



Attachments

Ordinary Meeting

Notice is hereby given that an Ordinary Meeting of Council will be held at Council Chambers, 1 Belgrave Street, Manly, on:

Monday 12 August 2013

Commencing at 7.30pm for the purpose of considering items included on the Agenda.

Persons in the gallery are advised that the proceedings of the meeting are being taped. However, under the Local Government Act 1993, no other tape recording is permitted without the authority of the Council or Committee. Tape recording includes a video camera and any electronic device capable of recording speech.

Copies of business papers are available at the Customer Service Counters at Manly Council, Manly Library and Seaforth Library and are available on Council's website:

www.manly.nsw.gov.au

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ATTACHMENT 1

Environmental Services Division Report No. 24.DOC - Development Control Plan 2013 Amendment 2 - Boarding Houses DCP 2013 - Boarding Houses - List of Amendments

Development Control Plan 2013 – Amendment 2 – Boarding Houses Details of Proposed Amendment

Amend paragraph:

1.3 insert 'State Environmental Planning Policy (Affordable Rental Housing) 2009'.

Amend paragraph:

2.1.2.1.a. add 'Council will consider whether the design of a development proposal is compatible with the character of the local area and minimises adverse impacts on adjoining properties and the vicinity'.

Amend paragraphs:

2.1.17 additional objective: 'to ensure safety and wellbeing of the occupants and to assist Council in monitoring the operations of boarding houses (and backpackers)'.

2.1.17.a) add 'to ensure that an Onsite Manager is to have the overall responsibility to oversee management commitments.'

Also add:

'See also provisions of State Environmental Planning Policy (Affordable Rental Housing) 2009.

See also Paragraph 4.4.9 Boarding Houses.

See also Schedule 3 - Part A Parking Requirements.

See also Schedule 7 - Specific Design Standards.'

Also Amend paragraphs:

2.1.17.b)iii) plus 'professional cleaning and pest/vermin control arrangements including at least weekly servicing of communal bathroom and kitchen facilities'.

2.1.17.b)vi) state 'only in relation to backpackers and also note max number of 2 adults in each boarding house lodging room'.

2.1.17.b)viii) in relation to guest behaviour add reference to 'limited noise generating activities after 10pm i.e. loud music/TV, parties or gatherings, visitors, use of outdoor areas.' Add 'responsible' before 'consumption of alcohol' and include 'zero tolerance policy on illegal drugs.'

2.1.17.d) add a new requirement for reference to an 'incidents register' (*eg anti social behaviour, accidents etc) prior to renewing any lease.

Add to paragraph:

3.4.2.4.b) Proposed development 'and activities likely to generate noise' including 'certain outdoor living areas like communal areas in Boarding Houses'

New paragraph:

'3.4.2.6 Sunlight Access to Communal Living Areas

See also Paragraph 4.4.9 Boarding Houses

Communal Living Areas for residential accommodation involving more than one dwelling (including Boarding Houses) must receive a minimum of 3 hours direct sunlight between 9am and 3pm in midwinter into at least one communal living room (where more than one communal living room area is provided).'

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Amend paragraph:

4.1.5.3 Private Open Space

- a) Principal Private Open Space....<as existing>
- b) Private Open Space for Boarding Houses
 - i) Minimum area of Private Open Space for a boarding house is 20sqm with a minimum dimension of 3m for the use of the lodgers.
 - ii) if accommodation is provided on site for a boarding house manager – 1 area of at least 8sqm with a minimum dimension of 2.5m is to be provided adjacent to that accommodation.
 - iii) the area prescribed in paragraph i) above is to receive a minimum of 3 hours direct sunlight between 9am and 3pm in midwinter.

Paragraph 4.1.6.3.:change residential development to 'accommodation'.

New Paragraph:

'4.4.9 Boarding Houses

This paragraph applies to boarding houses permissible with consent in LEP Zones R1, R2, R3, B1 and B2 in Manly.

Relevant DCP objectives in this plan in relation to these paragraphs include:

- Objective 1) To support high quality affordable rental housing in the form of boarding houses with an acceptable level of amenity to meet the needs of residents and to minimise adverse impacts on adjoining properties and in the vicinity.
- Objective 2) To provide controls for boarding houses that are compatible with, and enhance local character and the desired future character and provide a high level of resident amenity, safety and privacy for boarders and neighbours.

See also paragraph 2.1.17 Management Plans.

See also State Environmental Planning Policy (Affordable Rental Housing) 2009 which sets out certain requirements for boarding houses.

See also Building Code of Australia Section 1.9 which defines 2 classes of boarding house. Class 1b boarding houses have no more than 12 residents and 300sqm floor area while all others are Class 3 boarding houses which are subject to different and more stringent fire safety requirements.

4.4.9.1 Communal Rooms and Areas

See paragraph 3.4.2.6. Sunlight Access to Communal Living Areas

- a) Communal Living areas are for dining and recreational purposes and are not to include other uses referred to in this paragraph and must comprise at least an area in accordance with the design standards at Schedule 7 of this plan.
- b) Adequate kitchen facilities will be available within the boarding house for the use of each lodger.

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4.4.9.2 Bedrooms

Adequate boarding rooms are required within the boarding house for the use of each lodger in accordance with the design standards at Schedule 7 of this plan.

4.4.9.3 Open Space

- a) In relation to boarding houses in LEP Zones R1, R2 and R3, the minimum residential total open space and landscaped area requirements of this plan apply (see paragraph 4.1.5).
- b) In relation to boarding houses in LEP Zones B1 and B2 the minimum private open space is 20sqm with a minimum width of 3m. The landscape treatment must enhance the streetscape on which the building is located and provide both the minimum requirement for private open space (see paragraph 4.1.5.3) but also provide for communal areas (indoors) in accordance with this plan.

4.4.9.4 Parking

- a) This DCP provides parking requirements for boarding houses (see Schedule 3 Part A) for development where Section 29(2)(f) of State Environmental Planning Policy (Affordable Rental Housing) 2009 does not otherwise apply. For example, in Manly this Policy does not apply to boarding houses in LEP Zone R2 Low Density Residential that is greater than 400m walking distance of land within Zone B2 Local Centre (Seaforth).

Note: Section 29(2)(e) of State Environmental Planning Policy (Affordable Rental Housing) 2009 can be interpreted in the Manly context as follows::

Boarding houses less than 800m walking distance of Manly Wharf or 400m walking distance of a bus stop used by a regular bus service

- 1 space for every 5 boarding rooms
- 1 space for on site manager and/or any other employee residing on the premises

Boarding houses greater than 800m walking distance of Manly Wharf or 400m walking distance of a bus stop used by a regular bus service

- 2 spaces for every 5 boarding rooms
- 1 space for on site manager and/or any other employee residing on the premises

Note: The meaning of a 'regular bus service' in this paragraph is consistent with section 4(c) State Environmental Planning Policy (Affordable Rental Housing) 2009 meaning a service within the Passenger Transport Act 1990 that has at least 1 bus per hour between 6am and 9pm Weekdays and 8am and 6pm Weekends.

Add to Schedules:

Schedule 3 Part A1 Parking Requirements

Boarding houses not otherwise subject of parking requirements in State Environmental Planning Policy (Affordable Rental Housing) 2009

- 2 spaces for every 5 boarding rooms
- 1 space for on site manager and/or any other employee residing on the premises

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Note: See section 29(2)(e) of State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP) for parking required for boarding housing to which that Policy applies. In this regard Boarding Houses in LEP Zone R2 Low Density Residential that are not within an 'accessible area' (see SEPP meaning) are not subject to the provisions of Division 3 Boarding Houses of the SEPP.

Schedule 3 Part A2 Bike Parking Requirements

Boarding houses

- At least 1 parking space for a bike and 1 parking space for a motorcycle for every 5 boarding rooms

Schedule 7 Specific Design Standards

Part A Boarding Rooms

- a) Adequate boarding rooms are required within the boarding house for the use of each lodger
- b)i) Each boarding room requires a gross floor area of at least 12sqm for a single room and 16 sqm for a double room (excluding area requirements for en suite, shower, laundry and kitchenette.
- ii) In addition to the basic room requirements above, the minimum requirements for the gross floor area of additional purposes of private kitchen or bathroom facilities are as follows:
 - en suite (hand basin and toilet) - 2.1 sqm;
 - shower in the en suite - 0.8sqm
 - laundry - 1.1sqm
 - kitchenette - 2sqm (small fridge, cupboards, shelf and microwave).
- iii) Each bedroom must have access to natural light, from a window or door with a minimum aggregate area of 10 percent of the floor area of the room. Skylights are not to be used as the sole source of light.

Part B Communal Living Areas

- a) Adequate communal living areas will be available within the boarding house for the use of each lodger.
- b) Communal living areas are to provide:
 - i) a minimum area of 12.5sqm or 1.25sqm for each resident, whichever is the greater.
 - ii) The use of communal living areas for dining and recreational purposes only and not to include bedrooms, bathrooms, laundries, reception areas, storage areas, storage, kitchens, car parks, loading docks driveways, clothes drying areas, corridors and the like.
 - iii) The location of communal living areas to be on each level of a multi-storey boarding house.
 - iv) The location and design of communal areas are to minimise impact on the visual and acoustic privacy of neighbouring properties and being located away from side boundaries. See also paragraph 3.4 of this plan.

Part C Communal Kitchen Areas

- a) Adequate communal kitchen facilities will be available within the boarding house for the use of each lodger where such facilities are not provided in the room. In this regard minimum area requirements in this part are based on the number of residents occupying a boarding house without a kitchenette.
- b) Communal kitchen facilities are to provide:

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- i) a minimum area of 6.5sqm or 1.2sqm for each resident, whichever is the greater;
- ii) a double sink for each 12 residents and a stove top cooker for each 6 persons including adequate exhaust ventilation; and
- iii) adequate refrigerator and freezer storage space and storage space in lockable drawers or cupboards.

Part D Communal Bathroom and Laundry Areas

- a) Adequate communal bathroom and laundry facilities will be available within the boarding house for the use of each lodger where such facilities are not provided in the room. In this regard minimum area requirements in this part are based on the number of residents occupying a boarding house without en suite or laundry facilities.
- b) Communal bathroom and laundry facilities are:
 - i) be accessible at all times;
 - ii) to include a shower and a toilet with wash basin for each 10 residents; and
 - iii) to include a washing machine and large laundry tub with hot and cold running water for each 12 residents.