

Short-Term Accommodation

Responsible Division	Planning and Development Services
Responsible Business Unit/s	Planning
Responsible Officer	-
Affected Business Unit/s	-



PURPOSE:

To provide guidance to applicants who wish to establish a short-term accommodation facility within a dwelling or residential building within the City of Bayswater.

OBJECTIVES

To:

1. Provide guidance of the requirements for the establishment of short-term accommodation within the City of Bayswater;
2. Promote a variety of accommodation options within the City of Bayswater's activity centres and surrounding high frequency public transport routes;
3. Provide a high level of amenity for both long-term residents of adjoining properties and the occupants of short-term accommodation; and
4. Provide guidance to the operators of short-term accommodation as to the operator's responsibilities and obligations.

INTRODUCTION

Short-term accommodation is accommodation where all or part of a dwelling or residential building is utilised to provide accommodation for a period no longer than three consecutive months for hire or reward (a fee). Due to the City of Bayswater's proximity to the Perth CBD, high frequency public transport and the Perth Airport, there is increasing local demand for short-term accommodation.

POLICY STATEMENT:

DEFINITIONS

Short-term accommodation means a premises providing temporary accommodation, either continuously or from time to time with no guest accommodated for periods totalling more than three months in a 12 month period. Short-term accommodation is not subject to a Residential Tenancy Agreement.

The types of short-term accommodation that are the subject of this policy are as follows:

- Bed and breakfast;
- Guest house/temporary accommodation;
- Lodging house;
- Residential building; and

- Serviced apartments.

Bed and Breakfast has the same meaning as defined in the City of Bayswater Town Planning Scheme No. 24.

Guest House / Temporary Accommodation means a dwelling or part of a dwelling occupied by a person but containing rooms used to accommodate temporary guests for hire or reward.

Lodging House has the same meaning as defined in the City of Bayswater Town Planning Scheme No. 24.

Serviced Apartments has the same meaning as defined in the City of Bayswater Town Planning Scheme No. 24.

Keeper means a person who permanently resides at the dwelling or residential building and is responsible for its upkeep and management of the accommodation.

Guest means a person who accommodates a short-term accommodation on a temporary basis for a fee, but is not covered by a Residential Tenancy Agreement.

Dwelling has the same meaning as defined in the City of Bayswater Town Planning Scheme No. 24.

Residential Building has the same meaning as defined in the City of Bayswater Town Planning Scheme No. 24.

Self-Contained means accommodation having its own kitchen, bathroom and bedroom facilities.

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.

Council of Owners means an elected representative council of a strata company constituted or deemed to have been constituted under the Strata Titles Act 1985.

REQUIREMENTS

General Requirements for all Short-Term Accommodation

1. Exemption from Planning Approval

Short-term Accommodation with the following characteristics does not require planning approval:

- (a) The number of guests on a freehold lot, is no greater than 10, or 6 in addition to the keeper and keeper's family, at any one time.
- (b) Any vehicle parking associated with the Short-term Accommodation is contained on the site or adjoining verge area.

2. Planning Applications

Unless exempted above, proposals to operate short-term accommodation require the submission and approval of a planning application prior to commencement of operation.

A management plan is to be submitted with the planning application. The management plan is to include, but not be limited to the following matters:

- (a) Complaints management procedures, which is to include the provision of the contact telephone number of the accommodation owner and operator to adjoining neighbours.
- (b) Control of anti-social behaviour and the potential conflict between temporary residents and permanent residents of the area. A code of conduct shall be prepared detailing the expected behaviour of guests/residents in order to minimise any adverse impact on adjoining residents.

2.1. Consultation

All applications for short-term accommodation are to be advertised in accordance with the advertising procedures defined in Clause 64 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Where an application involves short-term accommodation in a strata title situation, all owners and occupiers are to be notified of the proposal. Short-term accommodation in strata title situations will not be supported except where the consent of the strata company/council of owners have been given in accordance with the provisions of the Strata Titles Act 1985 and associated by-laws.

2.2. Compliance

If the owner/operator disputes the classification of a short-term accommodation premises, the owner/operator is required to provide the City of Bayswater with evidence of tenancy agreements for all tenants residing at the premises which clarify occupancy in excess of three months such as:

- (a) Copies of current lease agreements for each tenant indicating tenancy is for a period exceeding three months; or
- (b) Statutory declaration for each tenant stating that the tenancy agreement is for a period exceeding three months.

2.3. Location

Short-term accommodation will be more favourably considered by the City of Bayswater, where it is located in the following preferred locations:

- (a) In or within 800m of an identified activity centre or activity corridor.
- (b) Within 250m of a high frequency bus stop or 800m of high frequency train station.
- (c) Along a primary, district or local distributor road.

3. Car Parking

Car parking bays are to be provided in accordance with Table 1 of this policy.

Table 1 - Onsite Car Parking Requirements for Short-term Accommodation

Accommodation Type	Car Bays to be Provided
Bed and Breakfast	1 space per 2 guest bedrooms provided in addition to the Residential Design Codes (R-Codes) requirements for the dwelling.

Guest House / Temporary Accommodation	As per the R-Codes for the dwelling type. (i.e. no additional car parking is required)
Serviced Apartments	As per the R-Codes for multiple dwellings. (i.e. no additional car parking is required)
Lodging House	As per the City of Bayswater Town Planning Scheme No.24 requirements for a lodging house.
Residential Building	1 space per 3 beds provided.

Note: where the accommodation is within a 250m radius of a high frequency bus route or within an 800m radius of a high frequency train station the car parking requirements of this policy may be varied at the discretion of the City of Bayswater.

4. Signage

On land zoned 'Residential', 'Medium Density Residential' or 'Medium and High Density Residential' under the City of Bayswater's town planning scheme(s), a maximum of one sign on the site not exceeding 0.2m² in area, and incorporated into a front fence, wall, structure or building, that identifies the short-term accommodation is permitted.

Specific Requirements for Short-Term Accommodation

1. Bed and Breakfast

(a) Management:

The keeper of the bed and breakfast accommodation must reside at the premises at all times while the Bed and Breakfast is in operation;

- Breakfast is required to be provided to guests;
- Breakfast (and other meals if provided) are provided to bed and breakfast guests only;
- Access to a separate bathroom must be provided for bed and breakfast guests; and
- Access to a dining area and laundry facilities should be provided for bed and breakfast guests.

2. Guest House / Temporary Accommodation

(a) Management:

A keeper is not required to reside at the premise while it is being used for the purpose of a guest house / temporary accommodation.

3. Lodging House

(b) Management

The keeper of a lodging house accommodation must reside on site at all times while the lodging house is in operation.

(c) Health Requirements

Applications for a lodging house are subject to the requirements set out in the *Health Act 1911*.

(d) Outdoor Communal Open Space

Outdoor communal open space for lodging houses shall be provided in accordance with the following:

- Sufficient area is to be provided outside the building for external recreation in accordance with Table 2 of this policy and to have a minimum dimension of 4m:

Table 2 - External Communal Open Space Requirements

No. of Occupants / Guests	Minimum Area of External Communal Space Required
100 or less	20m ²
Greater than 100 less than 150	30m ²
150 or greater	40m ²

- Design and location of external communal space to be easily accessible by guests.
 - Appropriate landscaping demonstrating the use of water conservation measures and paving to be provided that meets the needs of guests and enhances security, safety and amenity of the development and adjoining properties.
 - Landscaping to be provided to screen communal spaces from adjoining properties and/or adjoining public areas and to enhance the amenity of the property.
 - External communal space should be designed to gain solar access.
- (e) Internal Communal Space
- Internal communal space shall be located adjacent to commonly used spaces, such as kitchen, lobby entry area, manager's office etc., or adjacent to the outdoor communal open space.
 - Sufficient area is to be provided inside the building for the purpose of passive recreation.

4. Residential Building

(a) Management:

A keeper is not required to reside at the premise while it is being used for the purpose of a residential building.

5. Serviced Apartments

(a) Design

Applications for serviced apartments shall be subject to the siting and design requirements applicable to the site for multiple dwellings under the Residential Design Codes.

Applications for serviced apartments shall include within the entrance, foyer or lobby a reception desk which shall be attended by staff at all times when apartment check-ins and check-out can occur.

(b) Servicing Strategy

In addition to the management plan required by this policy, all applications for serviced apartments shall include a servicing strategy detailing the level of servicing containing, but not limited to the following:

- Opening hours for guest check-ins and check-outs;
- Method of reservations/bookings;
- Means of attending to guest complaints;
- Cleaning and laundry services, where available;

- Company name and relevant experience of management/operator; and
- Management and accommodation of servicing vehicles within the context of the overall car parking for the development.

Details Required for Planning Applications

1. Additional Information

In addition to the management plan detailed above, and normal planning application requirements (for lodgement of plans), the following additional information is required to be submitted on application for planning approval:

- Information justifying the proposed location of the accommodation; and
- Justification as to how and why the proposed accommodation will be compatible with the surrounding area.

Initial planning approval for a 12 month probationary period may apply after which a renewal of approval may be considered.

2. Other Approvals

This policy does not exempt short-term accommodation from the requirement to obtaining any other necessary approvals, such as building approval.

RELATED LEGISLATION:

Policy is adopted under the City of Bayswater's town planning scheme(s), in accordance with *Schedule 2, Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015*.

RELATED DOCUMENTATION:

Nil

Relevant Delegations		
Risk Evaluation		
Council Adoption	Date	20 June 2017
Reviewed / Modified	Date	
Reviewed / Modified	Date	
Reviewed / Modified	Date	