



Planning & Development Services

City of Albany
Policy

‘Residential Building’ Policy

'RESIDENTIAL BUILDING' POLICY

Policy Statement

1. This Policy has been adopted in accordance with Part 2 of Local Planning Scheme 1.
2. Local Government is to have due regard to the provisions of this Policy and the objectives which the Policy is designed to achieve before making its determination.

Objective

3. This Policy is intended to regulate the use and development of 'Residential Building's' as a means to minimize the potential impacts from the development on the character of the immediate neighbourhood.

Scope

4. This Policy applies to 'Residential Buildings' as defined in the WAPC Residential Design Codes (R Codes), and that are intended, adapted or designed to be used for the purpose of being occupied temporarily by two or more persons, or permanently by seven or more persons, who do not comprise a single family.
5. This Policy does not apply to buildings that are defined in the R Codes as a Single House or to housing used for holiday or short stay accommodation. (eg. Bed and Breakfast and Holiday Accommodation).

Definitions

6. A 'Residential Building' is defined in the Residential Design Codes as:
"a building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:
 - a. *Temporarily by two or more persons; or*
 - b. *Permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school."*
7. Temporarily means: *period of continuous stay is limited to 6 months.*
8. Permanently means: *period of continuous stay is greater than 6 months.*
9. Manager means: *an appropriately authorized person(s) who is responsible for supervising and motivating the building tenants, and has the authority and responsibility to make decisions regarding the operation and management of the building and its occupants.*

Note: For the purpose of this policy, an application for permanent accommodation (greater than 6 months), for no more than six persons who do not comprise a family, falls under the use class 'Single House' and therefore does not relate to this policy.

Residential Design Code definition for Single House:

"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."

Strategic Context

10. This Policy relates directly to the following element of the *Community Strategic Plan “Albany 2023”*: *to advocate, plan and build friendly and connected communities.*

Legislative Context

Zoning/Location

11. A ‘Residential Building’ is not permitted in the ‘Residential’, Tourist Residential’ and ‘Regional Centre’ zones unless the Local Government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4 of the Local Planning Scheme 1.

Legislation	Policies
<i>Housing Act 1980</i>	<i>The Affordable Housing Strategy: 2010-2020 Opening Doors to Affordable Housing</i>
<i>Disability Services Act 1993</i>	<i>Department of Housing: Eligibility Policy</i>
<i>Mental Health Act 1996</i>	<i>Department of Housing: Rental Policy</i>
<i>Residential Tenancies Act 1987</i>	<i>Department of Housing: Building Program Policy</i>

Policy Provisions

12. While considering an application for a Residential Building, the City may give consideration to the application subject to the application meeting the following conditions:

Residential Building being used temporarily

- a) A Residential Building intended to be used for a temporary period is to employ a live in manager. The live in manager is not be absent from the Residential Building, unless he or she leaves a reputable person in charge thereof.

Advice

The Residential Building, being used temporarily is to comply with design requirements consistent with a Class 1B defined under the Building Act and Regulations, including requirements to cater for people with disabilities and hardwired smoke alarms.

Residential Building being used temporarily or permanently

- b) A manager is to be appointed to have the care and management of the Residential Building and tenants and is to:
- i. Obtain a written agreement from tenants to the terms of tenancy, in particular non disruptive behavior standards in accordance with the Residential Tenancies Act 1987;
 - ii. keep a register of lodgers to be kept in the building and open to inspection at any time on demand by any member of the Police Service or by an officer from the City of Albany;
 - iii. give notice of termination to a tenant upon the ground that the tenant has breached a term of the agreement and the breach has not been remedied in accordance with the Residential Tenancies Act 1987;
 - iv. regularly educate members of a Residential Building of rules and regulations to abide by;
 - v. ensure that repairs/maintenance of the building, furnishings, and equipment is completed in a timely manner; and
 - vi.

Advice

The City’s Environmental Health Officers and Planning Compliance Officers will undertake routine inspections of registered ‘Residential Buildings’ to ensure compliance with Health Regulations, City of Albany Health Local Laws 2001, and any relevant planning conditions.

- c) The tenants of a 'Residential Building' shall not prejudicially affect the amenity of the neighbourhood through and for example by the creation of excessive noise, vibration or antisocial behaviour. .
- d) The design of a 'Residential Building', incidental developments (carport) and areas of open space is to be developed and maintained so as not to detract from the character of the local area.
- e) One (1) car-parking space is to be provided for every two beds of a Residential Building.
- f) The City may require additional improvements to be made to the Building to mitigate its impact on amenity to the surrounding neighborhood, including: modifications to design; painting; landscaping; buffers to surrounding uses; constructing new fencing; rendering walls; re-roofing; and crime prevention measures (e.g. Lighting and permeable fencing)
- g) Details to be included in an application for a 'Residential Building' include:
 - i. Site and floor plan;
 - ii. The number of bedrooms and beds proposed to be used;
 - iii. Details for onsite car-parking;
 - iv. Nominate period of stay (temporary or permanent)
 - v. A management plan detailing:
 - a. The name, address and contact details of the owner and manager of the Residential Building;
 - b. Terms of tenancy and including behavior standards (refer to Residential Tenancies Act 1 1987).

Review Position and Date

13. N/A

Associated Documents

14. *Local Planning Scheme 1 (LPS1)*

15. *Residential Design Codes (R Codes)*

16. *Residential Tenancies Act 1987*

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