
 - (b) Orientation of site and north point.
 - (c) Levels on the site and on the boundaries in terms of adjoining properties.
 - (d) Any major site constraints example flooding, narrow street frontage or access.
 - (e) Adjoining land uses and location of buildings/structures on those sites as they affect the subject site.
 - (f) Existing vegetation and any major adjoining site vegetation.
 - (g) Existing boundaries and fences (location, height and form).
 - (h) Any existing natural features such as rock outcrops or creeks.
 - (i) Existing drainage provision.
- (2) Proposed Site Plan – at a scale of 1:100 or 1:200 showing the following:
 - (a) Siting of the proposed Boarding House.
 - (b) Location of proposed outdoor open space areas.
 - (c) Vehicle entry to the site and off-street parking if proposed.
 - (d) Levels for the proposed new building and the location of any retaining walls or stairs.
 - (e) Pedestrian access points.
 - (f) Proposed drainage details.
- (3) Proposed Floor Plan – at scale of 1:100 or 1:200 showing all internal areas (as required in Part Two of the DCP) and containing the following information:
 - (a) Proposed floor layout & use of each area.
 - (b) The dimension and total area of all areas (m²) indicating compliance with Part Two.

- (c) Proposed garbage and recycling storage area.
- (d) Proposed food preparation and storage areas.
- (4) Elevations of the building (both existing and showing proposed alterations and additions in colour).
- (5) Landscape Concept Plan & species list.
- (6) Details of the likely impact of the proposed development in terms of the assessment criteria listed in Clause 50 of SEPP (Affordable Rental Housing) 2009.
- (7) If the development application is lodged on the basis that the existing Boarding House is not financially viable, information having regard to Clauses 50 and 51 of SEPP (Affordable Rental Housing) 2009 must also be submitted.
- (8) An acoustic report.
- (9) Any other reports as deemed necessary or relevant to the site and proposal (e.g. site contamination investigations or traffic management).
- (10) Details of any proposed surveillance or security systems for the premises.
- (11) A Plan of Management.

1.9

Council contact details

Should you require further information or assistance, please contact Council Officer's at the 'One Stop Shop':

Tel: 02 9265 9333 (24 hours, 7 days)

Fax: 02 9265 9222

Email: council@cityofsydney.nsw.gov.au or at one of the City's Customer Service Centres:

Town Hall, One-Stop-Shop City of Sydney, Town Hall House, Level 2, 456 Kent St, Sydney NSW 2000, (02) 9265 9333, Monday to Friday 8am to 6pm

Glebe Library and Customer Service Centre, 186 Glebe Point Road (cnr Wigram Rd), Glebe NSW 2037, Monday to Friday 9am to 5pm

Green Square, Customer Service Centre 100 Joynton Avenue, Zetland NSW 2017, (02) 9265 9333, Monday to Friday 9am to 5pm

Kings Cross, Customer Service Centre, 50-52 Darlinghurst Road, Kings Cross, NSW 2011, Monday to Friday 9am to 5pm, Saturday 9am to 12noon

Redfern Customer Service Centre, 158 Redfern Street, Redfern NSW 2016, Monday to Friday 9am to 5pm, Saturday 9am to 12noon