



ATTACHMENTS

Development and Infrastructure Services Committee Meeting

8 June 2022

6.00pm

City of Albany Council Chambers

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City of Albany
Policy

Local Planning Policy 1.6 Short-term Accommodation

REPORT ITEM DIS305 REFERS

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Policy objectives

1. To encourage hosted and unhosted short-term accommodation land uses in appropriate locations, that enhance the tourism experience and minimise vulnerability to natural hazards.
2. To ensure short-term accommodation is appropriately managed and minimises adverse amenity impacts on neighbouring properties.
3. To ensure residential areas are protected and maintained primarily for permanent residential purposes.
4. To provide clear guidance regarding the assessment of applications for short-term accommodation.

Policy scope

Inclusions

5. The policy is applicable to land use proposals on zoned land where Hosted Accommodation (Bed and Breakfast), Unhosted Accommodation (Holiday House) and Holiday Accommodation is a discretionary use under Local Planning Scheme No.1.

Exclusions

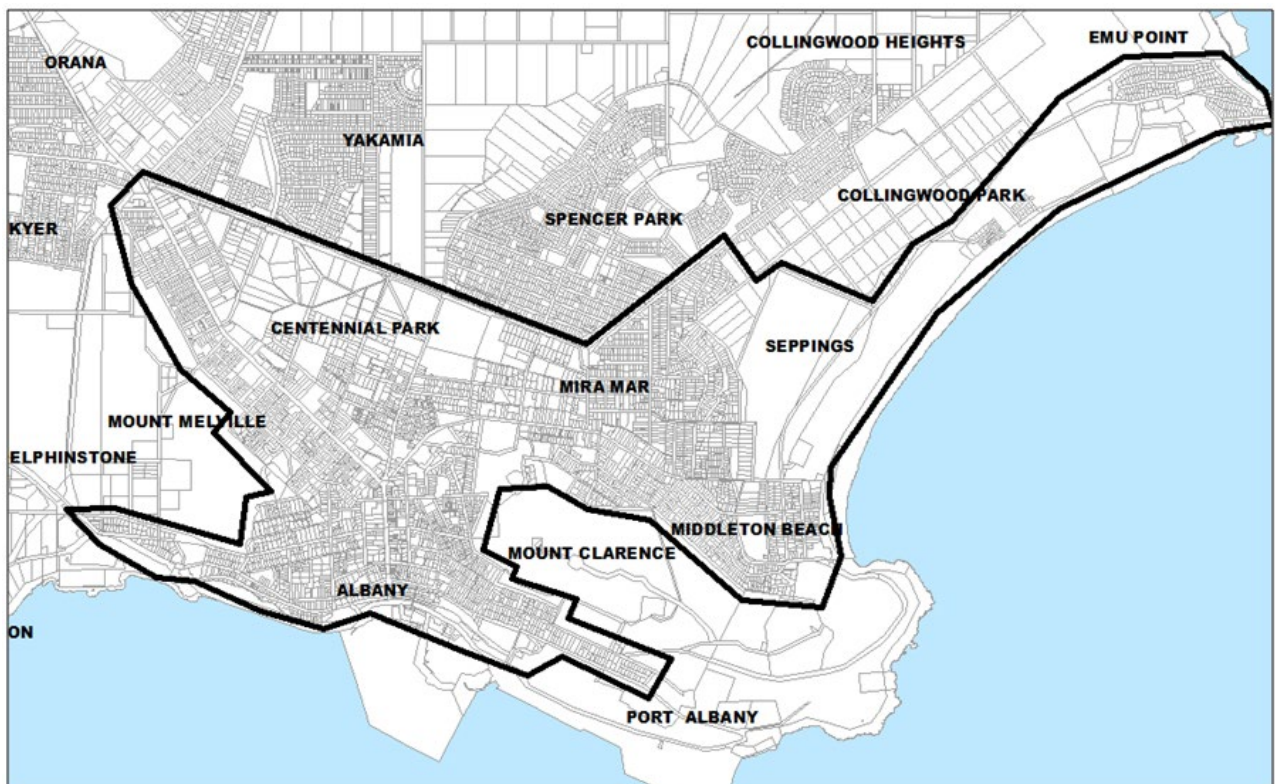
6. The following land uses are not covered by this policy:
 - Dwellings used as a holiday house by the owners for their own personal use
 - Other forms of tourist accommodation such as Hotel, Motel, Chalet(s), Tourist Development and Caravan Park.

Policy statement

Proposals located within the short-term accommodation area

7. Short-term accommodation shall be located in high amenity areas, that are in close proximity to tourism areas and centrally located. The area deemed suitable in respect to this criterion is identified in Figure 1 (below).

Figure 1 – Short-term accommodation area



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Proposals located outside the short-term accommodation area

8. Short-term accommodation outside of the areas identified in Figure 1 will be considered on a case-by-case basis.
9. Short-term accommodation proposals located outside of the area identified in Figure 1 are to address the following:
 - The nature and setting of the property being of high tourism value
 - The location of the property being in close proximity to a tourist destination or attraction
 - The size of the property and setbacks to adjoining dwellings and land uses
 - Vulnerability to natural hazards (e.g. bushfire, flood, erosion)
 - Ensuring the primacy of Agriculture and Industrial uses in areas, where these uses are permitted or expected
10. Proposals located outside of the short-term accommodation area will be assessed on their merits, taking into consideration the matters outlined under 9. above and the following:
 - Submissions received during advertising
 - If the proposal results in potential adverse impacts on surrounding land uses and local amenity
 - Additional management measures being implemented
 - Any other planning matter deemed relevant by the City of Albany to the consideration of a proposal
11. Proposals for hosted and unhosted accommodation located on existing residential zoned land or land zoned Future Urban for residential development, that is outside of the short-term Accommodation Area (Figure 1) will generally be considered unsuitable for use as short-term accommodation.
12. Applications for short-term accommodation within Grouped Dwellings, Multiple Dwellings or Strata Lots will not be supported, unless the complex or development is established for this purpose, and proof of strata body support has been provided with the application. For those already operating in an area that was previously approved for short-term accommodation letting, the short-term accommodation may continue as a non-conforming use.

Management Plans

13. A management plan submitted as part of a proposal shall outline the following:
 - Details of local property manager, who will be contactable 24 hours a day. For unhosted accommodation, the manager (or a nominated representative) shall reside no greater than a 30 minutes' drive from the site and be capable of attending the site within two hours. For hosted accommodation, it is expected that the manager must reside on-site.
 - A code of conduct for guests, which shall list what is considered acceptable and unacceptable behaviour and identify repercussions for breaches.
 - A mitigation plan to identify how anti-social behaviour, noise and any potential conflict will be controlled and details as to how the amenity of adjoining landowners will be maintained.
 - Complaints management procedure – for unhosted accommodation it is expected that the manager is available to be contacted 24 hours a day in relation to a complaint, and the manager (or their nominated representative) visits the property within two hours of receipt of the complaint, to the satisfaction of the City of Albany.
 - Details of how the premises will be managed on a day-to-day basis; including check in and check out procedures etc.
 - Statement on the management and provision of car parking. On-site parking provision should align with the parking requirements detailed in this policy. The management plan should also detail whether the site has boat/trailer parking.
 - Fire management/emergency response plans for visitors and managing risks for visitors.

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- Waste management plan, which must specify the requirements of general waste and recycling, bin collection days and location of bins for collection.
14. The City of Albany has the discretion to apply additional management measures to be addressed by the plan, in order to adequately manage and mitigate any concerns.
 15. In the event of approval, it will be the responsibility of the operator to distribute an approved management plan to surrounding landowners/adjoining properties, prior to commencement of operations. The approved management plan shall be implemented and complied with at all times, whilst the approved short-term accommodation is in operation.

Number of Guests

16. The amount of guests residing within the short-term accommodation is to comply with the following standards
 - A maximum of 12 persons at any time, subject to the following;
 - 4 square metres per person in each bedroom utilising beds; and
 - 2.5 square metres per person in each bedroom utilising bunks.
17. The maximum number of guests will be given consideration as a factor in assessing, determining and mitigating any amenity or parking matters.

Car parking

18. For hosted accommodation (bed and breakfast), car parking shall be provided as per the R-Code requirements for a single house, plus one additional car-parking bay for each guest bedroom.
19. For unhosted accommodation (holiday house), one (1) on-site car parking bay shall be provided per every three (3) adults the unhosted short-term accommodation is designed to accommodate. Where the calculated number of carparks results in a fraction of a bay, the required total number of bays shall be rounded up.
20. Tandem parking may be permitted for a maximum of one vehicle behind another vehicle.
21. All car parking is to be contained entirely on-site and no verge area shall be used for car parking.
22. The provision of additional on-site car parking shall not result in variations to the landscaping requirements of *State Planning Policy 7.3 Residential Design Codes*, including the minimum impervious area to be provided within the front setback.
23. If the site does not have a suitable on site area for the storage of a boat or trailer, it shall be made clear to guests in advertising/booking material that they cannot be accommodated on the property or stored on the verge.

Signage

24. The 24-hour contact details of the manager of the short-term accommodation are to displayed on a name plate visible from the nearest street frontage and maintained to the satisfaction of the City of Albany.
25. A nameplate with a maximum area of up to 0.2m² is exempt from requiring development approval from the City of Albany.

Vulnerable Land Uses, including Tourist Accommodation in Bushfire Prone Areas

26. Decision must be based on the merit of a proposal and include holistic consideration of the policy measures and objectives identified under SPP3.7 Planning in Bushfire Prone Areas and associated Guidelines. Considerations include, but are not limited to:
 - The need to apply the precautionary principle
 - Compliance with any provisions of the local planning scheme or local planning policy relating to bushfire
 - Whether the bushfire hazard on site can be reduced to an acceptable level
 - Whether the proposed measures can be practically implemented and maintained for the life of the development or land use

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- Whether the proposal demonstrates an improvement or innovation in bushfire risk management that improves the bushfire outcome on the site and surrounds
 - Advice received from relevant referral agencies
- 27.** Short-term accommodation proposed in a Bushfire Prone Area may require a Bushfire Attack Level Assessment, Bushfire Management Plan or Statement and a Bushfire Emergency Evacuation Plan, as outlined under SPP3.7 Planning in Bushfire Prone Areas and associated Guidelines. At a minimum, a Bushfire Attack Level Assessment will generally be required for short-term accommodation.
- 28.** Where the Bushfire Attack Level Assessment returns a rating of BAL-40 or FZ, approval is unlikely to be granted unless the BAL-rating can be reduced through vegetation thinning/clearance within lot boundaries and subject to the requirements contained under SPP3.7 and associated Guidelines, specifically in regards to minimising clearing of vegetation for bushfire protection and the local planning scheme.
- 29.** A Bushfire Management Plan will be required for all applications for short-term accommodation where the Bushfire Attack Level Assessment returns a rating of BAL-12.5 or above. Unless the short-term accommodation is proposed in a BAL-40 or BAL-FZ area, or seeks assessment against a performance principle of the bushfire protection criteria, the Simple Development Application BMP template should be used.
- 30.** Further to clause 27. and 28. above, where the proposal:
- a. Is located outside of the short-term accommodation area as shown in Figure 1; and
 - b. Is located outside of a 'residential built out area' as defined under SPP3.7 Planning in Bushfire Prone Areas and associated Guidelines; and
 - c. The proposal cannot satisfactorily demonstrate compliance with Element 5: Vulnerable Tourism Land Uses and other relevant provisions of SPP3.7 and associated Guidelines;
- it is unlikely that a proposal will be supported.

Development application requirements

- 31.** Development applications for short-term accommodation shall include the following plans and information, and as referenced above:
- Plans to scale (site plan and floor plans), that include the following details:
 - Room sizes and bathrooms
 - Car parking and vehicle manoeuvring
 - Management plan
 - Covering letter, outlining the following as a minimum:
 - The proposed number of guests
 - Justification for the proposal against clause 9. above, where the use is located outside of a short-term accommodation area shown in Figure 1
 - Required bushfire documentation as outlined above, where the use is located within a bushfire prone area

Register

- 32.** Operators must provide and maintain a register of all people who utilise the short-term accommodation during the year to Council's satisfaction. This information must be available to the Local Government on request.

Cancelling or Transferring Holiday House

- 33.** If an owner wishes to cancel an existing short-term accommodation approval and revert back to a 'Single House' and the use is 'P' within the zone, a letter of cessation will be required.
- 34.** A new proprietor wishing to continue the use of the site for short-term accommodation will need to provide an updated management plan for endorsement by the City of Albany.

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35. In the event of change in management, it will be the responsibility of the new operator to distribute the approved updated management plan to surrounding landowners/adjoining properties, prior to commencement.

Compliance

36. Complaints or issues will be investigated in accordance with the City of Albany's Regulatory Compliance Policy.

General Advice: Prior to commencing preparation or lodging an application for development approval, it is highly recommended making an appointment with the City of Albany Planning Team to discuss the proposal. Applications that do not comply with the relevant standards or contain insufficient information may be refused or take longer to process.

Legislative and Strategic Context

37. The policy operates within the following framework of legislation.

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *City of Albany Local Planning Scheme No.1.*
- *WAPC Planning Bulletin 99 – Holiday House Guidelines*
- *WAPC Guidelines – Holiday Homes – Short Stay Use of Residential Dwellings*

Review Position and Date

38. This policy was adopted on [Insert Date]. This policy must be reviewed every two years after a general Local Government election, or earlier if Council considers it necessary.

Associated Documents

39. Related strategies, procedures, references, guidelines or other documents that have a bearing on this policy and that may be useful reference material for users of this policy, follow:

- *State Planning Policy 7.3 Residential Design Codes*
- *State Planning Policy 3.7 Planning in Bushfire Prone Areas*

Definitions

40. **Short-term accommodation** means temporary accommodation in dwelling(s) provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12-month period.
41. **Unhosted accommodation** relates to 'holiday house' and 'holiday accommodation' land uses, and has the same meaning given to these land use definitions in LPS1, and where a single house, grouped or multiple dwelling is used as short term accommodation.
42. **Hosted accommodation** relates to 'bed and breakfast' and other hosted accommodation land uses, in a single house (or ancillary dwelling), grouped or multiple dwelling, and has the same meaning given to these land use definitions in LPS1, with a permanent resident who is present overnight for the duration of the stay either in the dwelling or ancillary dwelling, where the tourism/commercial use of the property is incidental to the permanent residential use.
43. **Single house** has the same meaning given to the term in the State Planning Policy 7.3 - Residential Design Codes (the R-Codes).
44. **Grouped dwelling** has the same meaning given to the term in the R-Codes.
45. **Multiple dwelling** has the same meaning given to the term in the R-Codes.
46. **Residential built out area** has the same meaning given to the term in the SPP 3.7 Guidelines.

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47. Precautionary principle has the same meaning given to the term in the Guidelines for Planning in Bushfire Prone Areas (SPP3.7).