

## **LOCAL PLANNING POLICY NO. 18 - SHORT TERM ACCOMMODATION**

### **Citation**

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This Policy may be cited as Local Planning Policy No. 18 – Short Stay Accommodation.

### **Policy Statement**

Short stay accommodation is the common name given to holiday homes, units or apartments (usually built for residential purposes in the areas zoned for residential use) offered for short-term letting, usually through an online booking platform.

The Town of Bassendean recognises the need to ensure a balance between the provision of alternative forms of tourism accommodation and the need to ensure the appropriate siting and management of short stay accommodation to protect the amenity of the surrounding locality.

### **Policy Objectives**

- (a) To provide guidance for the establishment of short stay accommodation within the district.
- (b) To ensure that short stay accommodation located within the Residential zone will not compromise the character and amenity of the surrounding residential area or nearby residents.
- (c) To establish criteria for the operation of short stay accommodation where impacts are likely to be capable of being suitably managed on an ongoing basis.

### **Application**

This Policy applies to all applications for short stay accommodation, but does not apply to the following:

- House swapping and house sitting.
- Lodging and/or boarding houses.
- Personal use of a holiday home or the sharing of a holiday home with the owner's family and friends.
- Student exchange accommodation

- Workforce accommodation.
- Residential parks, park home parks and lifestyle villages.

## Definitions

Anti-Social Behavior:	<i>means actions and behaviours that threaten the amenity of the locality, and includes but is not limited to swearing, shouting, abusive, threatening behaviour, raised voices, parties and loud music.</i>
Short Term Accommodation:	<i>means temporary accommodation provided on a commercial (for profit) basis, either continuously or from time-to-time with no guest accommodation for periods totalling more than 3 months in any 12 month period.</i>
Bed and Breakfast:	<i>means a dwelling –</i> a) <i>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</i> b) <i>Containing not more than 2 guest rooms</i>
Holiday Accommodation:	<i>means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.</i>
Holiday House:	<i>means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.</i>
Serviced Apartments:	<i>means a group of units or apartments providing –</i> a) <i>Self-contained short-term accommodation for guests; and</i> b) <i>Any associated reception or recreational facilities.</i>

## Policy Requirements

### 1. Information Requirements

Pursuant to clause 63(1)(d) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, an application for development approval for any Short Term Accommodation use in the Residential Zone is to include the submission of a detailed Management Plan and Code of Conduct that addresses the following matters:

## **Management Plan**

- The control of noise and anti-social behaviour, so as to comply with the *Environmental Protection (Noise) Regulations 1997* and avoid conflict between temporary residents and permanent residents of the area.
- A complaints management procedure which is to include:
  - An after-hours complaints procedures including expected response times (noting that the Town will not provide a response to complaints outside of its ordinary business hours);
  - The provision of a telephone number of the accommodation owner and operator to neighbouring property owners / occupiers, for during and after hours complaints;
  - That guests are provided with the code of conduct prior to and on arrival; and
  - That guests are made aware that anti-social behaviour and breaches of the code of conduct will not be tolerated;
- The control of vehicle access and car parking.
- The dissemination of information to guests, prior to and during their stay.
- Information on the preparation and provision of food that is to occur at the premises (applicable only to hosted accommodation).

*Note: Where the preparation and provision of food is to occur at the premises, the accommodation shall be registered with the Town's Health Services in accordance with the Food Act 2008 and meet any relevant requirements of the Food Standards Code Food Safety Standards 3.2.3.*

## **Code of Conduct**

- The expected behaviour of guests/residents to minimise any impact on adjoining residents (house rules).
- Details of any relevant car parking restrictions applicable to the area in relation to parking vehicles on surrounding properties and within the street and instructions that parking of vehicles on the verge or other properties is not permitted;
- Details regarding guest check-in and checkout procedures;

- Details regarding waste management which must include specifying the expectations on guests about general rubbish and bin collection (if applicable);
- Information on any relevant strata by-laws (if applicable);
- Rules relating to the use of a swimming pool and/or spa (if applicable).

*Note: Where a swimming pool/spa is located on the property and is available for use by guests, the swimming pool/spa shall meet the requirements of the Code of Practice for the Design, Construction, Operation, Management and Maintenance of Aquatic Facilities, this shall include confirmation that the relevant approvals for the swimming pool/spa have been obtained from the Chief Health Officer of the Department of Health.*

## **2. General Requirements**

Short term accommodation will generally only be supported where the accommodation meets the following criteria:

- (a) The site is located within an 400m walk from a centre or railway station and/or a 200m walk from a recognised high frequency bus route.
- (b) The site has direct access to a constructed road that has two exit routes (i.e., excluding situations where the sole access to the premises is provided from a cul-de-sac, right of way or battle-axe access leg);
- (c) Short term accommodation in strata and community title developments will only be supported where:
  - (i) the strata company or community corporation has consented to the application; and
  - (ii) the short term accommodation can operate without reliance on shared facilities.
- (d) The site is not identified as being at risk of natural hazards or alternatively, the relevant risk has been identified and appropriate mitigation measures proposed.
- (e) The operation of the proposed use shall minimise adverse issues, particularly amenity impacts on surrounding residential and other land uses.
- (f) All car parking associated must be wholly contained on the same site as the short term accommodation. Strata and community title developments must not rely on the use of visitor car parking bays.
- (g) The site shall be provided with adequate standard of services and infrastructure necessary to support the use.

### 3. Conditions

In approving an application for development approval, the Town may impose the following conditions.

- (a) No more than six persons who do not comprise a single family are permitted to be on the property between the hours of 10:00pm and 7:00am.
- (b) The Town may issue a time-limited approval for up to 12 months. In that instance, the applicant may lodge a subsequent application to extend to the term of the approval and in determining such an application, the Town would have regard to the performance of the accommodation over the period. If the Town is not satisfied of the previous performance, the application may not be supported.
- (c) The contact details of the owner/manager must be prominently displayed at the front of the property.
- (d) A register of all persons occupying the short stay accommodation is required to be kept and shall be open to inspection on demand by the Town.

<b>Document responsibilities:</b>			
<b>Owner:</b>	Community Planning	<b>Owner Business Unit:</b>	Planning and Regulation
<b>Inception date:</b>	25 October 2022	<b>Decision maker:</b>	Council
<b>Review date:</b>	26 March 2024	<b>Repeal and replace:</b>	N/A

# Appendix 1 – 400



