

Policy Title:	Local Planning Policy: Bed & Breakfast Accommodation
Policy No.:	2.4
Previous Policy (No.):	Bed and Breakfast Accommodation (No. 33)
Date Adopted:	18 February 2003 (decision no. 47/03)
Date Last Reviewed:	7 June 2011 (decision no. 118/11)
Legal Parent:	<u>Planning and Development Act 2005</u>
Legal Subsidiary:	<u>City of Bunbury Town Planning Scheme No. 7, Part 2 – Local Planning Policy Framework.</u>

PART A

1 PRELIMINARY

1.1 Citation

This Local Planning Policy is made under section 2.1 of the City of Bunbury Town Planning Scheme No. 7 (the “Scheme”), and may be cited as Local Planning Policy: Bed & Breakfast Accommodation (herein referred to as the “Local Planning Policy”).

1.2 Commencement

This Local Planning Policy was adopted by the Council of the City of Bunbury (the “City”) on 18 February 2003. The reviewed Local Planning Policy commenced operation on 23 June 2011.

1.3 Relationship to the Scheme and other Local Planning Policies

1.3.1 Pursuant to section 2.2 of the Scheme, this Local Planning Policy supplements the provisions of the Local Planning Scheme. Where a provision of this Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

1.3.2 Where a provision of this Local Planning Policy is inconsistent with another adopted Local Planning Policy that relates to a designated area, then the provisions of the Local Planning Policy that relate to design guidelines for a designated area shall prevail.

1.3.3 The provisions of this Local Planning Policy comprises of Policy Text. The Local Planning Policy is to be read in conjunction with the Scheme.

Note: A Local Planning Policy is not part of the Scheme and does not bind the Local Government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

1.4 Relationship with Local Laws

- 1.4.1 This Local Planning Policy operates in conjunction with the Local Government's Local Laws in the regulation of development and the use of land within the Scheme Area.
- 1.4.2 Where a provision of the Local Planning Policy is inconsistent with a Local Law, the provision of the Local Law shall prevail.

2 PURPOSE

The purpose and intent of this Local Planning Policy is to guide and regulate Bed & Breakfast Accommodation and ensure that future planning applications submitted to or referred to the City of Bunbury seeking this land use are considered in accordance with the procedures outlined within the Local Planning Policy to make sure assessments are accountable, comparable and consistent.

3 OBJECTIVES

In accordance with the aims of the Scheme, land use and development should achieve the following outcomes for Bed and Breakfast Accommodation in the Scheme Area -

- (a) to strengthen and enhance the range of tourism accommodation in Bunbury; and
- (b) to seek to ensure that Bed and Breakfast uses are:
 - i. located within supportive environments;
 - ii. appropriate to their immediate setting;
 - iii. suited to the purpose in terms of building form; and
 - iv. managed in an orderly and considerate manner.

4 LOCAL PLANNING POLICY AREA

This Local Planning Policy applies to all land within the local government district of the City of Bunbury, and as such, the Local Planning Policy Area is the Scheme Area.

5 APPLICATION

- 5.1 The provisions of this Local Planning Policy apply to all development and/or use of premises in the Local Planning Policy Area where indicated as permitted or discretionary land uses under the Zoning Table of the Scheme.
- 5.2 Subject to the Scheme, development and use of land for the purposes of Bed and Breakfast accommodation shall be in accordance with the standards and requirements of this Local Planning Policy; and except as otherwise provided, shall require the prior planning approval of the Local Government in accordance with the provisions of the Scheme.
- 5.3 Development applications seeking approval for Bed and Breakfast use shall provide detailed designs and other supporting information in accordance with the Scheme, and shall include:

- (a) scaled site plans clearly showing:
 - i. building footprint of all buildings on the lot,
 - ii. distances to lot boundaries and existing boundary treatments,
 - iii. the position and use of buildings occupying adjoining lots,
 - iv. areas set aside as private amenity space associated with the residential element,
 - v. vehicle ingress and egress arrangements,
 - vi. car parking layout (spaces indicated for both residents and guests), and
 - vii. bin storage and collection areas (and number of bins); and
- (b) scaled floor plans clearly indicating:
 - i. the internal arrangement of rooms and their use (existing and proposed),
 - ii. demarcation of guest areas and private residential areas,
 - iii. guest entry and exits, and
 - iv. cooking and eating areas; and
- (c) any building modifications or other site works proposed, including those that are intended to mitigate the potential for disturbance to occur upon neighbouring units / properties (e.g. enhanced boundary treatments); and
- (d) any proposed signage; and
- (e) staffing arrangements (if it is intended to employ persons not part of the resident household); and
- (f) any other relevant information requested by the City that will assist in the decision making process.

5.4 If in considering an application for planning approval a proposal is considered to have the potential to significantly impact upon the existing character/residential amenity of a locality or if a variation is proposed to one or more Acceptable Development requirements prescribed under the Residential Design Codes, the Local Government may require the submission of a Development Impact Statement (with terms of reference determined by the Local Government), at the applicant's expense, as part of any application for planning approval.

Note: Section 10 of this Local Planning Policy sets out terms of reference for a Development Impact Statement.

6 EXEMPTIONS FROM PLANNING APPROVAL

Except where provided for within the provisions of the Residential Design Codes and subject to compliance with the relevant development requirements and standards of the Scheme, there are no other exemptions or exclusions permitted under the Scheme.

Note: Whilst the erection of a single house may not require the submission of a development application, its subsequent use as a bed and breakfast not only requires specific planning approval, but its change in use will mean that additional building works (e.g. extensions) may no longer be considered as being exempt under the Scheme.

7 MEANING OF TERMS

7.1 Unless the context otherwise requires, words and expressions used in this Local Planning Policy have the same meaning as they have -

- (a) in the Planning and Development Act 2005; or
- (b) if they are not defined in that Act -
 - i. in the Dictionary of Defined Words and Expressions in Schedule 1 of the City of Bunbury Town Planning Scheme No. 7;
 - ii. in the Residential Design Codes;
 - iii. Building Code of Australia; or
 - iv. in a relevant Australian Standard.

7.2 The meaning of other specific words and expressions relevant to this Local Planning Policy are given below:

- (a) General definitions -

“Short-stay accommodation” means a building or buildings used for the purpose of providing accommodation for a person or persons on a temporary basis for a period of time not exceeding three months in duration within a 12 month period.

- (b) Land use definitions -

“Bed and Breakfast” 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.

Note: The bed and breakfast use may relate to or include ancillary buildings on the same lot as a dwelling.

7.3 Notes, and instructions printed in italics, are not part of this Local Planning Policy.

PART B

8 GENERAL STANDARDS FOR LAND USE & DEVELOPMENT

8.1 Land Use & Development of Bed and Breakfast Accommodation

The development of premises for the purposes of Bed and Breakfast accommodation is to be in accordance with the requirements of –

- (a) this Local Planning Policy: Bed & Breakfast Accommodation;
- (b) the Residential Design Codes for residential and mixed use developments, subject to the variations;
- (c) the applicable zone provisions under the Scheme;
- (d) relevant Special Control Area(s);
- (e) relevant Local Planning Policies or Local Laws; and
- (f) applicable Australian Standards.

Note: Section 8 “General Standards for Land Use & Development” of this Local Planning Policy sets out the prescriptive provisions against which Bed and Breakfast use must be evaluated as part of any land use and development within the Scheme Area.

8.2 Residential Qualification

Dwellings incorporating Bed and Breakfast accommodation must conform to the provisions set out in the Residential Design Codes.

8.3 Location

The permissibility of Bed and Breakfast within a land use zone shall be determined in accordance with the Zoning Table of the Scheme. Where permission is discretionary, the overall suitability of the location will be determined on a case by case basis, acknowledging however that within an urban setting such uses are most appropriately located:

- (a) close to a recognised visitor attraction; or
- (b) adjacent to main roads that serve as entry corridors (subject to safe access arrangements); and
- (c) nearby to a range of services and amenities (e.g. shops, restaurants, public transport).

Note: Further information in this regard is provided by the City of Bunbury Local Planning Strategy for Tourism.

8.4 Setting and Status of the Dwelling

A ‘single house’ with dedicated street frontage may be considered appropriate for bed and breakfast use. There will be a presumption against the approval of a bed and breakfast use in other types of dwelling.

- Notes:
1. Bed and Breakfast accommodation will not be appropriate to all settings and approval will only be granted by local government where the configuration of the subject lot is considered to have minimal impact on adjoining properties. Due to the more intimate nature of the housing layout and thus the greater possibility for disturbance to result at close quarters and for neighbour disputes to arise generally, single dwellings situated on battleaxe lots and grouped dwellings/multiple dwellings that share common property as part of a survey strata scheme may not be supported.
 2. Notwithstanding the above, proposals that involve dwellings that are the subject of survey strata schemes (i.e. those that incorporate common property) will require the written support of the appropriate body corporate which should be submitted at the same time as the making of the planning application.

8.5 Building Fitness

- 8.5.1 Dwellings and any ancillary buildings the subject of a planning application seeking to accommodate a Bed and Breakfast use must be fit for the purpose at the time of occupation.
- 8.5.2 Bed and Breakfast accommodation must comply with the Building Code of Australia (BCA).

- Notes:
1. It will be a condition of any planning approval that a building license is submitted to and approved by Local Government before the premises is first occupied by guests for the intended commercial purpose.
 2. Applicants are advised to obtain professional advice at the earliest opportunity in regard to the extent of building modifications and other works that may be necessary in order to fully comply with the BCA and meet any Fire and Emergency Services Authority (FESA) requirements.
 3. Applicants are advised to seek information and advice regarding relevant Environmental Health requirements, including the [Health Act 1911](#) and the [Food Hygiene Regulations 1993](#).

8.6 Design Considerations

- 8.6.1 Dwellings providing Bed and Breakfast accommodation will generate greater degrees of activity and for extended periods of the day than that normally associated with a typical residence. Accordingly, a range of design measures shall be incorporated to the satisfaction of local government that adequately addresses:
- (a) the residential amenity of neighbouring properties and the potential for disturbance to occur the result of:
 - i. overlooking (across private space) at close quarters,
 - ii. light-spill from headlights,
 - iii. noise at unsociable hours, and
 - iv. odours from cooking and bin storage; and
 - (b) the safe movement of pedestrians and vehicles into and out of the premises.

Note: Design measures may include for example additional screening (to windows and boundaries) purpose built bin stores, positioning of ventilation systems, clearly delineated driveways and footpaths.

8.6.2 Car parking shall be provided in accordance with requirements of the Scheme.

Note: Subject to provisions of the Scheme, on-site car parking shall be determined on a case by case basis having regard to the overall scale of the proposed development including the number of guest rooms and number of employees not forming part of the main household. As a guide, the minimum acceptable standard is likely to equate to the provision of 1 parking bay for each guest bedroom or accommodation unit in addition to the standard residential requirement.

8.7 Guest Numbers

In addition to those persons that are members of the residents household (i.e. occupants of the dwelling), the Bed and Breakfast use shall provide short stay accommodation for no more than six guests at any one time.

Notes:

1. In certain circumstances guest numbers may be limited to a number less than 6 by way of a condition attached to the planning approval.
2. Premises that accommodate more than six persons (exclusive of the resident's household), shall be considered to be a type of "residential building" under the Scheme; and additionally, as a "lodging house", which are required to comply with the provisions of the Health Act 1911 and the City of Bunbury Local Health Laws (2001).

8.8 Length of Stay and Guestroom Facilities

8.8.1 Bed and Breakfast uses shall provide guests with short stay accommodation only.

8.8.2 Cooking and laundry facilities shall not be permitted in guestrooms.

Note: Whilst small appliances such as kettle and fridge may be provided if desirable, the scale of the facilities should be such that the opportunity for independent living is not created.

8.9 Operational Management Plan

8.9.1 A management plan will be required to be submitted as part of the planning application. The management plan shall address the manner in which the business is to be operated at a site level and must include:

- (a) name of residing manager(s);
- (b) a copy of the proposed house rules;
- (c) bin storage and collection arrangements; and
- (d) a fire and emergency response plan.

8.9.2 Where the planning application involves survey strata lots or lots incorporating common property, the written support of the appropriate body corporate and/or all

other owners with an interest in that land will be required to be submitted at the same time as the making of the planning application.

8.10 Signage

Subject to the Scheme, signage shall not detract from the streetscape, the residential character or the amenity of the dwelling or that of adjoining residents, and shall be limited to a single, non-illuminated sign that does not exceed a maximum of 0.5m² in area, and displays only the name of the business and business contact number(s).

PART C

9 VARIATION OF DEVELOPMENT REQUIREMENTS

In exercising any discretion the Local Government should ensure that the variation will not contravene the following provisions of the Scheme -

- (a) intent & objectives of this Local Planning Policy;
- (b) section 1.6 The Aims of the Scheme;
- (c) section 4.2 Zone Objectives; and
- (d) section 10.2 Matters to be Considered by Local Government.

10 DEVELOPMENT IMPACT STATEMENT

10.1 If a proposal is considered to have the potential to significantly impact upon the existing character / residential amenity of a locality, the Local Government shall require a Development Impact Statement to be submitted for assessment as part of an application for planning approval, unless this requirement has been waived by the Local Government.

10.2 The Development Impact Statement shall comprise a report that is undertaken to the satisfaction of the Local Government and contain the following information in sufficient detail to permit the Local Government to make a thorough assessment of the proposal as far as it relates the proposed Bed and Breakfast use, including:

- (a) the adequacy of physical measures employed to protect or enhance the level of residential amenity afforded to the occupants of neighbouring dwellings;
- (b) the adequacy of controls to be introduced through the management plan that will seek to ensure that the residential amenity of the area is safeguarded; and
- (c) traffic impact and road safety (with particular regard to vehicular movements into and out of the site).

11 NOTIFICATION & ADVERTISING

Where advertising is required to be undertaken or is deemed to be required by the Local Government, advertising will be undertaken in accordance with the provisions of section 9.4 of the Scheme.

12 IMPLEMENTATION & REVIEW

12.1 Why a Local Planning Policy?

The Scheme is a prescriptive instrument that sets out the legal provisions for how land may be used and developed. Sole reliance upon it for regulating all forms of development under all circumstances is not always practical and the Scheme makes allowance for this by enabling the Local Government to adopt Local Planning Policies from time to time in order to address specific issues or a range of issues in a specific place.

A Local Planning Policy is a tool to assist developers in preparing proposals with a greater understanding of the Council's desired outcomes for the City. This helps to ensure that developers can invest the time and resources needed in preparing applications for planning approval with increased confidence; and that the City's

staff and Councillors can assess development proposals in a more consistent and transparent manner.

12.2 Policy Review

The Local Government will review this Local Planning Policy annually in conjunction with the rest of the Local Planning Policy Framework in accordance with the Planning and Development Act 2005.