

# Social Impact Assessment:

Proposed Boarding House  
3 Edward Street, Kingswood



**6 August 2020**

**This report has been prepared for**

**Signature Projects Australia Pty Ltd**

by

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# Executive Summary

## Overview of proposal

The proposal is for a 14 room Boarding House located at 3 Edward Street, Kingswood under the *State Environmental Planning Policy (Affordable Rental Housing) 2009* (the ARHSEPP). The proposal site is located in an R3 Medium Density Residential Zone on a residential street in close proximity to the west of the Western Sydney University (Kingswood Campus).

The immediate locality includes mainly single storey separate houses and some recently developed multi-dwelling housing including three new generation Boarding Houses, one of which is currently under construction at the time of writing. A total of six Boarding Houses that are constructed, approved or yet to be constructed have been identified within 350 metres of the proposal site, including five within 110 metres.

The proposed site is well-located with regard to public transport, and 70 metres and 130 metres walking distance from two bus stops in Manning Street, which provides access to larger shopping and service centres of Penrith and Mount Druitt. The proposal site is approximately a 400 metre walk on Manning Street to neighbourhood shops that include a small grocery store, takeaway food outlet and restaurant.

The 14 Boarding House rooms will include 3 double rooms and 11 single rooms, including two accessible single rooms at ground level. At capacity, the Boarding House would potentially provide accommodation for seventeen residents. All rooms will be fully self-contained with kitchen and bathroom facilities and furnished with single or double beds, bedside tables, desk and chair, wardrobe, as well as cutlery and possibly linen and towels.

It is understood that the applicant is currently in negotiation with a social housing provider (SHP), which has expressed an interest in either purchasing the facility at 'turn-key' stage, or head-leasing the proposed Boarding House on a long-term lease, to then sub-lease to eligible social housing tenants. We have been advised by the applicant that they will be undertaking the development of behalf of a SHP.

The development includes a ground floor indoor communal area with lounge seating, table and chairs, television, kitchenette facilities and sliding doors that provide access to the private open space area to the west. There are also ground level common laundry facilities.

The development will include outdoor facilities and landscaping including grassed areas, paved hard surface paths and areas including front patio, enclosed waste bin area, clothes drying lines, and plantings at front boundary. The carpark at the rear of the site is accessed via Edwards Street and will provide parking for 3 cars, 3 motorbikes and 3 bicycles, with dedicated spaces detailed in the latest version of plans reviewed.<sup>1</sup>

The proposed Boarding House will be managed by an off-site manager from the SHP, who will be responsible for ensuring that the Occupancy Agreement and House Rules are complied with by

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<sup>1</sup> Plans dated 5 August 2020, Drawing no SK-02 Issue K.

lodgers in accordance with the *Boarding House Act 2012 (NSW)* as set out in the Plan of Management (POM) (**Appendix C**).

## Overview of the Social Impact Assessment

This Social Impact Assessment (SIA) has been prepared by JSA to accompany the Applicant's development application to the Penrith City Council. This SIA has assessed the proposal in terms of:

- its accessibility, facilities and design, internal and external amenity and social planning aspects of local character as per best-practice and with regard to compliance with relevant provisions of SEPPARH;
- relevant provisions of the *Boarding House Act 2012*;
- the demographic, housing and service context of the locality relevant to the need and demand for Boarding House accommodation; and
- consultation with nearby residents via door knock survey to understand the locality, identify concerns and to inform mitigations if required.

This assessment process identifies potential benefits/positive impacts and adverse/negative impacts of the proposed development, and provides recommendations to mitigate any identified adverse impacts to the greatest extent possible.

## Overview of likely social impacts

### Local demography & predicted demography of Boarding House

Overall, the demography of the immediate area (SA1) is characterised by a population that is similar to the Penrith LGA average across many indicators and generally has a less disadvantaged profile than Kingswood suburb. The dwelling structure in the SA1 and Kingswood suburb is quite different to Penrith LGA, with a much higher proportion of dwellings that are semi-detached and smaller proportion of flats and units. There is very little socially rented housing in the immediate locality (1.7%), which is much lower than the Greater Sydney average (5%).

The proposal site is located in an R3 Medium Density Residential zoned area and appears to be undergoing transition, including the redevelopment of single storey dwellings to new generation Boarding Houses. The changing nature of the local area through the introduction of multiple Boarding Houses, this SIA also considers the cumulative impact on the local area from the proposed Boarding House.

The Kingswood suburb has high crime rates across all property and personal offence types reviewed. The proposed site is not as affected by crime, although it is located on the edge of major hotspots for Theft – Break and Enter Dwelling, Theft – Steal from Motor Vehicle and Theft – Motor Vehicle based on the most recent NSW BoCSAR hotspot maps. This crime context has



implications for safety and security of the Boarding House facility, and any resident vehicles that are parked on or off site.

Compared to the Kingswood suburb residential population, if the proposed Boarding House were to reflect the demography and occupancy of 'average' Boarding Houses in Greater Sydney, Boarding House residents are likely to be more disadvantaged, with a higher proportion of males and young adults, a lower proportion of older people and levels of need for assistance, lower levels of labour force participation, higher unemployment and higher attendance at educational institutions.

If the proposed Boarding House is owned or leased by a SHP, eligibility requirements are likely to mean that a relatively high proportion will be very low income households, including people on pensions and benefits, as well low income 'key' workers needing affordable (discount market rent) housing. The proposed rents would also make rooms attractive and affordable to very low income singles and couples, and would also be attractive to students given its proximity to University of Western Sydney.

## Affordability

We have been advised by the Applicant that the average rental cost will be \$240 per week, with the smallest single occupancy room renting for approximately \$200 per week.

Based on a June 2020 snap shot of the local housing market, there were four small studios/granny flats advertised for rent in the Kingswood suburb ranging from cost from \$208 to \$260 per week. These four properties made up 6% of all rental stock advertised in Kingswood. Within an approximately five kilometre radius of the proposal site there were an additional 19 studio and one-bedroom properties for rent with, five would be affordable for very low, low and moderate income renters and 14 would be affordable to low and moderate income households.

The most recent DCJ Rent and Sales Report for the March Quarter 2020, reports a median one-bedroom dwelling in the Penrith LGA as \$317; which is affordable to the upper 78% of households in the low income band and no very low income households. Given a double Boarding House room would normally rent for around 80% of a median one-bedroom unit (\$255), the applicant's rent estimates seem reasonable.

As such, the proposal would make a contribution to alleviating housing stress for very low income and low income private renting households. At the time of the 2016 Census, 85% of very low income privately renting small households (in the Penrith LGA) were in housing stress compared to 79% Greater Sydney average, with these households comprising 33% of all small privately renting households in the LGA.

The relatively small numbers of studio and one bedroom apartments advertised for rent in June 2020 in Kingswood is also noted. Increased housing diversity and the **provision of affordable rental housing for very low and low income renting households in a well-located area is a significant benefit of the proposal**. It is noted that there are a range of other Boarding Houses in the immediate locality; however, JSA has been unable to find any published information on rent levels and availability of rooms.

## Character and Amenity

### Amenity of the Immediate Locality

The amenity of the surrounding locality for Boarding House residents is good. It is located in close proximity to bus stops that provide regular access to large service and shopping centres. Local shops are within walking distance, but are limited in terms of the products available. There are open space areas with opportunities for passive and active recreation within walking distance to the site. The proposal site is also located within walking distance to the University of Western Sydney, Kingswood campus.

### Character of the Immediate Locality

Housing in the immediate locality includes predominately separate housing and some multi-dwelling housing including new generation Boarding Houses all of which are no more than two-storeys as per the height restrictions in the area. Plans provided show that the proposed Boarding House will be two-storey.

We defer to other relevant experts with regard to the assessment of compatibility with local character.

### Potential Amenity Impacts in the Immediate Locality

There may be noise impacts from residents using the private open space area, although this area is well set back from adjacent properties. Potential impacts could be managed by time restrictions on use of the area, as set out in the draft Plan of Management. A number of second floor windows overlook adjacent properties, including Rooms 10, 11 and 12, with the remaining rooms overlooking the street. Potential privacy impacts could be mitigated by appropriate screening of the windows to Rooms 10, 11 and 12. Privacy impacts could be further mitigated by the provision of 1.8 metre fencing between the development and adjacent lots.

It is noted that in the most recent version of plans reviewed, the potential for noise and privacy impacts have been reduced by removal of direct outdoor access from ground floor rooms 4, 5 and 6.<sup>2</sup>

JSA has not sighted an Acoustic Report for this proposal and would defer to an expert's view with regard to these issues.

### Parking and traffic impacts in the Immediate Locality

The development provides parking spaces, in accordance with standards for development carried out by or on behalf of a social housing provider in an accessible area as per the SEPPARH. As noted, negotiations are currently being conducted between the applicant and a SHP with regard to future ownership/management arrangements. At the time of the site visit, there was adequate on street parking available.

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<sup>2</sup> Plans dated 5 August 2020, Drawing no SK-02 Issue K.

It is noted, however, that parking lines are on Manning Street and residents surveyed reported that the area is utilised for on-street parking by those attending the University of Western Sydney, Kingwood Campus which is accessible via a walking path adjacent to the south of 48 Manning Street. As the site visit was undertaken on a weekend, and when the University is closed during the coronavirus pandemic, this parking situation was not observed by JSA.

JSA has not sighted a Traffic and Parking Report for this proposal and would defer to an expert's view with regard to these issues.

## Within the Boarding House

The internal and external amenity of the proposal Boarding House is high. All rooms are fully self-contained with kitchen and bathroom facilities, furniture and furnishings. There are indoor and outdoor common areas, including ground level kitchen/dining/living area with television, kitchen facilities and lounge furniture. There are common laundry facilities located at ground level including clothes drying lines outside. Outdoor enhancements, such as landscaping and seating, are not shown on the drawings provided. The common outdoor open space area has a northerly aspect and would be expected to be sunny for part of the day.

## Management Issues

The predicted demography of residents and affordability of indicative rents suggest that the proposed Boarding House will include very low income households, including those on pensions and benefits. If the property is operated by a social housing provider, it is likely that some future residents may also have complex needs. As such, whilst the proposal does not include provision of an on-site manager, and is not required to do so under the SEPP, it is recommended that the Plan of Management include strategies to ensure amenity for resident and neighbours is maintained, including excellent management processes by the SHP.

It is also recommended that a suitable tenant be selected to fulfil the role of voluntary onsite caretaker, to act as an onsite contact in the case of issues, including after hours, and to provide a regular liaison point with the SHP Tenancy Manager. This is common practice in smaller boarding houses, and may be rotated between suitable tenants. Provision of training can also support the tenant/s to transition to paid employment elsewhere.

## Cumulative impacts

There are also potential issues related to cumulative social impacts due to the addition of another Boarding House within a locality with six Boarding Houses that are constructed, or approved and yet to be constructed within 350 metres of the proposal site, including five within 110 metres.

As well as problems with parking, the resident survey conducted in the preparation of this SIA identified issues associated with the increased concentration of Boarding Houses in the locality, as the other major concern about the proposal. This included reported social problems with existing Boarding Houses; concerns about the 'type of people' living in the Boarding Houses; the lack of effective and/or onsite management; and possible drug dealing near the facilities.

No respondents to the survey cited direct experiences of any problems with the existing facilities. However, they expressed concerns that would be broadly related to amenity from the existing facilities. The main mitigations suggested by residents are reasonable, and include the following:

- Care in the selection of tenants for the proposed Boarding House, providing for a mix of tenants, reducing concentration of high needs people, and reducing turnover;
- Strict House Rules and Plan of Management that are enforced;
- Presence of an onsite caretaker and appropriate complaints procedure that is implemented.

These are reflected in the draft Plan of Management, and will be actively managed by the SHP.

## Conclusions and Recommendation

### Conclusions

The proposed Boarding House in well-located area, near the University, with rents that will be affordable to very low and low income lone persons and couples which provides a significant positive benefit in the locality. The proposed Boarding House is of high amenity, with well-appointed self-contained rooms, and common indoor and outdoor space that is physically connected. It is also likely to fit well in terms of its external appearance within a changing neighbourhood.

JSA's research<sup>3</sup> with regard to successful new generation Boarding Houses indicates that the most important aspects of Boarding Houses that are well accepted within the surrounding community are related to good design and amenity; appropriate location and physical integration with the surrounding community; and excellence in management, including a detailed Plan of Management, House Rules, transparent complaints procedures, proactive communication with neighbours, and onsite management, either paid or voluntary by an appropriate tenant acting as a caretaker, with tenancy management support from a SHP where the facility is owned or leased by a SHP. This becomes more important where there is the risk of cumulative impacts from the concentration of a number of similar uses.

Provided the draft plan of Management and other recommendations are adopted and implemented, it is likely that the benefits of the proposed boarding House would outweigh the potential adverse impacts of the development.

### Recommendations

As noted, the physical design, integration and locational aspects of the proposed Boarding House would satisfy these aspects of success. However, the outdoor space is likely to be valued by residents of the Boarding House, and should be attractively landscaped and well equipped.

With regard to management issues, these are embedded in the draft Plan of Management and House Rule at **Appendix C**. It is **recommended** that this draft be adopted for the purpose of

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<sup>3</sup> Judith Stubbs and Associates (2017) Building Community Support for Community Housing, Toolkit for Providers and Research Reports, Prepared for the Community Housing Industry Association of NSW, Accessible online at <https://communityhousing.org.au/information/resources/>.

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submission of this DA, and further refined by the SHP owner/manager. This includes the following:

- Presence of a voluntary onsite caretaker, excellent oversight from the SHP Tenancy Manager, and appropriate and transparent complaints and response procedures;
- Care in the selection of tenants, including awareness of the need to accommodate a diversity of tenures with regard to income, employment or student status; and other provisions related to accommodation of children should this occur;
- Hours of operation of relevant spaces to ensure noise and privacy impacts are avoided;
- Provision for both short-term (3 month) and longer-term (6-12 months) Occupancy Agreements to increase stability and reduce turnover;
- Strict House Rules, with appropriate penalties for non-compliance.

It is also **recommended** that:

- More detailed plans of the outdoor open space area are prepared that provide for all weather seating, tables and BBQ area, attractive landscaping and other amenities;
- Mitigation of potential privacy impacts through provision of appropriate screening of the windows to Rooms 10, 11 and 12; and the provision of a 1.8 metre fence of appropriate materials between the development and adjacent lots.

It is also recommended that any **recommendations related to parking and acoustics** be adopted.

# 1 The Proposal

## 1.1 Description of proposal

The proposed development is a two storey 14 room Boarding House with a capacity of 17 boarders located at 3 Edward Street, Kingswood. The development includes:

- Three double rooms and 11 single rooms, each with ensuite and kitchenette, including 2 accessible single rooms;
- At grade parking for 3 cars, 3 motor cycles and 3 bicycles;
- Ground floor common area including lounge, dining and kitchen;
- Ground floor laundry; and
- Rear open space of 21.10 m<sup>2</sup>, accessible from the indoor common area.

## 1.2 Demographic context of the locality

The Statistical Area 1 (smallest geographic area for analysis provided by the ABS) where the proposed Boarding House is located is similar to the Penrith LGA average across many indicators and generally has a less disadvantaged profile than the Kingswood suburb.

The area ranks among the bottom 40% of SA1s in Australia and NSW across the four Socio-Economic Index for Areas (SEIFA) indices, and it is much less disadvantaged than the Kingswood suburb. Kingswood ranks among the most disadvantaged 20% of suburbs in Australia for three of the indices and among the lowest 10% of suburbs for Australia and NSW for the socio-economic index of economic resources.

The area has a larger proportion of Indigenous residents than Greater Sydney, similar to the suburb and LGA. It has a slightly higher proportion of those in need of assistance with a core daily activity compared to Penrith LGA and Greater Sydney, but lower than the suburb. Levels of post-schooling qualifications and Year 12 completion rates in the local area are similar to Kingswood suburb and Penrith LGA, which are all below Greater Sydney.

The rate of those not in the labour force is similar in the SA1 to the benchmark areas. As at the 2016 Census, the unemployment rate in the SA1 was similar to the LGA and Greater Sydney, and below the Kingswood suburb. Personal and household income levels in the SA1 are higher than the Kingswood suburb, and below the Penrith LGA and Greater Sydney.

The dwelling structure in the SA1 and Kingswood suburb is quite different to Penrith LGA, with a much greater proportion of dwellings that are semi-detached, compared with the LGA and Greater Sydney. The SA1 has a much larger proportion of dwellings that are separate houses compared to Kingswood suburb (66% compared to 47%), which is well below the Penrith LGA at 80% but above the Greater Sydney average of 55%. The SA1 has a similar proportion of dwellings

that are flats and units compared to Penrith LGA, which are at much lower levels than the Kingswood suburb or Greater Sydney.

The SA1 has a similar proportion of dwellings that are in ownership (outright or being paid with a mortgage) compared to Greater Sydney. The SA1 has very low levels of dwellings rented socially (public or community housing provider) at 1.7% compared to 12.2% in Kingwood suburb, and 5% in Penrith LGA and Greater Sydney.

The SA1 has the same rate of car ownership to the Penrith LGA, which is higher than the Kingswood suburb where 14% of households report no motor vehicles at the dwelling.

## 1.3 Description of site and immediate surrounds

A visit to the proposed site and its immediate surrounds was undertaken by John Storer and Colleen Lux of Judith Stubbs and Associates on 13 June 2020 as part of the field work conducted for this Social Impact Assessment.

The site currently contains a separate house.

Surrounding uses consist of:

- Residential housing, typically single storey dwellings on separate lots;
- Two recently constructed Boarding Houses and another under construction;
- A multi dwelling housing development in Jones Street but visible from Edward Street;
- Residential Aged Care facility, Newmarch House, located at 50 Manning Street; and
- University of Western Sydney, Kingwood campus to the west of Manning Street.

Uses are shown in the figures below.



Figure 1.1: The site (3 Edward Street)

Source: JSA, 2020



Figure 1.2: Typical Housing in the locality

Source: JSA, 2020



Figure 1.3: New Generation Boarding House opposite the site, Corner Edward and Manning Street

Source: JSA, 2020



Figure 1.4: Multi Dwelling Housing development viewed from Edward Street

Source: JSA, 2020





Figure 1.5: Entrance to Newmarch House from Manning Street

Source: JSA, 2020

### 1.3.1 Boarding Houses in the locality

During the site visit, survey of neighbours and subsequent search of Penrith City Council development application register, a number of Boarding Houses in the locality of the proposed Boarding House site at 3 Edward Street have been identified. The table below shows the number rooms and proximity to the proposal site of the **seven Boarding Houses** in the locality (within 350 metres) that are either constructed and operational, approved and yet to be constructed or decision pending. Five of these Boarding Houses are within 110 metres of the proposal site.

Table 1.1: Boarding Houses in the Locality of 3 Edward Street, Kingswood

Address	Penrith City Council DA Ref#	# BH Rooms	Status	Approximate distance from proposal site
3 Edward Street	-	14 rooms	(proposal site)	-
2 Edward Street	DA16/0562	15 rooms and manager's room	Constructed & operational	< 50 metres
42 Manning Street	DA17/0173	15 rooms	Constructed & operational	65 metres
36 Manning Street	DA16/0781	14 rooms	Under construction	110 metres
10 Manning Street	DA13/0056	8 rooms	Constructed & operational	350 metres
4 Edward street	DA17/0297	17 rooms	Approved, yet to be constructed	< 50 metres
38 & 40 Manning Street	DA17/1354	37 rooms and manager's room	Approved, yet to be constructed	90 metres
6 Edith Street	DA19/0705	12 rooms, and manager's room	Decision pending	290 metres

Source: JSA, 2020; Penrith City Council DA Register, Google Maps.

The map below shows the location of **four** constructed or under construction (**blue** in map below), **two** approved but not yet constructed (**green** in map below) and **one** decision pending Boarding House (**red** in map below) in the locality.

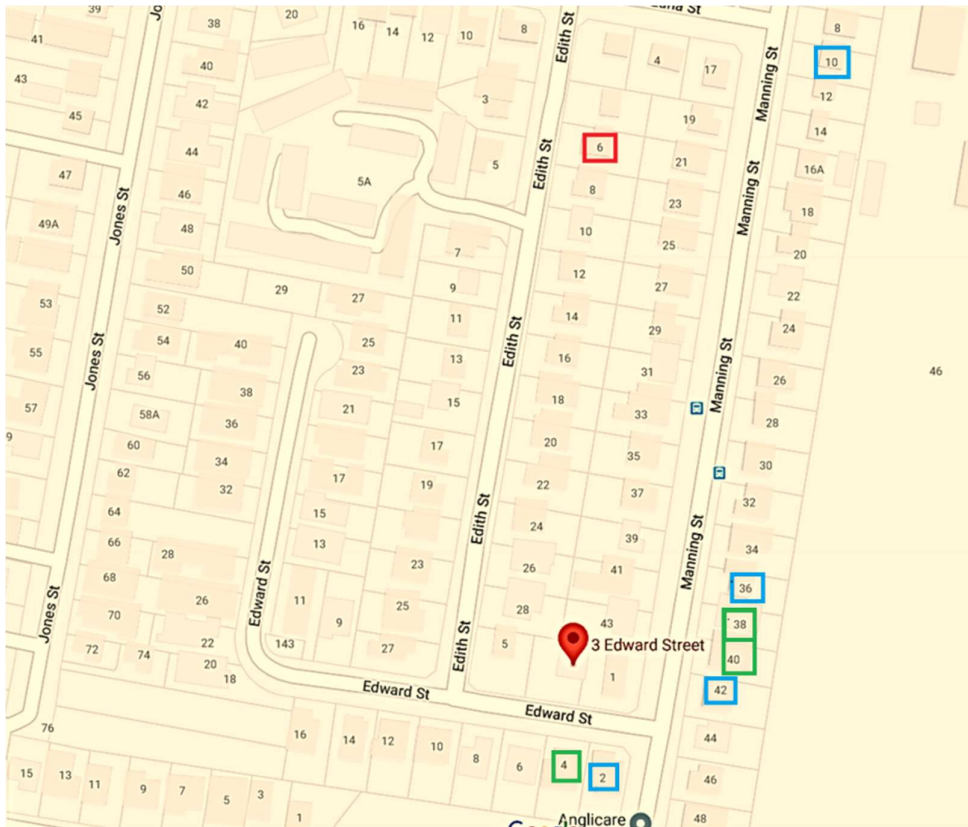


Figure 1.6: Constructed, Approved and Pending Boarding Houses in the Locality of Proposal Site

Source: JSA 2020, utilising information from Penrith City Council DA Register, 17/06/2020



Figure 1.7: Sold sign at 38-40 Manning Street for DA Approved 37 Room BH & adjacent BH at 42 Manning Street

Source: JSA, 2020

## 1.4 Businesses and services in the locality

Limited services are available from a neighbourhood shopping centre at the corner of Manning Street and Second Avenue, including a takeaway store selling some groceries (360 metres), Restaurant (390 metres), grocery store (400 metres) and restaurant (400 metres). A wider range of services are available in Penrith, accessed using bus route 770, with a trip time of 22 minutes.

Green open space is available at an unnamed reserve, about 60 metres from the site.



Figure 1.8: Neighbourhood shops, corner Manning Street and Second Avenue.

Source: JSA, 2020



Figure 1.9: Unnamed Reserve, Manning Street opposite Bargo Boulevard

Source: JSA, 2020

## 1.5 Public transport accessibility

Buses are available from bus stops in Manning Street accessing service 770 operating between Penrith and Mount Druitt. The Penrith service operates from bus stop ID 2747127, 130 metres walk from the site with the return service from bus stop ID 274744, 70 metres from the site.

The Penrith service typically operates half hourly, Monday to Friday, between 6 am and 11 pm; and with a reduced service on weekends.

## 1.6 Locality Map

Table 1.2: Walking Distances from 3 Edward Street to Key Points of Interest in the Locality

Locality Map Id	Place of Interest	Walking Distance from proposal site
A	Bus stop ID2747127 Manning Street before Bargo Bvd	130m
B	Bus stop ID 274744	70m
C	Neighbourhood shops, Corner Manning St and Second Avenue	360m
D	Unnamed Reserve, Manning Street opposite Bargo Boulevarde	60m

Source: JSA, 2020

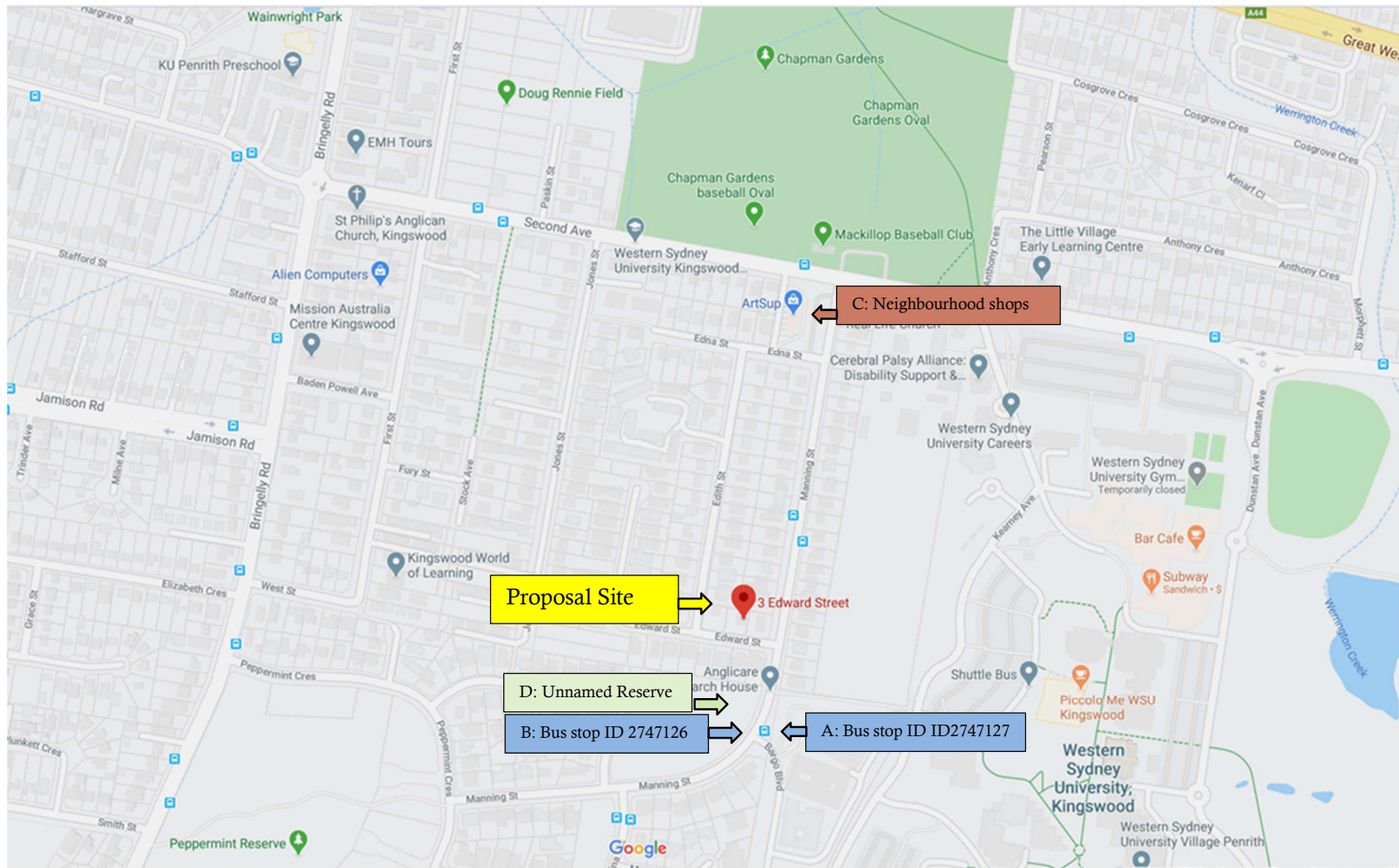


Figure 1.10: Immediate Locality Map surrounding Proposal Site at 3 Edward Street, Kingswood

Source: JSA, 2020 using Google Maps

## 1.7 Pedestrian and car movements

At the time of the site visit, Edward Street was lightly trafficked and on street parking was available, noting that residents raised concerns regarding traffic congestion and parking.

## 1.8 Character of the area

Clause 30A of *SEPP (Affordable Rental Housing) 2009* requires Council to consider whether the design of the development is compatible with the character of the local area. Character is understood to primarily consist of the relationship to other buildings with respect to building height, setbacks and landscaping and other physical aspects, although there are often quite subjective elements related to this test.

The predominant character of the local area is of single storey brick and tile housing with hip and valley roofs on separate lots with front gardens and driveways providing access to parking at the front, side or rear, however the character is changing. Redevelopment of existing lots is typically for two storey development and includes Boarding Houses at 2 Edward Street and 42 Manning Street, a Boarding House under construction at 36 Manning Street and a multi unit housing development at 76 Jones Street, but visible from Edward Street. The multi unit housing development has skillion roofs.

Components of the proposed development consistent with the character and the emerging character of the local area include:

- Landscaping to the front setback area;
- A driveway providing access to rear parking;
- Two storey development;
- Traditional building design.

We defer to other relevant experts with regard to the assessment of consistency with physical character.

## 2 Relevant Legislation

### 2.1 Compliance with State Environmental Planning Policy (Affordable Rental Housing) 2009

#### 2.1.1 General

As Boarding Houses are permitted with consent in R3 zones under Penrith Local Environmental Plan 2013, the relevant application of *State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPPARH)* is in relation to design standards specific to Boarding Houses and to good practice as per Division 3. The proposal is not required to comply with other Divisions of the SEPPARH, however some aspects (such as the accessibility of the area) are included here for completeness of the Social Impact Assessment.

#### 2.1.2 Accessibility of the area

Under Clause 27(2) of the *SEPPARH* clauses 29, 30 and 30A of Division 3 do 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.

The Penrith LGA is within the **Greater Sydney Region**.

A development is in an accessible area if it 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.

#### Bus Services

The nearest bus service to the proposal site is service 770 operating between Penrith and Mount Druitt. The Penrith service operates from bus stop ID 2747127, 130 metres walk from the site with the return service from bus stop ID 274744, 70 metres from the site.

The Penrith service typically operates half hourly, Monday to Friday, between 6 am and 11 pm; and with a reduced service on weekends and meets the requirements of Clause 4(1)(c) of the SEPP as set out above.<sup>4</sup> Consequently the development is in an accessible area.

### 2.1.3 Private Open Space Requirements

Clause 29(2)(d) of *SEPPARH* gives the following standards regarding the provision of private open space areas.

- (i) One area of at least 20 square metres with a minimum dimension of 3 metres is provided for the use of the lodgers,
- (ii) If accommodation is provided on site for a Boarding House manager – one area of at least 8 square metres with a minimum dimension of 2.5 metres is provided adjacent to that accommodation.

Plans reviewed include the appropriate amount of open space, 20 m<sup>2</sup>, at the rear of the property accessed via the ground floor indoor communal room.

The proposed Boarding House, with a maximum capacity of 17 residents, does not require the provision of on-site accommodation for a manager.

### 2.1.4 Onsite Parking Requirements

Clause 29(2)(e) of *SEPPARH* sets out the following standards regarding provision of onsite car parking spaces:

- (i) in the case of development carried out by or on behalf of a social housing provider in an accessible area – at least 0.2 parking spaces are provided for each boarding room, and
- (ii) in the case of development carried out by or on behalf of a social housing provider not in an accessible area – at least 0.4 parking spaces are provided for each boarding room, and
- (iia) in the case of development not carried out by or on behalf of a social housing provider – at least 0.5 parking spaces are provided for each boarding room, and
- (iii) 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,

As noted, it is intended that the proposed Boarding House be owned or leased by a SHP, although this is still to be negotiated. If the development is deemed to be carried out by or on behalf of a social housing provider, the number of car parking spaces required onsite to comply with Clause 29(e)(iia) of the *SEPPARH* is 0.2 per boarding room (i.e. 0.2 x 14 lodger rooms = **2.8 lodger spaces**). The plans comply with the provisions of *SEPPARH* with 3 car parking spaces.

*SEPPARH* 2009 also requires the following:

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<sup>4</sup> Transport NSW, 770 bus timetable, Mount Druitt to Penrith via St Marys, accessed 17/06/2020, <https://transportnsw.info/>.



*Clause 30(1)(h) at least one parking space will be provided for a bicycle and one will be provided for a motorcycle, for every 5 boarding rooms.*

The plans for the proposed Boarding House provide for **3 motor bike spaces** and **3 bicycle spaces**, which is also compliant with the SEPPARH requirements for 3 motorbike and 3 bicycle spaces (i.e.  $14/5 = 2.8$  spaces). These spaces are shown on the most recent plans reviewed.<sup>5</sup>

### 2.1.5 Accommodation Size

Clause 29(2)(f) of SEPPARH requires that boarding rooms be a minimum of 12m<sup>2</sup> for single rooms and 16m<sup>2</sup> for double rooms, excluding kitchen or bathroom facilities.

All room exceed compliance with the SEPP regarding minimum size.

### 2.1.6 Other Requirements for Boarding Houses

SEPPARH 2009 sets out several other requirements for Boarding Houses in Clause 30(1).

#### Communal living area

The proposed Boarding House plans meet the requirements in subclause (a) that a Boarding House with five or more boarding rooms must have at least one communal living area.

Plans show a large indoor communal area at ground level, in total approximately 36.92 m<sup>2</sup> in size, including a living/dining area 28.22 m<sup>2</sup> that will accommodate soft furniture (two small lounges), coffee tables, dining table and six chairs and television; and a kitchen area 8.7 m<sup>2</sup> in size that includes double sink, refrigerator, bench space and cupboard storage. There is a rear access door from living/dining part of the common area to the carpark and clothes drying lines at the rear of the property, as well as sliding door connectivity to the outdoor private open space which contributes to enhanced amenity and safety via casual surveillance of the site by residents.<sup>6</sup>

#### Maximum floor area, number of lodgers per room,

The proposed Boarding House plans show that the gross floor area of any boarding room (excluding bathroom and kitchen facilities) does not exceed 25 m<sup>2</sup>. The largest room in the building is Room 10 which is 17.84 m<sup>2</sup> excluding kitchen and bathroom facilities.

Subclause (c) states that boarding rooms are to be occupied by no more than two lodgers. The rooms proposed are configured to suit singles and couples. Ensuring that rooms are occupied by no more than two lodgers will be undertaken by the Boarding House manager as set out in the Plan of Management (**Appendix C**).

The proposal complies with provisions of the SEPPARH regarding maximum floor area and number of lodgers per room.

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<sup>5</sup> Plans dated 5 August 2020, Drawing no SK-02 Issue K.

<sup>6</sup> Signature Projects Australia Pty Ltd, Drawing No. SK-02, Proposed site plan & Ground floor plan, 19/06/20; and Plans dated 5 August 2020, Drawing no SK-02 Issue K.

## Adequate kitchen & bathroom facilities

Subclause (d) states that adequate bathroom and kitchen facilities will be available within the Boarding House for use of each lodger.

All 14 Boarding House rooms will be fully self-contained with kitchen and bathroom facilities.

- In-room bathroom facilities will include toilet, basin and shower;
- In-room kitchen facilities will include sink, two-burner cooktop, refrigerator, kettle, bench space, microwave and storage cupboards;
- Other basic provisions, including cutlery, crockery and possibly linen and towels.

In addition, there are additional common facilities located at ground level including kitchen facilities (double sink, bench space, refrigerator, storage cupboards, cutlery and crockery) in the common room, combined laundry facilities (one washing machine) and a powder room (toilet and basin), adjacent to the common room, plus outdoor clothes drying lines adjacent to the common outdoor area.

## 2.2 Penrith Local Environmental Plan 2010

Under the Penrith Local Environmental Plan 2013 (PLEP 2010), the land at 3 Edward Street, Kingswood is zoned as R3 Medium Density Residential. Under this zoning, Boarding Houses are permitted with consent.

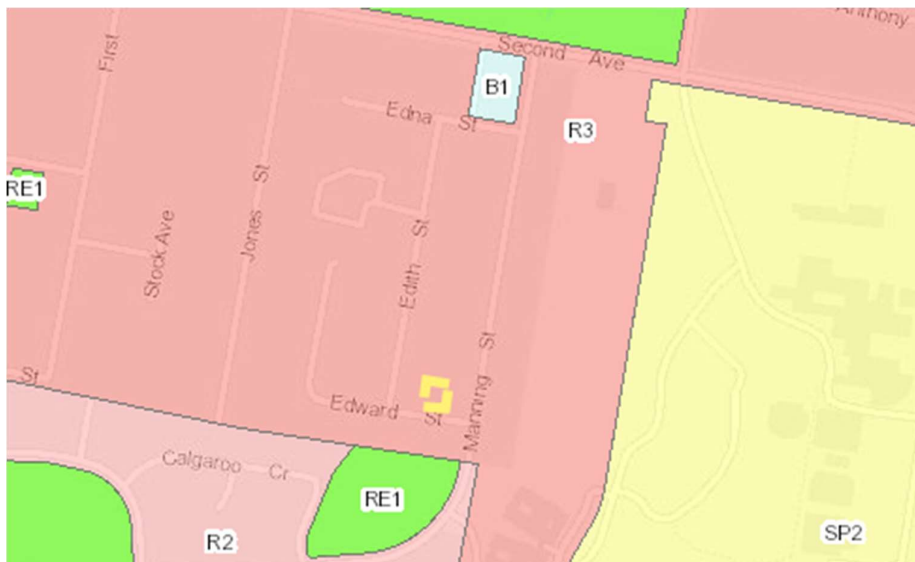


Figure 2.1: Zoning Map, Penrith LEP 2010, 3 Edward Street, Kingswood identified

Source: NSW Planning Portal, 2020

Height limit for the proposal site is 8.5 metres as per the Height of Buildings Map in the Penrith LEP 2010.

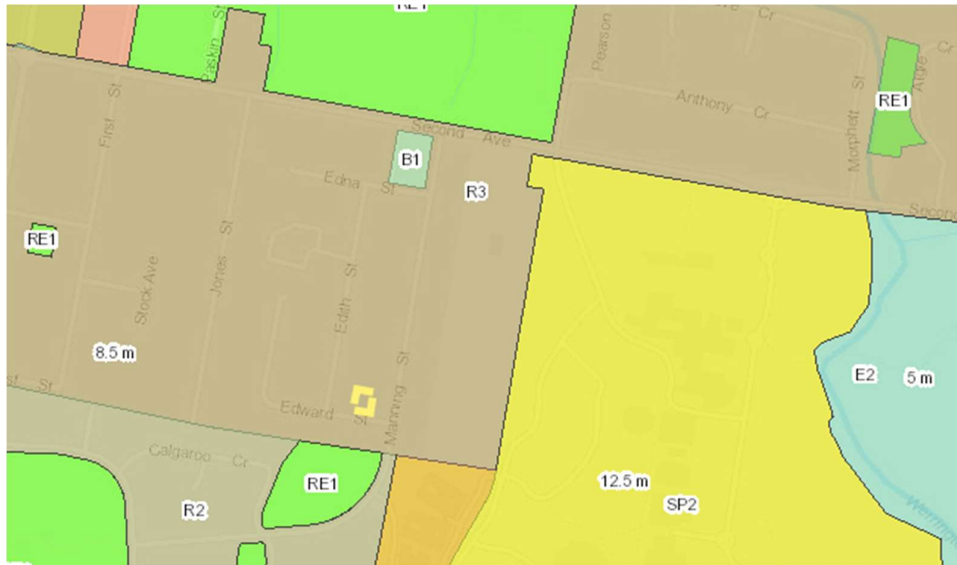


Figure 2.2: Height of Buildings Map, Penrith LEP 2010, 3 Edward Street, Kingswood identified  
Source: NSW Planning Portal, 2020

## 2.3 Penrith Development Control Plan 2014

The Penrith Development Control Plan 2014, Chapter D5 Other Land Uses, Section 5.11 Boarding Houses provides supplementary directions for Boarding Houses to the SEPPARH and general controls elsewhere in the DCP.<sup>7</sup>

This section of the DCP includes controls related to local character, built form, scale and appearance, tenant amenity, safety and privacy, visual and acoustic amenity impacts, location and a proposal’s plan of management.

This Assessment has reviewed the proposed Boarding House plans and Plan of Management against the relevant considerations contained in this Section of the DCP that relate to social planning.

## 2.4 Boarding Houses Act 2012

The proposed Boarding House is a registrable Boarding House within the meaning of part 1, section 5 of the Boarding Houses Act 2012. Consequently, a range of provisions of the Boarding Houses Act 2012 are applicable to the development, including inspections by council and the requirement to enter into Occupancy Agreements.

<sup>7</sup> Penrith City Council (2014) Penrith Development Control Plan, D5 Other Land Uses, 5.11 Boarding Houses, Pg 25.

We understand that the proposed Boarding House will be a general Boarding House under the Boarding House Act, and consequently will not house more than one person with additional needs.<sup>8</sup>

1) *For the purposes of this Act, a person is a **person with additional needs** if:*

*(a) the person has any one or more of the following conditions:*

*(i) an age related frailty,*

*(ii) a mental illness within the meaning of the Mental Health Act 2007,*

*(iii) a disability (however arising and whether or not of a chronic episodic nature) that is attributable to an intellectual, psychiatric, sensory, physical or like impairment or to a combination of such impairments, and*

*(b) the condition is permanent or likely to be permanent, and*

*(c) the condition results in the need for care or support services (whether or not of an ongoing nature) involving assistance with, or supervision of, daily tasks and personal care such as (but not limited to) showering or bathing, the preparation of meals and the management of medication.<sup>9</sup>*

Under the Act, the proprietor is required to notify the Commissioner of a range of particulars with respect to the development.

Under Clause 17 of the Act, Council has the power to carry out inspections of the premises.

Under Clause 28 of the Act, the Proprietor is required to enter into a written occupancy agreement with each lodger.

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<sup>8</sup> Boarding House Act, clause 37(1).

<sup>9</sup> Boarding House Act, clause 36.

## 3 Demographic and Housing Context

### 3.1 Comparative Demography of the Boarding House

The proposed Boarding House will have 14 rooms, three double rooms and eleven single rooms. At capacity the Boarding House will have a maximum of 17 residents.

We have used data from the Australian Bureau of Statistics' Census of Population and Housing 2016 for Boarding House residents (i.e. those enumerated in 'Boarding House, private hotel') in Greater Sydney as this provides more reliable data due to the number of such residents compared with the locality. Assuming that the population of this Boarding House will be similar to the population of Boarding House residents for the Greater Sydney Capital City Statistical Area, the following profile is likely compared to the surrounding area of the Kingswood Suburb:

- Larger proportion of males
- Larger proportion of young adults
- Smaller proportion of older people aged 70+
- Higher proportion of those never married
- Lower weekly individual income levels
- Lower levels of labour force participation and employed population, and higher unemployment rate
- Slightly higher levels of occupation in trades/technical roles among those employed
- Slightly lower levels of occupation in manager/professional roles among those employed
- Higher levels of attendance of an educational institution
- Lower levels of need for assistance
- Higher levels of transience

Details are shown in the table below.

Table 3.1: Predicted demography of residents of proposed Boarding House using Boarding House residents in Greater Sydney as a proxy compared to Kingswood suburb

	Kingswood Suburb	Proposed Boarding House	Boarding House Residents in Greater Sydney
	Proportion	Likely # BH residents when at capacity	Proportion
Males	49.2%	12	67.2%
Age 18-24 years	9.9%	4	21.9%
Age 25-39 years	24.3%	5	27.0%
Age 40-54 years	18.2%	4	21.9%
Age 55-69 years	15.2%	4	21.1%
Aged 70+ years	8.5%	1	6.2%
Aged 20-69 years	65.5%	16	86.8%
Never married (aged 15+ years)	39.7%	13	70.3%
Separated or divorced (aged 15+ years)	16.6%	3	16.6%
Median gross weekly individual income	\$640	-	\$505
Unemployment rate	8.5%	3	19.0%
Not in labour force	36.3%	8	42.5%
Employed	58.3%	8	46.7%
Work as trades or technical, machinery operator, labourer (% of workers 2016)	37.5%	8	42.4%
Work as manager or professional (% of workers 2016)	26.1%	4	24.9%
Attending educational institution (aged 20+) (2016)	9.8%	5	26.7%
Attending technical or further educational institution, university or other tertiary institution (all ages) (2016)	7.2%	3	16.9%
Needs assistance with core daily activities (disabled) (2016)	7.2%	1	4.5%
Will change address in less than one year (2016)	17.7%	7	37.8%
Will change address in less than five years (2016)	45.8%	12	65.8%

Source: JSA, calculations 2020, based on data from ABS (2016) Census of Population and Housing, Table Builder.

If the proposed Boarding House were to reflect the demography and occupancy of ‘average’ Boarding Houses in Greater Sydney, it is also likely that it would provide flexible and more long-term accommodation for very low and low income workers, casual or contract workers, and people on aged pensions. If owned or leased by a SHP, eligibility requirements is likely to mean that a relatively high proportion will be very low income households, including people on pensions and benefits, as well low income ‘key’ workers needing affordable (discount market rent) housing. The proposed rents would also make rooms attractive and affordable to very low income singles and couples.

## 3.2 Rental Affordability

### 3.2.1 Overview

Given the application for the proposed Boarding House is being made with regard to the provisions of *SEPP Affordable Rental Housing 2009* (SEPPARH) it is relevant to consider the housing affordability context of the locality, and the extent to which the proposed Boarding House in this locality is likely to contribute to the stock of affordable rental dwellings.

Although there is no requirement for Boarding House rooms to be affordable (unlike definitions for ‘affordable rental housing’ elsewhere in SEPPARH), there is a presumption that Boarding Houses will in fact be affordable by virtue of the reduced size and standards such as car parking that apply to such accommodation under the SEPP. The extent to which the proposed Boarding House will contribute to the stock of affordable rental stock in the locality also goes to the question of the likely benefit of the proposed development.

This section therefore sets out relevant affordability benchmarks in accordance with relevant legislation, provides an overview of the affordability context of the locality, and predicts the likely affordability of the proposed Boarding House rooms in this context.

### 3.2.2 Affordable Rental Housing Definition and Benchmarks

Housing is generally considered to be ‘affordable’ when households that are renting or purchasing are able to meet their housing costs and still have sufficient income to pay for other basic needs such as food, clothing, transport, medical care and education.

‘Affordable housing’ has a statutory definition under the NSW Environmental Planning and Assessment Act 1979 (NSW), being housing for very low, low or moderate income households, where ‘very low-income’ households as those on less than 50% of median household income; ‘low-income’ households’ as those on 50-80% of median household income, and ‘moderate-income’ households as those on 80-120% of median household income for Greater Sydney (referred to as ‘Greater Sydney Statistical Area’ in 2016 ABS Census of Population and Housing).

As a commonly used rule of thumb, housing is considered to be affordable where households pay no more than 30% of their gross household income on their rent or mortgage payments. This is often regarded as the point at which such households are at risk of having insufficient income to meet other living costs, and deemed to be in ‘housing stress’. Those paying more than 50% of gross income are regarded as being in ‘severe housing stress’.

The following table provides benchmarks that are used in this policy when referring to ‘affordable housing’, in March Quarter 2020 dollars, and are consistent with relevant NSW legislation.

Table 3-2: Affordable Housing Income and Rental Benchmarks - Greater Sydney

	<b>Very Low Income Household</b>	<b>Low Income Household</b>	<b>Moderate Income Household</b>
Income Benchmark	<50% of Gross Median Household Income for Greater Sydney	50%-80% of Gross Median Household Income for Greater Sydney	80%-120% of Gross Median Household Income for Greater Sydney
Income Range (2)	<\$932 per week	\$933-\$1,492 per week	\$1,493-\$2,238 per week
Affordable Rental Benchmarks (3)	<\$280 per week	\$281-\$448 per week	\$449-\$671 per week

Source: JSA 2020, based on data from ABS (2016) Census of Population and Housing, ABS (2020) Consumer Price Index, indexed to March Quarter 2020 dollars

- (1) All values reported are in March Quarter 2020 dollars
- (2) Total weekly household income
- (3) Calculated as 30% of total household income

It can be seen from the above that for rental to be ‘affordable’ under statutory definitions, rental would need to be **less than \$280 per week** for a very low income household, between **\$281 and \$448 per week** for a low income household, and between **\$449 and \$671 per week** for a moderate income household as per the **Greater Sydney benchmarks**.

### 3.2.3 The Local Affordability Context

For the March Quarter 2020, there were no new bonds registered for bedsitters in the Penrith LGA. The median rental for a bedsitter in Greater Sydney is \$430, more expensive than a third quartile two-bedroom property in the Penrith LGA at \$400.

The median rental price for new bonds for single bedroom flats and units in the Penrith LGA was well below the median for Greater Sydney at \$317 compared with \$490. The median rental price for two bedroom flats and units in Penrith LGA was also below Greater Sydney at \$350 compared to \$540, with similar trends at the lower and upper ends of the market.

Penrith LGA is a much ‘more affordable’ area than the Greater Sydney average, however it remains out of reach or ‘unaffordable’ by definition for most households on very low incomes. This group would find it very difficult to find affordable rental accommodation in Penrith LGA, even for bedsits and single bedroom apartments at the lower end of the market. Very low income households requiring affordable rents less than \$280 per week are largely excluded from the local market, apart from the most basic first quartile one bedroom dwelling.

The affordability situation for different income groups, using the above benchmarks, for various smaller housing products Penrith LGA and Greater Sydney are shown in the table below.



Table 3-3: Weekly rents for new bonds for bedsitters (total), one and two bedroom flats and units in Penrith LGA and Greater Sydney

		Bedsitter (Total)			One Bedroom Flats & Units			Two Bedroom Flats & Units		
		First Quartile	Median	Third Quartile	First Quartile	Median	Third Quartile	First Quartile	Median	Third Quartile
Penrith LGA	Weekly rent	\$-	\$-	\$-	\$250	\$317	\$350	\$290	\$350	\$400
	Affordability				Affordable to upper 11% of very low income band	Affordable to upper 78% of low income band	Affordable to upper 59% of low income band	Affordable to upper 95% of low income band	Affordable to upper 59% of low income band	Affordable to upper 29% of low income band
Greater Sydney	Weekly rent	\$350	\$430	\$517	\$410	\$490	\$570	\$430	\$540	\$670
	Affordability	Affordable to upper 59% of low income band	Affordable to upper 11% of low income band	Affordable to upper 69% of moderate income band	Affordable to upper 23% of low income band	Affordable to upper 82% of moderate income band	Affordable to upper 45% of moderate income band	Affordable to upper 11% of low income band	Affordable to upper 59% of moderate income band	Affordable to upper 0.5% of moderate income band

Source: Department of Communities & Justice, Rent & Sales Report No 131, Rent Tables March Quarter 2020, JSA calculations

### 3.2.4 Rental Stress – Lone Person & Couple Only Households Renting Privately

As at the time of the 2016 ABS Census, the rate of rental stress for lone person and couple only households (small households) renting privately in the Penrith LGA is lower than the rate for Greater Sydney (58% compared with 67%).

Levels of rental stress for very low income privately renting small households are higher in Penrith LGA than for Greater Sydney (85% compared to 79%), with such households making up a greater proportion of all small private renting households (33% in Penrith LGA compared to 25% in Greater Sydney).

Levels of rental stress for low income privately renting small households are lower in Penrith LGA than for Greater Sydney (59% compared to 75%), and levels of rental stress for moderate income privately renting small households are much lower in Penrith compared to Greater Sydney (14% compared to 42%).

This analysis suggests that whilst private rental housing in the Penrith LGA is likely to be affordable for a large proportion of lone person and couple only households renting privately earning moderate or higher incomes, there is a shortage of affordable private rental housing for low and very low income singles and couples – particularly very low income earners where 53% of these households were in severe stress at the time of the Census.

Table 3-4: Rental Stress, Lone Person & Couple Only Households Renting Privately, Penrith LGA compared with Greater Sydney, 2016

<b>Lone Person &amp; Couple Only Households Renting Privately</b>	<b>Penrith LGA</b>		<b>Greater Sydney</b>
	<b>No.</b>	<b>5,940 households</b>	<b>203,958 households</b>
<b>Very low, low and moderate income</b>	<b>4,650</b>	<b>78% of all privately renting lone person &amp; couple only households</b>	<b>61% of all privately renting lone person &amp; couple only households</b>
Not in Stress	1,929	41%	33%
Moderate Stress	1,647	35%	37%
Severe Stress	1,074	23%	29%
Total Stress	2,721	58%	67%
<b>Very Low Income</b>	<b>1,934</b>	<b>33% of all privately renting lone person &amp; couple only households</b>	<b>25% of all privately renting lone person &amp; couple only households</b>
Not in Stress	295	15%	21%
Moderate Stress	614	32%	20%
Severe Stress	1,026	53%	59%

<b>Lone Person &amp; Couple Only Households Renting Privately</b>	<b>Penrith LGA</b>		<b>Greater Sydney</b>
	<b>No.</b>	<b>5,940 households</b>	<b>203,958 households</b>
Total Stress	1,639	85%	79%
<b>Low Income</b>	<b>1,564</b>	<b>26% of all privately renting lone person &amp; couple only households</b>	<b>19% of all privately renting lone person &amp; couple only households</b>
Not in Stress	641	41%	25%
Moderate Stress	876	56%	58%
Severe Stress	47	3%	17%
Total Stress	923	59%	75%
<b>Moderate Income</b>	<b>1,152</b>	<b>19% of all privately renting lone person &amp; couple only households</b>	<b>18% of all privately renting lone person &amp; couple only households</b>
Not in Stress	994	86%	58%
Moderate Stress	157	14%	39%
Severe Stress	1	0%	3%
Total Stress	158	14%	42%
<b>Very Low and Low Income</b>	<b>3,498</b>	<b>59% of all privately renting lone person &amp; couple only households</b>	<b>43% of all privately renting lone person &amp; couple only households</b>
Not in Stress	936	27%	23%
Moderate Stress	1,490	43%	36%
Severe Stress	1,073	31%	41%
Total Stress	2,562	73%	77%
<b>Higher Income Households</b>	<b>1,290</b>	<b>22% of all privately renting lone person &amp; couple only households</b>	<b>39% of all privately renting lone person &amp; couple only households</b>

Source: JSA, calculations 2020, based on data from ABS Census of Population and Housing 2016

### 3.2.5 Groups that would benefit from the proposal

The proposed Boarding House has the potential to be a significant benefit to very low and low income lone person and couple only private renters that are currently experiencing moderate and severe housing stress, including very low and low income workers and students, and people on

pensions and benefits, particularly if rental costs for the proposed development are set at prices that are genuinely affordable for these key groups in locality.

### 3.3 Existing Boarding House Accommodation

Across the Penrith LGA on Census night 2016, there were a total of 24 persons enumerated in a 'Boarding House, private hotel', representing 0.01% of the resident population of the area. In 2016, the ABS data indicated that there were 3 'Boarding House, private hotels' in the Penrith LGA and 0 Boarding Houses/private hotels were enumerated in Kingswood Suburb.

By comparison, 0.15% of the population of Greater Sydney was counted in Boarding Houses or private hotels, suggesting that Penrith LGA is under supplied with this form of accommodation.

The NSW Department of Fair Trading Boarding House Register shows four (General Registerable) Boarding Houses registered in the Penrith LGA including three registered Boarding Houses in the Kingswood suburb and one in the North St Marys suburb.<sup>10</sup>

A Google Maps search of the four registered Boarding Houses in the Penrith LGA<sup>11</sup> show that three of the four are newly constructed 'New Generation Boarding Houses'. The figure below shows the two adjacent Boarding Houses at Second Avenue, Kingswood.

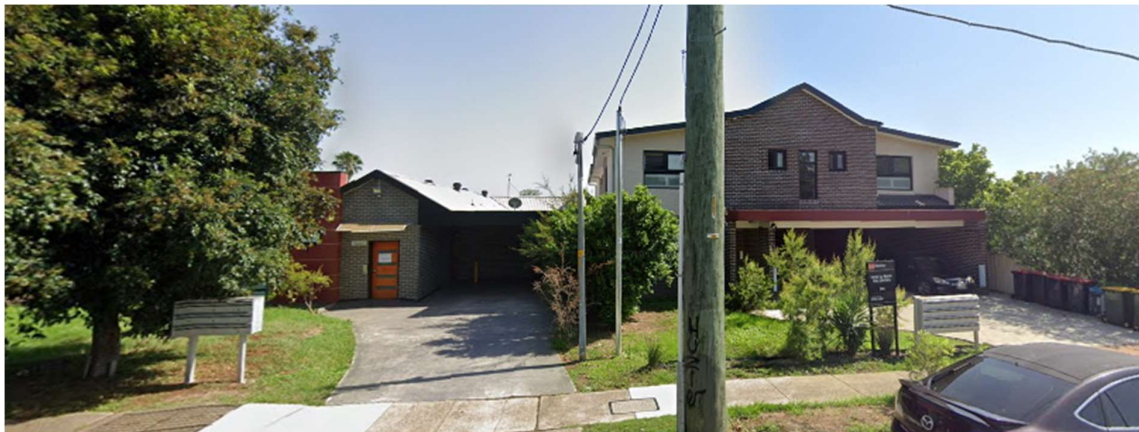


Figure 3.1: Registered 'New Generation Boarding Houses' at 51 & 53 Second Avenue, Kingswood

Source: Google Maps, Image Capture January 2019

It is noted that during the site visit and survey of neighbours a number of additional Boarding Houses in the locality were identified, which were not developed at the time of the 2016 Census and are currently not listed in the Department of Fair Trading's Boarding House Register.

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<sup>10</sup> NSW Fair Trading, Boarding House Register, <http://parkspr.fairtrading.nsw.gov.au/BoardingHouse.aspx>, accessed 11/06/2020.

<sup>11</sup> 42 Manning Street, Kingswood; 51 Second Avenue, Kingswood; 53 Second Avenue, Kingswood; 197 Maple Road, North St Marys.

## 3.4 Social Housing

At the time of the 2016 Census, the supply of social housing in the Penrith LGA at 4.8% of occupied private dwellings is equivalent to the Greater Sydney average of 4.6%.

In 2016, there were around 2,969 social housing dwellings in the Penrith LGA, including 2,609 (88%) rented through the Department of Communities and Justice and 360 (12%) rented through a housing co-operative, community or church group.

Of these social housing dwellings, 18% were one bedrooms or bedsits. Around 91% percent of these one bedroom and bedsit dwellings were occupied by single persons, 3% were occupied by single parent families and 4% by couples without children.<sup>12</sup>

The Kingswood suburb has a much higher rate of social housing dwellings compared to Greater Sydney, with 408 social housing dwellings or 12.2% of all dwellings in the suburb.

The SA1 in which the proposed Boarding House is located had 12 social housing dwellings enumerated at the 2016 Census, 5.1% of occupied private dwellings.

## 3.5 Snapshot of rental opportunities in Kingswood and surrounding suburbs

A search of [www.Domain.com.au](http://www.Domain.com.au) was conducted on 10 June, 2020 for studio and one bedroom accommodation (including granny flats) in Kingswood and suburbs within approximately five kilometres of the proposed site. These suburbs included Cambridge Park, Emu Plains, Jordan Springs, Penrith, South Penrith and Werrington County.

In the suburb of **Kingswood** there were three **studio** apartments available with rentals between \$208 and \$240 and a **one bedroom** granny flat with a rental of \$260.00 per week. These four properties made up 6% of all rental stock in Kingswood.

Within an approximately **five kilometre radius** there were an additional 19 properties for rent with one **studio** apartment available for \$260 per week and 18 **one bedroom** properties available with a median rent of \$347.00. These 19 properties comprised 7% of all the surrounding rental stock. Of these 19 properties, five would be affordable for **very low, low and moderate** income renters and 14 properties would be available to **low and moderate** income households<sup>13</sup>.

In the Penrith LGA the Rent and Sales Report for March 2020<sup>14</sup> did not report a median rental for studio accommodation flats/units. The **median rental** for a one bedroom unit was \$317.00.

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<sup>12</sup> ABS (2016) Census of Population and Housing, Place of Enumeration, accessed via Table Builder.

<sup>13</sup> JSA 2020 based on data from ABS (2016) Census of Population and Housing, ABS (2020) Consumer Price Index, indexed to March Quarter 2020 dollars

<sup>14</sup> Department of Communities & Justice, Rent and Sales Report – Interactive Dashboard, [www.facs.nsw.gov.au/resources/statistics/rent-and-sales/dashboard](http://www.facs.nsw.gov.au/resources/statistics/rent-and-sales/dashboard)

## 3.6 Affordability of Proposed Boarding House

We have been advised by the Applicant that the average rental cost will be \$240 per week, with the smallest single occupancy room renting for approximately \$200 per week. This appears reasonable, given double rooms in a new generation Boarding House generally rent for around 80% of the local median for a one-bedroom unit.

As such, rents would be affordable to many very low income households. Given the affordability context of the Penrith LGA, which includes high levels of housing stress among very low income private renting single and couple only households, this would be a significant benefit of the project.

As noted, it is intended that the proposed Boarding House will be owned or leased by a social housing provider, which would be a further benefit of the proposal in the context of serious affordable housing need.

## 4 Crime context

NSW Bureau of Crime Statistics and Research (BoCSAR) reports that,

“Hotspot maps illustrate areas of high crime density relative to crime concentrations in NSW. The hotspots indicate areas with a high level of clustering of recorded criminal incidents for the selected offence...LGAs with crime hotspots do not necessarily have high count of incidents relative to other LGAs. This is because hotspots reflect the density of incidents in specific areas and not the number of incidents in the entire LGA. Hotspots are not adjusted for the number of people residing in or visiting the LGA and so do not necessarily reflect areas where people have a higher than average risk of victimisation.”<sup>15</sup>

**Appendix B** provides a review of NSW BOCSAR crime statistics (two year trend and rate per 100,000 population) and hotspot maps for the Kingswood suburb, with the proposal site identified.

The State Suburb of Kingswood has a much higher rate of crime across all major crime types, including:

- Around 4 times NSW rate of Robbery;
- Around 3 times the NSW rate of Theft – Steal from Person, Steal from Dwelling, Theft – Steal from Motor Vehicle, Theft – Break and Enter Dwelling, and Assault (Domestic),
- Around 2 times the NSW rate of Assault (Non-Domestic), Malicious Damage, and Theft – Motor Vehicle.

The proposed Boarding House is on the edge of major hotspots for Theft – Break and Enter Dwelling, Theft – Steal from Motor Vehicle and Theft –Motor Vehicle, as shown in **Appendix B**.

This has implications for safety and security of the Boarding House facility, and any resident vehicles that are parked on or off site.

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<sup>15</sup> Burgess, M (2011) Understanding crime hotspot maps, NSW Bureau of Crime Statistics and Research, Crime and Justice Statistics, Bureau Brief, Issue paper no 60, April, Pg 3.

# 5 Amenity

## 5.1 Boarding House Residents

### 5.1.1 Internal Amenity

All room sizes shown on the drawings exceed the minimum allowable size under clause 29 of the SEPP. All rooms contain private bathrooms and kitchen facilities. We have been advised by the Applicant that kitchens will include two-burner cooktop, microwave, kettle, refrigerator and all cutlery, crockery, pots and pans. Details of kitchens storage are not shown on the drawings provided. Common laundry facilities are located at ground level and containing one washing machine. A clothesline is shown at the rear of the site, accessible from the common living/dining area, however the dimensions are not shown.

### 5.1.2 External Amenity

An outdoor space of 21.02 m<sup>2</sup> is shown. Enhancement, such as landscaping and seating, is not shown on the drawings. The open space has a northerly aspect and so would be expected to be sunny for part of the day.

## 5.2 Residents living in the locality

### 5.2.1 Parking

The development provides three parking spaces, in accordance with standards for development carried out by or on behalf of a social housing provider in an accessible area. At the time of the site visit, there was adequate on street parking available.

It is noted that parking lines are on Manning Street and residents surveyed reported that the area is utilised for on-street parking by those attending the University of Western Sydney, Kingwood Campus which is accessible via a walking path adjacent to the south of 48 Manning Street. As the site visit was undertaken on a weekend, and when the University is closed during the coronavirus pandemic, this parking situation was not observed by JSA.

### 5.2.2 Noise and privacy

There may be noise impacts from residents using the private open space area, although this area is well set back from adjacent properties. Potential impacts could be managed by time restrictions on use of the area. A number of second floor windows overlook adjacent properties, including Rooms 10, 11 and 12, with the remaining rooms overlooking the street. Potential privacy impacts could be mitigated by appropriate screening of the windows to Rooms 10, 11 and 12. Privacy impacts could be further mitigated by the provision of 1.8 metre fencing between the development and adjacent lots.



## 5.3 Survey of neighbours & local residents

JSA carried out a doorknock survey of residents living in close proximity to the proposed Boarding House at **3 Edward St, Kingswood** between 2.30 pm and 4.30 pm on Saturday 13 June 2020. These households would be most likely to experience any adverse amenity impacts from the proposed Boarding House.

Thirteen households on Edward St, Edith St and Manning St, within approximately 100 metres, were door knocked. Of these, six surveys were completed, two were refused and six were not at home. Letters were left at houses where no one was home, providing for an opportunity to complete the survey by telephone, with two completed by telephone interview.

Of the seven surveyed, five were owner occupiers and two were private renters. Respondents reported that positive aspects of the locality were mainly that it is a 'quiet', 'peaceful', 'family' area; its proximity to shops and public transport; and that rent is relatively affordable. More negative aspects of the locality were reported to be the increased presence of Boarding Houses in the locality; problems with parking and traffic; while one reported that 'safety' can be an issue in the locality in more recent years with changes to the tenure profile of the area. Five respondents felt 'quite' or 'very positive' about the locality overall, while one felt 'neutral' and one 'quite negative about living in the area.

None of the respondents were aware of the proposal to develop a Boarding House prior to participating in the survey. Only one respondent cited potential positive impacts, with this being that it would be more affordable accommodation for students from nearby tertiary institutions.

In terms of concerns about the potential for negative impacts from the proposed Boarding House, one stated that they did not anticipate any negative impacts, and six stated that they had concerns. These related to:

- The increased concentration of Boarding Houses in the locality, including social problems with existing Boarding Houses, concerns about the type of people who would live in the proposed Boarding House; possible drug dealing near the facilities; and a reported lack of effective management of existing facilities;
- Increased problems with on street parking and traffic congestion in the locality, which was already reported to be problematic in a 'small street';
- Noise and privacy impacts;
- Increased litter in the environment.

In relation to the potential for increased social problems, mitigations proposed were:

- Care in the selection of tenants for the proposed Boarding House;
- Strict House Rules and Plan of Management that are enforced;
- Presence of an onsite manager and appropriate complaints procedure that is implemented.

There were no other proposed mitigations, and concerns that once approved, it would be difficult for surrounding residents' views and concerns to be heard. It is noted that this needs to be clearly addressed in the Plan of Management.

## 5.4 The potential for community opposition to the proposed development

Some 'new generation' Boarding House developments have been portrayed in the media, particularly in Sydney, as highly controversial and a lightning rod for community opposition regarding the 'type' of people who they fear will be future tenants (e.g. 'transients', 'paedophiles', 'deviants' and 'drug addicts').<sup>16</sup> However, recent JSA research on community resistance to affordable housing developments<sup>17</sup> shows how these types of development will have varying levels of opposition due to a variety of factors including the location of the development, the size, scale and design of the development, the way in which the development is marketed by private proponents, and the quality and responsiveness of management once operational.

This JSA research profiled a number of case study developments with varying levels of community opposition at DA stage. Post occupancy surveys in all cases indicated that there were no problems experienced in relation to these developments once occupied. It also indicates that there is no evidence that community fears about deviants and problem tenants have been realised in such developments. Of relevance, four of the case studies were for Boarding House developments in the Greater Sydney area. Only one of these developments was controversial to neighbours during the planning process. Neighbours who responded to a post-occupancy survey by JSA indicated that no adverse impacts have been experienced in the locality since development and occupancy.

As detailed above, the doorknock survey of neighbours and local residents revealed that most have concerns about the proposal. Overall, the level of concern about the proposal was relatively high six out of seven respondents indicating that they had concerns about the proposal, which suggests that there is likely to be some community opposition to the proposal.

Resident concerns related to social issues are generally able to be addressed through the Plan of Management and other recommended mitigations.

JSA has not sighted a Traffic and Parking Report for this proposal. We defer to the expertise of relevant parking and traffic experts with regard to the need for mitigations with regard to any impacts on on-street parking.

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<sup>16</sup> For an example, 'You wouldn't like a Boarding House next to your home': Cromer residents speak out against development, Sydney Morning Herald, 14 October 2015, accessed online at <http://www.smh.com.au/nsw/you-wouldnt-like-a-boarding-house-next-to-your-home-cromer-residents-speak-out-against-development-20151014-gk9byh.html#ixzz48sCVLBpz>

<sup>17</sup> Judith Stubbs and Associates (2016) *Responding to Community Resistance to Affordable Housing Developments*, Reports prepared for the NSW Federation of Housing Associations.

# Appendix A: Demographic Profile of Locality

To gain an understanding of the context of the proposed Boarding House site, a demographic profile have been provided for SA1 1146239 (the smallest Census area containing the proposal site with a population of 664 people in 2016) in comparison with demographics for Kingswood State Suburb, Penrith City LGA and Greater Sydney. This information has been separated into selected person characteristics, education, employment and income and dwelling characteristics using data for place of usual residence.

## Statistical Area Level 1, 1146239

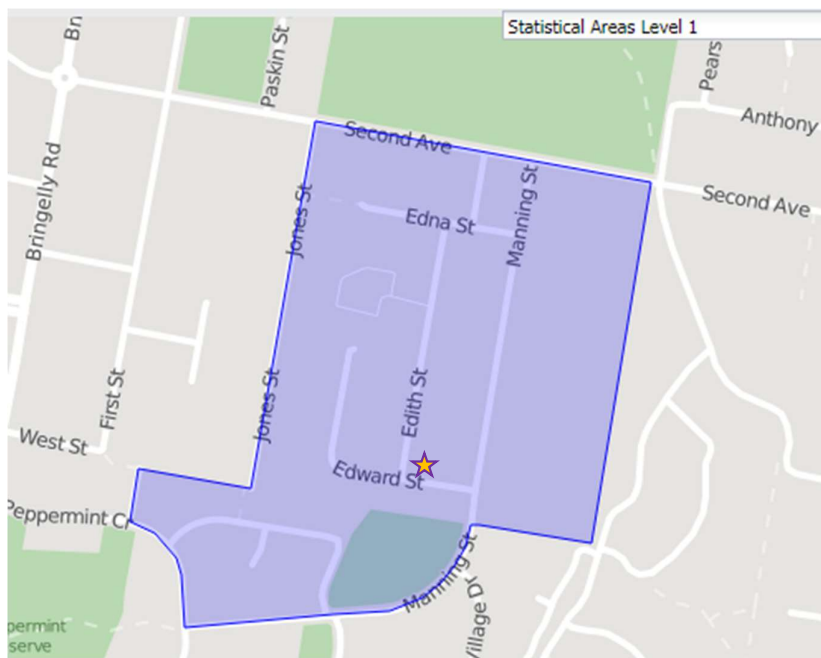


Figure A-1: Statistical Area Level 1, 1146239 with 3 Edward Street, Kingswood indicated with star

Source: [www.abs.gov.au](http://www.abs.gov.au)

# Kingswood State Suburb

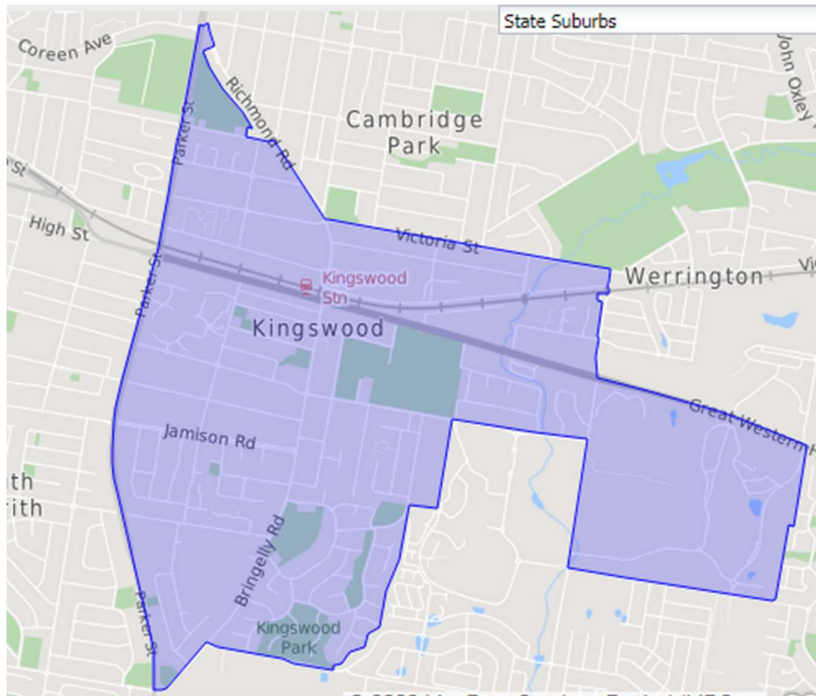


Figure A-2: Kingswood State Suburb

Source: [www.abs.gov.au](http://www.abs.gov.au)

# Penrith LGA

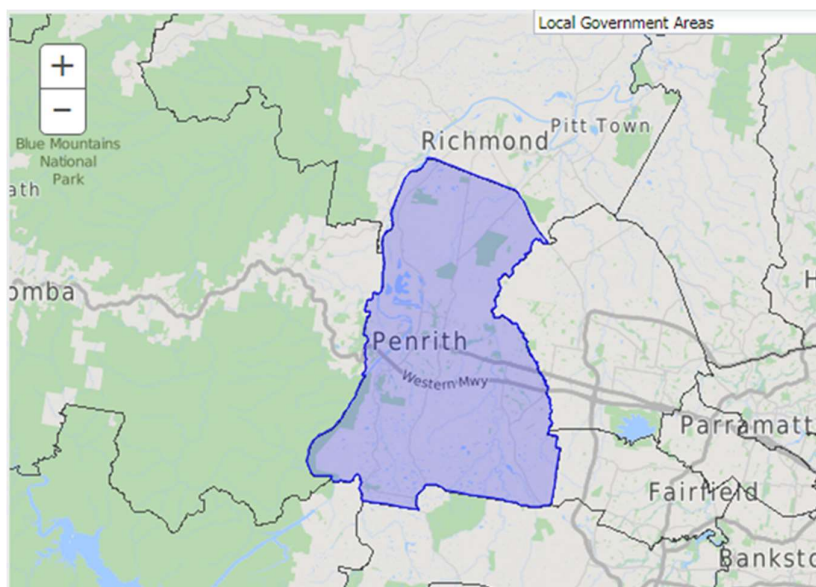


Figure A-3: Penrith Local Government Area

Source: [www.abs.gov.au](http://www.abs.gov.au)

# Greater Sydney

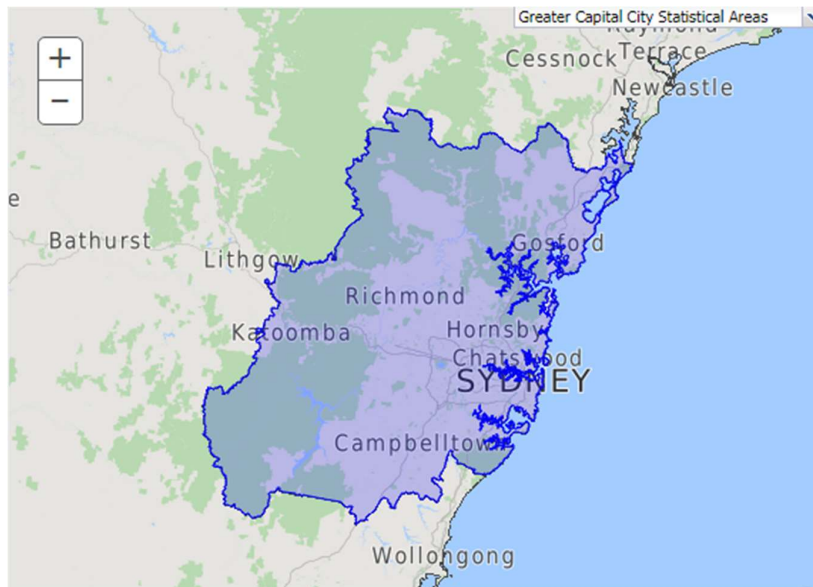


Figure A-4: Greater Sydney – Greater Capital City Statistical Area

Source: [www.abs.gov.au](http://www.abs.gov.au)

## Overview

The SA1 where the proposed Boarding House is located is characterised as an area similar to the Penrith LGA average. While it ranks among the bottom 40% of SA1s in Australia and NSW across the four Socio-Economic Index for Areas (SEIFA) indices, it is much less disadvantaged than the Kingswood suburb. Kingswood ranks among the most disadvantaged 20% of suburbs in Australia for three of the indices and among the lowest 10% of suburbs for Australia and NSW for the socio-economic index of economic resources.

The area has a larger proportion of Indigenous residents than Greater Sydney, similar to the suburb and LGA. It has a slightly higher proportion of those in need of assistance with a core daily activity compared to Penrith LGA and Greater Sydney, but lower than the suburb. Levels of post-schooling qualifications and Year 12 completion rates in the local area are similar to Kingswood suburb and Penrith LGA, which are all below Greater Sydney.

Rate of those not in the labour force is similar in the SA1 to the benchmark areas. As at the 2016 Census, the unemployment rate in the SA1 was similar to the LGA and Greater Sydney, and below the Kingswood suburb.

Personal income levels are higher in the SA1 than the Kingswood suburb, and just below the Penrith LGA and Greater Sydney. Household income levels in the SA1 are above the Kingswood suburb, but below the Penrith LGA and Greater Sydney averages.

The dwelling structure in the SA1 and Kingswood suburb is quite different to Penrith LGA, with a much greater proportion of dwellings that are semi-detached, compared with 12% for the LGA

and 14% for Greater Sydney. The SA1 has a greater proportion of dwellings that are separate houses compared to Kingswood suburb (66% compared to 47%), which is well below the Penrith LGA at 80% but above the Greater Sydney average of 55%. The SA1 has a similar proportion of dwellings that are flats and units compared to Penrith LGA (6% and 7%), which are at much lower levels than the Kingswood suburb or Greater Sydney (18% and 30% respectively).

The SA1 has a similar proportion of dwellings that are in ownership (outright or being paid with a mortgage) at 62% compared to Greater Sydney (64%). The SA1 has very low levels of dwellings rented socially (public or community housing provider) at 1.7% compared to 12.2% in Kingswood suburb, and 5% in Penrith LGA and Greater Sydney.

The SA1 has the same rate of car ownership to the Penrith LGA, with 6% of households owning no motor vehicle; which is much lower than the Kingswood suburb where 14% of households report no motor vehicles at the dwelling.

## Socio-Economic Indexes for Australia (SEIFA)

The table below shows the scores and decile rankings for areas in NSW and Australia for the SA1 and Kingswood suburb for the four SEIFA indexes.

The table below shows the scores and decile rankings for areas in NSW and Australia for the SA1 and Kingswood suburb for the four SEIFA indexes.

The SA1 area around the proposal site ranks among the bottom 40% of SA1's in Australia and NSW across each of the four SEIFA indices (lowest 50% of SA1's in NSW for the Index of Relative Socio Economic Disadvantage). However, the SA1 has lower levels of disadvantage than the Kingswood suburb across the four indices. The Kingswood suburb is among the most disadvantaged 20% of suburbs in Australia and NSW for index of relative socio-economic disadvantage, advantage and disadvantage and education and occupation (lowest 30% of suburbs in NSW for education and occupation), and among the lowest 10% of suburbs for Australia and NSW for the index of economic resources. The ABS advises that, *“A low score indicates a relative lack of access to economic resources in general. For example, an area may have a low score if there are many households with low income, or many households paying low rent, AND few households with high income, or few owned homes.”*<sup>18</sup>

Table A.1: SEIFA Scores and Decile Rankings for SA1 1146239 and Kingswood Suburb

	SA1 1146239	Kingswood Suburb
<b>Index of Relative Socio Economic Disadvantage</b>		
Score	992	919
Decile ranking within NSW	5	2
Decile ranking within Australia	4	2

<sup>18</sup> ABS (2016) Census of Population and Housing: Socio-Economic Indexes for Areas (SEIFA), Australia.

SA1 1146239 Kingswood Suburb		
<b>Index of Relative Socio Economic Advantage and Disadvantage</b>		
Score	971	916
Decile ranking within NSW	4	2
Decile ranking within Australia	4	2
<b>Index of Economic Resources</b>		
Score	971	899
Decile ranking within NSW	4	1
Decile ranking within Australia	4	1
<b>Index of Education and Occupation</b>		
Score	954	932
Decile ranking within NSW	4	3
Decile ranking within Australia	4	2

Source: ABS (2016) SEIFA

## Person Characteristics

The SA1 of the proposal site, 1146239 has a greater proportion of males compared to Kingswood suburb, Penrith LGA and Greater Sydney; and an age profile that is similar to the benchmark areas. The SA1, Kingwood suburb and Penrith LGA have higher proportions of residents from an Indigenous background compared to Greater Sydney, between 4-5% of these populations compared to 1.5%. The SA1 has a slightly higher proportion of those in need of assistance with a core daily activity at 6.5% of residents compared to Penrith LGA (5.5%) and Greater Sydney (5.2%), but lower than the Kingswood suburb at 7.2%.

Table A-2: Selected person characteristics of residents of SA1 1146239, Kingswood Suburb and Penrith LGA compared with Greater Sydney

	SA1 1146239	Kingswood State Suburb	Penrith LGA	Greater Sydney
<b>Sex</b>				
Male	52.7%	49.2%	49.4%	49.3%
Female	47.6%	50.8%	50.6%	50.7%
<b>Age</b>				
0-9	12.7%	15.0%	14.6%	12.8%

	SA1 1146239	Kingswood State Suburb	Penrith LGA	Greater Sydney
10-19	16.3%	11.1%	13.1%	11.8%
20-29	14.3%	16.2%	14.9%	15.0%
30-39	12.2%	15.6%	14.9%	15.5%
40-49	13.4%	13.0%	13.3%	13.7%
50-59	11.0%	10.9%	12.3%	12.2%
60-69	10.7%	9.7%	9.7%	9.5%
70-79	6.8%	5.5%	4.8%	5.7%
80-89	1.5%	2.4%	2.0%	3.0%
90+	1.7%	0.6%	0.4%	0.7%
<b>Indigenous Profile (INGP)</b>	4.4%	4.6%	4.2%	1.5%
<b>Needs Assistance with Core Daily Activities</b>	6.5%	7.2%	5.5%	5.2%

Source: JSA, calculations 2020, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1146239, Kingswood Suburb, Penrith LGA and Greater Sydney.

## Country of birth

The SA1, Kingswood Suburb and Penrith LGA are characterised by high proportions of those born in Australia (68%, 64% and 72% respectively) compared with Greater Sydney (57%). Predominate countries of birth amongst SA1 resident population include England, India, New Zealand and Philippines which is a similar profile to the suburb and LGA.

Table A-3: Top 5 country of birth responses for residents of SA1 1146239, Kingswood State Suburb and Penrith LGA compared with Greater Sydney

	SA1 1146239	Kingswood State Suburb	Penrith LGA	Greater Sydney
1	Australia (68%)	Australia (64%)	Australia (72%)	Australia (57%)
2	England (4%)	India (5%)	England (3%)	China (excludes SARs and Taiwan) (5%)
3	India (3%)	England (3%)	New Zealand (2%)	England (3%)
4	New Zealand (3%)	New Zealand (2%)	Philippines (2%)	India (3%)
5	Philippines (2%)	Philippines (2%)	India (2%)	New Zealand (2%)

Source: JSA, calculations 2020, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1146239, Kingswood Suburb, Penrith LGA and Greater Sydney.



## Education

The SA1 has similar levels of post-schooling qualifications to Kingswood suburb and Penrith LGA, which are below Greater Sydney. Between 11-13% of residents hold a Bachelor's Degree in the SA1, suburb or LGA compared to 22% for the Greater Sydney average; correspondingly larger proportions of residents in these areas hold Certificate Level qualifications than average.

Table A-4: Secondary and Tertiary education completed by residents of SA1 1146239, Kingswood State Suburb and Penrith LGA compared with Greater Sydney

Indicator	SA1 1146239	Kingswood State Suburb	Penrith LGA	Greater Sydney
<b>Post-Schooling Qualification (All people)</b>				
Post-Graduate	5%	5%	3%	8%
Grad. Dip/Grad Cert.	2%	1%	1%	2%
Bachelor Degree	13%	12%	11%	22%
Adv. Dip/Dip Level	8%	9%	10%	11%
Cert. Level (I, II, III & IV)	23%	20%	23%	14%

Source: JSA, calculations 2020, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1146239, Kingswood Suburb, Penrith LGA and Greater Sydney. Pro rata not stated responses.

School completion rates are lower in the SA1, suburb and LGA compared to Greater Sydney, with 49% of residents completing Year 12 in the SA1 compared with 65% for Greater Sydney.

Table A-5: Highest year of secondary education (people aged 15+) for SA1 1146239, Kingswood State Suburb and Penrith LGA compared with Greater Sydney

Indicator	SA1 1146239	Kingswood State Suburb	Penrith LGA	Greater Sydney
<b>Highest Year of Secondary Education (people aged 15+)</b>				
Year 12	49%	48%	47%	65%
Year 11	8%	7%	8%	5%
Year 10	29%	29%	32%	18%
Year 9	10%	9%	8%	5%
Year 8 or below	4%	6%	5%	4%
Did not go to school	1%	1%	1%	1%

Source: JSA, calculations 2020, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1146239, Kingswood Suburb, Penrith LGA and Greater Sydney.

## Employment & Income

The SA1 has the same proportion of those not in the labour force at 34% compared to the Kingswood suburb (36%), Penrith LGA (31%) and Greater Sydney (34%). As at the 2016 Census, the unemployment rate in the SA1 at 5.5%, similar to the LGA at 5.7% and Greater Sydney at 6%, and below the Kingswood suburb at 8.5%.

The main industries of employment in the SA1 and Kingswood suburb are health care and social assistance, retail trade, education and training and construction.

Personal income levels are higher in the SA1 than the Kingswood suburb, and just below the Penrith LGA and Greater Sydney. Household income levels in the SA1 are above the Kingswood suburb, but below the Penrith LGA and Greater Sydney averages.

Table A-6: Employment and Income demographics of SA1 1146239, Kingswood State Suburb and Penrith LGA compared with Greater Sydney

Indicator	SA1 1146239	Kingswood State Suburb	Penrith LGA	Greater Sydney
<b>Labour Force Status</b>				
Employed	62.2%	58.3%	65.0%	61.7%
Not in the Labour Force	33.9%	36.3%	31.1%	34.4%
Unemployment rate	5.5%	8.5%	5.7%	6.0%
<b>Top Industries of Employment</b>				
-	Health Care & Social Assistance (14%)	Health Care & Social Assistance (16%)	Construction (12%)	Health Care & Social Assistance (12%)
-	Retail Trade (13%)	Retail Trade (11%)	Health Care & Social Assistance (12%)	Professional, Scientific & Technical Services (10%)
-	Education and Training (10%)	Construction (9%)	Retail Trade (11%)	Retail Trade (10%)
-	Construction (10%)	Manufacturing (8%)	Manufacturing (8%)	Construction (10%)
<b>Median Weekly Income (2016 \$)</b>				
Personal	\$705	\$640	\$728	\$719
Household	\$1,542	\$1,224	\$1,656	\$1,747

Source: JSA, calculations 2020, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1146239, Kingswood Suburb, Penrith LGA and Greater Sydney.

## Dwelling Characteristics

Based on the Census reporting, the dwelling structure in the SA1 and Kingswood suburb is quite different to Penrith LGA, with a much greater proportion of dwellings that are semi-detached at 27% for the SA1 and 34% for the suburb, compared with 12% for the LGA and 14% for Greater Sydney. The SA1 has a greater proportion of dwellings that are separate houses compared to Kingswood suburb (66% compared to 47%), which is well below the Penrith LGA at 80% but above the Greater Sydney average of 55%. The SA1 has a similar proportion of dwellings that are flats and units compared to Penrith LGA (6% and 7%), which are at much lower levels than the Kingswood suburb or Greater Sydney (18% and 30% respectively).

The SA1 has a similar proportion of dwellings that are in ownership (outright or being paid with a mortgage) at 62% compared to Greater Sydney (64%). The SA1 has very low levels of dwellings rented socially (public or community housing provider) at 1.7% compared to 12.2% in Kingswood suburb, and 5% in Penrith LGA and Greater Sydney.

The SA1 has the same rate of car ownership to the Penrith LGA, with 6% of households owning no motor vehicle; which is much lower than the Kingswood suburb where 14% of households report no motor vehicles at the dwelling.

Table A-7: Dwelling characteristics in SA1 1146239, Kingswood State Suburb and Penrith LGA compared with Greater Sydney

Indicator	SA1 1146239	Kingswood suburb	Penrith City LGA	Greater Sydney
<b>Dwelling Structure</b>				
Separate House	65.9%	47.4%	80.3%	55.3%
Semi-detached, row or terrace house, town house etc	26.7%	34.2%	12.3%	14.0%
Flat, unit or apartment	5.9%	18.0%	6.9%	30.0%
Other dwelling type (caravan, cabin, houseboat, improvised, house or flat attached to shop, office, etc)	1.6%	0.4%	0.5%	0.7%
<b>Tenure &amp; Landlord Type</b>				
Owned outright/with mortgage	61.7%	46.1%	68.4%	63.9%
Rented (private)	33.9%	40.5%	25.9%	29.8%
Rented (public)	1.7%	10.2%	4.2%	4.3%
Rented (community)	0.0%	2.0%	0.6%	0.7%
<b>Number of motor vehicles per dwelling</b>				
None	6.2%	14.2%	6.3%	11.6%
One	43.4%	46.5%	32.1%	38.5%

<b>Indicator</b>	<b>SA1 1146239</b>	<b>Kingswood suburb</b>	<b>Penrith City LGA</b>	<b>Greater Sydney</b>
Two	33.2%	27.8%	38.4%	33.8%
Three	8.8%	7.8%	14.1%	10.5%
Four or more	5.3%	3.6%	9.1%	5.7%

Source: JSA, calculations 2020, based on data from ABS Census of Population and Housing 2016, Place of Usual Residence for SA1 1146239, Kingswood Suburb, Penrith LGA and Greater Sydney. Pro rata not stated responses.

## Appendix B: NSW BoCSAR Crime Data & Maps

The table below shows the two year trend and the incident rate (per 100,000 population) for Kingswood **suburb** compared to NSW for a range of offence types. Crime hotspot maps for a range of offences for Kingswood suburb for the period April 2019 to March 2020 (the most recent period available at the time of writing) follow.

Table B-1: NSW BoCSAR Incident Rates Kingswood State Suburb – 2 Year Trend to Mar 2020

Offence Type	Area	2 Yr Trend to September 2019	Rate (per 100,000 population)
Assault – Non Domestic	Kingswood Suburb	Stable	945.0
	NSW	Up 0.7% per year	398.7
Assault - Domestic	Kingswood Suburb	Stable	1178.8
	NSW	Up 4.1% per year	393.8
Malicious Damage	Kingswood Suburb	Stable	1558.7
	NSW	Stable	701.8
Robbery	Kingswood Suburb	n.c.	126.6
	NSW	Stable	31.0
Steal from Dwelling	Kingswood Suburb	Stable	428.6
	NSW	Stable	235.9
Theft – Break and Enter	Kingswood Suburb	Stable	974.2
	NSW	Stable	316.2
Theft - motor vehicle theft	Kingswood Suburb	Stable	399.4
	NSW	Stable	167.4
Theft – steal from motor vehicle	Kingswood Suburb	Stable	1217.7
	NSW	Stable	471.4
Theft - break & enter dwelling	Kingswood Suburb	Stable	974.2
	NSW	Stable	316.2
Theft - steal from person	Kingswood Suburb	n.c.	126.6
	NSW	Down 10.4% per year	44.7

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 10/06/2020.

# NSW BoCSAR Crime Hotspot Maps

## Assault Domestic

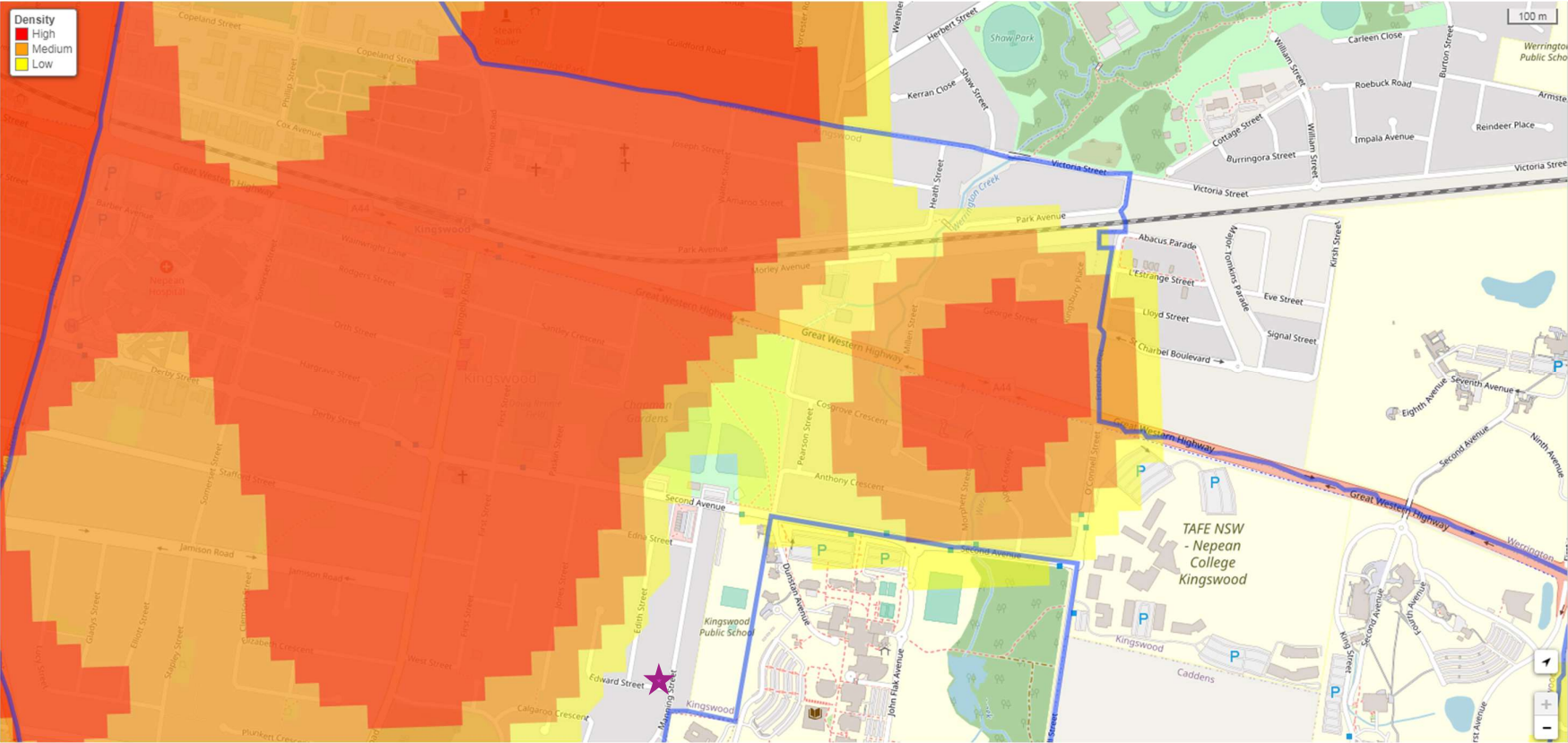


Figure B-1: Incidents of Assault (Domestic assault) from April 2019 to March 2020, Kingswood suburb boundary identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 10/06/2020.

## Assault Non-Domestic

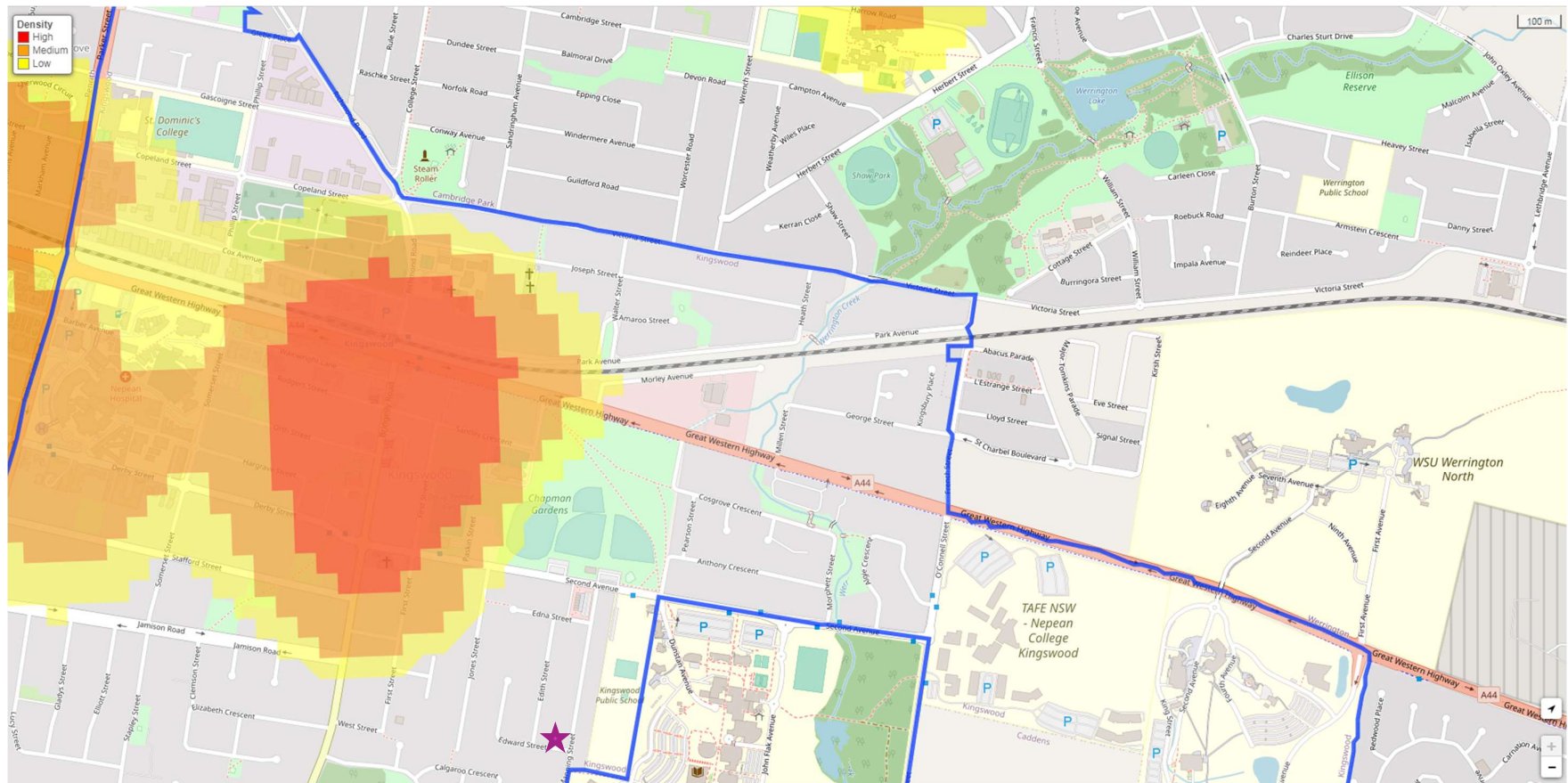


Figure B-2: Incidents of Assault (Non-domestic assault) from April 2019 to March 2020, Kingswood suburb boundary identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 10/06/2020.

# Robbery

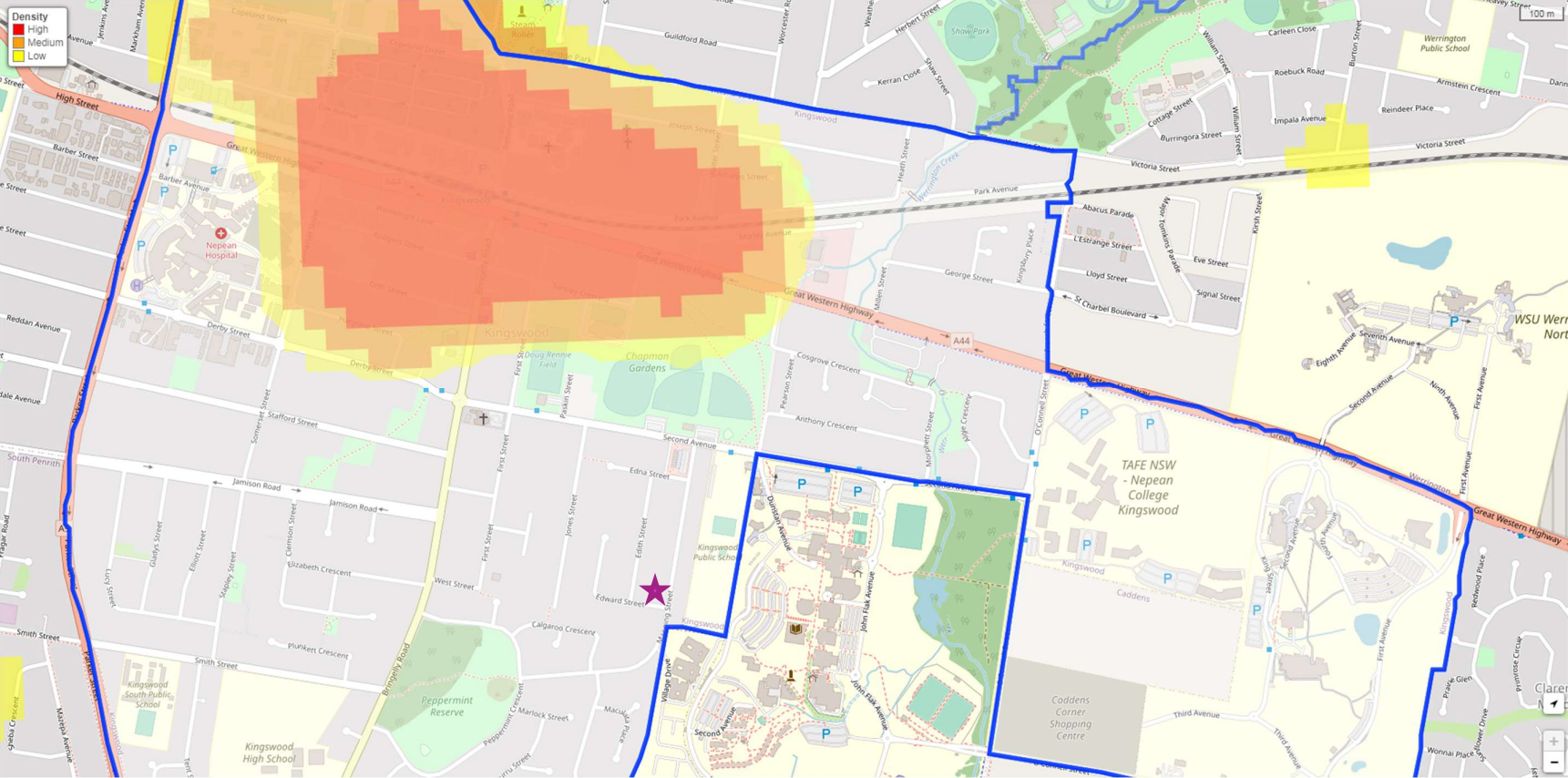


Figure B-3: Incidents of Robbery from April 2019 to March 2020, Kingswood suburb boundary identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 10/06/2020.



## Theft - Break and Enter Dwelling

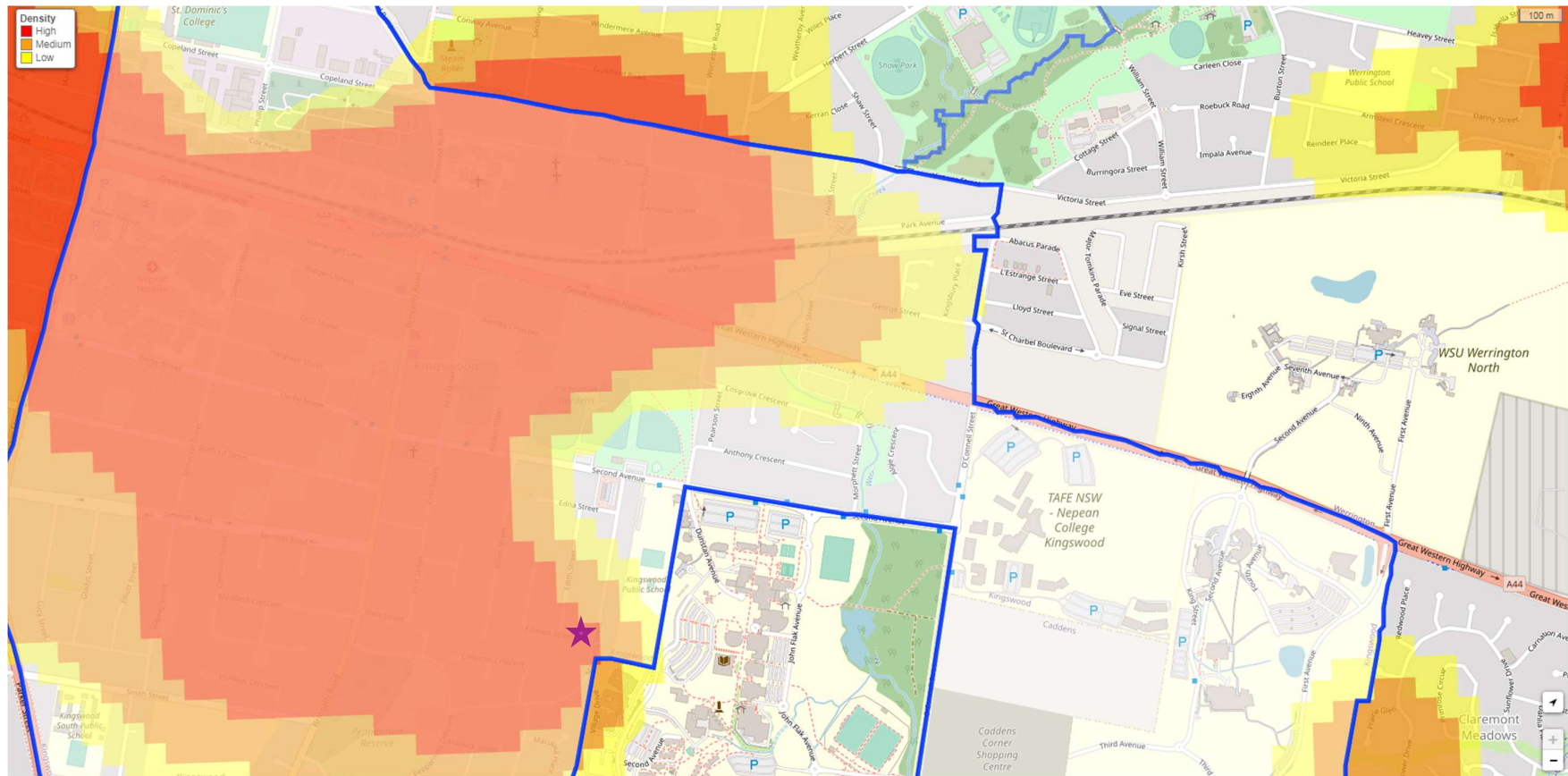


Figure B-4: Incidents of Theft (Break & enter dwelling) from April 2019 to March 2020, Kingswood suburb boundary identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 10/06/2020.

## Theft – Motor Vehicle theft

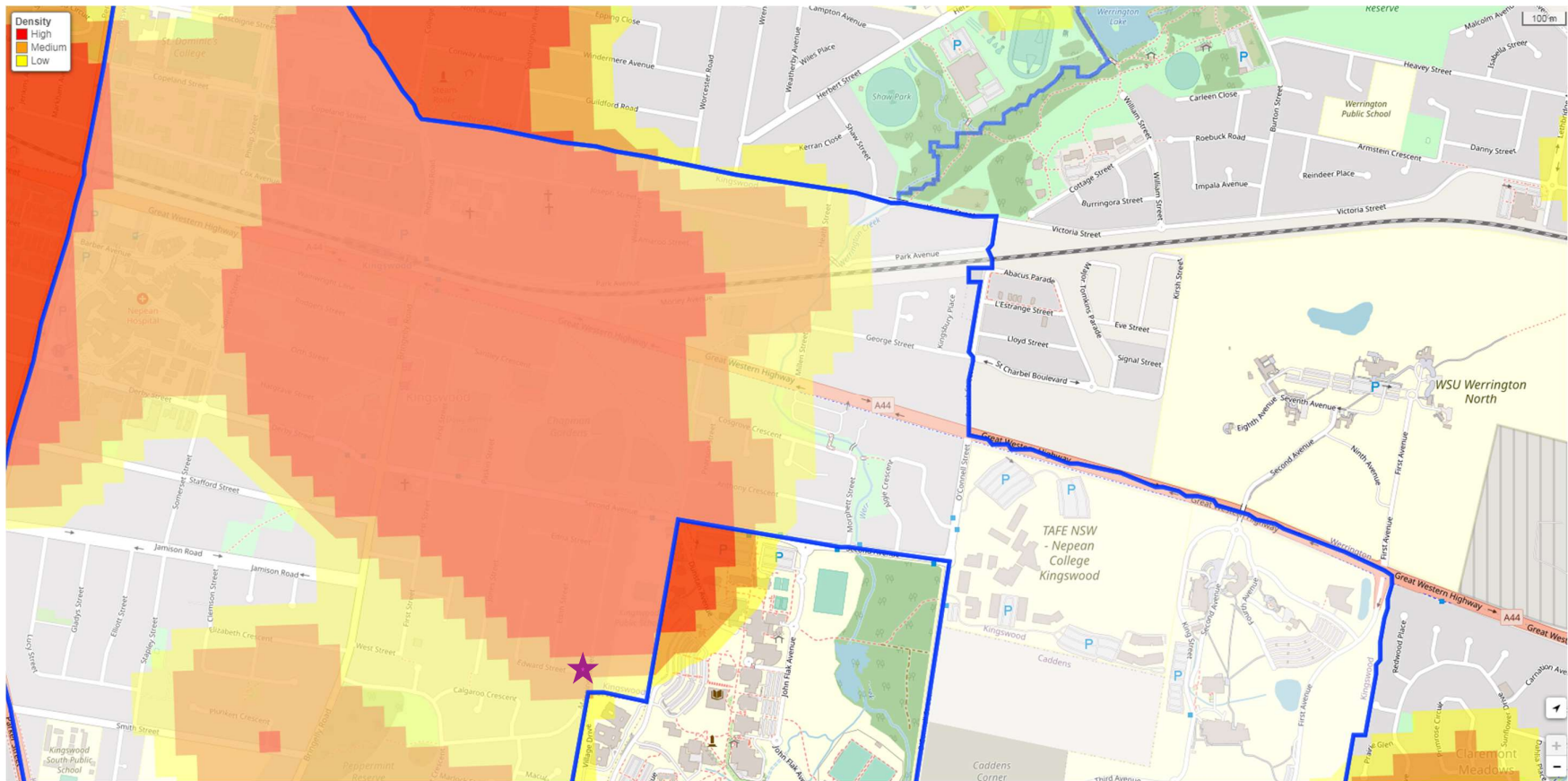


Figure B-5: Incidents of Theft (Motor vehicle theft) from April 2019 to March 2020, Kingswood suburb boundary identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 10/06/2020.

## Theft – Steal from Motor Vehicle

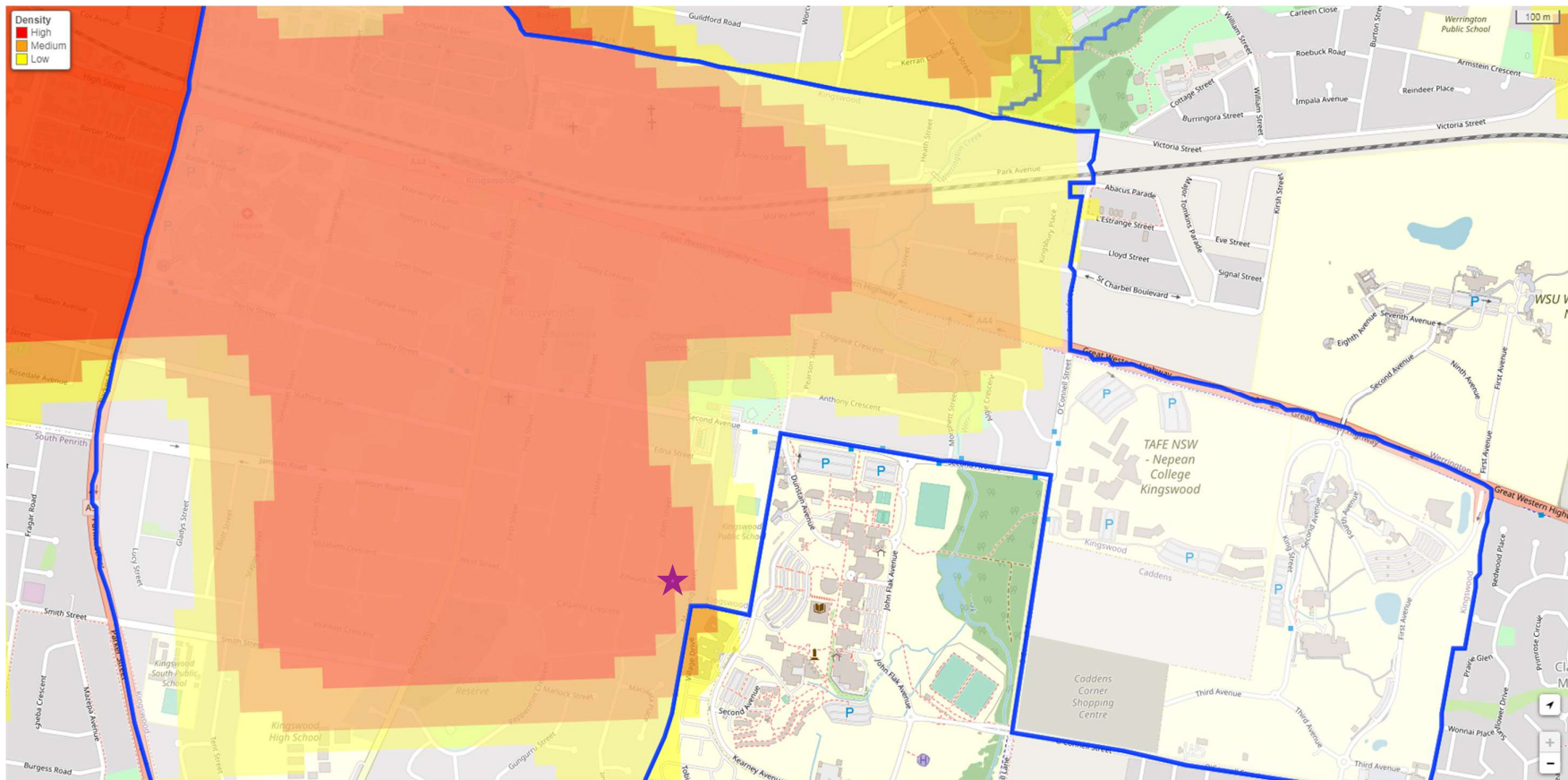


Figure B-6: Incidents of Theft (Steal from motor vehicle) from April 2019 to March 2020, Kingswood suburb boundary identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 10/06/2020.

## Theft – Steal from Dwelling

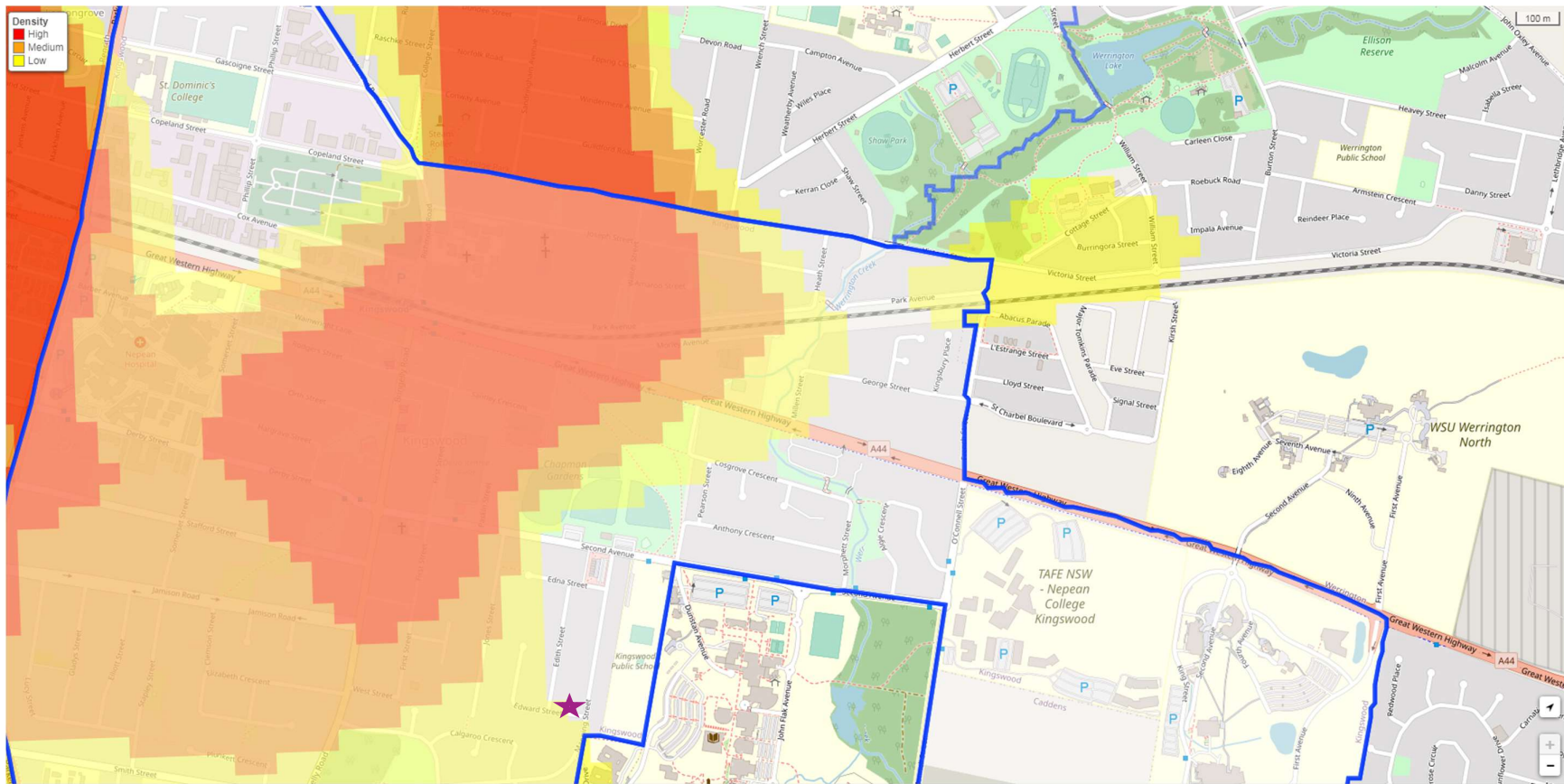


Figure B-7: Incidents of Theft (Steal from dwelling) from April 2019 to March 2020, Kingswood suburb boundary identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 10/06/2020.

## Theft – Steal from Person

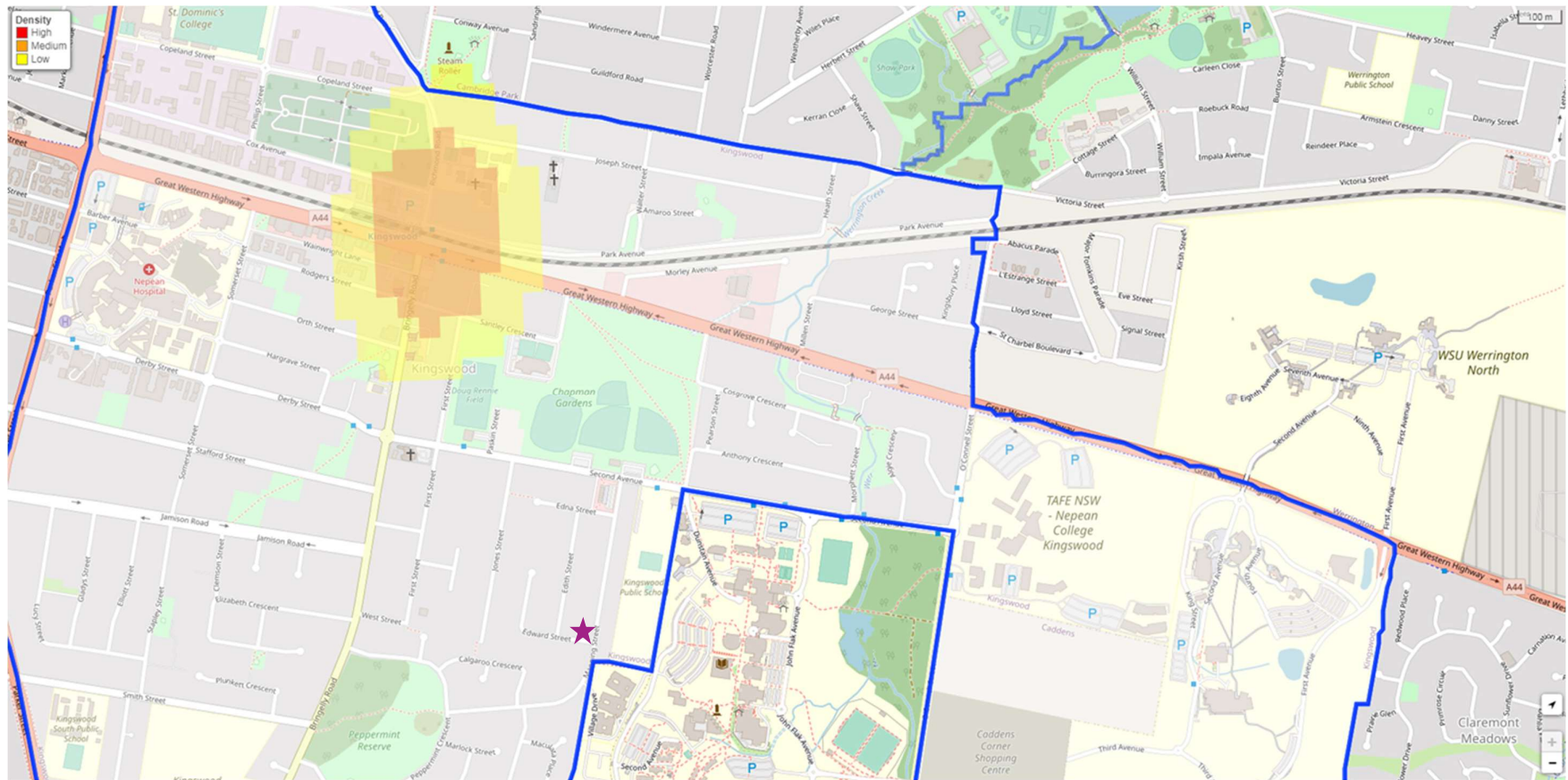


Figure B-8: Incidents of Theft (Steal from person) from April 2019 to March 2020, Kingswood suburb boundary identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 10/06/2020.

# Malicious Damage to Property

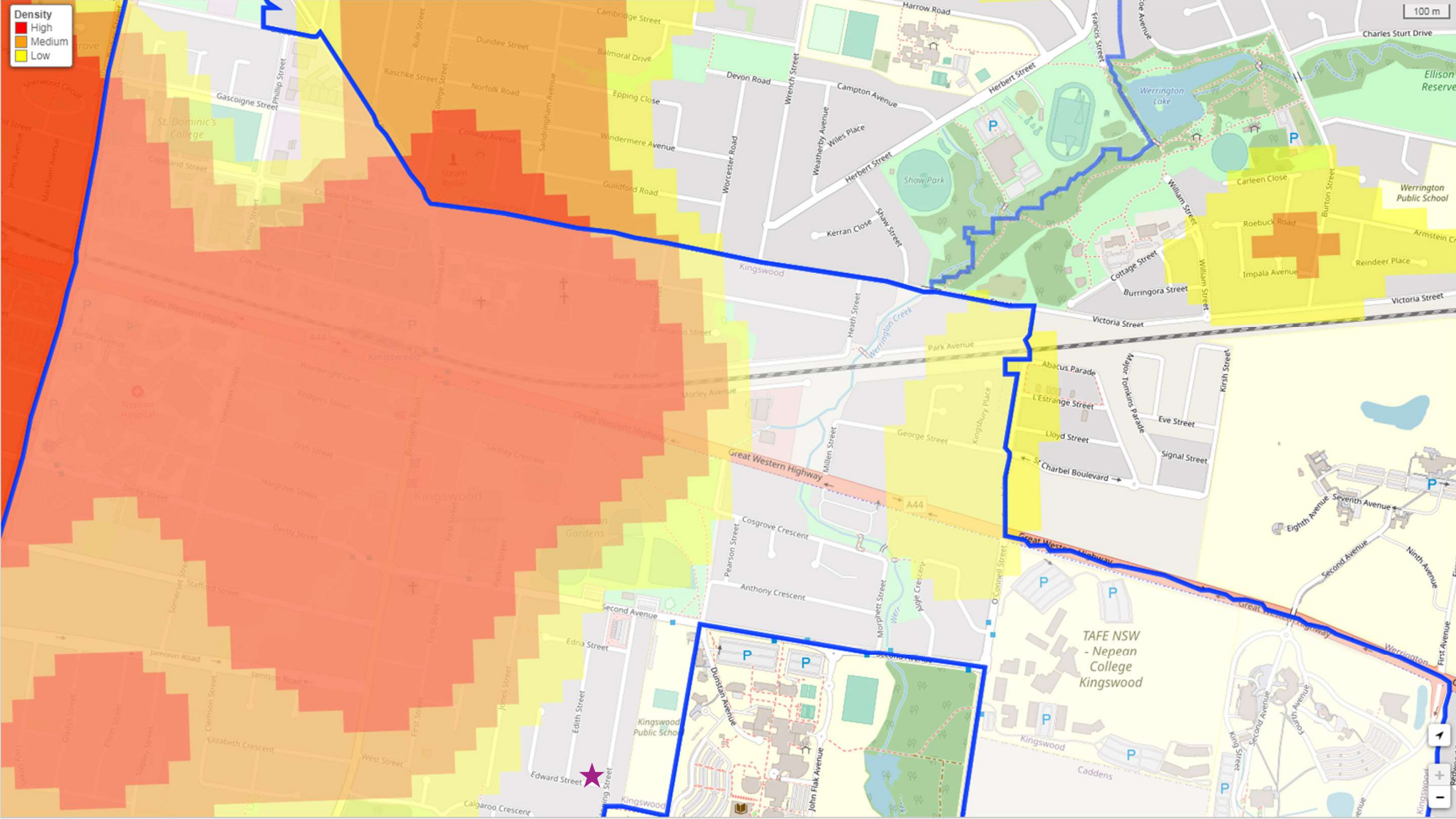


Figure B-9: Incidents of Malicious Damage to Property from April 2019 to March 2020, Kingswood suburb boundary identified

Source: NSW BoCSAR, NSW Crime Tool, <http://crimetool.bocsar.nsw.gov.au/bocsar/>, accessed on 10/06/2020.

# Appendix C: Plan of Management and Attachments

## 3 EDWARD STREET, KINGSWOOD: BOARDING HOUSE

18<sup>th</sup> June 2020

### 1. PURPOSE

1.1 The primary purpose of this Plan of Management (PoM) is to ensure the proposed boarding house maintains a high level of amenity for neighbouring properties and for all residents living in the premises. Its objectives are:

- a. to minimise disturbance to residents and neighbours.
- b. to provide a procedure to receive and resolve complaints.
- c. to maintain the internal and external appearance and cleanliness of the premises.
- d. to ensure a person is readily contactable to assist in the ongoing implementation of this Plan of Management.
- e. to ensure the use of the premises will be controlled by the PoM, and that the PoM is enforceable.
- f. to ensure that the premises will be operated in strict accordance with the conditions of development consent.
- g. to give effect to the occupancy principles under the Boarding House Act 2012.
- h. to make provision for this plan to be amended from time to time with the approval of **Penrith City Council** in order to facilitate timely and responsive operational changes that will improve residential amenity within and external to the site.

### 2. SITE MANAGEMENT

2.1 It is the responsibility of the owner to ensure that the boarding house operates in accordance with the terms of this Plan of Management as well as all conditions of development consent granted by **Penrith City Council** and the *Boarding House Act 2012*.

2.2 A copy of this Plan of Management is to be retained on Council's Development Application, Construction Certificate and Property File.

2.3 The boarding house shall be restricted to **3 Edward Street, Kingswood** and will consist of 14 rooms including 2 accessible rooms on ground floor, indoor and outdoor common areas, and ground level parking area.

2.4 The boarding house will be a **Registerable, General boarding house** as defined by the *Boarding House Act 2012*.

2.5 The maximum occupancy of the boarding house is **17**, with the maximum number of persons per bedroom as follows:

- a) **Room 1:** 2 residents
- b) **Room 2:** 1 resident
- c) **Room 3:** 1 resident
- d) **Room 4:** 1 resident (Accessible room)
- e) **Room 5:** 1 resident (Accessible room)
- f) **Room 6:** 1 resident
- g) **Room 7:** 1 resident
- h) **Room 8:** 2 residents
- i) **Room 9:** 2 residents
- j) **Room 10:** 2 residents
- k) **Room 11:** 1 resident
- l) **Room 12:** 1 resident
- m) **Room 13:** 1 resident
- n) **Room 14:** 1 resident

2.6 At no time is any room to be advertised or made available for short stay accommodation such as that associated with backpacker hostels, motels, hotels or the like.

2.7 Registered boarding house residents will be provided with a key which will provide access to the Boarding House facilities and their individual room 24 hours per day, 7 days per week.

2.8 The property owner will engage a Boarding House Manager. The Boarding House Manager will be familiar with the content of the Plan of Management and can be contacted at any time using the contact details provided at **Attachment 1**.

2.9 The duties of the Boarding House Manager are to:

- a) Be contactable by phone between the hours of **9am to 5pm Monday to Friday**, with **after-hours contact number** for urgent enquiries provided at **Attachment 1**. The boarding house will also have a website where information will be available. The Boarding House Manager will also be contactable via email.
- b) Oversee all concerns related to boarders/residents of the premises.
- c) Oversee the tenant selection process to ensure that care is taken in the mix of boarding house residents, including awareness of the need to accommodate a diversity of tenants with regard to income, employment or student status; and obtaining any relevant documentation as required.



- d) Nominate and regularly liaise with a voluntary on-site caretaker/s for the boarding house, which can be a suitable tenant/s who provides a point of liaison between the day to day operations of the boarding house and the Boarding House Manager.
- e) Enforce the minimum occupancy period (see clause 2.6).
- f) Enforce maximum occupancy levels (see clause 2.5).
- g) Provide lodgers with appropriate information before they move in.
- h) Organise the cleaning and maintenance of common internal and external areas.
- i) Organise waste collection and facility needs for the site.
- j) Carry out regular inspections of rooms as per the terms of the Occupancy Agreement (every three months), and other areas, to ensure that the building is maintained in a clean and tidy condition and that all facilities and fittings are appropriately maintained.
- k) Record all inspections in an Inspection Register which will be made available to Council upon request.
- l) Maintain all electrical circuits to a safe standard.
- m) Maintain a complaints and incident register.
- n) Notify **Penrith City Council** in writing within 1 month of any change in the management of the boarding house and provide contact details for the new management processes and personnel.

The activities and procedures required by the Boarding House Manager to carry out these duties are detailed throughout this Plan of Management.

2.10 The Boarding House Manager shall have the appropriate qualifications and experience required to carry out these duties including First Aid Training, NSW National Police Check and introductory conflict management training.

### **3. ACCOMMODATION REGISTRATION**

3.1 The Boarding House Manager will maintain an accommodation register providing the names of all occupants, their full contact details, and their agreed length of stay and payment details.

3.2 Each resident is to sign an Occupancy Agreement (**Attachment 2**), House Rules Agreement (**Attachment 3**), and the Plan of Management.

3.3 The minimum term for occupancy can be 3 months, 6 months or 12 months, with the option to roll over the agreement at the end of this fixed term for a further agreed period [noting that an amendment may need to be made to the Standard Occupancy Agreement to provide for this].

3.4 The Boarding House Manager will provide a copy of the signed Occupancy Agreement, House Rules, the Plan of Management, and a printed copy of the current version of the Fair Trading publication 'Living in a Boarding House' (**Attachment 4**) to each new resident.

3.5 Failure by residents to adhere to Occupancy Agreement, the House Rules and the Plan of Management may result in the termination of the Occupancy Agreement, subject to provisions set out in the Occupancy Agreement.

3.6 It is the policy of the boarding house to not let rooms to occupants that are unaccompanied children aged under 16 years, or to someone who could be a child aged under 16 years living away from home without parental permission.

3.7 If someone who could be a child aged under 16 years that could be living away from home without parental permission approaches the boarding house for accommodation, the Boarding House Manager will immediately inform Community Services via a call to the Child Protection Helpline on 132 111, as per instructions provided by NSW Fair Trading and the requirements of the *Children and Young Persons (Care and Protection) Act 1998*.

3.8 A child aged under 16 years who is accompanying a parent or carer may be permitted in certain circumstances. Such households would be accommodated in double rooms with all self-contained facilities, including a washing machine and drier, and direct access from the building to the street.

3.9 If the boarding house is to accommodate a child under 16 years living with a parent or carer, other residents of the boarding house will be required to provide a current Working With Children Check and National Police Check to ensure the safety of any children on the premises.

#### **4. RESIDENT IDENTIFICATION**

4.1 The Boarding House Manager requires photo ID (eg: typically either passport or driver's licence) of each resident at the time of signing the Occupancy Agreement. Where the person is an Australian citizen and does not hold a driver's licence or a passport, then alternative ID which may not hold a photo can be accepted.

#### **5. BOARDING HOUSE MANAGER RESPONSIBILITIES**

5.1 The Boarding House Manager shall be familiar with and aware of his or her responsibilities under such legislation as the *Occupational Health and Safety Act 2000*, *Occupational Health and Safety Regulation 2001* and the *Boarding House Act 2012*.

5.2 The Boarding House Manager shall be responsible for the implementation of management responsibilities as set out in the Plan of Management, Occupancy Agreement or RTA, and House Rules, including:

- a. Registration of all residents;
- b. Maintenance of all records in relation to resident registration, resident meetings and inspections;
- c. Keeping all common areas in an excellent state of cleanliness;
- d. Undertake regular inspections of residents' rooms to check cleanliness, condition of furniture and maintenance of services, as per the terms of the Occupancy Agreement (every

- three months). The Boarding House Manager will maintain a record of inspections in an Inspections Register that will be available to Council upon request.
- e. Supervising all maintenance operations including landscaping, cleaning, waste management, fire safety, repair or replacement of damaged or broken furniture and repair of any faulty services; and
  - f. The management and documentation of any disputes and/or complaints from boarding house residents and/or neighbours (see clauses 10 and 11 in this plan).

## 6. RESIDENT RIGHTS AND RESPONSIBILITIES

6.1 All residents will be informed of the occupancy principles of the *Boarding Houses Act 2012*, which set out their basic rights and responsibilities before, during and when they move out of the boarding house.

6.2 Resident **rights** are as follows (a – n).

Before residents move in, they have a right to:

- a. have a written occupancy agreement with the boarding house proprietor.
- b. be informed of how much the occupancy fee will be.
- c. know whether they will be charged for utilities such as gas, electricity or water. The amount charged for these utilities must be based on the cost of providing the utility and a reasonable measure or estimate of how much the resident has used.
- d. be informed of the house rules.
- e. be advised if they have to pay a security deposit and how much it will be. A security deposit cannot be more than the equivalent of 2 weeks occupancy fee.
- f. know how and why the occupancy agreement can be terminated, including how much notice will be given.

While a resident is living in the boarding house, they have:

- g. a right to live in a house that is reasonably clean and secure, and in a reasonable state of repair.
- h. a right to have quiet enjoyment of the place in which they live.
- i. a right to be given receipts for any money they pay the proprietor or boarding house manager.
- j. a right to be given 4 weeks written notice of any increase in the occupancy fee.
- k. a right to have any charges for utilities limited to the cost of providing the utility plus a reasonable estimate or measure of their usage.
- l. a right to not to be 'fined' for a breach of the occupancy agreement and house rules. If a resident breaches the agreement or the house rules they can be asked to leave, consistent with notice periods contained in the occupancy agreement.

When a resident moves out they have a right to:

m. have their security deposit refunded within 14 days of moving out minus any deductions allowed under the Boarding Houses Act. Allowable deductions include unpaid rent, the reasonable cost of repairs for damage caused by the resident or their guests, the reasonable cost of cleaning areas they occupied and didn't leave reasonably clean, and the cost of replacing locks they removed or added without permission.

n. be given reasonable written notice of eviction. In deciding how much notice to give a resident, the boarding house proprietor or manager can take into account the safety of other people living or working in the boarding house.

6.3 Resident **responsibilities** are as follows (a-d):

a. A responsibility to comply with the Occupancy Agreement or RTA, the Plan of Management and the House Rules for the Boarding House.

b. A responsibility to keep their room and bathroom clean at all times, and to give reasonable access to their room for inspection by the Boarding House Manager every three months as per the Occupancy Agreement. A resident must be given written notice that access is required, except in an emergency.

c. A responsibility to advise the Boarding House Manager of any broken furniture or faulty services within the Boarding House.

d. A responsibility to try to resolve any disputes they have with the Boarding House proprietor or manager. Either party can apply to the NCAT for help if a dispute cannot be resolved.

## **7. VISITORS**

7.1 No more than 2 adults shall be permitted in any private room. Greater occupancy than that registered may result in termination of the occupancy agreement.

7.2 Residents inviting visitors to the premises must accept full responsibility for their guests' behaviour.

7.3 Visitors to the premises are only permitted to use common areas between **7.00am and 10.00pm**; and then only in the company of a resident.

## **8. FACILITIES FOR RESIDENTS**

8.1 Residents will be provided with a self-contained room fitted with a security lock on the entry door.

8.2 Rooms will be furnished with a bed, wardrobe, mirror, desk/table and chair, desk lamp, night light, waste container and curtains or blinds. In-room kitchens will contain a two burner stove, bar fridge, microwave, kettle, sink, cutlery and crockery. Each room will also contain an ironing board, broom, mop and bucket.

8.3 Residents are not permitted to bring their own furniture to the premises, other than with consent of the Boarding House Manager.

8.4 A Notice Board will be provided in a convenient location, and other signage will be installed in rooms and appropriate locations, to provide information for residents including:

- a. Their rights and responsibilities
- b. Boarding house rules
- c. The right to privacy and complaints process
- d. Name and contact number of the boarding house manager or care taker
- e. Emergency and other essential telephone numbers
- f. Health and safety procedures, maintenance and fire safety in the building including a copy of the annual fire safety statement and current fire safety schedule
- g. Floor plans that will be permanently fixed to the inside of the door of each sleeping room which indicate the available emergency egress routes from the respective sleeping room
- h. Information on local social services

8.5 Communal living room and outdoor communal open space are provided for use by residents and their guests. The indoor communal living area will be provided with table and chair seating for 6 people and lounge seating for 4 people. The kitchen will include a sink, dishwasher, refrigerator, microwave, waste bins and storage cupboards including cutlery. The outdoor communal space opens up to a lawn area for use by residents and their guests.

8.6 An on-site shared laundry cum accessible toilet facility with a washing machine, laundry tub and outdoor clothes drying lines, are provided.

## **9. CAR, MOTOR BIKE AND BICYCLE PARKING**

9.1 Ground level parking for 3 cars, 3 motor cycles and 3 bicycles are available on-site.

9.2 Vehicles will access the site via the driveway from **Edward Street**. There are 3 car parking spaces for residents, including shared space.

9.3 Car parking spaces for residents will be allocated upon negotiation as part of occupancy agreements, with additional letting fees charged to residents with parking spaces.

9.4 The motorcycle and bicycle parking spaces will be available for use by any residents that require them and will be negotiated as part of letting agreements but no additional rent will be charged for their use.

## **10. COMPLAINTS**

10.1 The boarding house encourages active participation from the community in the ongoing operation of the business. A Complaint Management System will be developed to support a positive relationship between the Boarding House and its surrounding community.

10.2 The Boarding House Manager will be available, either in person or by phone, to deal with any complaints as to the operation and management of the premises. Phone contact details for the Boarding House Manager are to be displayed at the entrance to the boarding house, on a sign that can be clearly read from the adjacent footpath.

10.3 The details of the contact person in respect of all inquiries or complaints in relation to the premises are shown in **Attachment 1**.

10.4 The Boarding House Manager is responsible for recording all complaints, including complaints from residents, in a Complaints Register.

10.5 When receiving any complaints from community members the Boarding House Manager will provide advice that the complaint may also be reported to **Penrith City Council** and the NSW Police as required.

10.6 Complaints about noise will be attended to immediately. The Boarding House Manager will rectify the situation immediately and take all reasonable steps to prevent future occurrences. The Boarding House Manager will follow up by contacting the individual who made the complaint about noise to verify that the problem has been resolved.

10.7 The Complaints Register will contain:

- a.* Complaint date and time
- b.* Name of person/police/council officer making the complaint
- c.* Contact details of person making complaint
- d.* Nature of the complaint
- e.* Action taken (by whom and when)
- f.* Outcome and/or further action required

10.8 The Complaint Register must be updated within 24 hours of a complaint being made.

10.9 All complaints will be addressed by management within 24 hours of notification.

10.10 The Complaints Register will be made available for inspection to the Police and/or to **Penrith City Council** upon request.

10.11 Management of the Boarding House will regularly review the Complaints Register and where appropriate amend the operating procedures to minimise any negative impacts of the boarding house on residents in the boarding house and members of the surrounding community.

## **11. DISPUTES**

11.1 The Boarding House Manager will convene at least quarterly meetings with residents to discuss any issues or problems that may need to be resolved. These meetings will be recorded in a Residents' Meeting Minutes Register and all issues raised by these meetings will be recorded in the Minutes.

11.2 In the event of a dispute between residents, the Boarding House Manager will attempt to negotiate a resolution between the involved residents. If the dispute cannot be resolved, then the Boarding House Manager will make an interim determination regarding the dispute, and this resolution will be binding on the residents.

11.3 If one or both of the residents are not satisfied with the Boarding House Manager's interim determination, the matter will be referred to a Community Justice Centre for mediation or arbitration. The Boarding House Manager will amend the interim determination in line with the recommendations of the Community Justice Centre.

11.4 Disputes in relation to the Occupancy Agreement will be resolved in accordance with Clause 9 of the Standard Occupancy Agreement which states that either party may apply to the NSW Civil and Administrative Tribunal (NCAT) to resolve a dispute about the Occupancy Agreement.

11.5 In the event of a dispute with an external party, the Boarding House Manager will initially attempt to resolve the dispute. If the dispute cannot be resolved, then the matter will be referred to the owner. If the dispute still cannot be resolved, the owner will refer the matter to the Community Justice Centre for mediation or arbitration.

## **12. CLEANING AND ONGOING MAINTENANCE**

12.1 The common areas and communal open spaces are to be professionally cleaned at least once per week.

12.2 Common areas and circulation spaces will be kept clean and free from obstruction.

12.3 Cleaning of individual resident rooms is the responsibility of the respective resident. A mop, bucket and broom will be provided in each room. A vacuum cleaner is available from the manager on request.

12.4 A contracted gardener shall be engaged at least once every month to maintain the health and appearance of all managed landscape areas.

12.5 Pest control by a professional contractor shall be carried out at least once a year.

12.6 The external presentation of the premises will be maintained to a high standard. An external clean and graffiti removal of the property will be undertaken quarterly.

## **13. SAFETY AND SECURITY**

13.1 A security card / key will be issued to all registered residents. No additional cards or keys will be issued to visitors.

13.2 Any resident failing to observe the House Rules and any cases of serious misconduct will be dealt with by the Boarding House Manager. In the event of serious misconduct the Boarding House Manager may require a resident, or a visitor, to leave the premises.

13.3 If the resident, or visitor, does not comply with a request to leave the premises the Boarding House Manager will call the Police.

13.4 Examples of serious misconduct include, but are not limited to, drug or alcohol abuse, sexual, racial or religious harassment, theft, or violence.

13.5 Residents are to advise the Boarding House Manager if they become aware that another resident or visitor is performing illegal acts such as drug abuse on the property. The Resident Manager shall call the Police in such instances.

13.6 The Boarding House Manager will maintain an Incident Register to record the details of incidents of serious misconduct and actions taken. The Incident Register will contain:

- a. Incident date and time
- b. Name(s) of person(s) involved in the incident
- c. Contact details of person(s) involved in the incident
- d. Nature of the incident
- e. Action(s) taken (by whom and when)
- f. Outcome and/or further action required

13.7 The Incident Register must be updated within 24 hours of an incident occurring.

13.8 The Incident Register will be made available for inspection by the Police and/or **Penrith City Council** upon request.

#### **14. PUBLIC LIABILITY INSURANCE**

14.1 The owners will maintain a public liability cover of \$10 million.

#### **15. WASTE MANAGEMENT**

15.1 All residents shall be responsible for disposing of their waste to the garbage and recycling bins at ground level.

15.2 The Boarding House Manager shall be responsible for taking the bins to and from the street on collection day.

15.3 Should they be required, the Boarding House Manager shall be responsible for the regular cleaning and servicing of any special waste collection receptacles, such as for 'sharps' and/or sanitary napkins.

15.4 A floor waste and hose cock is to be provided near the external bin storage area to ensure that the area retains a high state of cleanliness. The Boarding House Manager will wash down the bin storage area once every week to maintain cleanliness.

15.5 The Boarding House Manager shall ensure that household clean-up collections are managed in accordance with Penrith City Council's collection requirements.

#### **16. FIRE SAFETY**



16.1 The owner is responsible to ensure that certification of Fire Safety Equipment and preparation of the Form 15a is carried out each year by a qualified fire safety consultant.

16.2 A copy of the annual fire safety compliance statement and current fire safety schedule for the premises shall be displayed on the Notice Board in a prominent location.

16.3 Essential fire safety measures to comply with the *Environmental Planning and Assessment Regulation 2000* shall be provided.

16.4 Each boarding house room and each communal room will be fitted with hard wired smoke detectors.

16.5 An approved fire blanket will be located within 2 metres of every kitchen cooking area.

16.6 All mattresses, curtains and furniture provided by the Boarding House owner will be of materials that resist the spread of fire, and limit the generation of smoke and heat.

16.7 An evacuation plan must be clearly displayed in each boarding room and each common room. A floor plan must be permanently fixed to the inside of the door of every room to indicate the available emergency egress routes from the respective room.

16.8 The Boarding House Manager's contact phone number must be clearly displayed at the entrance of the premises and also be shown on signs available in each room. Other emergency contact details (police, fire, ambulance) as well as utility information (gas, electricity and plumbing) are to also be clearly visible in every room.

16.9 The Boarding House Manager shall conduct one emergency evacuation drill every three months.

## **17. ENERGY EFFICIENCY**

17.1 Any replacement of fixtures or appliances is to be in accordance with the energy ratings required by the approved BASIX certificate.

## **18. AMENDMENT OF THE PLAN OF MANAGEMENT**

18.1 This plan of management, including the House Rules and Occupancy Agreement, can be amended from time to time, subject to the approval of **Penrith City Council**.

### **ATTACHMENTS:**

**ATTACHMENT 1: CONTACT DETAILS FOR BOARDING HOUSE MANAGER**

**ATTACHMENT 2: OCCUPANCY AGREEMENT**

**ATTACHMENT 3: HOUSE RULES**

**ATTACHMENT 4: BROCHURE: 'Living in a Boarding House'**

**ATTACHMENT 5: CHECK SHEET FOR NEW BOARDING HOUSE RESIDENTS**



**ATTACHMENT 1: CONTACT DETAILS FOR RESIDENT MANAGER**

**NAME OF BOARDING HOUSE: To be advised** .....

**ADDRESS OF BOARDING HOUSE: 3 Edward Street, Kingswood**

**CONTACT DETAILS FOR BOARDING HOUSE MANAGER: To be advised** .....

*This information will be displayed in a sign at the entrance of the premises and also on signs available in each boarding house room.*

**The contact person in respect of all enquiries in relation to the operation of these premises is:**

**Name: To be advised** .....

**Position: Boarding House Manger** .....

**Phone Number: To be advised** .....

**After Hours Contact Number: To be advised** .....

**Email: To be advised** .....

## ATTACHMENT 2

### STANDARD OCCUPANCY AGREEMENT For general boarding houses under the *Boarding Houses Act 2012*

**Between**

<b>Proprietor</b>	
<b>Resident</b>	

**For**

<b>Room</b>	<b>Address</b>

The resident's room is:    unfurnished                     furnished     (if furnished, an inventory can be attached)

**Other areas of the premises which are available for use by the resident**  
 Kitchen/s                        Bathroom/s                        Common room                        Laundry   

Other \_\_\_\_\_

**Term of Contract**

Commencement Date	Term of agreement (if any)	Occupancy Fee	To be paid
		\$            per week/month/year	

<b>Proprietor's Contact Details</b>	
-------------------------------------	--

#### AGREEMENT TERMS

- 1. Condition of the Premises (refer to occupancy principle 1 – see Annexure 1)**  
The proprietor agrees to provide and maintain the premises so that they are in a reasonable state of repair, are reasonably clean and reasonably secure.
- 2. House Rules (refer to occupancy principle 2)**  
The resident agrees to comply with the House Rules of the boarding house, which are listed on the attached "Statement of House Rules." House rules may not be inconsistent with the Occupancy Principles stated in Annexure 1, and are not enforceable if they are inconsistent.
- 3. No Penalties (refer to occupancy principle 3)**  
The resident is not required to pay a penalty for a breach of this Occupancy Agreement or the House Rules.
- 4. Quiet Enjoyment (refer to occupancy principle 4)**  
The proprietor agrees to take all reasonable steps to enable the resident's quiet enjoyment of the premises.
- 5. Inspections and Access (refer to occupancy principle 5)**  
The proprietor may inspect boarding house common areas at any reasonable time. Repairs, cleaning and maintenance of common areas can be carried out at reasonable times.  
The proprietor may only enter the resident's room, at a reasonable time, with reasonable notice and on reasonable grounds. Agreed access and notice periods are set out below. If the third column is left blank, the suggested notice periods set out in the second column will apply.

Reason For Access	<i>Suggested Notice Period examples of reasonable notice periods - this notice period applies if the next column is left blank</i>	Notice to be given under this occupancy agreement (if different)
In an emergency, or to carry out emergency repairs or inspections	<i>Immediate access</i>	<i>Immediate access*</i>
To clean the premises	<i>24 hours</i>	
To carry out repairs	<i>24 hours</i>	
To show the room to a prospective resident	<i>24 hours</i>	
To carry out inspections	<i>48 hours</i>	

\* Immediate access is likely to be necessary in this situation for safety reasons.

#### 6. Notice of Fee Increase (refer to occupancy principle 6)

The resident is entitled to 4 weeks written notice of any increase in the occupancy fee.

#### 7. Utility Charges (refer to occupancy principle 7)

The proprietor may charge an additional amount for utilities if the resident is made aware of this on signing this agreement. Details of the charge, including how the charge will be calculated, are included in Annexure 2, and Annexure 2 must signed and dated by the resident and the proprietor.

Charges for utilities must be based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.

#### 8. Security Deposit (refer to occupancy principle 8)

A security deposit of \$\_\_\_\_\_ is payable to the proprietor, this amount being no more than the sum of two (2) weeks occupancy fee. The security deposit is payable on the day the agreement is signed or on the following day. The security deposit will be repaid to the resident within 14 after the end of this agreement, less any amount necessary to cover:

- a) the reasonable cost of repairs to the boarding house or goods that come with it, as a result of damage (other than fair wear or tear) caused by the resident and their guest;
- b) any occupancy fee or other charges owing and payable under this Agreement or the Boarding Houses Act 2012;
- c) the reasonable cost of cleaning any part of the premises occupied by the resident and not left reasonably clean by the resident, having regard to the condition of the premises at the commencement of the occupancy; and
- d) the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor.

#### 9. Dispute Resolution (refer to occupancy principle 11)

The proprietor and the resident agree to use their best endeavours to informally resolve any disputes between them that arise from this agreement. Either party may apply to the Consumer Trader and Tenancy Tribunal to resolve a dispute about the Occupancy Principles (see Annexure 1).

#### 10. Written Receipts (refer to occupancy principle 12)

The proprietor agrees to provide the resident with a written receipt for all money paid to the proprietor, including money paid for occupancy fees, a security deposit and for any utility charges. The receipt should be provided within a reasonable time period after the payment is received.

#### 11. Termination (refer to occupancy principles 9 and 10)

The resident is entitled to know why and how this Occupancy Agreement may be terminated, and how much notice will be given before termination. The resident may not be evicted without reasonable written notice from the proprietor.

This Agreement can also be terminated by the resident by written notice given to the proprietor. Agreed reasons for termination and notice periods are set out below. If the third column is left blank, the suggested notice periods set out in the second column will apply.

Reason for Termination by Proprietor	<i>Suggested Notice Period examples of reasonable notice periods - this notice period applies if the next column is left blank</i>	Notice to be given under this occupancy agreement <i>(if different)</i>
Violence or threats of violence towards anyone living, working or visiting the premises	<i>Immediate</i>	<i>Immediate*</i>
Wilfully causing damage to the premises, or using the premises for an illegal purpose	<i>1 day</i>	
Continued and serious breach of this Agreement or the house rules, following a written warning	<i>3 days</i>	
Continued minor breach of this Agreement or the house rules, following a written warning	<i>1 week</i>	
Non-payment of the occupation fee	<i>2 weeks</i>	
Any other reason, including vacant possession required and "no grounds" termination	<i>4 weeks</i>	

\*Immediate termination is likely to be necessary in this situation in order to protect other residents and employees.

Reason for Termination by Resident	<i>Suggested Notice Period examples of reasonable notice periods - this notice period applies if the next column is left blank</i>	Notice to be given under this occupancy agreement <i>(if different)</i>
Serious breach of Agreement by proprietor	<i>1 day</i>	
Minor breach of agreement by proprietor	<i>1 week</i>	
No grounds/Any other reason	<i>1 week</i>	

#### 12. Use of the Premises

The resident agrees not to wilfully or negligently cause damage to the premises or to use the premises for an illegal purpose and to respect other residents' rights to quiet enjoyment of the premises.

NOTE: Any term of this Agreement is not enforceable if it is inconsistent with the Occupancy Principles set out in Schedule 1 of the *Boarding Houses Act 2012*. The Occupancy Principles are attached at Annexure 1.

Signed: \_\_\_\_\_

*(Proprietor)*

Signed: \_\_\_\_\_

*(Resident)*

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**OPTIONAL INFORMATION**

*The resident may provide contact details to be used in an emergency*

PERSONAL PHONE No/s: \_\_\_\_\_

***EMERGENCY CONTACT PERSON***

NAME: \_\_\_\_\_ RELATIONSHIP: \_\_\_\_\_

PHONE and/or ADDRESS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

## Annexure 1

### Occupancy principles

NB: These principles are contained in Schedule 1 of the *Boarding Houses Act 2012* and apply to residents of NSW boarding houses which are covered by this Act.

#### 1. State of premises

A resident is entitled to live in premises that are:

- (a) reasonably clean, and
- (b) in a reasonable state of repair, and
- (c) reasonably secure.

#### 2. Rules of registrable boarding house

A resident is entitled to know the rules of the registrable boarding house before moving into the boarding house.

#### 3 Penalties for breaches of agreement or house rules prohibited

A resident may not be required to pay a penalty for a breach of the occupancy agreement or the rules of the registrable boarding house.

#### 4 Quiet enjoyment of premises

A resident is entitled to quiet enjoyment of the premises.

#### 5 Inspections and repairs

A proprietor is entitled to enter the premises at a reasonable time on reasonable grounds to carry out inspections or repairs and for other reasonable purposes.

#### 6 Notice of increase of occupancy fee

A resident is entitled to 4 weeks written notice before the proprietor increases the occupancy fee.

#### 7 Utility charges

(1) The proprietor is entitled to charge a resident an additional amount for the use of a utility if:

- (a) the resident has been notified before or at the time of entering the occupancy agreement of the use of utilities in respect of which the resident will be charged, and
- (b) the amount charged is based on the cost to the proprietor of providing the utility and a reasonable measure or estimate of the resident's use of that utility.

(2) A utility for the purposes of this clause is each of the following:

- (a) the supply of electricity,
- (b) the supply of gas,
- (c) the supply of oil,
- (d) the supply of water,
- (e) the supply of any other service prescribed by the regulations.

#### 8 Payment of security deposits

(1) The proprietor may require and receive a security deposit from the resident or the resident's authorised representative only if:

- (a) the amount of the deposit does not exceed 2 weeks of occupancy fee under the occupancy agreement, and
- (b) the amount is payable on or after the day on which the resident (or the resident's authorised representative) enters the agreement.

(2) Within 14 days after the end of the occupancy agreement, the proprietor must repay to the resident (or the resident's authorised representative) the amount of the security deposit less the amount necessary to cover

the following:

- (a) the reasonable cost of repairs to, or the restoration of, the registrable boarding house or goods within the premises of the boarding house, as a result of damage (other than fair wear and tear) caused by the resident or an invitee of the resident,
- (b) any occupation fees or other charges owing and payable under the occupancy agreement or this Act,
- (c) the reasonable cost of cleaning any part of the premises occupied by the resident not left reasonably clean by the resident, having regard to the condition of that part of the premises at the commencement of the occupancy,
- (d) the reasonable cost of replacing locks or other security devices altered, removed or added by the resident without the consent of the proprietor,
- (e) any other amounts prescribed by the regulations.

(3) The proprietor may retain the whole of the security deposit after the end of the occupancy agreement if the costs, fees or charges referred to in subclause (2) (a)–(e) are equal to, or exceed, the amount of the security deposit.

(4) In this clause:

security deposit means an amount of money (however described) paid or payable by the resident of a registrable boarding house or another person as security against:

- (a) any failure by the resident to comply with the terms of an occupancy agreement, or
- (b) any damage to the boarding house caused by the resident or an invitee of the resident, or
- (c) any other matter or thing prescribed by the regulations.

#### 9 Information about occupancy termination

A resident is entitled to know why and how the occupancy may be terminated, including how much notice will be given before eviction.

#### 10 Notice of eviction

(1) A resident must not be evicted without reasonable written notice.

(2) In determining what is reasonable notice, the proprietor may take into account the safety of other residents, the proprietor and the manager of the registrable boarding house.

(3) Subclause (2) does not limit the circumstances that are relevant to the determination of what is reasonable notice.

#### 11 Use of alternative dispute resolution

A proprietor and resident should try to resolve disputes using reasonable dispute resolution processes.

#### 12 Provision of written receipts

A resident must be given a written receipt for any money paid to the proprietor or a person on behalf of the proprietor.



Annexure 2

SCHEDULE OF ADDITIONAL CHARGES

ITEM	AMOUNT	WHEN DUE TO BE PAID	HOW CALCULATED

**NOTE:**

- This schedule is only for use if there are fees or charges in addition to the occupancy fee.
- This schedule forms part of the Occupancy Agreement when signed and dated by both parties.
- A receipt is to be provided to the resident for all payments of additional fees or charges made by the resident, within a reasonable time after the payment is received.
- Charges for utilities must comply with Occupancy Principle 7.

Signed: \_\_\_\_\_  
*(Proprietor)*

Signed: \_\_\_\_\_  
*(Resident)*

Date: \_\_\_\_\_

Date: \_\_\_\_\_

## **ATTACHMENT 3: HOUSE RULES**

The House Rules are a supplement to the Occupancy Agreement and the Plan of Management for the boarding house.

The House Rules provide information about the standards and procedures that all residents are required to meet. They are designed to achieve a safe and comfortable living environment in the boarding house.

Residents must read and sign the House Rules at the time of registering their occupancy.

*The Boarding House Manager or Management Agency must provide every incoming resident with a copy of these House Rules, and the House Rules must also be prominently displayed on the Notice Board.*

### **1. Privacy and quiet enjoyment**

1.1 Residents must respect the peace and privacy of other residents at all times.

1.2 Residents will ensure that noise levels are kept at an acceptable level and that noise does not adversely impact on neighbouring residents. Particular care is to be taken past 10pm and before 7am and, if another resident or a neighbouring property owner complains about the noise after that time, then it may be necessary to use headphones or the like.

1.3 No live or amplified music is permitted in the common outdoor areas, nor is music to be audible beyond individual rooms or common indoor areas.

1.4 No alcohol is permitted to be consumed in common open space areas.

1.5 The indoor and outdoor common areas are not to be used between 10pm and 7am the following day, unless authorised by the Boarding House Manager.

1.6 No parties are permitted, either in the common areas or in private rooms.

### **2. Health, Safety and Security**

2.1 The premises are non-smoking. This includes within each private room and all common indoor and outdoor areas.

2.2 No unauthorised drugs are permitted on the premises.

2.3 Residents shall not engage in drug or alcohol abuse; sexual, racial or religious harassment; theft or violence.

2.4 Residents must speak and behave respectfully towards one another. Residents are not to discriminate against other residents on the basis of gender, ethnicity, race, sexuality or religious beliefs. Residents are to avoid speaking or behaving in a way that engenders ill-feeling.

2.4 No prohibited weapons are permitted on the premises. Prohibited weapons are as defined in Schedule 1 of the *Weapons Prohibition Act 1998*.

- 2.5 No glassware is permitted in the outdoor common open space area.
- 2.6 No visitors are permitted on the premises unless attended by a resident.
- 2.7 Residents are responsible for the behaviour of their visitors. Visitors are required to comply with the House Rules.
- 2.8 The Boarding House Manager has the discretion to be able to ask any person to vacate the common areas, should they breach the House Rules.
- 2.9 No visitors are permitted to remain on the premises between the hours of 9 pm and 9 am.
- 2.10 Residents must keep the front door locked at all times.
- 2.11 If a resident loses their security card/key it will be necessary to pay for the replacement card/key.
- 2.12 Residents are not to use the premises for any illegal purpose. Residents are not to use the premises other than as a boarding room. For example, residents are not to use the premises as office premises or business premises or retail premises. (That does not preclude a boarding house resident using, for example, a laptop computer or phone for work-related purposes).

### **3. Cleanliness and good order**

- 3.1 Rubbish is to be placed in the bins provided. Residents must remove waste from their rooms and place it in the communal bins on the ground floor. Residents shall separate recyclable material from non-recyclable material. No recyclable material shall be kept in bags (e.g. plastic bags). General waste is to be stored in plastic bags and shall be tied prior to storage. Residents are to wash recyclable containers so that gross organic matter is removed. The green bins are for Boarding House Manager use only for landscaping matter.
- 3.2 There shall be no littering.
- 3.3 Occupants are to keep their room and bathroom clean at all times, and make their room available for inspection by the Boarding House Manager every three months as per the Occupancy Agreement.
- 3.4 Residents are to keep the common areas clean and tidy. Residents who make a mess in common areas are to be responsible for cleaning up that mess. Residents are to clean common room kitchen surfaces and to sweep up food waste. Residents are to wash their own dishes, cooking utensils, pots and pans immediately after use in common areas. Residents are to wipe down their table surface after they have finished eating in common areas.
- 3.5 Residents are to share the use of common cooking facilities if necessary. For example, if another resident wishes to use the cooker, a resident is not to use all of the available hot plates.
- 3.6 Residents are to store food within in-room cupboards and fridges, not in common areas.
- 3.7 No clothes, washing, towels or other items are to be placed on any window or balcony.
- 3.8 Residents must remove their washing and belongings from the common laundry area immediately after their washing cycle has been completed.

3.9 Residents using the clothes drying lines are to remove the clothes when they are dry and are not to leave clothes hanging out for longer than necessary – within reasonable parameters acknowledging that residents might go out for the day and return to bring in their dry clothes.

3.10 The Boarding House Manager will have the authority to implement a roster for the use of the clothes drying area and washing machines if necessary. Residents shall adhere to that roster unless another rostered resident gives a resident permission to use their space in that roster.

3.11 Only small pets (small mammals such as mice or guinea pigs in appropriate cages, fish or birds) are permitted to be kept on the premises and with the Boarding House Manager's permission. No cats, dogs or large animals are permitted. The Boarding House Manager has the authority to restrict the number and/or type of pet, particularly where the keeping of the pet impacts upon the amenity and quiet enjoyment of other residents.

3.12 Residents must report any damage or maintenance requirements to the Boarding House Manager.

3.13 Residents must not remove or alter any furniture or fittings in the premises.

#### **4. Fire safety**

4.1 Residents must keep common areas and corridors free of personal belongings, to ensure there are no obstructions to the safe evacuation of the building.

4.2 Residents must not interfere with fire safety measure or equipment.

4.3 Candles and other naked flames are not to be used in the premises.

#### **5. Parking spaces**

5.1 Limited parking is available on-site for cars, motorcycles and bicycles.

5.2 3 car parking spaces are available for residents and will be allocated upon negotiation of the occupancy agreement for an additional fee.

5.3 Motorcycle and bicycle parking spaces will be allocated at no charge.

#### **6. Mail boxes**

6.1 Residents are asked to clear their mail boxes at least once per week.

The Boarding House Manager reserves the right to regulate additional matters within reason for the purposes of protecting the boarding house property or for the purposes of protecting the reasonable amenity of residents of the boarding house and of neighbouring properties.

I hereby acknowledge that I have read and understood the House Rules:

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Boarding House Room Number: \_\_\_\_\_

Date: \_\_\_\_\_

**ATTACHMENT 4: Living in a Boarding House**

## Non-registrable boarding houses

Do you live in a boarding house that isn't 'registrable'? You and the boarding house operator can choose to enter into an agreement which includes the occupancy principles. You have rights as a consumer under the Australian Consumer Law.

To find out more, visit [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au) or call **13 32 20**.

## Boarding house register

Did you know there is a public register that allows you to search for all 'registrable' boarding houses in NSW? Visit [www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au) or call **13 32 20**.

## Need help?

If you have any questions about your rights as a boarding house resident, call us on **13 32 20** or visit our website.

If you have a dispute with another resident or with the operator, the NSW Civil and Administrative Tribunal (NCAT) can help. The dispute can be about any of the occupancy principles including the state of the boarding house, fees and charges, inspections, repairs, notices of eviction and more.

Call the Tribunal on **1300 006 288** or visit [www.ncat.nsw.gov.au](http://www.ncat.nsw.gov.au)



## Useful contacts

### Tenants Advice and Advocacy Services (TAAS)

TAAS provides boarders and lodgers, social housing tenants and other NSW tenants with free assistance and information. Find your nearest TAAS at [www.tenants.org.au](http://www.tenants.org.au)

### Housing NSW

Provides people with emergency and temporary accommodation. Call 1300 468 746 or visit [www.housing.nsw.gov.au](http://www.housing.nsw.gov.au)

### Mental Health Line

Call 1800 011 511 anytime to speak with a mental health professional.



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- Resolving disputes
- Loose-fill asbestos implementation taskforce

[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au) Enquiries **13 32 20**  
Language assistance 13 14 50 (ask for an interpreter in your language)  
TTY 1300 723 404 for hearing impaired

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For more information about this topic, refer to the appropriate legislation.

January 2016

# Living in a boarding house?



 **Fair Trading**  
[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)

## Boarding houses

Boarding houses provide accommodation for a fee and are sometimes called lodging houses. Often, residents only have the right to occupy a room and share other facilities such as kitchens and bathrooms.

If you live in a 'registrable' boarding house, you have a basic set of rights called occupancy principles. This brochure outlines these rights and where to get more information.

## What is a 'registrable' boarding house?

There are two types of 'registrable' boarding houses:

- **General boarding houses**

These accommodate five or more paying residents excluding the owner's family and manager. This does not include hotels, backpackers and aged care homes. To find out more, visit our website or call **13 32 20**.

- **Assisted boarding houses**

These accommodate two or more persons with additional needs. These are licensed by Ageing Disability & Home Care (ADHC). For more details visit [www.adhc.nsw.gov.au](http://www.adhc.nsw.gov.au) or call **02 937 000**.

## What is an occupancy agreement?

An occupancy agreement is a written contract between you and the boarding house operator. It details your basic rights and responsibilities. Legally, the operator must have an occupancy agreement with you. Even if they don't, your rights are still protected by law and you can enforce them. Always ask for a written agreement so you know your rights and responsibilities.

## Your rights when living in a boarding house

### Before you move in

You have a right to:

- have a written occupancy agreement
- be told how much the occupancy fee (ie. rent) will be
- know whether you will be charged for utilities such as gas, electricity or water
- be told the house rules
- be told if you have to pay a security deposit and how much it will be
- know how and why the occupancy agreement can be terminated, including how much notice you will get.

### While you live there

You have a right to:

- live in a house that is reasonably clean and secure, and in a reasonable state of repair
- have quiet enjoyment of the place you live in
- be given receipts for any money you pay
- be given 4 weeks written notice of any increase in the occupancy fee
- have utility charges limited to the cost of providing the utility plus an estimate of your usage
- not be 'fined' for a breach of the occupancy agreement and house rules. If you breach the agreement or the house rules you can be asked to leave
- apply to the Tribunal for help if you cannot resolve a dispute with a boarding house operator
- be given written notice, except in emergencies, for room inspections or repairs.

### When you move out

You have a right to:

- have your deposit refunded within 14 days of moving out minus any allowable deductions such as unpaid rent, the cost to repair any damage you caused or to clean areas you left unclean, or to replace locks you removed or added without permission
- be given reasonable written notice of eviction. The boarding house proprietor can consider the safety of others in deciding how much notice to give.





**ATTACHMENT 5: CHECK SHEET FOR NEW BOARDING HOUSE RESIDENTS**

**Please return this check sheet to the Boarding House Manager after you have received all the documents listed below.**

I CERTIFY THAT I HAVE BEEN PROVIDED WITH PRINTED COPIES OF MY SIGNED:

- BOARDING HOUSE PLAN OF MANAGEMENT
- CONTACT DETAILS FOR BOARDING HOUSE MANAGER
- OCCUPANCY AGREEMENT
- HOUSE RULES
- BROCHURE: 'Living in a Boarding House'

Resident's Name: \_\_\_\_\_

Resident's Signature: \_\_\_\_\_

Boarding House Room Number: \_\_\_\_\_

Date: \_\_\_\_\_