

The primary use of a residential property within the City of Canning falls within the definition of a residential 'Dwelling' under the City's Town Planning Scheme No. 40 (the Scheme). The term 'Dwelling' is defined within State Planning Policy 3.1 – Residential Design Codes of Western Australia (R-Codes) as follows:

“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.”

A residential property may fall outside the definition of a 'Dwelling' if there is an increase in the number of occupants for the purpose of student accommodation, short stay accommodation, or similar. In these cases an approval is required from the City to change the use of the property from 'Dwelling' to 'Residential Building'. The Scheme defines 'Residential Building' as:

“A building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto, the 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 the term does not include a hospital, a sanatorium, a prison, an hotel, a motel a community building or a residential school.”

Residential Buildings within the Bentley Area are to be considered under Local Planning Policy SRS224(07) – Bentley (West) Precinct Plan, a copy of which is available from the City's administration building or on the City's website (www.canning.wa.gov.au).

The use of a residential property as a 'Residential Building' without prior approval from the City is a breach of the Scheme for which penalties are prescribed within the Planning and Development Act 2005.

The maximum penalties for a person, upon conviction of an offence, are prescribed as a fine of \$200,000 and, in the case of a continuing offence, a further fine of \$25,000 for each day during which the offence continues.

Approval can be sought for the use of the property as a 'Residential Building' by submitting an Application for Council's Development Approval. Please note lodgement of an application does not guarantee approval. Application forms are available from the City's Administration Building located at the Corner Albany Highway and George Street West, Cannington.

Should you require any further information regarding this matter please contact the City of Canning.

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