

5.2 DRAFT GUIDE TO STUDENT ACCOMMODATION IN MONASH

(TP:AJ:RMK)

Ward : All

Responsible Director: Paul Kearsley

Reason for Council Consideration: Council Interest/Strategic Planning

RECOMMENDATION

1. *That Council adopts the 'DRAFT Guide to Student Accommodation in Monash, March 2009' for the purpose of completing a public consultation process.*
2. *That the public consultation process include:-*
 - *Press release and article in local newspapers*
 - *Monash Bulletin article*
 - *Web page information*
 - *Municipal Office and Oakleigh Service Centre display*
 - *Library display*
 - *Referral of the Guideline and consultation with:-*
 - *the four significant tertiary institutions located in and adjacent to Monash,*
 - *relevant student housing managers, including the student services/campus managers/international student representatives from the four significant tertiary education institutions,*
 - *Student Housing Association of Australia*
 - *Tenants Union of Victoria*
 - *Consumer Affairs Victoria,*
 - *Developers and Architects recently involved in the design and construction of Student Accommodation.*
3. *That following completion of the consultation process, a further report be made to Council to consider all submissions and the adoption and implementation of a Guide/Policy for Student Accommodation.*

INTRODUCTION

The purpose of this report is to: -

- Inform Council of the current issues associated with student accommodation in Monash and the actions being undertaken through the

provisions of the Building and Health Acts to manage these facilities to ensure that appropriate standards of habitation and safety are met.

- Consider a DRAFT Guide to Student Accommodation in Monash and, if appropriate, proceed to a public consultation process including referral of the DRAFT Guideline to Tertiary Institutions and providers of Student Accommodation.
- Consider options for the incorporation of a Student Housing Policy into the Monash Planning Scheme.

NOTICE OF MOTION – ITEM 8.6 of 17 FEBRUARY 2009

Council, at its meeting on 17 February 2009 adopted a Notice of Motion from Cr Jieh-Yung Lo that a Student Housing policy/guideline be prepared for Council's consideration.

The Notice of Motion stated, in part:-

The development of a student housing policy/guideline will ensure that future proposals will be considered fairly and consistently in the best interests of the whole community.

It is therefore recommended that Council prepare a Student Housing policy/guideline for consideration.

Following completion of the Draft Guideline document and consideration by Council, it should be circulated to the various tertiary institutions and placed on public exhibition for comment.

Following completion of a public consultation process with stakeholders, and the submissions received, a further review should be undertaken on the appropriate form of the adoption and implementation of the Student Housing Policy/Guideline.

BACKGROUND

Four large tertiary education institutions are located within or in close proximity to the City of Monash. They are:-

- Monash University (Clayton Campus), Blackburn Rd, Clayton.
- Holmesglen Institute of TAFE (Chadstone Campus), Warrigal Rd, Chadstone.
- Holmesglen Institute of TAFE (Waverley Campus), Waverley Road, Glen Waverley
- Deakin University (Melbourne Campus), Burwood Hwy, Burwood.

A range of smaller privately operated tertiary education centres are also located within the municipality. 60,000 students (approx) were enrolled in these tertiary education institutions in 2007.

Monash University (Clayton Campus) had the largest number of international students enrolled out of all 56 tertiary institutions campuses in Melbourne.

There are 11,000 students (approx). Deakin University (Melbourne Campus) had the fourth largest enrolment with 5,000 international students (approx).

The number of overseas student enrolments is expected to continue to climb in the future. These institutions also have enrolments of interstate and country students.

Student accommodation is housing (outside the family home) used by students as their place of residence. It can be either:-

- a residential building, purpose built, used to accommodate students, or
- an existing dwelling, (house, unit, apartment or flat etc) occupied by students.

Traditionally this is provided through various housing types that satisfy different student needs and budgets. Apart from those who live at home, the main options are:-

- on/off campus residential buildings managed by the institution
- privately operated residential buildings
- shared rental of dwellings
- individual rental of a dwelling/room

Students tend to want to live in close proximity to their institution, creating significant localised student populations. It is evident that demand for quality student accommodation has outstripped the local supply in some areas of Monash.

This demand for student accommodation has not only resulted in a number of planning permit applications, but also, a significant number of low standard, shared housing facilities, operating within the municipality.

CURRENT ISSUES OF STUDENT ACCOMMODATION

Insufficient housing stock to meet the demand of students

There is a demand for student accommodation within Monash.

This is apparent by a number of recent applications for planning permit approval to develop new facilities and the local demand by students for rental housing in residential areas surrounding the tertiary education institutions.

The numbers of overseas and country students attending the institutions is increasing.

This is supported by anecdotal advice from the administrators of these institutions.

Growth in sub-standard student housing

Council's Building, Health and Town Planning departments have been involved in a significant number of poorly converted, overcrowded shared housing student accommodation facilities that fail to meet the basic habitation standards and requirement of the Building and Health Acts and Regulations.

Students appear to have been exploited in their need for affordable accommodation resulting in an increase of sub-standard facilities.

Dwellings have been converted into residential buildings without the relevant approval or compliance with the existing use and development regulations. Garages and out-buildings have been found being used as bedrooms without basic amenity facilities.

Students have been found living in sub-standard conditions, without basic services in dwellings that fail minimum fire protection standards. There is often an absence of site maintenance, accumulated rubbish, issues with car parking and a general adverse impact on local amenity.

These issues need to be addressed by a balanced approach to ensure that an increased supply of quality, affordable student accommodation is constructed; while at the same time ensuring that the use of existing housing stock meets basic standards of safety and habitation so that students are not exploited in their need for local affordable accommodation.

Management of sub-standard student housing

The regulatory provisions that manage rental housing cover 4 diverse areas of legislation. The issue of sub-standard habitation and exploitation is not limited to students but is also relevant to the community at large.

Regulatory responsibility lies with:-

1. Consumer Affairs Victoria (CAV) – Under the *Residential Tenancies Act 1987* and *Residential Tenancies Regulations 2008*, the CAV regulates matters relating to Owner vs. Tenant obligations in Rooming houses where 4 or more persons are accommodated.

This includes enforcing the provision of rental documentation from Owners to Tenants, and in a limited sense, the maintenance and repair of existing facilities and fixture.

2. Council Building Section – Under the *Building Act 1993*, *Building Regulations 2006* and *Building Code of Australia 2008*, the Council's Building Section is responsible for matters relating to Safety and Amenity where 2 or more persons are accommodated in a dwelling or Rooming Houses.

When considering building applications and undertaking enforcement, matters of relevance includes fire safety provision, natural light, ventilation, toilets and bathrooms numbers and structural requirements.

3. Council Environmental Health Section – Under the *Health Act 1958* and *Health (Prescribed Accommodation) Regulations 2001*, Council's Health Section is responsible for ensuring student accommodation provides an adequate standard of occupant health and amenity where 4 or more persons are accommodated in prescribed accommodation.

When considering applications and undertaking enforcement, matters of relevance include room sizes, persons per bedroom, persons per toilet and bathroom, water supply, sewerage and waste disposal.

4. Council Town Planning Section – Under the *Planning and Environment Act 1987* and the Monash Planning Schemes, Council's Town Planning Section is responsible for ensuring student accommodation provides an adequate level of amenities and the building is complimentary to the character of the area for a Dwelling or a Residential Building, if either has more than 10 habitable rooms, and where individual rooms are separately rented or leased.

When considering Planning Permit Applications and undertaking enforcement, matters of relevance include the provision of car parking, open space, landscaping, student facilities and amenities, waste disposal and neighbourhood character.

A program is in place, coordinated through Council's Building Section, that proactively inspects residential properties suspected of being student accommodation premises that are not in compliance with the relevant regulations.

Any inspection by Council's Building, Health or Planning inspectors that identifies a suspicious property is followed-up by a formal inspection and, if necessary, the issue of a works order and formal enforcement and prosecution.

An education program for local Real Estate Agents has been implemented to raise their awareness of their responsibilities in renting properties used for student accommodation. Unfortunately, student deaths have occurred from fire (not in Monash), in facilities that had been converted, without approval and contrary to regulations. It is considered that rental agents have a part responsibility to ensure that the property they are renting legally complies with the relevant regulations.

Management of this issue is ongoing.

Increasing housing stock to meet student accommodation demand

Council's Strategic and Policy statements, the Municipal Strategic Statement and Policy provisions of the Monash Planning Scheme, and the Monash Housing Strategy have all identified a demand for student accommodation and identify that additional housing needs to be provided.

The DRAFT Guide to Student Housing in Monash has been prepared to focus on this demand and to clearly articulate the design requirements for the provision of student accommodation that quality standards of facilities for residents.

Council cannot require a developer to construct a project. Student accommodation facilities will be built if there is market demand that is seen by a developer as profitable. Some institutions provide student accommodation however the current trend is to leave new development to the private market to provide.

Preparation and exhibition of the DRAFT Guideline will raise the profile of Student Housing issues and may foster interest in new development.

DRAFT GUIDE TO STUDENT ACCOMMODATION IN MONASH.

A copy of the DRAFT Guide is attached. [ATTACHMENT 1]

The DRAFT Guide has been prepared to provide a background and definition of Student Accommodation, Council's Strategic and Policy objectives, the Planning Scheme and approval process as well as detailed development guidelines.

The Guidelines will ensure that student accommodation proposals, that require planning permit approval, will be considered fairly and consistently in the best interests of the whole community.

It will provide guidance to developers, residents and Council Planners on what is considered to be appropriate design and use of a site.

The development guidelines focus on 7 elements:-

1. Location,
2. Neighbourhood Character,
3. Car Parking and Bicycle Storage
4. Open Space,
5. Residential Amenities,
6. Accommodation Use
7. Landscaping.

Development should be designed to achieve the identified outcomes for each of the following Design Elements. The Guidelines are provided to give a clear explanation of acceptable design options for designers to satisfy the relevant Outcomes.

Location

Student Accommodation is to be encouraged to locate within 800m of a tertiary education institution or Railway Station, within 400m of a bus route that provides direct access to a tertiary institution, or 800m any Principle, Major or Neighbourhood Activity Centre.

That is within general walking distance of these facilities.

Neighbourhood Character

Development should be designed to respect the preferred Neighbourhood Character of the location.

Car Parking and Bicycle Storage

Adequate car parking and bicycle storage is provided on site to meet the needs of the student residents and visitors.

A traffic parking study is currently being undertaken by consultants to provide a more comprehensive assessment of the demand requirements for car parking for students in accommodation facilities in Monash. This study will be completed prior to the completion of a public exhibition process and the results can be incorporated into a further report to Council at that time.

Open Space

Adequate Communal Open Space should be provided to meet the recreational needs of the student residents. It is considered open space should be provide at a rate that reflects the scale of the proposal. That is 75m² or 4m² per student, whichever is the greater.

For large scale student accommodation facilities, the total area of communal open space may be limited where exceptional circumstances exist if the recreational needs for the resident students are satisfied by other means. That is: -

- proximity of the site to a Tertiary Education Institution and its recreation facilities.
- proximity of the site to a major public open space area or other recreation facilities.
- The provision of large communal indoor recreation areas.

Residential Amenities

Individual residential accommodation space and associated amenities should be designed to provide an acceptable standard of habitation for occupants.

- For self contained rooms, a minimum of 24m² in floor area is required. This includes a 16m² living room, separate sleeping area, built-in desk and storage cupboards plus 4sqm for kitchenette and 4m² for bathroom/toilet facilities.
- For non-self contained rooms, a minimum of 16sqm in floor area is required. This includes a living room, separate sleeping area, built-in desk and storage cupboards.

These standards are similar to those specified by the City of Whitehorse Student Housing policy.

Safe entry/access, common room, laundry and waste storage facilities must also be provided.

Accommodation Use

Student accommodation facilities should be operated and used in a manner which responds to the needs of the student residents and do not adversely impact on surrounding properties.

Section 173 Agreements and Management Plans need to be entered into to ensure that the management of the facilities maintain appropriate standards during the continued use of the facility.

Landscaping

Existing significant trees should be retained, new canopy trees planted and the landscaped areas of student accommodation facilities should be continuously maintained. Landscaping should be designed to respect the landscape theme of the location and relate to the design requirements of the buildings on site.

This is consistent with the requirements for residential development applications, and is consistent with by Council's Garden City Character theme in the Monash Planning Scheme.

CONSULTATION

Public consultation of the DRAFT Student Accommodation Guidelines should occur before it is considered for final adoption by Council.

The recommended consultation program includes an exhibition period commencing on Monday 20 April 2009 and finishing on 22 May 2009. Exhibition will be advertised by:-

- Press release and article in local newspapers
- Monash Bulletin article
- Web page information
- Municipal Office and Oakleigh Service Centre display
- Library display
- Referral of the Guideline to:-
 - the four tertiary institutions located in and adjacent to Monash,
 - relevant student housing managers, including the student services/campus managers/international student representatives from the four significant tertiary education institutions,
 - Student Housing Association of Australia
 - Tenants Union of Victoria
 - Consumer Affairs Victoria,
 - Developers, Architects recently involved in the design and construction of Student Accommodation.

Following completion of the consultation period, all submissions received will be reviewed and a further report made to Council to consider the submissions, adopt a final version of the Student Housing Guideline as determine its future status.

INCOPORATION INTO THE MONASH PLANNING SCHEME

A decision to include a Policy on Student Accommodation into the Monash Planning Scheme should not be made at this time. That assessment should be made following an assessment of the responses received following the public consultation.

In its current form the Guideline would sit outside of the Planning Scheme, providing advice to developers, but having no legal standing at VCAT.

However, it should be noted that an additional study would be required to provide the background justification for its inclusion as a Student Housing policy in the Planning Scheme. This study would consider, in detail, student

demographics, student housing demand and supply, the use of existing student accommodation, and provide the strategic justification for a Planning Scheme policy to requirements of the Department of Planning and Community Development. This has been a prerequisite for other Councils who have implemented a Student Housing policy in their planning schemes.

It is estimated that the cost of such a study to be in the order of \$30,000.

The procedure involved to include a Student Housing Policy in the Monash Planning Scheme would involve:-

- Completion of a strategic justification study and its adoption by Council.
- Request the Authorisation of Amendment to Minister for Planning to prepare and exhibit an amendment to the Monash Planning Scheme.
- Preparation and exhibition of the Amendment.
- Consideration of submissions and the appointment of an Independent Panel for review of the amendment and submissions.
- Panel Hearing to consider the strategic justification of the amendment and to consider the submissions about the amendment.
- Following receipt of the Panel Report determine the future of the amendment.
- Request the Minister for Planning to approve the amendment.
- Amendment approved and gazetted..

This is a minimum 12 month timeline.

CONCLUSION

It is recommended that Council adopt the DRAFT Guide for Student Accommodation in Monash for the purpose of public consultation and that the public exhibition process commence to determine the comments of Tertiary Institutions, student housing groups, developers, architects and the community.