

TITLE: FORMS OF RESIDENTIAL ACCOMMODATION OTHER THAN SINGLE HOUSE

ADOPTED:

REVIEWED:

ASSOCIATED LEGISLATION: Planning and Development Act 2005

ASSOCIATED DOCUMENTS: Bed and Breakfast Accommodation

REVIEW RESPONSIBILITY: Manager Planning Services

DELEGATION:

Previous Policy Number N/A

Purpose/Background

Broome experiences housing affordability issues with many residents facing mortgage or rental stress. Over time the Shire has experienced that buildings have been designed or used for purposes other than a single house. This can often impact upon the amenity of an area and/or substandard facilities.

The purpose of this Policy is to define various dwelling forms and to establish development criteria for residential buildings.

Objective:

1. To facilitate the development of appropriately located and high quality residential accommodation.
2. To define the use, management and level of service provided for Residential Buildings.
3. To ensure various forms of accommodation are of a compatible scale and design with surrounding development.
4. To ensure that the establishment of alternative forms of residential accommodation in the residential zone protect the social and residential amenity.

Definitions:

“Ancillary Dwelling” as defined in the R-Codes (as amended) which currently state: *self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from a single house.*

“Bed and Breakfast Accommodation” means any single house in which the resident of the dwelling provides accommodation on a short term basis and includes the provision of breakfast.

“Dwelling” as defined in the R-Codes (as amended) which currently state: *a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.*

“Grouped Dwelling” as defined in the R-Codes (as amended) which currently state: *a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property.*

“Habitable Room” as defined in the R-Codes (as amended) which currently state: *A room used for normal domestic activities that includes:*

- *a bedroom, living room, lounge room, music room, sitting room, television room, kitchen, dining room, sewing room, study, playroom, sunroom, gymnasium, fully enclosed swimming pool or patio; but excludes*
- *a bathroom, laundry, water closet, food storage pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes drying room, verandah and unenclosed swimming pool or patio and other spaces of a specialised nature occupied neither frequently nor for extended periods.*

“Kitchen” means a kitchen sink and any other “cooking facility” as defined under the Shire of Broome Health Local Law which states: *“a cooking facility” includes a stove, oven, facility or appliance used for or in connection with the cooking of food.*

“Multiple Dwelling” as defined in the R-Codes (as amended) which currently state: *A dwelling in a group of more than one dwelling on a lot where any part of the plot ratio area of a dwelling is vertically above any part of the plot ratio area of any other but:*

- *does not include a grouped dwelling; and*
- *includes any dwellings above the ground floor in a mixed use development.*

“Permanent Accommodation” when a building is occupied for a period of 3 months or greater.

“Keyed units” means a building which is designed such that separate portions of a building which is capable of independent human habitation can be sectioned off and locked.

“Residential Building” as defined in the R-Codes (as amended) which currently state: *A building or portion of a building, together with rooms and outbuildings separate from such buildings but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:*

- *temporarily by two or more persons; or*

- *permanently by seven or more persons, who do not comprise a single family, but does not include a hospital, a prison, a hotel, a motel or a residential school.*

“Single House” a dwelling standing wholly on its own green title or survey strata lot, together with any easement over adjoining land for support of a wall or for access or services and excludes dwellings on titles with areas held in common property.

“Temporary Accommodation” (or short-term accommodation) where a building is occupied for a period of less than 3 months.

“Tourist Development” means any land or buildings used for the overnight or holiday accommodation of patrons in self contained units and/or shared accommodation and may include incidental on-site recreational facilities such as golf, swimming, bike riding, tennis, bowls, fishing, restaurants, shops, function rooms and entertainment facilities, administration offices, caretaker facilities. It includes dormitory style accommodation, hostel/backpacker, tourist lodging / guest houses, motel and hotel.

Policy:

General Provisions

- 1.0 Where a building/buildings on a single lot contains two portions which are capable of human habitation independent from one another, each portion will be deemed to constitute a dwelling for the purpose of this policy and development approval.
- 2.0 A portion of a building will be deemed to be capable of human habitation when the portion includes a kitchen, bathroom and habitable room.
- 3.0 A door separating two portions of a building capable of independent human habitation will be considered as if it is a wall.
- 4.0 Designs that may be determined by the Shire to represent a layout which could reasonably be utilised as a Grouped or Multiple Dwelling, Residential Building or Additional Dwelling may include any or all of the following:
 - a) Mirroring of a layout and/or facilities an example of such is detailed in Figure 1.
 - b) More than one kitchen.
 - c) Independent external/internal access to a room, portion of a building or storey of a building or separately ‘keyed’ sections an example of such is detailed in Figure 1 and 2.
 - d) The ratio of bathrooms and toilets to the number of bedrooms.
 - e) The location and provision of separate outdoor living areas.
 - f) The amount of car parking or area available for car parking provided around the building.

- 5.0 For the purposes of undertaking a planning assessment and determining the use and function of a development a building designed to have two separate dwelling areas with shared laundry facilities would be classed as either multiple dwellings, grouped dwellings or single house with ancillary dwelling.
- 6.0 As a guide, the Shire will consider a building that provides a high ratio of toilets and bathrooms to the number of proposed or potential bedrooms as characteristic of a Residential Building.

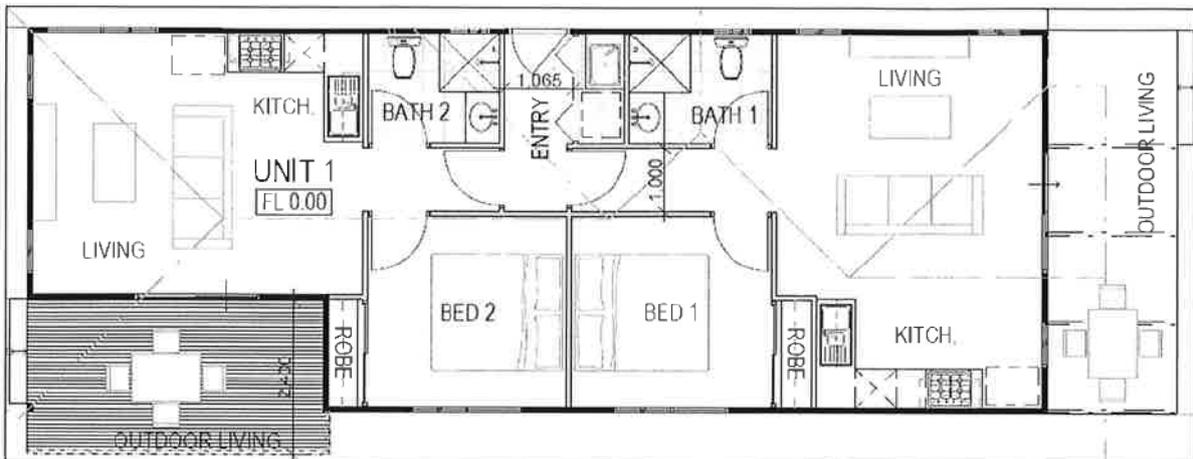


Figure 1 – An example of a layout which has common laundry facilities but the form and function is two separate dwelling units. This would be classed as two multiple dwellings, two grouped dwellings or single house with ancillary dwelling.

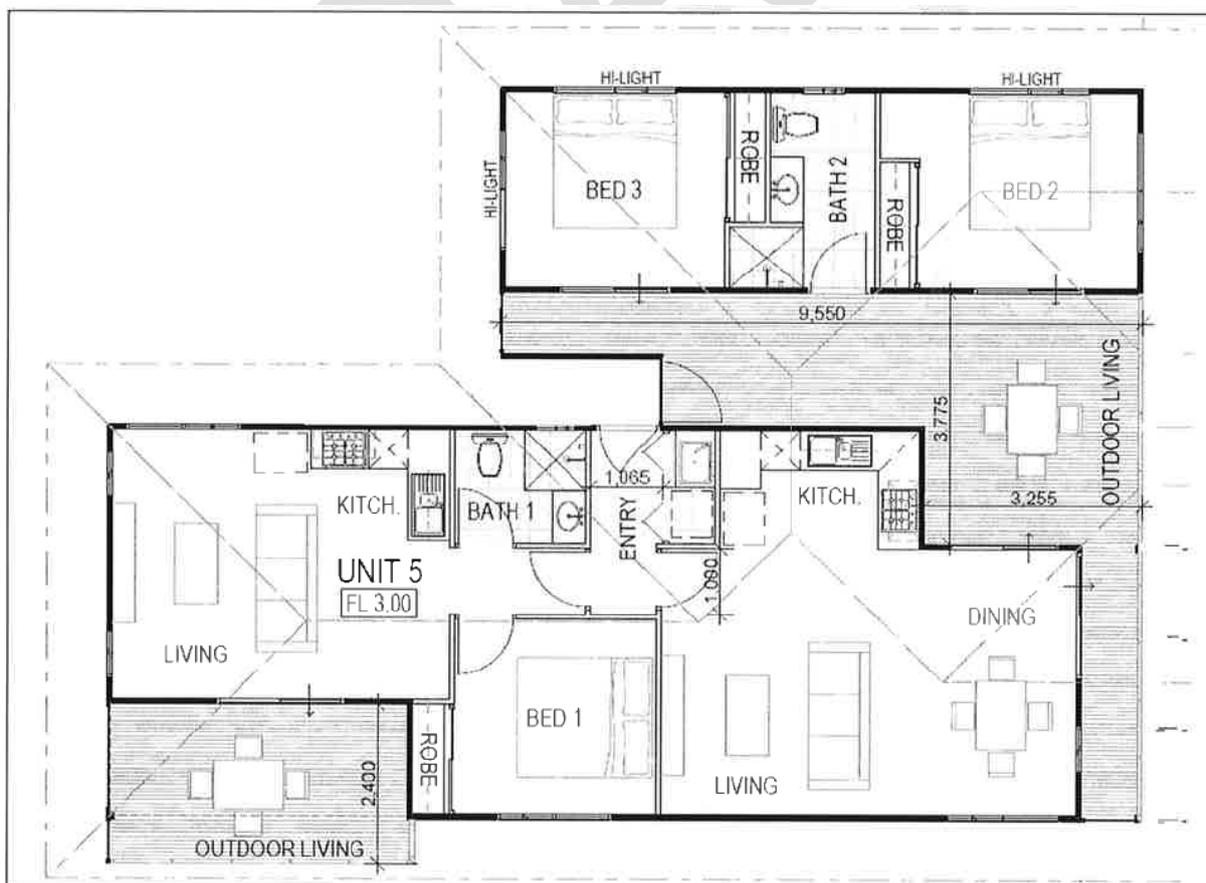


Figure 2 – An example of a layout which has common laundry facilities but the form and function is two separate dwelling units. This would be classed as two multiple dwellings, grouped dwellings or single house with ancillary dwelling.

- 7.0 It is acknowledged that in some situations houses may be designed with more than one kitchen for cultural or entertainment purposes. In circumstances where characteristics identified in Clause 4.0 are provided but the applicant's intention is to use the dwelling as a single house only, the applicant will be required to provide a statutory declaration, declaring that the dwelling will only be used as a single house unless further approval is sought from the Shire of Broome.
- 8.0 The use of rooms within a single house for accommodation of persons on a short term basis is classified as 'Bed and Breakfast' land use and must meet any relevant Local Planning Policy.

Development Standards

- 9.0 All Residential Buildings must meet the following standards:
- a) A maximum of 5 bedrooms (10 people) including a bedroom for the caretaker shall be permitted in a Residential Building;
 - b) The area of any bedroom shall not exceed 20 m² excluding the area of the bathroom;
 - c) No kitchens are permitted in the bedrooms;
 - d) A central kitchen/dining/living area must be provided in the residential building along with a communal laundry facility;
 - e) One car parking bay shall be provided on site for each bedroom;
 - f) A maximum of two of the car parking bays can be visible from the street, the remaining bays must be positioned behind the building, out of view of the street;
 - g) The site must be landscaped consistent with the appearance of a single house. A landscaping plan is required to be submitted with an application to demonstrate this; and
 - h) The Residential Building shall have the appearance of a Single House and it should be possible to use the building as a Single House unit if not used as a Residential Building.
- 10.0 A detailed Management Plan is required to be submitted for all applications for a Residential Building. The Management Plan should include, but not be limited to, the following:
- a) Control of noise and other disturbances, including the appropriate use of outdoor entertainment areas;
 - b) Complaints management procedure, which is to include the provision of the telephone number of the accommodation owner and operator to adjoining neighbors;

- c) The use and on-going maintenance of the premises, landscaping and gardens, and any common property areas or common facilities (where applicable);
- 11.0 Any application received for a Residential Building will be referred to all adjoining landowners for comment for a minimum period of 21 days.
- 12.0 Any application that proposes installation of kitchen facilities within bedrooms or multiple kitchens in a residential building will be considered as grouped or multiple dwellings and will need to meet relevant standards.

SHIRE OF BROOME TOWN PLANNING SCHEME No.4 (TPS4)-LOCAL PLANNING POLICIES

This Policy is a Local Planning Policy adopted under the provisions of Clause 2.5 of TPS4. TPS4 is administered by the Council of the Shire of Broome as the responsible authority under the Scheme. TPS4 was gazetted and came into operation on the 21st December 1999.

Planning policies adopted under TPS4 may only be amended or rescinded after the procedures set out in Clause 2.5 and 2.6 have been completed.



Draft Local Planning Policy – Forms of Residential Accommodation other than Single House

Community Engagement Plan

April 2014

Project name:	Draft LPP – Forms of Residential Accommodation other than Single House
Project owner:	Senior Planning Officer
Project manager:	Senior Planning Officer

BACKGROUND:

At the Ordinary Council Meeting on 16 May 2013, Council considered an application for retrospective approval for a residential building and serviced apartments at Lot 495 (No 49) Wirl Buru Gardens. This is an example of a site, where approval was obtained for a single dwelling; however the building was being used as a Residential Building, resulting in negative impacts to the surrounding area.

As a part of considering this item, Council made the following resolution:

“Request the Chief Executive Officer to prepare a Local Planning Policy in relation to Residential Buildings and Residential Buildings comprising of serviced apartments.”

Also as a result of housing affordability, the Shire has had a number of enquiries about different residential building forms, which has given rise for the Shire to provide clearer definitions of dwelling types. Planning enquiries have been made where applicants wish to apply for either grouped or multiple dwellings which are designed such that within each individual dwelling unit there are separately keyed sections and they can be used as a separate dwelling albeit they share a laundry. This would result in a development that would be under serviced in terms of car parking, storage areas, outdoor living, etc. It would also result in a form of development that is higher in density than the zoning of the land provides for.

A draft LPP has been developed to establish a clear policy for the Shire’s statutory planning officers to assess applications which propose a form of residential accommodation other than a single house. The Policy also establishes development criteria for Residential Buildings.

ENGAGEMENT PARAMETERS:

Clause 4.5 TPS4 establishes the process for making or amending Local Planning Policies and sets out that once prepared a draft Policy a notice shall be published once a week for two consecutive weeks in a local newspaper and provide a minimum 21 day public comment period.

There are no other statutory provisions for the adoption of a Local Planning Policy.

PURPOSE AND OBJECTIVES

It has been determined that community engagement will be required as this process should provide “an opportunity for stakeholders to influence the project or its outcomes” and to keep key stakeholders informed and provide feedback on the proposed Policy.

The objective of the consultation is to inform and seek comments and improvements from key stakeholders and the broader community in regards to the proposed Policy.

TARGET STAKEHOLDERS

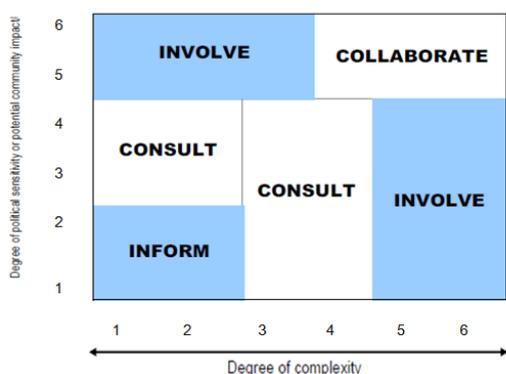
Primary Stakeholders

Shire Staff, builders, designers, drafts persons and developers.	
Secondary Stakeholders	Tertiary Stakeholders
Broader community	N/A

LEVEL OF ENGAGEMENT

The Community Engagement Matrix is a tool designed to assist with the selection of a level of engagement. The axes on the Matrix relate to “degree of complexity, and potential community impact /political sensitivity”. Measures on a scale of 1 - 6 are set out to provide further definition.

Community Engagement Matrix:



Degree of Complexity: **1-2**

Degree of Community Impact/Political Sensitivity: **3-4**

The engagement level for this project is: **Inform/Consult.**

	SCORE 1 - 2	SCORE 3 - 4	SCORE 5 - 6	This Project
Degree of complexity	There is one clear issue and or problem that needs to be addressed.	There are more than one or two issues/problems that can be resolved.	There are multiple issues/problems and it is unclear how to resolve them.	1-2

	SCORE 1 - 2	SCORE 3 - 4	SCORE 5 - 6	This Project
Degree of potential community impact and political sensitivity	The project will have little effect on communities and they will hardly notice any changes. The project has acceptance throughout the community.	The project will fix a problem that will benefit communities and the change will cause minor inconvenience. There are groups in communities who may see potential in raising the profile of a project to gain attention for their cause.	The project will create a change that will have an impact on communities and the living environment and the degree of impact/outrage and acceptance will vary. Community expectations about the project are different to those of the decision makers and there is high potential for individuals and groups to use the uncertainty to gain attention.	3-4

The engagement level for this project is: Inform/consult

INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
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Public Participation Goal:				
To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	<i>To place final decision-making in the hands of the public.</i>
Promise to the Public:				
We will keep you informed	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	<i>We will implement what you decide.</i>

ENGAGEMENT TOOLS AND ACTIVITIES

The Tools selected for this project are:

- Selected distribution direct mail out, including invitation to an information session.
- Ad notice in newspaper.
- Website notification.

ENGAGEMENT ACTION PLAN

Date	Tool/Activity	Stakeholders involved	Person Responsible	Budget	Venue	Communication /message
05.06.14	Ad notice in Broome Advertiser and notice on Shire website and notice boards	All	SPO	\$250	N/A	Draft LPP is available for review and comment.
05.06.14	Direct mail out	Builders, designers, drafts persons and developers.	SPO	N/A	N/A	Draft LPP is available for review and comment and invitation to attend information session.
Tentative 23.06.14	Information sessions with key stakeholders.	Builders, designers, drafts persons and developers.	SPO	N/A	Shire of Broome Administration Centre	An opportunity for the key stakeholders to meet with the Shire staff to be inform of the changes and reasons and an opportunity to discuss any improvements/refinements.

REPORTING / FEEDBACK

Following Community Engagement, a report including a summary of submissions will be compiled by Development Services.