

Title	Tourist Accommodation
Policy Number (Governance Purpose)	LPP 1.15



Policy Type

Local Planning Policy

Policy Purpose

The City of Cockburn is well placed to accommodate tourists with good access to Perth CBD and Fremantle, major transport networks, health and educational facilities, and access to world-class beaches. Tourist and other short-term accommodation proposals are therefore expected to increase within the City and Town Planning Scheme No. 3 (TPS 3) provides only limited development standards for such proposals.

The purpose of this policy is to provide development standards for the following land use types as defined in TPS 3:

- Hosted and Unhosted Short Term Rental Accommodation (STRA)
- Tourist and Visitor Accommodation
- Workforce Accommodation
- Hotels

These land use definitions are defined in TPS3 and a broadly referred to as 'Tourist Accommodation' within this policy.

The policy does not provide development standards for long-stay Park Homes, Residential Parks, Lifestyle Villages or Hotels that do not contain tourist accommodation.

Some proposals, depending on the specifics of the operation, may be identified as Lodging Houses for the purposes of the City's Local Health Law although such a land use is not defined in TPS3. Regardless of the development's land use designation under TPS3, all lodging houses shall adhere to the requirements of the City's Local Health Law. The City may request that applicants provide details of compliance with the Health Local Law, and such requirements may form conditions of approval on the development application. This policy provides the specific requirements for Lodging Houses.

Policy Statement

(1) Definitions

Short-term rental accommodation – has the same meaning as defined in Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015

Keeper/Manager – a person who permanently resides at a premises providing short-term accommodation and is responsible for the upkeep and management of the accommodation.

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Lodging House – As per the *Health Act 1911* or superseding legislation

Guest – a person who is accommodated within the short-term accommodation on a temporary basis for a fee, but is not subject to a Residential Tenancy Agreement.

Visitor – A person who is visiting a guest accommodated within short-term accommodation but who is not a guest themselves.

(2) Management Plans

All proposals for tourist accommodation shall include the lodgement of a management plan which shall address:

- Control of Noise and other disturbances;
- Complaints management procedures;
- Security of guests, visitors, and neighbours;
- Control of anti-social behaviour and potential conflict between tourists/guests/visitors and permanent residents of the area;
- Car parking for guests and visitors;
- Number of bedrooms and beds;
- Contact details of Owner and Keeper/Manager;
- Waste Management; and
- In the case of Lodging Houses:
 - Lodging House Hours
 - Lodging House Rules, including a Lodging House Code of Behaviour
 - Visitor Rules
 - Security and Access.

(3) Tourist Accommodation

- 3.1 A Keeper/Manager is not required to reside at the premises whilst it is being used for tourist accommodation purposes.
- 3.2 The use of one or more existing multiple or grouped dwellings within a complex for the purposes of tourist accommodation shall generally not be supported.
- 3.3 Proposals including a mix of uses including permanent residential and tourist accommodation within the same development should provide sufficient separation of the uses to ensure the amenity of permanent residents is adequately protected.
- 3.4 Proposals for tourist accommodation in the form of apartments on residential zoned land shall be designed so that the building height generally accords with the maximum, building height permitted for multiple dwelling development.
- 3.5 Proposals for tourist accommodation in the form of apartments shall include an entrance/foyer with a reception desk attended by staff during check-in and check-out times.

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3.6 Car parking for tourist accommodation shall be located on-site and in accordance with the TPS 3 provisions..

(4) Hotels

4.1 Proposals for hotels providing accommodation shall include an entrance/foyer with a reception desk attended by staff during check-in and check-out times.

4.2 Car parking for hotels shall be in accordance with the provisions of TPS3.

4.3 Proposals that include a mix of uses (such as permanent residential and hotel uses within the same development) should provide sufficient separation of the uses to ensure the amenity of permanent residents is adequately protected.

(5) Exemptions

5.1 Proposals for the use of a portion of a residential dwelling where the owner/occupier is present shall be deemed a hosted STRA and is exempt from the requirement to obtain development approval in accordance with clause 61 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

5.2 Proposals for the use of a single house where the owner/occupier is not present whilst it is being used for tourist accommodation or short-stay purposes shall be defined as unhosted STRA. In accordance with clause 61 of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, operators may use dwellings for the purpose of unhosted STRA for a maximum of 90 nights within a calendar year without needing to obtain prior development approval.

5.3 In all other cases, the permissibility of tourist accommodation proposals shall be in accordance with the Zoning Table of TPS3

(6) Caravan Parks

Development standards for caravan parks are contained in the Western Australian Planning Commission Planning Bulletin 49/2014 'Caravan Parks' which shall be used by the City in the assessment of these proposals

(7) Workforce Accommodation

7.1 Any application for workforce accommodation shall demonstrate that a proposal is required to accommodate solely the proponent's workforce. Information shall be provided with any Development Application for Workforce Accommodation and must address the following:

- Details of the work site(s) where the occupants of the workforce accommodation will be employed, including their location(s);

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- Details of the estimated numbers of workers required to support the work site(s);
- The length of time of the workforce accommodation is anticipated to be in place or will be operational for;
- Details on the types of roles the occupants will be employed for (e.g. construction, operational, maintenance);
- Details/breakdown of short-term, intermittent and long-term employees, needing to be accommodated at each worksite;
- Whether the proposal seeks to accommodate workers from other worksites and/or companies.

7.2 Third party proposals that seek to accommodate multiple workforces from various employers, that are not serving a particular worksite or project, will generally not be supported.

7.3 Workforce accommodation that is only required for a certain period of time will be required to be decommissioned at the end of the project, unless the buildings can be re-used for another land use and have been designed to be adaptive. Approval for the reuse of the accommodation will need to be sought through the development application process.

7.4 Workforce Accommodation proposals shall be located within a 30 minute drive from the applicable project/work location

(8) Lodging Houses

8.1 Some proposals, depending on the specifics of the operation, may be identified as Lodging Houses for the purposes of the City's Local Health Law although such a land use is not defined in TPS3.

8.2 In accordance with the Part 8 of the City's Local Health Law, lodging houses include recreational campsites, serviced apartments and hostels.

8.3 A proposal may be classified as 'tourist accommodation' during the planning application process; however, if the proposal meets the definition of a 'lodging house' under the Health Act and Local Law, it will also require separate approval under the applicable legislation. This distinction is critical, as the requirements for lodging houses may differ significantly from those for tourist accommodation. The planning process should ensure a shared understanding of all relevant approvals to avoid potential non-compliance. The below details provide relevant considerations for lodging houses

8.4 Proposal for lodging houses shall adhere to the following development standards:

- The development of a lodging house should be for no more than 30 lodgers.
- Lodging houses in a residential zone shall be separated by a minimum distance of 200m, measured in a straight line.

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- A lodging house is to be located within 800m, measured in a straight line, from any part of bus route to any local shops, community infrastructure or public transport service ie. a bus stop/station or train station (a 5-10 minute walking distance).
- The development of lodging houses in the residential zone shall comply with the requirements of the Residential Design Codes of Western Australia.
- The development of lodging houses shall comply with the parking requirements of TPS3.
- Outdoor communal areas are to be centrally located on-site i.e. separated from common boundaries with adjoining residential properties. If located situated within the front setback area, they shall be suitable screened with visually permeable fencing (as per the requirements of the R-Codes) for the benefit of lodger privacy.
- Areas of site not used for a particular purpose i.e. as outdoor communal space, car parking and/or for waste management purposes, are to be developed and used for landscaping only.

8.5 The requirements for an application for a lodging house as identified in the Local Law are attached in Appendix A of this Policy. Appendix A is for information only and is correct at the time of the publishing of this policy. It does not form part of this policy and may be subject to change. Proponents are encouraged to consult the current version of the local law

(9) Other Legislative Requirements

Proposals for some forms of tourist accommodation may be defined as Class 3 buildings under the Building Code of Australia and may require a portion of units to be designed for persons with disabilities, may be required to comply with Australian Standard 1670.1:2015 as it relates to fire detection and warning.

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