

**POLICY NO: 7.4.5**

**SHORT TERM ACCOMMODATION**

**PART 1 – PRELIMINARY**

**POLICY DEVELOPMENT**

This Policy has been prepared under the provisions of Schedule 2, Part 2 and 3 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**INTRODUCTION**

The City of Vincent is situated within close proximity to the Perth Central Business District, public transport networks, tourist attractions and education facilities. As such, it is well located for the provision of appropriately located and managed short term accommodation.

The City encourages and supports a diversity in accommodation types to facilitate tourism and other activities within its locality. In considering applications for short term accommodation, the City will take into account the location and management of the accommodation to ensure compatibility with surrounding uses and to avoid any adverse impact of the amenity of surrounding areas.

**PURPOSE & APPLICATION**

The purpose of this policy is to provide clear direction on the requirements for short term accommodation within the City of Vincent and the responsibilities and obligations of operators.

This policy applies to Bed and Breakfast, Holiday House, Holiday Accommodation, Hotel, ~~Residential Building~~ Lodging House, Motel, Park Home Park, Serviced Apartment and Tourist ~~Accommodation~~ Development used on a short term basis.

**POLICY OBJECTIVES**

The objectives of this policy are to ensure short term accommodation in the City of Vincent:

1. Positively contributes to the ~~geographic location~~ surrounding locality and diversity of accommodation types offered in the area.
2. Are managed in a manner that protects the amenity of the surrounding community to the level necessary for its context.
3. Are located, designed and operate in a manner that minimises the level of noise generated by guests and impact that noise has on the surrounding community.
4. Do not negatively impact on the heritage integrity of a place or its historical and social value.
5. Do not have an undue impact on the amenity of the area, including surrounding residential properties and businesses.

[6. Provide sufficient car parking or access to alternative transport modes to minimise negative impact on the amenity of the area.](#)

## PART 2 – POLICY PROVISIONS

### 1. Definitions

**Family** means [a group of one or more parents/care givers and their children residing together as a unit.](#)

**Guest** means a person who occupies a building for short term accommodation but is not covered by a Residential Tenancy Agreement.

**Host** means a person who permanently resides at a building used for short term accommodation and is responsible for its upkeep and management.

**Short term accommodation/short stay accommodation** means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period.

**Strata Company** means a body corporate constituted under section 32 of the *Strata Titles Act 1985* whether for a strata scheme or a survey-strata scheme.

Land uses listed in this policy have the same meaning as defined in *Local Planning Scheme No. 2*.

### 2. Exemption from Development Approval

Short Term Accommodation uses in the following instances do not require Development Approval:

<a href="#">Bed and Breakfast; Holiday House and Holiday Accommodation:</a>		
<a href="#">Zone</a>	<a href="#">Maximum No. of Guests</a>	<a href="#">Requirements</a>
<a href="#">Residential or Mixed Use</a>	<a href="#">Two adult guests or one family (to a maximum of four persons)</a>	<a href="#">1. There is no works component or development approval is not required for any works component;</a> <a href="#">2. Written notification is provided to the City, including a management plan and code of conduct that accord with Clause 3.3; and</a> <a href="#">3. The use operates in accordance with the Management Plan and Code of Conduct.</a>
<a href="#">Local Centre, District Centre, Regional Centre or Commercial</a>	<a href="#">Four adult guests or one family (to a maximum of four persons)</a>	
<a href="#">Holiday House and Holiday Accommodation</a>		
<a href="#">Zone</a>	<a href="#">Maximum No. of Guests</a>	<a href="#">Requirements</a>
<a href="#">All zones</a>	<a href="#">Two guests or one family</a>	<a href="#">The use operates on no more than one occasion every 12 months, i.e. for a single house swap or house sit arrangement.</a>

Exemptions are made ~~in accordance with the provisions of~~ [pursuant to](#) Clause 61(2)(e) of [Schedule 2 of the Planning and Development \(Local Planning Schemes\) Regulations 2015](#).

1. ~~Holiday House and Holiday Accommodation where:~~
  - a) ~~There is a maximum of 2 guests (or one family) on one occasion in any 12 month period for a maximum of 3 consecutive months;~~
  - b) ~~There is no works component or development approval is not needed for any works component;~~
  - c) ~~Written notification is provided to the City, including a management plan and code of conduct that accords with Clause 3.1.4; and~~
  - d) ~~The use operates in accordance with the management plan.~~
2. ~~Bed and Breakfast in a Local Centre, District Centre, Regional Centre or Commercial Zone where:~~
  - a) ~~There is a maximum of 4 guests (or one family);~~
  - b) ~~There is no works component or development approval is not needed for any works component;~~
  - c) ~~Written notification is provided to the City, including a management plan and code of conduct that accord with Clause 3.1.4; and~~
  - d) ~~The use operates in accordance with the management plan.~~
3. ~~Holiday House and Holiday Accommodation in a Local Centre, District Centre, Regional Centre or Commercial Zone where:~~
  - a) ~~There is a maximum of 4 guests (or one family);~~
  - b) ~~There is no works component or development approval is not needed for any works component;~~
  - c) ~~Written notification is provided to the City, including a management plan and code of conduct that accords with Clause 3.1.4; and~~
  - d) ~~The use operates in accordance with the management plan.~~
4. ~~Bed and Breakfast in a Residential and Mixed Use zone where:~~
  - a) ~~There is a maximum of 2 guests (or one family);~~
  - b) ~~There is no works component or development approval is not needed for any works component;~~
  - c) ~~Written notification is provided to the City, including a management plan and code of conduct that accords with Clause 3.1.4; and~~
  - d) ~~The use operates in accordance with the management plan.~~
5. ~~Holiday House and Holiday Accommodation in a Residential and Mixed Use zone where:~~
  - a) ~~There is a maximum of 2 guests (or one family);~~
  - b) ~~There is no works component or development approval is not needed for any works component;~~

- ~~e) Written notification is provided to the City, including a management plan and code of conduct that accords with Clause 3.1.4; and~~
- ~~d) The use operates in accordance with the management plan.~~

~~Unless exempt, proposals to operate short term accommodation require the submission and approval of an application for development approval in accordance with the following requirements.~~

### 3. Development Approval Requirements

Unless exempt, proposals to operate short term accommodation require the submission and approval of an application for development approval in accordance with the following requirements.

#### 3.1 General Requirements for all Short short Term term Accommodation-accommodation that require development approval

##### 3.1.1 **General**

##### 1. Local Centre, District Centre, Regional Centre and Commercial Zones

- a) The preferred location for short term accommodation uses is on land zoned Local Centre, District Centre, Regional Centre and Commercial, in proximity to entertainment, commercial and recreational facilities and public transport routes.
- b) Proposals for short term accommodation shall demonstrate that the use is compatible with and would not negatively impact on the amenity of surrounding uses by addressing the following Acceptable Development criteria.
- c) In assessing proposals for short term accommodation on land zoned Local Centre, District Centre, Regional Centre and Commercial ~~zones~~, the City will have due regard to the following Acceptable Development ~~Provisions~~criteria:

Acceptable Development - Local Centre, District Centre, Regional Centre and Commercial	
Heritage	a) Proposals that <u>are respectful of the heritage significance of a place listed on the City of Vincent's Municipal Heritage Inventory or the State Heritage Register as detailed in the Statement of Heritage Significance.</u> <del>do not negatively impact on the heritage integrity of a place in the context of built form/physical works as well as the historical and social value.</del>
Locational context	a) <del>Accommodation that proposes sufficient distance and separation from the outdoor living areas of adjoining properties to minimise noise generated by guests.</del>
	<u>a</u> Accommodation that has a direct interface with noise generating (non-residential) uses or where ambient noise/activity already exists. <u>b</u>

##### 2. Residential and Mixed Use zones

- a) Proposals for short term accommodation shall demonstrate that the use is compatible with and would not negatively impact ~~on~~ the amenity of surrounding residential properties.
- b) In assessing proposals for short term accommodation in Residential and Mixed Use zones, the City will have due regard to the following Acceptable Development ~~Provisions~~ criteria:

Acceptable Development - Residential and Mixed Use zones	
Form	a) Proposals where a host is present on site <u>or the Management Plan and Code of Conduct achieve the objectives of the policy.</u>
<del>Duration</del>	<del>a) Accommodation requiring a minimum 2 night stay.</del>
Locational context	a) Proposals in medium/high density areas.
	b) Proposals within 400m of major public transport services or a range of commercial, entertainment or tourist activities or within 1km of the Perth CBD.
	<del>c) Accommodation that proposes sufficient distance and separation from the outdoor living areas of adjoining properties to minimise noise generated by guests.</del>
	<u>c</u> Accommodation that has a direct interface with noise generating (non-residential) uses or where ambient noise/activity already exists.
	<u>d</u> Proposals that demonstrate that the use would positively contribute to the geographic location or diversity of accommodation types offered in the area.
Appearance	a) Proposals that do not involve works that alter the external appearance of the building.
Heritage	a) Proposals that <u>are respectful of the heritage significance of a place listed on the City of Vincent's Municipal Heritage Inventory or the State Heritage Register as detailed in the Statement of Heritage Significance.</u> <del>do not negatively impact on the heritage integrity of a place in the context of built form/physical works as well as the historical and social value.</del>

- c) Applications seeking variations to the Acceptable Development Provisions shall be determined in accordance with how the proposal meets the Objectives of ~~the this~~ policy and consideration of the ~~management-Management planPlan, code-Code of conduct-Conduct~~ and ~~parking-Parking management-Management planPlan.~~

### 3.2 Car Parking

The following car parking requirements apply to all short term accommodation where a development application is required:

<u>Use Class</u>	<u>Parking Provisions</u>
<u>Bed and Breakfast, Holiday House and Holiday Accommodation</u>	<u>In accordance with the R-Codes.</u>

<a href="#">Serviced Apartment</a>	<a href="#">In accordance with the R-Codes.</a>
<a href="#">Hotel, Motel, Park Home Park, Lodging House, Tourist Accommodation</a>	<a href="#">In accordance with the requirements of the City's <i>Local Planning Policy No. 7.7.1 - Non-Residential Development Parking Requirements (LPP 7.7.1)</i>.</a>

~~3. Car parking standards for all short term accommodation uses are to comply with the requirements of the City of Vincent's *Local Planning Policy No. 7.7.1 - Non-Residential Development Parking Requirements*.~~

~~4. A Parking Management Plan may be required in accordance with *Local Planning Policy No. 7.7.1 - Non-Residential Development Parking Requirements*.~~

### **~~3.1.3 Strata and Survey Strata Properties~~**

~~Development approval does not affect the rights and obligations of an owner or occupier under the by-laws of a Strata Company or Strata Scheme.~~

### **3.23.3 Management Plan and Code of Conduct**

All applications for short term accommodation require a detailed Management Plan and Code of Conduct to be submitted with the development application.

#### **1. Management Plan**

The Management Plan shall address, at a minimum, the following:

- a) Control of noise and other disturbances such that at a minimum the use accords with the *Environmental Protection (Noise) Regulations 1997*;
- b) Screening and assessment procedures for all prospective guests;
- c) Complaints management procedures, which are to include:
  - after hours complaints procedures including expected response times;
  - the provision of the telephone number of the accommodation owner and operator for during and after hours complaints to adjoining and adjacent neighbours prior to the use commencing;
  - 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.
- d) The premises are secure and guests are aware of emergency phone numbers and protocols; and
- e) Control of parking in accordance with 3.1.2 and that all guests are made aware, verbally and in writing, of the parking rules and regulations and the acceptable parking requirements.

#### **2. Code of Conduct**

A Code of Conduct shall be prepared by the applicant detailing the expected behaviour of guests in order to minimise any impact on adjoining residents that

includes:

- a) Contact details of owner/operator;
- b) Parking rules and regulations and acceptable parking requirements (details are to include any relevant car parking restrictions applicable to the area in relation to parking vehicles on surrounding properties and within the local streets and any parking arrangements required for the development to comply with Clause 3.1.2);
- c) Requirements around noise and antisocial behaviour; ~~and~~
- d) House rules for guests; and
- e) Guests must be made aware of the ~~Code~~ Code of ~~conduct~~ Conduct, which must be displayed in a prominent position within the premises at all times.

#### ~~2.1.4~~ Public Advertising

~~All applications for Short Term Accommodation must be advertised in accordance with City's Policy No. 4.1.5 – Community Consultation..~~

### ~~3.3~~ 3.4 **Residential Building - Specific Requirements**

Residential Buildings are subject to the requirements for Lodging Houses set out in the *Health Act 1911* and the City's Health Local Law relating to Lodging Houses.

### ~~3.4~~ 3.5 **Serviced Apartments – Specific Requirements**

#### 1. Design

~~Applications for Serviced Apartments shall be subject to the siting and design requirements applicable under the Residential Design Codes – Volume 2 – Apartments, and the City's Policy No. 7.1.1 Built Form relating to Guidelines for Multiple Dwellings in Residential Zones.~~

Serviced Apartments shall include a reception desk which shall be attended by staff at all times when apartment check-ins and check-out can occur.

#### 2. Servicing Strategy

~~In addition to the required Management Plan in accordance with Clause 2.1.4, a~~ All applications for Serviced Apartments shall include a Servicing Strategy detailing the level of servicing containing, at a minimum:

- a) Opening hours for guest check-ins and checkouts;
- b) Method of reservations/bookings;
- c) Means of attending to guest complaints;

- d) Cleaning and laundry services, where available;
- e) Company name and relevant experience of management/operator; and
- f) Management and accommodation of service vehicles within the context of the overall car parking for the development-

#### **4. Public Advertising**

If advertising is required for applications for Short Term Accommodation, it will be undertaken in accordance with the City's Policy No. 4.1.5 – Community Consultation.

#### **4.5. Time Limited Approvals**

Where a sShort tTerm aAccommodation proposal does not meet the Acceptable Development criteria any approval may be subject to a time limitation. The City will consider the setting and potential impact on adjoining land uses in determining whether an approval is to be time limited and for what period of time.

<b>Date Initially Adopted:</b>	26 February 2013
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