



**Ashfield
Council**

Interim Development Assessment Policy 2013

Part C18

Boarding Houses

Tel (02) 9716 1800 260 Liverpool Road Ashfield NSW 2131
Fax (02) 9716 1911 PO Box 1145 Ashfield NSW 1800

www.ashfield.nsw.gov.au

PART C18 -BOARDING HOUSES

CONTENTS**SECTION 1 - PRELIMINARY**

Introduction	1
Definitions	1
General Objectives	2
How to use this Part of Ashfield Interim Development Assessment Policy 2013	2
Relationship of Part C18 to other planning documents	3
Lodging a Development Application	3

SECTION 2 - PLANNING AND DESIGN GUIDELINES

Location Criteria for New Boarding Houses	4
Site Planning	4
Building Form and Appearance	5
Room Sizes, Recreation Areas & Facilities	6
Access for People with Disabilities	7
Car Parking	7
Operational Plan of Management/On-site Management & Registration	7
On-site Management & Registration	8
Waste	9
Fire Safety	9
Additional safety measures:	10

SECTION 1 - Preliminary

Introduction

The Affordable Rental Housing SEPP (ARH SEPP) applies to Boarding House development. The Ashfield Local Environmental Plan 2013 is Council's main planning control for development in the Ashfield Municipality, and permits boarding houses in various zones.

Part C18 of Interim Ashfield Development Assessment Policy 2013 applies to all new boarding house development, existing buildings to be adapted or converted to a boarding house, expansion of existing boarding houses, or when major refurbishment and upgrades of boarding houses are proposed. Part C18 of Interim Ashfield Development Assessment Policy 2013 supports Ashfield LEP 2013 by providing additional objectives and development standards to improve boarding house development outcomes.

Definitions

Explanatory Note: The following definition is from Ashfield LEP 2013

MAKE ITALICS

"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) *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.

The following is an extract of ARH SEPP which explains where boarding houses are permissible, and where its design standards apply within the land use zones prescribed in Ashfield LEP 2013

26 Land to Which Division Applies

This division applies to land within any of the following land use zones or within a land use zone that is equivalent to any of those zones

- (a) *Zone R2 Low Density Residential ****
- (b) *Zone R3 Medium Density Residential*
- (c) *Zone B1 Neighbourhood Centre*
- (d) *Zone B2 Local Centre*
- (e) *Zone B4 Mixed Use*

27 Development to which Division Applies

(1) This division applies to development, on land to which this division applies, or the purposes of boarding houses.

(2) Despite Subclause (1), this division does not apply to development on land within **Zone R2** Low Density Residential or within a land use zone that is equivalent to that zone in the Sydney Region unless the land is within an accessible area.

(3) Despite subclause (1), this division does not apply to development on land within **Zone R2** Low density residential or within a land use zone that is equivalent to that zone that is not in the Sydney Region unless all or part of the development is within 400metres walking distance of land within **Zone B2 Local Centre** or **Zone B4 Mixed Use** or within a land use zone that is equivalent to any of those zones.

General Objectives

- a. Encourage the increased provision of high quality Boarding Houses within Ashfield Municipality;
- b. Ensure an acceptable level of amenity and accommodation in Boarding House premises such that they meet the needs of both residents and have no adverse impacts on adjoining properties;
- c. Provide a comprehensive set of appropriate guidelines and requirements that contain the necessary information for persons wishing to establish or modify a Boarding House;
- d. Ensure the appropriate level of fire safety within all Boarding Houses and that acceptable levels of service provision are maintained;

Note: Boarding Houses referred to in this Part include both Class 1b and Class 3 Boarding Houses (refer to **Section 2**).

How to use this Part of Ashfield Interim Development Assessment Policy 2013

Ashfield Interim Development Assessment Policy 2013 is a multi-layered document. The objectives and development standards of this Part of Ashfield Interim Development Assessment Policy 2013 cannot be read in isolation. A development application must consider all relevant Parts of Ashfield Interim Development Assessment Policy 2013.

Part A contains an index of the parts and sections in the Ashfield Interim Development Assessment Policy 2013 and guidelines on how to use the Policy; including the steps you need to follow before you prepare your development application.

Relationship of Part C18 to other planning documents

Council will assess a development application according to:

- (a) Section 79C of the Environmental Planning and Assessment Act, 1979;
- (b) State Environmental Planning Policies;
- (c) Ashfield Local Environmental Plan 2013;
- (d) Ashfield Interim Development Assessment Policy 2013;
- (e) Section 94 Contribution Plans;
- (f) Ashfield Stormwater Management Code;
- (g) Policies, legislation or studies adopted or recognised by Council that are relevant to the development application.

Lodging a Development Application

Our development application forms can be downloaded (www.ashfield.nsw.gov.au) or contact Council on 9716 1800. The form contains a self-assessment checklist to help you complete your application. Refer also to Section 2 and Appendix 2 of this Part for the information you need to lodge with your boarding house development application to supplement our standard requirements. If you are proposing a major or complex development, or if your proposal is likely to have significant heritage impacts, you should make an appointment to see our **pre-lodgement development advisory panel** or our **heritage advisory service** before you lodge your development application. Call our Customer Service Centre on 9716 1800.

SECTION 2 - PLANNING AND DESIGN GUIDELINES**Location Criteria for New Boarding Houses**

2.1 Boarding houses are permissible in the land use zones specified in

- Affordable Rental Housing SEPP (ARH SEPP)
- Ashfield LEP 2013

These are:

- R2 low density residential zone (accessible areas only – refer to SEPP)
- R3 Medium Density Zone
- B1 Neighbourhood Centre
- B2 Local Centre Zone
- B4 Mixed Use Business Zone

objectives

- a. Encourage the provision of Boarding Houses within close proximity to public transport nodes in accordance with Council's sustainability principles and for ease of access for Boarding House occupants;
- b. Encourage the location of Boarding Houses within areas where there is appropriate access to services and facilities for employment, entertainment and recreation.

control

Locate boarding houses-within appropriately zoned medium density residential or business areas where there is good access to public transport, employment, services and recreation opportunities.

Site Planning

2/2 Good site planning is required for all new development, and is particularly useful for Boarding Houses to avoid negative impacts on the amenity of adjoining neighbours and ensure a sympathetic relationship with adjoining development, which is important to their long-term success. A **Site Analysis** is required to establish the site context and should be reflected in the design, addressing the constraints and opportunities of the site and its context. Refer to **Part B of Ashfield Interim Development Assessment Policy** for Site Analysis requirements.

objective

Enable improved residential amenity for future occupants through careful building layout and design.

control

The site analysis is to be submitted with the application and is to examine and define the

development context of the site and its surrounds, in terms of both its local and broader context.

Building Form and Appearance

2.3 The overall built form and appearance of a Boarding House will be determined to a large extent by the immediate context of the site and the desired future character of the area.

objectives

- a. all developments, including alterations and additions to boarding houses are to maintain consistency with the character of the locality and design objectives contained in Ashfield LEP2013 and, the relevant Parts of Ashfield Interim Development Assessment Policy; and
- b. must not adversely impact on adjoining properties through loss of privacy, overshadowing, noise and view loss.

controls

- a. Boarding Houses must comply with development standards/heritage provisions of the **Ashfield Local Environmental Plan (LEP)** and the applicable Parts of Ashfield Development Assessment Policy 2007 that regulate development permitted in the area where the boarding house will be located. The aim is to integrate buildings successfully **within the existing streetscape in terms** of their built form and environmental impact. If the property is affected by heritage controls read **Parts C7 and C10 of this Policy** and the heritage provisions of the **Ashfield Local Environmental Plan (LEP)** including specific LEP provisions relating to the Haberfield Conservation area.
- b. R2 Low Density Residential Zone and R3 Medium Density Residential Zone

Where the site is in an **“accessible area”** and **therefore** the development is permissible under the ARH SEPP, Clause 30A – “Character of the Local Area” of the ARH SEPP applies which states:

“A consent authority must not consent to development to which this Division applies unless it has taken into consideration whether the design of the development is compatible with the character of the local area”.

As part of this process, Council will refer to the design principles of Part C15 “Houses and Dual Occupancy” and Part C5 “Multi Unit Housing in Residential Flat Zones”.

- c. B2 Local centre and B4 Mixed Use Business Zones

For properties in B2 - Local Centre Zones, such as Haberfield Urban Village, Summer Hill Urban Village and Croydon Urban Village and properties zoned B4 Mixed use within the Ashfield Town Centre Council will also consider the design principles contained in the following documents for assessment purposes:

- Haberfield Urban Village,: **Part C7** - Haberfield Conservation Area
- Summer Hill Urban Village,,: **Part C14** - Summer Hill Urban Village Centre

- Croydon Urban Village,; **Part C10** - Heritage Conservation.
 - Ashfield Town Centre - **Part C3** - Ashfield Town Centre
- d For B4 Mixed Use Zones outside Ashfield Town Centre Council boarding house applications will be assessed on their relative merits having regard to local circumstances and taking into consideration the likely environmental and social impacts of the development.

Room Sizes, Indoor Recreation Areas & Facilities

- 2.4 Compliance is required by the relevant provisions of the Affordable Rental Housing SEPP, 'BASIX' SEPP and/or the Building Code of Australia as applicable.

Explanatory Note: Relevant Controls are contained in the ARHSEPP and a proposal cannot be refused if it meets those standards. An extract from the ARH SEPP follows:

2.5 A proposal is required to meet the minimum accommodation sizes stipulated in the ARH SEPP as follows:

"29 Standards that cannot be used to refuse consent

(2) (f) accommodation size

If each boarding room has a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of at least

- (i) 12 square metres in the case of a boarding room intended to be used by a single lodger, or
- (ii) 16 square metres in any other case

- (3) A boarding house may have private kitchen or bathroom facilities in each boarding room but is not required to have those facilities in any boarding room

30 Standards for Boarding houses

(1) A consent authority must not consent to development to which this division applies unless it is satisfied of each of the following:

- (a) if a boarding house has 5 or more boarding rooms, at least one communal living room will be provided,
- (b) no boarding room will have a gross floor area (excluding any area used for the purposes of private kitchen or bathroom facilities) of more than 25 metres,
- (c) no boarding room will be occupied by more than 2 adult lodgers,
- (d) adequate bathroom and kitchen facilities will be provided for the use of each lodger,
- (e) if the boarding house has capacity to accommodate 20 or more lodgers, a boarding room or on site dwelling will be provided for a boarding house manager,
- (f) if the boarding house is on land zoned primarily for commercial purposes, no part of the ground floor of the boarding house that fronts a street will be used for residential purposes unless another environmental planning instrument permits such a use,
- (g) at least one parking space will be provided for a bicycle, and one will be provided for a motorcycle, for every 5 boarding rooms.

Access for people with disabilities

- 2.5** Access for people with disabilities is to be provided as required under the Building Code of Australia.

Car Parking

- 2.6** Car parking shall be provided as required in the ARH SEPP as follows

In the case of development in an accessible area—at least 0.2 parking spaces are provided for each boarding room, and

- (i) In the case of development not in an accessible area—at least 0.4 parking spaces are provided for each boarding room, and:
- (ii) In the case of any development—not more than 1 parking space is provided for each person employed in connection with the development and who is resident on site,

Operational Plan of Management / On-site Management and Registration

- 2.7** An essential aspect of minimising potential impacts of Boarding Houses is ensuring that they are managed properly.

objective

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.

controls**(a) Operational Plan of Management**

An Operational Plan of Management is to be submitted with each development application for a boarding house (including new and existing boarding houses) to ensure that the proposed premises operate in a manner that maintains a high level of amenity. An appropriate form of on-site management with responsibility for the operation, administration, cleanliness and fire safety of the premises, including compliance with the Plan of Management and Emergency Management and Evacuation Plan, must be provided for the premises.

The Operational Plan of Management shall address the following as a minimum:

- Proposed management and supervision through a live-in on-site manager (see below)
- Maintenance and fire safety in the building;
- A schedule providing proof of compliance with the accommodation standards of this Part including the occupancy rate for each sleeping room, room furnishings, provisions of communal areas and facilities, and access and facilities for people with

- disabilities;
- Measures to ensure that guest numbers do not exceed those proposed should development consent be granted;
 - Measures to minimise unreasonable impact to the habitable areas of adjoining premises;
 - Proposed staffing arrangements, including location and contact details of the site manager or resident caretaker;
 - Prominent display of appropriate house rules e.g. access to rooms, keeping shared facilities clean and tidy, visitors, pets, quiet enjoyment guest behaviour, activities and noise, visitor policy, operating hours of outdoor common areas, use of alcohol and/or drugs. These displayed rules must be adhered to by residents and are the minimum standard required of all occupants. Alcohol and drug policies for the boarding house must be clearly displayed ;
 - Waste minimisation and recycling;
 - Professional cleaning details and vermin control (as a minimum, shared facilities such as kitchens and bathrooms shall be cleaned/disinfected to a professional standard at least once a week.)
 - Provision of safety and security measures for all residents - this must include but not be limited to such things as: internal signage indicating the live-in on-site manager or and contact number, emergency contact numbers for essential services such as fire, ambulance, police, and utilities such as gas, electricity, plumbing, installation of perimeter lighting, appropriate fencing and secure gates, all residents to have own room keys, keys for security entrance doors be made available to essential services such as fire brigade in case of emergency and suitable provision be provided for residents to ring emergency services in the event of an emergency, i.e. provide access to a landline telephone. safety and security measures must be clearly stated in detail in the Operational Plan of Management;
 - Guidelines for use of external communal open space or common areas for Class 3 boarding houses to minimise noise impacts to residential uses if adjacent;
 - Records of rent receipts issued to boarders;
 - Complaints register available for inspection by Council;
 - Fees for residency.

(b) On-site Management and Registration

- All boarding houses must be registered annually with Council. Properties located adjacent to the boarding house premise are to be provided with a 24 hour telephone number for the live-in on-site manager. a bedroom needs to be provided specifically for the live-in on-site manager;
- All new boarding houses are to have a live-in, on-site manager Details must be provided to Council and the nominated person must be contactable 24 hours per day, 7 days a week. Any changes are to be notified to Council immediately;

- The on-site live-in manager may be one of the occupants or tenants who reside on the premises;
- A clearly visible sign with the name and telephone number of the on-site, live - in manager must be displayed externally at the front entrance of the boarding house and internally in the common area;
- On-site, live-in managers must be over 18 years of age;
- The on-site, live-in manager must be responsible for the efficient operation, administration, cleanliness and fire safety of the premises, including compliance with all aspects of the Operational Plan of Management annual registration annual Fire safety Certification as well as the Emergency Management and Evacuation Plan.

Waste

- 2.8 **Class 3** Boarding Houses may make private contracting arrangements for garbage disposal or alternatively Council can collect waste. **Class 1b** Boarding Houses are subject to Council's collection service, details of which can be obtained from Council's Customer Service Centre.

objectives

Ensure that appropriate waste and recycling facilities are provided which meet Council and Environmental Protection Authority (EPA) requirements

controls

Garbage and recycling facilities on the premises shall be provided in accordance with the requirements of **Part D1** of Ashfield DCP 2007- Waste Minimisation, and the specific requirements of any other Part of this DCP applicable to the development.

Note: If contaminated sharps (e.g. syringe needles) are generated, non-reusable sharps containers shall be provided in accordance with AS 4301, for safe disposal. Final disposal must be undertaken by Environmental Protection Authority (EPA within the Department of Environment and Conservation) licensed contaminated waste contractors.

Fire Safety-

- 2.9 Fire safety is particularly important for residents of buildings in multi-occupancy such as boarding houses (Class 1b or 3). The design of new buildings or additions and ongoing fire safety measures including emergency evacuation measures will need to comply with the relevant provisions of The Building Code of Australia and the Environmental Planning and Assessment Regulation 2000 relating to fire safety.

objectives

Ensure the safety of boarding house occupants in the event of fire.

controls

- a. A copy of the annual fire safety statement and current fire safety schedule for the premises must be prominently displayed in the boarding house entry/reception area.
- b. 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.
- c. Prior to releasing an occupation certificate for the building, an Emergency Management and Evacuation Plan must be prepared for the building and approved by the Principal Certifying Authority. Staff shall be trained in relation to the operation of the approved Emergency Management and Evacuation Plan.
- d. Premises providing shared accommodation must provide annual certification for the following:
 - Essential fire safety measures to comply with the *Environmental Planning and Assessment Regulation 2000*
 - Compliance with the Operational Plan of Management approved for the premises
 - Maintenance registers required by this plan; and
 - Compliance with Emergency Management and Evacuation Plans required by the Building Code of Australia.
 - A floor plan must be permanently fixed to the inside of the door of each bedroom and that indicates the available emergency egress routes from the respective sleeping room.

Council requires new premises to comply with the provisions of the Building Code of Australia (BCA). Where a development application proposes alterations and additions or upgrade to an existing premises it is expected that the whole of the building will be upgraded in respect of Fire Safety as required under applicable legislation.

Additional safety measures:

- 2.10** Additional safety and security measures for all residents may include, but are not limited to such things as emergency contact numbers for essential services such as fire, ambulance, police, and utilities such as gas, electricity, plumbing, installation of perimeter lighting, appropriate fencing, secure gates and all residents to have own keys to rooms and personal storage areas.

END