

Legislation / local law requirements	This Policy has been prepared under the provisions of Schedule 2, Part 2 and 3 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
Relevant delegations	16.1.1 Determination of various applications for development approval under the City’s Local Planning Scheme
Related policies, procedures and supporting documentation	Nil

PART 1 – PRELIMINARY

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

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.

OBJECTIVE

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

1. Positively contributes to the 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.

SCOPE

This policy applies to Bed and Breakfast, Holiday House, Holiday Accommodation, Hotel, Motel, Park Home Park, Serviced Apartment, Tourist Development, and Residential Building or any unlisted use that is used for short term accommodation.

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.

2. EXEMPTION FROM DEVELOPMENT APPROVAL

Short term accommodation uses in the following instances do not require Development Approval:

Use class	Zone	Host is present	Frequency of operation	Maximum number of guests	Requirements
Bed and breakfast	Local centre, District centre, Regional Centre or Commercial	Yes – as required by the use class definition	Any	Four adult guests or one family	1. There is no works component or development approval is not required for any works component; 2. Written notification is provided to the City, including a management plan and code of conduct that accord with Clause 3.3; and 3. The use operates in accordance with the Management Plan and Code of Conduct.
Bed and breakfast	Residential or mixed use	Yes – as required by the use class definition	Any	Two adult guests or one family	
Holiday house and Holiday accommodation	Local centre, District centre, Regional Centre or Commercial	No Yes	Any	Four adult guests or one family	
Holiday house and Holiday accommodation	Residential or mixed use	No Yes	Any	Two adult guests or one family	
Holiday house and Holiday accommodation	All <u>Local centre,</u> <u>District centre,</u> <u>Regional Centre or</u> <u>Commercial</u>	No	A maximum of <u>three consecutive months in any one rental occurring on no more than one occasion every twelve months period, for a maximum of three consecutive months, with no limit to the</u>	Two adult guests or one family.	
					Nil <u>1. There is no works component or development approval is not required for any works component;</u>

			<u>number of rentals in that three month period.</u>		<p><u>2. A management plan and code of conduct is prepared that accords with Clause 3.3; and</u></p> <p><u>3. The use operates in accordance with the Management Plan and Code of Conduct.</u></p>
<u>Holiday house and Holiday accommodation</u>	<u>Residential or mixed use</u>	<u>No</u>	<u>A maximum of one rental occurring on no more than one occasion every twelve months, for a maximum of three consecutive months.</u>	<u>Two adult guests or one family.</u>	<p><u>1. There is no works component or development approval is not required for any works component;</u></p> <p><u>2. A management plan and code of conduct is prepared that accords with Clause 3.3; and</u></p> <p><u>3. The use operates in accordance with the Management Plan and Code of Conduct.</u></p>

Exemptions are made pursuant to Clause 61(2)(e) of Schedule 2 of *Planning and Development (Local Planning Schemes) Regulations 2015*.

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 term accommodation that require development approval

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, the City will have due regard to the following Acceptable Development criteria:

Zone	Heritage	Locational context	Host present	Minimum night stay	Management Plan and Code of Conduct
Local centre, District centre, Regional Centre or Commercial	Proposals that are respectful of the heritage significance of a place listed in the City of Vincent's Municipal Heritage Inventory or the State heritage register as detailed in the Statement of Heritage Significance.	<p>a) Accommodation that proposes sufficient distance and separation from the outdoor living areas of adjoining properties to minimise noise generated by guests.</p> <p>b) Accommodation that has a direct interface with noise generating (non-residential) uses or where ambient noise/activity already exists.</p>	Yes or management plan and other measures are suitable to achieve the objectives of the policy	N/A	Yes

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 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 criteria:

Zone	Heritage	Locational context	Host present	Minimum night stay	Management Plan and Code of Conduct
Residential or Mixed use	Proposals that are respectful of the heritage significance of a place listed in the City of Vincent's Municipal Heritage Inventory or the State heritage register as detailed in the Statement of Heritage Significance.	<p>a) Proposals in medium/high density areas</p> <p>b) Proposals within 400 m of high frequency public transport services or a range of commercial, entertainment or tourist activities or within 1 km of the Perth CBD.</p> <p>c) Accommodation that proposes sufficient distance and separation from the outdoor living areas of adjoining properties to minimise noise generated by guests.</p> <p>d) Accommodation that has a direct interface with noise generating (non-residential) uses or where ambient noise/activity already exists.</p> <p>e) Proposals that demonstrate that the use would positively contribute to the geographic location or diversity of accommodation types offered in the area.</p> <p>f) Proposals that do not involve works that alter the external appearance of the building.</p>	Yes or management plan and other measures are suitable to achieve the objectives of the policy	N# 2 nights (does not apply to Bed and Breakfast uses and other uses where a host is present).	Yes

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

3.2 Car Parking

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

Use Class	Parking Provisions
Bed and Breakfast, Holiday House and Holiday Accommodation	In accordance with the R-Codes.
Serviced Apartment	In accordance with the R-Codes.
Hotel, Motel, Park Home Park, Tourist Accommodation and Residential Building or any unlisted use that is used for short term accommodation.	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> .

3.3 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;
- (d) House rules for guests; and
- (e) Guests must be made aware of the Code of Conduct, which must be displayed in a

prominent position within the premises at all times.

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.

3.5 Serviced Apartments – Specific Requirements

1. Design

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

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*.

5. TIME LIMITED APPROVALS

Where a short term accommodation 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.

OFFICE USE ONLY	
Responsible Officer	Manager Policy & Place
Initial Council Adoption	26/02/2013
Previous Title	Local Planning Policy 7.4.5 Temporary Accommodation
Reviewed / Amended	23/03/2021
Next Review Date	March 2025