

PART F – Development Specific

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F1 SHARED RESIDENTIAL ACCOMMODATION

This Part contains guidelines for boarding houses, group homes and hostels throughout Waverley.

1.1 BUILT FORM AND AMENITY

State Environmental Planning Policy (Affordable Rental Housing) 2009 (SEPP) provides the following provisions relating to boarding houses:

- Density;
- Height;
- Landscaping and Private Open Space;
- Solar Access and Energy efficiency;
- Car Parking; and
- Accommodation size and characteristics.

It is noted that Council cannot refuse an application for a boarding house based on specific controls within the SEPP, however all applications must comply with the following development controls.

Additional submission documents/information

- A Management Plan is required to be submitted with the DA (refer to Part A2).
- Management Plans are unable to be altered without the approval of Council.
- Places of shared residential accommodation are to be registered annually with Council and be inspected at least once a year by Council.

Objectives

- (a) To provide a level of amenity to ensure acceptable living standards.
- (b) To ensure rooms have sufficient kitchen and bathroom appliances in order to be completely self-contained.
- (c) To provide ample space for cooking and dining whilst maintaining health and safety.
- (d) To ensure all types of shared residential accommodation are adequately managed and maintained.

Controls

- (a) Development is to be designed in accordance with the controls outlined for Part D1 - Dwelling House and Dual Occupancy Development or Part D2 - Multi Unit Housing Development as relevant.
- (b) Every bedroom must have a minimum gross floor area of 12m².
- (c) Indoor communal living areas are to have a minimum area of 12.5m² or 1.25m²/resident (whichever is greater). The communal area is not to include bedrooms, bathrooms, laundries, reception area, storage, kitchens, car parking or the like.
- (d) Each room should contain adequate storage facilities to provide storage space for clothes, linen and other items.
- (e) Balconies should be provided for each individual room where site and locality conditions permit.

- (f) Clothes drying facilities are to be provided for occupants, including an outdoor clothes line.
- (g) Laundry facilities are to be provided at the rate of one washing machine and laundry basin for every 12 residents
- (h) A room with a kitchenette should contain a stove, sink, oven, refrigerator and a bench top with a minimum area of 1m².
- (i) Bathrooms should have a minimum area of 5m².
- (j) Rooms should be well ventilated to ensure acceptable levels of health and safety.
- (k) Cleaning and cooking items are to be provided for the use of occupants.
- (l) Boarding houses are to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbours by locating:
 - (i) The main entry point at the front of the site, away from side boundary areas near adjoining properties;
 - (ii) Communal areas away from the main living area or bedroom windows of any adjacent buildings;
 - (iii) Screen fencing, plantings and acoustic barriers in appropriate locations; and
 - (iv) Double glaze windows or glass blocks where noise transmission could affect neighbour properties.

F2 TOURIST ACCOMMODATION

This Part contains provisions that apply to alterations and additions, change of use to or new visitor accommodation. Visitor accommodation includes hotels, motels, guest houses, backpacker accommodation, bed and breakfast accommodation and serviced apartments.

2.1 BACKPACKER ACCOMMODATION

Backpacker accommodation is defined in WLEP 2012 and provides for tourist and visitor accommodation with shared facilities.

Waverley is a popular tourist destination due to its proximity to the Sydney CBD and eastern beaches. As a result, backpacker accommodation is a common development type in the area. The following controls encourage the design, development and management of backpacker accommodation in a manner which respects the amenity of the surrounding area whilst ensuring a high standard of amenity for guests.

Additional submission documents/information

- A Management Plan is required to be submitted with the DA (refer to Part A2).
- Management Plans are unable to be altered without the approval of Council.
- An acoustic assessment prepared by an appropriately qualified consultant including recommended noise attenuation measures is to be submitted with a development application.
- Visitor accommodation is to be registered annually with Council and be inspected at least once a year by Council.

Objectives

- (a) To protect existing residents from the impacts of backpacker accommodation.
- (b) To ensure the design, development and management of backpacker accommodation provides a high standard of amenity for guests.

Controls

- (a) Development is to be designed in accordance with the controls outlined for Part D1 - Dwelling House and Dual Occupancy Development or Part D2 - Multi Unit Housing Development as relevant.
- (b) Backpacker accommodation is to be located within 400m of public transport and within easy access to facilities and services.
- (c) The number of people in shared or dormitory style accommodation will be determined by allocating a minimum of 3.25m² of floor area per person up to a maximum of 8 guests.
- (d) The maximum length of stay for guests is 28 consecutive days.
- (e) The floor area of the combined kitchen/living area is determined on a basis of 1m² per occupant.
- (f) Toilet facilities must be provided in a separate compartment from the shower/bathroom.
- (g) Communal recreation areas are to be provided at the rate of 0.75m² per person based on the maximum number of guests.

- (h) One communal area of at least 20m² with a minimum dimension of 3metres is to be provided.
- (i) Rooftop terraces are not permitted.
- (j) Developments are to be designed to minimise and mitigate any impacts on the visual and acoustic privacy of neighbours by locating:
 - (i) The main entry point at the front of the site, away from side boundary areas near adjoining properties;
 - (ii) Communal areas away from the main living area or bedroom windows of any adjacent buildings;
 - (iii) Screen fencing, plantings and acoustic barriers in appropriate locations; and
 - (iv) Double glazed windows or glass blocks where noise transmission could affect neighbouring properties.
- (k) Provide adequate space and secure storage facilities to allow occupants to store clothes and travel gear.
- (l) Toilet and shower facilities must be designed in accordance with the BCA.

2.2 HOTELS, MOTELS AND SERVICED APARTMENTS

Hotels, motels and serviced apartments are defined in WLEP 2012. Hotel and motel accommodation provide tourist and visitor accommodation in the form of rooms or self contained suites. Serviced apartments provide self contained tourist or visitor accommodation that is regularly serviced or cleaned.

Due to the number of tourists Waverley receives each year, hotels, motels and serviced apartments are in high demand. These controls encourage the design, development and management of hotels, motels and serviced apartments in a manner which respects the amenity of the surrounding area whilst ensuring a high standard of amenity for guests.

Additional submission documents/information

- A Management Plan is required to be submitted with the DA
- Management Plans are unable to be altered without the approval of Council.
- Visitor accommodation is to be registered annually with Council and be inspected at least once a year by Council.

Objectives

- (a) To ensure the design, development and management of hotel and motel accommodation provides a high standard of amenity for guests, whilst not impacting on the amenity of the surrounding area.
- (b) To ensure that serviced apartment developments provide a level of amenity for residents that is comparable with residential development.

Controls

- (a) The maximum permitted length of stay is 3 months for motels and hotels.
- (b) Sleeping rooms are to provide a minimum of 5.5m² per occupant staying more than 28 consecutive days; or 3.25m² per occupant staying 28 or less consecutive days.
- (c) Serviced apartments are to be designed so that the level of residential amenity within each apartment is equivalent to that required to be provided for residential flats.
- (d) Where serviced apartments are located within a building that includes residential flats, separate ground floor lobbies for each use are required for serviced apartments and residential flats are not to share the same access corridor.
- (e) A wash tub, washing machine and clothes drying facilities is to be provided within each apartment.
- (f) Each bedroom is not to accommodate more than two persons.
- (g) Development must be designed in accordance with the built form controls outlined in Part D2 - Multi Unit Housing Development as appropriate.
- (h) Provide adequate space and secure storage facilities to allow occupants to store clothes and travel gear.
- (i) Toilet and shower facilities must be designed in accordance with the BCA.
- (j) Buildings must be oriented and designed to minimise potential impacts on the residential amenity surrounding residential amenity.

F3 CHILD CARE CENTRES

This Part relates to the construction, establishment and operation of child care centres throughout Waverley.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (SEPP) allows home-based child care to be conducted without the need for approval. To operate without development consent any proposed home-based child care must operate in line the LEP definition as follows:

“Home-based child care - a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) *the service is licensed within the meaning of the Children and Young Persons (Care and Protection) Act 1998;*
- (b) *the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 4 who do not ordinarily attend school.”*

Children and Young Persons (Care and Protection) Act 1998 and Education and Care Services Regulations 2011

Child Care Services are managed under the *Children and Young Persons (Care and Protection) Act 1998* and the *Education and Care Services Regulations 2011*. The Regulation covers areas such as the staff who work in services and their level of qualification, the size of a service and the ratio of staff to children, physical requirements of building spaces and equipment, health and safety and administrative requirements. An application for a license cannot be made until development consent has been granted.

For more information go to: <http://www.dec.nsw.gov.au/>

3.1 LOCATION AND SITING

Council recognises the demand for child care places in Waverley and encourages the provision of child care centres. Careful consideration as to the suitability of a site for a child care centre is required and should take into consideration proximity to public transport, vehicular access and provision of open space.

Objectives

- (a) To ensure child care centres are located in areas of high environmental quality, without exposure to undesirable health and safety risks.
- (b) To ensure the location and design of child care centres minimise adverse environmental and amenity impacts to adjacent residential properties.
- (c) To encourage ease of access to child care centres by sustainable transport forms.
- (d) To ensure the design of a child care centre is of an appropriate scale, bulk and size sympathetic and consistent with development in the surrounding area.

Controls

- (a) Sites that are considered to be best suited for child care centres are:
 - (i) located on a corner site;
 - (ii) adjacent to existing open space;
 - (iii) form part of an established church or community facility;
 - (iv) detached dwellings rather than semi-detached dwellings, dual occupancies or units within residential flat buildings;
 - (v) where on-site setting down facilities for children are available; and/or
 - (vi) close to public transport or within easy and safe walking distance of public transport.
- (b) Sites on arterial roads should be avoided. However, consideration will be given where adequate on-site parking and drop-off/pick-up points for children are provided.
- (c) The design and siting of child care centres shall consider:
 - (i) site orientation and solar access;
 - (ii) existing vegetation and topography;
 - (iii) access (vehicular and pedestrian) to, and from the site;
 - (iv) location and uses of surrounding buildings and the predominant built form and streetscape character; and
 - (v) minimising disturbance to adjacent residential properties.

3.2 BUILT FORM

The overall built form and appearance of a child care centre will be determined by the provisions of WLEP 2012 and relevant part of this DCP relating to the building type. Consideration of the surrounding built form will assist in ensuring development are consistent with the streetscape character of the surrounding area and of an appropriate scale and design.

Objectives

- (a) To ensure generous and well designed indoor and outdoor play areas that caters for the children's needs.
- (b) To provide indoor and outdoor spaces which are safe, secure and functional and enable supervision.
- (c) To ensure that the visual and acoustic amenity of the neighbouring area is not unduly impacted by the child care centre.

3.2.1 Outdoor Spaces

Controls

- (a) A minimum of 7m² useable outdoor play space per child is to be provided.
- (b) Outdoor play spaces are to be:
 - (i) directly related to the main indoor play area;
 - (ii) located to have direct access to toilets;
 - (iii) located to allow for constant supervision of the children;
 - (iv) easily accessible and preferably on grade, with indoor areas;
 - (v) located with a northern orientation, where possible, for maximum solar access;
 - (vi) secured away from the main entrance of the facility, car parking, vehicular circulation or public areas outside the child care centre.
 - (vii) Designed to provide separate areas for different age groups that suit their needs and abilities.
 - (viii) designed to provide at least half the outdoor area is to be unencumbered and available for play on a variety of surfaces.
 - (ix) provided with surfaces that are to be non-slip, safe, durable, attractive and enjoyable to use by children;
 - (x) adequately fenced with self-closing and child proof fencing on all sides of the area;
 - (xi) designed so that fixed play items are located to the edge of the open area. Fixed play items are to be designed for flexibility, safety and include recognised impact absorbing under-surfacing; and
 - (xii) designed to provide an area for the adequate storage of garbage and recycling bins and is to be located on site so as to minimise exposure to noise and odour to adjoining properties.
- (c) Landscaping is to:
 - (i) provide shade and screening to outdoor areas;
 - (ii) include native trees and shrubs which contribute to biodiversity;
 - (iii) include vegetation which has been assessed to ensure they are free of toxins.
- (d) Rainwater tanks should be installed to collect roof runoff for garden watering.

3.2.2 Indoor Space

- (a) A minimum of 3.25m² of unencumbered space per child that is used exclusively for children is to be provided.
- (b) Toilets should be easily accessible from playrooms.
- (c) Children should not have to cross another group's playroom to access the toilets or outdoor areas.
- (d) Flooring is to be of a non-slip surface and easy to clean. If linoleum or vinyl tiles are laid over a concrete floor, the floor must be damp proofed.
- (e) Adequate and suitable space is to be provided for the care of a child who becomes unwell. The space should include room for a sofa, stretcher or mattress in a quiet, easily supervised area.
- (f) Indoor areas are to have access to sunlight, natural ventilation and views to the outdoors.
- (g) Fluorescent lighting is discouraged. If incandescent lights are used a shade should be provided.

3.2.3 Visual and Acoustic Amenity

- (a) Buildings must be oriented and designed to minimize potential impacts on the residential amenity of adjoining properties with regard to visual and acoustic privacy.
- (b) Adequate screening should be provided where balconies and decks cause privacy concerns for adjoining residences.

3.3 TRAFFIC, CAR PARKING AND PEDESTRIAN SAFETY

Traffic, parking and pedestrian safety is a key consideration in the location and design of a child care centre. Child care centres should be located close to public transport as well as having adequate on-site parking and manoeuvring to ensure the surrounding traffic and residential amenity is not adversely affected.

Objectives

- (a) To ensure that adequate parking is available for the dropping off/ picking up of children so that it does not affect the traffic movements and availability of parking of the surrounding area.
- (b) To ensure adequate parking is provided on site for staff and parents.
- (c) To ensure a safe environment for pedestrians, particularly children.

Controls

- (a) 1 on-site parking space is required per 4 employees plus 1 per 8 children.
- (b) Council may consider a reduction in parking requirements where a study undertaken by a suitably qualified consultant justifies the assumptions that staff and users of the centre will use alternative forms of transport to access the Centre or is necessary as a result of the individual sites merits.
- (c) Provision should be made for one way drive through arrangements which has separate ingress and egress with adequate drop-off/pick-up areas.
- (d) All parking and manoeuvring areas are to be clearly sign posted and line marked.
- (e) On-site car parking should be designed so that vehicles may be driven in a forward direction when entering and leaving the centre.
- (f) A Traffic Management Plan must be submitted with the development application by a suitably qualified consultant which considers:
 - (i) current on street parking restrictions and availability;
 - (ii) current traffic conditions;
 - (iii) the likely impact of the proposed development on existing traffic flows and the surrounding street system;
 - (iv) safety of pedestrian and vehicular movements in and around the centre; and
 - (v) how impacts of drop-off and pick up will be addressed.

3.4 MANAGEMENT

Council has the responsibility for assessing child care centre applications and the NSW Department of Education and Communities (DEC) is responsible for the regulation, licensing and monitoring of children's services in accordance with the state regulations under the *Children and Young Persons (Care & Protection) Act 1998* and *Education and Care Services Regulations 2011*.

An applicant must obtain a licence from DEC to provide centre-based child care once a development application (DA) has been approved or for a home-based child care centre. Before submitting a DA, the applicant should contact DEC to address licensing issues. Contact details are available at the following link:

<http://www.dec.nsw.gov.au/contact-us>

Objectives

- (a) To ensure that centre-based child care services operate in times where they will have least impact on the community and the environment.

Controls

- (a) Council will not permit a centre located in a residential zone to operate outside the hours of 7.00am to 7.00pm unless written justification is submitted seeking otherwise.
- (b) Consideration may be given to a variation in the hours of operation within residential areas if the proposed centre is adjoining or adjacent to a commercial or another non residential land use.
- (c) Within mixed use areas or predominantly commercial areas, the hours of operation will be assessed on its merits in terms of compatibility with adjoining or upper level land uses.