



## Short Term Accommodation

<b>Policy Type: Local Planning Policy</b> <b>Policy Owner: Director Urban Planning</b>	<b>Policy No. LPP 1.21</b> <b>Last Review Date: NA</b>
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### Policy Objective

- To establish a clear framework for the identification, assessment and determination of applications for short term accommodation.
- To ensure appropriate location and management of short term accommodation that protects the amenity of residential areas or nearby residents.

### Policy Scope

This policy applies to all short term accommodation land uses throughout the City. The policy does not apply to land uses such as Bed and Breakfast, Serviced Apartments and Tourist Accommodation which are defined elsewhere in the City's planning framework.

### Definitions / Abbreviations Used in Policy

*Bed and breakfast accommodation (LPS6 definition)*

Means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.

*Hosted Accommodation (draft Planning and Development (Local Planning Schemes) Regulations definition)*

Means a portion of a dwelling or entire ancillary dwelling used to provide short-term accommodation with a permanent live in host (owner/occupier/manager) but does not include a bed and breakfast or caravan park or serviced apartment.

*Holiday Accommodation (draft Planning and Development (Local Planning Schemes) Regulations definition)*

Means 1 or more grouped dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot, but does not include hosted accommodation.

*Holiday Apartment (draft Planning and Development (Local Planning Schemes) Regulations definition)*

Means a multiple dwelling that is used to provide short term accommodation, but does not include hosted accommodation.

*Holiday House (Planning and Development (Local Planning Schemes) Regulations definition)*

Means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast or hosted accommodation.

LPS6 City of Melville Local Planning Scheme No. 6



**Regulations** Planning and Development (Local Planning Schemes) Regulations 2015

**R-Codes** State Planning Policy 7.3 Residential Design Codes Volume 1 and Residential Design Codes Volume 2 - Apartments

***Serviced Apartment (LPS6 definition)***

Means a group of units or apartments providing –

- (a) Self-contained short stay accommodation for guests; and
- (b) Any associated reception or recreation facilities.

***Short-Term Accommodations (LPS6 general terms definition)***

Means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than three months in any twelve month period.

***Tourist Accommodation (Canning Bridge Activity Centre Plan definition)***

Means any land or building used for human habitation on a temporary basis with ancillary amenities such as café / restaurant, laundry and cleaning services. The term includes motel and serviced apartment and the like, but does not include hotel, residential building or bed and breakfast accommodation.

## Policy Statement

### 1 General

1.1 This Policy establishes that the activities defined as *holiday house*, *holiday accommodation*, *holiday apartment* and *hosted accommodation* are land uses distinct to standard residential accommodation and accordingly require development approval.

1.2 The City is considering amendments to the local planning framework to establish a separate use classes and associated land use permissibility for short term accommodation. In the interim, short term accommodation is to be considered as a use not listed under Local Planning Scheme 6 or the applicable Activity Centre Plan. During this interim period, as a use not listed, short term accommodation activities will require planning approval and will be assessed against the local planning framework, including this policy.

1.3 Assessment of planning applications for short term accommodation activities shall have regard to the objectives, performance criteria and standards identified in this policy. Assessment will note that the range of different types and characteristics of short term accommodation may vary the level of potential impact related to the use. Hosted short stay uses may have limited or no impacts. Un-hosted uses have potential to result in adverse amenity impacts, and an accumulation of such un-hosted land uses in a particular locality, site or building may result in greater impacts.

### 2 Site Characteristics

2.1 *Residential zone (including Residential Areas designated in Activity Centre Plans)*



The Residential Zone includes the objective to “provide for a range of non-residential uses, which are compatible with and complementary to residential development...” Some locations and dwelling types will be better suited to short term accommodation in terms of being compatible and complementary. Where *holiday house*, *holiday accommodation*, *holiday apartment* and/or *hosted accommodation* uses are proposed within the Residential zone, the following will be taken into account in the assessment of the suitability of the location:

#### *Preferred Property Characteristics*

- (a) Location close to, or abutting mixed use centres, workplaces, schools, community facilities, public open space and civic facilities.
- (b) Well served by footpaths, dual access paths and public transport.
- (c) Located on Local Distributor and District Distributor Roads.

#### *Undesirable Property Characteristics*

- (a) Properties located within cul-de-sacs.
- (b) Properties located on battle-axe style rear lots
- (c) Properties located within a strata development with shared access arrangements.

## 2.2 *Other Locations*

Mixed use zones and the mixed use areas within Centre Zones are preferred for short term accommodation. Similar commercial residential uses are permissible in these locations. These locations are likely to have less impact on residential amenity and provide good access to services such as shopping centres, workplaces and public transport. In these locations applications for short term accommodation will still be subject to planning assessment of potential impacts.

## **3 Number of Persons**

- 3.1 No more than 6 people/guests may stay at an individual dwelling/unit associated with a *holiday house*, *holiday accommodation*, *holiday apartment* and/or *hosted accommodation* use. Where approval for more than six guests is proposed, approval for the change of use of the residence to a Residential Building will be required.

## **4 Car Parking**

- 4.1 On-site parking is to be provided in accordance with the relevant standards of the Residential Design Codes, or Activity Centre Plan. Required parking is to be provided, maintained and available on site with users of the short term accommodation not reliant on verge or street parking.



## 5 Signage

- 5.1 In Residential Zones, no on-site signage is permitted in association with the short term accommodation use.

## 6 Site Management Plan

- 6.1 A management plan is required to be submitted at the time of lodging a development application for *holiday house*, *holiday accommodation*, *holiday apartment* and/or *hosted accommodation*. The requirement for the operation of the use in accordance with the management plan will be included as a condition of any development approval issued.

The management plan is to include, but not be limited to the following matters:

- i. a code of conduct detailing the expected behaviour and obligations of guests. The code of conduct shall be displayed in a prominent position within the premises;
- ii. management of complaints, in the form of a Complaints Management Procedure (which must include the provision of the short-term accommodation owners/managing agents contact telephone number for adjoining neighbours);
- iii. control of anti-social behaviour and the potential conflict between guests and permanent residents of the area, detailing the expected behaviour of guests and control of noise;
- iv. details regarding guest check-in and check-out procedures;
- v. management of car parking;
- vi. details regarding waste management which must include specifying the expectations on guests with regard to general rubbish and bin collection (if applicable);
- vii. compliance with Strata By-Laws (if applicable) in the form of a Statement of Compliance.

## 7. Public Consultation

- 7.1 For proposals where the provisions of the 'Residential' zone apply, development applications for short term accommodation, or applications where the existing use is proposed to be intensified, will be advertised for public comment for a minimum period of 14 days by way of letters to adjoining and nearby landowner.
- 7.2 Where an application involves *holiday house*, *holiday accommodation*, *holiday apartment* and/or *hosted accommodation* in a strata title arrangement, ~~the strata body will be consulted. Prior to submission,~~ applicants are required to demonstrate that the operation of short term accommodation is compliant with regulations governing ownership of the property i.e. provisions of the Strata Titles Act 1985 and associated by-laws and/or management orders.

## 8 Temporary Approval

- 8.1 Where necessary to allow ongoing monitoring of the impacts of short term accommodation, the approval period may be limited in accordance with Clause 72 of Schedule 2 of the Regulations.



## **9 Compliance With Other Legislation**

**9.1 Short term accommodation proposals may trigger compliance requirements in addition to planning approval under other legislation such as the Health Act 1911 and the National Construction Code. Applicants are advised to familiarise themselves with any additional requirements and to ensure compliance. Any granting of planning approval does not remove the need to achieve other statutory approvals, nor does it imply that these consents will be forthcoming.**



### References that may be applicable to this Policy

Legislative Requirements:	Planning and Development Act 2005 Health Act 1911 Planning and Development (Local Planning Schemes) Regulations 2015
Procedure, Process Maps, Work Instructions:	Planning Application Directorate Procedure
Other Plans, Frameworks, Documents Applicable to Policy:	Local Planning Scheme No. 6 State Planning Policy 7.3 Residential Design Codes Volume 1 and Residential Design Codes Volume 2 - Apartments
Delegated Authority No:	DA – 020: Planning and Related matters

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### ORIGIN/AUTHORITY

### Item No.

### Reviews