

<b>TITLE:</b>	<b>FORMS OF RESIDENTIAL ACCOMMODATION OTHER THAN SINGLE HOUSE</b>
<b>ADOPTED:</b>	23 October 2014 – Item 9.2.2 pages 22-27
<b>REVIEWED:</b>	OMC 30 July 2015 – Pages 28 – 40 OMC 17 December 2015 – Pages 110 – 121 OMC 14 December 2017 – Pages 1030 -1043 OMC 12 December 2019 – Pages – 213 - 221 OMC 30 May 2024 – Pages 10 –16
<b>ASSOCIATED LEGISLATION:</b>	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Shire of Broome Local Planning Scheme No 7 (LPS67)
<b>ASSOCIATED DOCUMENTS:</b>	
<b>REVIEW RESPONSIBILITY:</b>	Director Development Services
<b>DELEGATION:</b>	Delegations are exercised in accordance with delegation granted in terms of Section 5.42 of the Local Government Act 1995 as amended or other statutes as applicable to specified officers.
<b>APPLICATION:</b>	This policy applies to the LPS7 area.

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**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 site as a dwelling which may be attached to, integrated with or detached from the dwelling.*

**"Bed and Breakfast Accommodation"** means a dwelling -

- a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
- b) containing not more than 2 guest bedrooms.

**"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: *as defined by the NCC for a room/space used for normal domestic activities that includes: - a bedroom, living room, lounge room, music room, sitting room, television room, kitchen, scullery, dining room, sewing room, study, playroom, family room, sunroom, gymnasium, fully enclosed swimming pool or patio;*

*but excludes: - a bathroom, laundry, water closet, 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 a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide -

(a) short-term accommodation for guests; and

(b) onsite facilities for the use of guests; and

(c) facilities for the management of the development.

## **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.

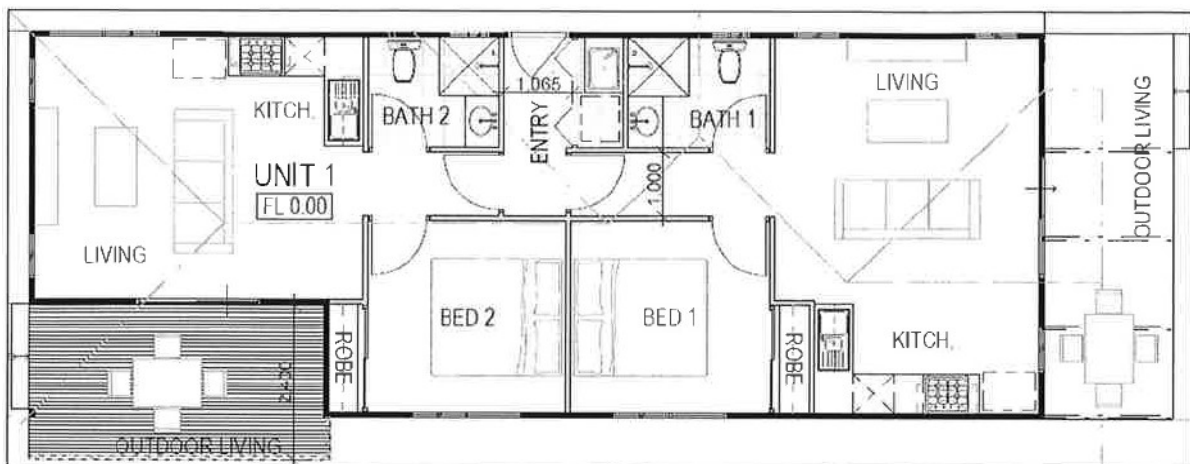


Figure 1 – An example of a layout which has common laundry facilities but the form and function is two separate dwelling units. This would be classed as, two grouped dwellings, single house with ancillary dwelling, or multiple dwelling if they were constructed above or below another dwelling.

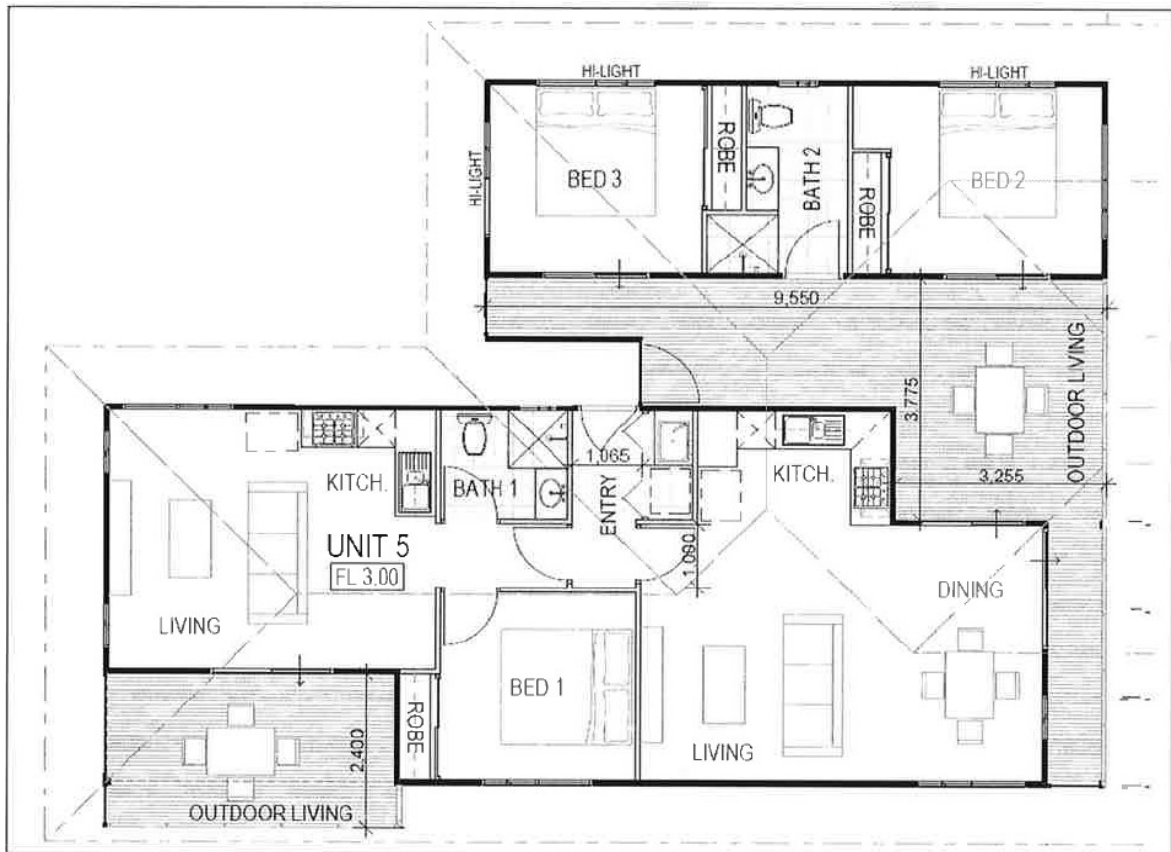


Figure 2 – An example of a layout which has common laundry facilities but the form and function is two separate dwelling units. This would be classed as, two grouped dwellings, single house with ancillary dwelling, or multiple dwelling if they were constructed above or below another dwelling.

- 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.
- 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 this land use definition.

## 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 20m<sup>2</sup> 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, and all vehicles are to be parked inside the property boundary;
  - 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 neighbours;
  - 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 advertised for public comment as outlined in Local Planning Policy 5.14 – Consultation – Planning Matters.
- 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 LOCAL PLANNING SCHEME No. 7 (LPS7) – LOCAL PLANNING POLICIES**

This Policy is a Local Planning Policy adopted pursuant to Part 2 clause 4 of the deemed provisions of LPS7. LPS7 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS7 was gazetted and came into operation on the 28 September 2023.

Planning policies adopted under LPS7 may be amended or rescinded after the procedures set out in Part 2 of the deemed provisions of LPS7 have been completed.