

**POLICY:**

**CONTENTS**

**PART 1 Policy Objectives, Accommodation Types & General Considerations**

- 1.1 Introduction
- 1.2 Policy Objectives
- 1.3 Types of Accommodation
- 1.4 Community Consultation
- 1.5 Validity and Extent of Planning Approval
- 1.6 Hotel & Motel Developments
- 1.7 Building Code of Australia
- 1.8 Health Act 1911 & Town of Victoria Park Health Local Law
- 1.9 Voluntary Accreditation
- 1.10 Other Matters

**PART 2 Design and Location of Accommodation**

- 2.1 Bed & Breakfast Accommodation
- 2.2 Short Term Accommodation
- 2.3 Lodging Houses
- 2.4 Serviced Apartments

**PART 3 Management & Operation**

- 3.1 Management Plan
- 3.2 Servicing Strategy (Serviced Apartments)
- 3.3 Application Information
- 3.4 On-Site Register
- 3.5 Council Register

**PART 4 Assessment of Applications for Dwellings**

- 4.1 Criteria Used to Determine Type of Accommodation
- 4.2 Restriction on Use of Approved Dwellings
- 4.3 Notification to Prospective Owners & Occupiers

#### 4.4 Determination of Applications

## **PART 1 POLICY OBJECTIVES & CLASSIFICATION OF ACCOMMODATION**

### **1.1 INTRODUCTION**

The Town has witnessed a growing demand for more diverse forms of accommodation due to its close proximity to the Perth CBD, Curtin University, airport and the Swan River, as well as the wide range of commercial, retail, and educational opportunities available within the Town.

This policy has been designed to guide and facilitate the appropriate provision of specialised forms of accommodation other than dwellings occupied on a permanent basis. In particular, the policy provides guidance and standards for the location and operation of Serviced Apartment developments, and Residential Buildings comprising Bed and Breakfast Accommodation, Short Term Accommodation or a Lodging House, as defined by this Policy.

This Policy should be read in conjunction with the Town of Victoria Park Town Planning Scheme No. 1 (Scheme), Precinct Plans and all relevant Policies of the Town Planning Scheme No. 1 Policy Manual, including:

- Policy 3.5 'Non-Residential Uses in or Adjacent to Residential Areas';
- Policy 3.7 'Mixed Residential/Commercial Development'; and
- Policy 5.1 'Parking Policy'

### **1.2 POLICY OBJECTIVES**

- To facilitate the development of appropriately located and high quality accommodation other than permanent residential dwellings within the Town of Victoria Park;
- To define and control the use, management and level of service provided for Residential Buildings and Serviced Apartments, including specialised forms of accommodation such as Lodging Houses, Bed and Breakfast Accommodation and Short Term Accommodation;
- To provide guidelines for the design of Serviced Apartments, particularly where it is proposed they will be incorporated into a residential or mixed use development occupied by permanent residents;
- To protect the residential amenity of permanent and long term residents and minimise the perceived negative impacts that may be caused by the

transient nature of alternative forms of accommodation; and

- To ensure various forms of accommodation, particularly where they are to be located within existing residential areas, are of a compatible scale and design with surrounding development.

### 1.3 TYPES OF ACCOMMODATION

A **dwelling** is a building or portion of a building that is used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six (6) persons who do not comprise a single family, and includes a Single House, Grouped Dwelling, Multiple Dwelling and Ancillary Accommodation as defined by the Scheme and the Residential Design Codes.

Where an existing dwelling is proposed to be used or occupied contrary to the above, it ceases to be classified as a dwelling and is instead classified as a **Residential Building**, or in some circumstances as **Serviced Apartments**. This also applies in the case of a new building proposed or capable of occupation in a manner that is inconsistent with the definition of a dwelling.

Where an applicant has been unable to satisfy the Council that a proposed building is intended to be occupied in a manner consistent with the definition of a dwelling, it shall be subject to the provisions outlined in this Policy for a Residential Building or Serviced Apartments (as applicable) and determined accordingly.

#### Permanent Accommodation

In relation to the terms used to describe the length or nature of occupation of a building in this Policy, the terms “long term”, and “permanent” have the same meaning as the definition of “permanently” contained in the Scheme (i.e. the habitation of a building or part of a building for 6 months or more).

#### Temporary Accommodation

In relation to the terms used to describe the length or nature of occupation of a building in this Policy, the terms “short term”, “short stay”, “temporary” and “transient” have the same meaning as the definition of “temporarily” contained in the Scheme (i.e. the habitation of a building or part of a building for less than 6 months).

### 1.3.1 RESIDENTIAL BUILDINGS

A **Residential Building** is defined by the Scheme and means:

*“a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being used or intended, adapted or designed to be*

*used for the purpose of human habitation:*

- *temporarily by two or more persons; or*
- *permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.”*

For the purposes of this Policy, the use of part of a building (such as a unit or room) in the manner described above shall also be regarded as a Residential Building.

Given the wide range of forms (and therefore variety of impacts) that a Residential Building can have, this Policy splits Residential Buildings into three defined categories as follows:

- **“Bed and Breakfast Accommodation”** means a dwelling, used by a resident(s) 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; and excludes a Lodging House, Short Term Accommodation and Serviced Apartments.
- **“Short Term Accommodation”** means a Residential Building occupied on a short term basis by no more than 6 unrelated persons at any one time; and excludes a Lodging House, Bed and Breakfast Accommodation and Serviced Apartments.

Examples of Short Term Accommodation include short stay rental accommodation, holiday homes, student accommodation, share housing, etc.

- **“Lodging House”** has the same meaning as defined in the Health Act 1911, namely:

*“means any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than 6 persons, exclusive of the family of the keeper thereof, for hire or reward; but the term does not include—*

- (a) premises licensed under a publican’s general licence, limited hotel licence, or*
- (b) wayside-house licence, granted under the Licensing Act 1911<sup>2</sup>;*
- (c) residential accommodation for students in a non-government school within the meaning of the School Education Act 1999; or*
- (c) any building comprising residential flats”.*

Examples of Lodging Houses include youth hostels, guesthouses, boarding houses, backpackers and workers accommodation and any other form of Residential Building proposed or capable of providing accommodation for 7 or more guests/occupants.

Applications seeking approval for a building determined by the Council as capable of providing accommodation for 7 or more persons who do not comprise a single family,

whether on a short-term commercial basis or on a long term basis shall be assessed as a Lodging House under the provisions of this Policy.

### **1.3.2 SERVICED APARTMENTS**

A **Serviced Apartment** is defined by the Scheme as:

*“a building or buildings which include self-contained units for transient accommodation.”*

For the purposes of this Policy, applications proposing a number of units within a complex where common maintenance or other services are provided will be classified as Serviced Apartments. Examples include complexes of two or more units that are commonly maintained and operated, and are furnished and equipped to be used on a temporary basis in a manner similar to Multiple Dwellings. Serviced Apartments will usually be provided with laundry and cleaning services, with or without other ancillary amenities.

Applications which seek the use of a dwelling for the provision of accommodation on a short term basis where the maintenance and management of the accommodation is independent of other units (although generally not supported by the Council) shall be classified as Short Term Accommodation.

## **1.4 COMMUNITY CONSULTATION**

All applications for Residential Buildings and Serviced Apartments shall be subject to consultation with the owners and occupiers of surrounding properties. The extent of consultation is subject to the discretion of the Council. The Council shall have regard to any valid submissions received during the community consultation period.

## **1.5 VALIDITY AND EXTENT OF PLANNING APPROVAL**

### **1.5.1 Term of Approval for Residential Buildings**

Where the Council has exercised its discretion and determined to grant planning approval for a Residential Building, the initial approval period shall not exceed a maximum of 12 months. Owners/managers are to update management plans and other supporting documents/evidence as appropriate when applying for further planning approval.

### **1.5.2 Restriction of Operator**

Any approval of a Residential Building or Serviced Apartments is restricted to the approved operator of the Residential Building or Serviced Apartments only. Fresh approval must be obtained in the event that the approved operator of a Residential

Building or Serviced Apartments development changes.

## **1.6 HOTEL & MOTEL DEVELOPMENTS**

A Hotel and Motel are listed as separate land use classifications under the Scheme and are not dealt with in detail by this Policy. In general, Hotel or Motel developments will be considered on their merits subject to compliance with the Scheme, Precinct Plan and other relevant Planning Policy provisions.

## **1.7 BUILDING CODE OF AUSTRALIA**

Serviced Apartments and Residential Buildings, including Bed and Breakfast Accommodation, Short Term Accommodation and Lodging Houses, may be subject to Building Code of Australia (BCA) and Australian Standards requirements over and above those normally required for a dwelling. These may include requirements relating to access to, mobility within and egress from buildings for disabled and ambulant persons. Applicants are strongly advised to familiarise themselves with these requirements and ensure they have been factored into the design, management and operation of the proposal, prior to submitting an application for planning approval.

## **1.8 HEALTH ACT 1911 & TOWN OF VICTORIA PARK HEALTH LOCAL LAW**

Where the development or use of a building as a Residential Building falls within the definition of a Lodging House, it is subject to the strict requirements of the *Health Act 1911* and the Town of Victoria Park's Health Local Law in relation to Lodging Houses, including the requirement for a keeper/manager to reside on the premises at all times.

Applicants are strongly advised to familiarise themselves with these requirements and ensure that they have been factored into the design, management and operation of the proposal, prior to submitting an application for a Residential Building which falls within the definition of a Lodging House.

## **1.9 VOLUNTARY ACCREDITATION**

Owners and operators of short term or tourism based accommodation such as Bed and Breakfast Accommodation, certain forms of Short Stay Accommodation such as holiday homes, Lodging Houses, and Serviced Apartments are encouraged to attain accreditation from the Tourism Council of Western Australia.

Accreditation is a non-regulatory, voluntary means of addressing customer service

and consumer protection issues. The benefits of accreditation include improvements and consistency in the quality of accommodation product through the application of best practice standards and capture of accommodation provider details. Programs include the Australian Tourism Accreditation Program (ATAP) and the Australian STAR Rating Scheme.

### **1.10 OTHER MATTERS**

It is recommended that landowners/operators seek independent legal advice on legislative requirements regarding the use and management of Residential Buildings and Serviced Apartments developments, including but not limited to the *Equal Opportunity Act 1984* and the *Fair Trading Act 1987*.

As many residential public liability insurance policies exclude the use of premises for short term rental accommodation, it is recommended that landowners/operators check this matter with their insurance providers.

## **PART 2 DESIGN AND LOCATION OF ACCOMMODATION**

### **2.1 BED & BREAKFAST ACCOMMODATION**

#### Note:

Applications seeking approval to provide accommodation for 7 or more persons on a short-term commercial basis shall be assessed as a Lodging House under this policy, regardless of whether it includes the provision of breakfast, and may be subject to the requirements set out in Part V, Division 2 of the *Health Act 1911* and Council's Health Local Law 2003 relating to Lodging Houses.

#### **2.1.1 Location**

Bed and Breakfast Accommodation will be more favourably considered by the Council, where it is located in the following preferred locations:

- i) On a Primary, District or Local Distributor road;
- ii) Within 400 metres of a train station or high frequency bus route stop;
- iii) Within 400 metres of an area of tourist potential, such as adjacent to the Swan River foreshore, an entertainment centre or other attraction; and
- iv) In or within 400 metres of a District Centre zone, Commercial zone or other location providing convenience shopping and access to everyday goods and services.

#### **2.1.2 Design**

Applications for Bed and Breakfast Accommodation will generally not be supported by the Council unless the proposed site and building in which the use/occupation is to occur is consistent with the following:

**2.1.2.1**      Existing Buildings:

- (a)    The existing building is approved by the Council as a Single House or Grouped Dwelling; or
- (b)    The existing building is approved (excluding a Multiple Dwelling) but meets the visual privacy, open space and outdoor living area requirements of the Residential Design Codes that apply to a Single House or Grouped Dwelling constructed on the site.

**2.1.2.2**      New Buildings:

- (a)    The proposed building meets the requirements of the Residential Design Codes that apply to a Single House or Grouped Dwelling constructed on the site in relation to density (i.e. number of buildings), boundary setbacks, open space, outdoor living area, site works, building height, visual privacy and design for climate; and
- (b)    The proposed building meets the requirements of Council's Local Planning Policy – Streetscape that apply to a Single House or Grouped Dwelling constructed on the site, where it is located on Residential zoned land;
- (c)    2.1.2.2(a) and 2.1.2.2(b) apply to the design and location of carports, garages and any other incidental development associated with Bed and Breakfast Accommodation.

**2.1.3**          **Residence of Operator**

2.1.3.1        The permanent residents responsible for the operation of the Bed and Breakfast Accommodation shall reside in the building from which the accommodation is provided. Where the accommodation is provided from within a building detached from the main dwelling they shall reside within the main dwelling (or vice versa).

2.1.3.2        The permanent residents responsible for the operation of the Bed and Breakfast Accommodation are provided with their own dedicated bedroom and bathroom facilities.



## **2.1.4 Car Parking**

- 2.1.4.1 All resident, guest, staff or visitor car parking associated with Bed and Breakfast Accommodation shall be contained on site. No consideration will be given to the parking of vehicles on-street or on Council verge areas.
- 2.1.4.2 Applications for Bed and Breakfast Accommodation shall be subject to the car parking requirements for 'commercial accommodation' stipulated by the Scheme Policy Manual, except as otherwise stated below.
- 2.1.4.3 Where the proposed Bed and Breakfast Accommodation comprises no more than two rooms for a combined total of 4 persons, then only 1 additional car bay shall be required on the site for the Bed and Breakfast Accommodation. This is in addition to the minimum car parking requirements for the permanent residents of the dwelling providing the accommodation.

(For example, a Single House or Grouped Dwelling would require 2 car bays for the permanent residents plus one additional car bay for the Bed and Breakfast Accommodation).

### **2.1.4.4 Tandem Parking**

Where compliant with 2.1.4.3, tandem car parking (i.e. one bay parked behind another) may be included as part of the approved car parking requirement for the development, except where it conflicts with any requirement for vehicles to exit onto the street in forward gear.

## **2.1.5 Signage**

### **2.1.5.1 Residential Zoned Land**

On land zoned 'Residential' under the Scheme, a maximum of only one (1) sign on the site not exceeding 0.2m<sup>2</sup> in area, and incorporated into a front fence, wall, structure or building that identifies the name and address of the Bed and Breakfast Accommodation is permitted.

### **2.1.5.2 Land in Zones other than Residential**

Signage associated with Bed and Breakfast Accommodation on land zoned other than 'Residential' shall be subject to Council's Signs Local Law.

## **2.1.6 Use of Grouped Dwellings and Multiple Dwellings**

### **2.1.6.1 Grouped Dwellings**

Applications for Bed and Breakfast accommodation from a Grouped Dwelling will be considered on their merit and should demonstrate that the amenity of the occupants of the other Grouped Dwellings within the development/complex will not be adversely affected by the proposal by way of noise, interruption, access or other impacts.

#### 2.1.6.2 Multiple Dwellings

Provision of Bed and Breakfast Accommodation from a Multiple Dwelling will generally not be supported by the Council given the potential for negative impacts and conflict to occur with permanent residents of other units. Any applications of this kind shall be additionally subject to the location and design requirements for Serviced Apartments set out in this Policy.

## 2.2 SHORT TERM ACCOMMODATION

Note: Applications seeking approval to provide accommodation for 7 or more persons on a short-term commercial basis shall be assessed as a Lodging House under this Policy, and may be subject to the requirements set out in Part V, Division 2 of the *Health Act 1911* and Council's Health Local Law 2003 relating to Lodging Houses.

### 2.2.1 Location

Short Term Accommodation will be more favourably considered by the Council, where it is located in the following preferred locations:

- i) On a Primary, District or Local Distributor road;
- ii) Within 400 metres of a train station or high frequency bus route stop;
- iii) Within 400 metres of an area of tourist potential, such as adjacent to the Swan River foreshore, an entertainment centre or other attraction;
- iv) In or within 400 metres of a District Centre zone, Commercial zone or other location providing convenience shopping and access to everyday goods and services; and
- v) Within 800 metres of a higher education provider, where the Short Term Accommodation is proposed to house students.

### 2.2.2 Design

Applications for Short Term Accommodation will generally not be supported by the Council unless the proposed site and building in which the use/occupation is to occur is consistent with the following:

#### 2.2.2.1 Existing Buildings:

- (a) There are a maximum of six (6) rooms designed for and/or capable of use as bedrooms; and
- (b) The existing building is approved by the Council as a Single House or Grouped Dwelling; or
- (c) The existing building is approved (excluding a Multiple Dwelling) but meets the visual privacy, open space and outdoor living area requirements of the Residential Design Codes that apply to a Single House or Grouped Dwelling constructed on the site.

#### 2.2.2.2 New Buildings:

- (a) There are a maximum of six (6) rooms designed for and/or capable of use as bedrooms;
- (b) The proposed building meets the requirements of the Residential Design Codes that apply to a Single House or Grouped Dwelling constructed on the site in relation to density (i.e. number of buildings), boundary setbacks, open space, outdoor living area, site works, building height, visual privacy and design for climate; and
- (c) The proposed building meets the requirements of Council's Local Planning Policy – Streetscape that apply to a Single House or Grouped Dwelling constructed on the site, where it is located on Residential zoned Land.
- (d) 2.2.2.2(b) and 2.2.2.2(c) applies to the design and location of carports, garages and any other incidental development associated with the Short Term Accommodation.

#### **2.2.3 Use of Multiple Dwellings**

The conversion of single Multiple Dwellings to Short Stay Accommodation will generally not be supported by the Council given the potential for negative impacts and conflict to occur with permanent residents of other units. Any applications of this kind shall be additionally subject to the location and design requirements for Serviced Apartments set out in this Policy.

Applications should only seek to change the use of entire floors (i.e. as Serviced Apartments) to ensure compliance with the separation of uses within the building.

## **2.2.4 Car Parking**

2.2.4.1 All resident, guest, staff or visitor car parking associated with the Short Term Accommodation shall be contained on site. No consideration will be given to the parking of vehicles on-street or on Council verge areas.

2.2.4.2 Applications for Short Term Accommodation shall be subject to the car parking requirements for 'commercial accommodation' stipulated by the Scheme Policy Manual, except as otherwise stated below:

### **2.2.4.3 Tandem Car Parking**

Tandem car parking arrangements (one bay behind another) will only be permitted for applications which comply with the definition of Short Term Accommodation contained in this Policy (i.e. accommodation for 6 or less persons) and where it does not conflict with any requirement for vehicles to exit onto the street in forward gear.

### **2.2.4.4 Short Term Accommodation for Students**

Given the unique circumstances and reduced need for students to own a vehicle where they live in close proximity to their education provider, the Council will permit a reduction to the car parking requirements for Short Term Accommodation (i.e. 6 or less persons) where it is to be provided for students only, as follows:

- (a) Where the property is located within a 400 metres radius of a higher education provider (i.e. Carlisle TAFE or Curtin University) a 50% reduction to the commercial accommodation car parking requirement under Council's Scheme will be permitted, subject to a minimum of 2 on-site car parking bays being provided in any instance.
- (b) Where the property is located within a 800 metres radius of a higher education provider (i.e. Carlisle TAFE or Curtin University) a 25% reduction to the commercial accommodation car parking requirement under Council's Scheme will be permitted, subject to a minimum of 2 on-site car parking bays being provided in any instance;
- (c) The radii referred to in 2.2.4.4(a) and 2.2.4.4(b) are to be measured in a straight line from the lot boundary of the subject property on which the Short Term Accommodation is located to the boundary of the lot containing the main/central campus of the higher education provider.
- (d) The car parking reductions permitted by this clause do not apply to

buildings or research facilities associated with a higher education provider that are not located on the same lot as the main/central campus of the higher education provider.

- (d) Where Council's approval of the car parking for the proposed Short Term Accommodation is based on the provision of accommodation for students within proximity of a higher education provider, all persons occupying the building must be enrolled students of that same education provider.
- (e) Details of student enrolments of all persons occupying the premises shall be kept in the Register required to be kept on the site (refer Part 3.4 of this Policy), which shall be available for inspection by Council Officers upon request.

## **2.2.5 Signage**

### **2.2.5.1 Residential Zoned Land**

On land zoned 'Residential' under the Scheme, a maximum of only one (1) sign on the site not exceeding 0.2m<sup>2</sup> in area, and incorporated into a front fence, wall, structure or building that identifies the name and address of the Short Term Accommodation is permitted.

### **2.2.5.2 Land in Zones other than Residential**

Signage associated with Short Term Accommodation on land zoned other than 'Residential' shall be subject to Council's Signs Local Law.

## **2.3 LODGING HOUSES**

Note: Applications seeking approval to provide accommodation for 7 or more persons who do not comprise a single family, whether on a short-term commercial basis or on a long term basis shall be assessed as a Lodging House under the provisions of this Policy.

Applications for a Residential Building falling into the category of a Lodging House are also subject to the requirements set out in Part V, Division 2 of the *Health Act 1911* and Council's Health Local Law 2003 relating to Lodging Houses, except where the proposal is specifically excluded from the definition of 'Lodging House' contained in the *Health Act 1911*.

### **2.3.1 Location**

- 2.3.1.1 Where a Lodging House is proposed on 'Residential' zoned land, it will generally only be considered for approval where it has a designated

density coding of R60 or higher under the Scheme.

2.3.1.2 In addition to the above, applications for a Lodging House will be more favourably considered by the Council, where it is located in the following preferred locations:

- i) On a Primary, District or Local Distributor road;
- ii) Within 400 metres of a train station or high frequency bus route stop;
- iii) Within 400 metres of an area of tourist potential, such as adjacent to the Swan River foreshore, an entertainment centre or other attraction; and
- iv) In or within 400 metres of a District Centre zone, Commercial zone or other location providing convenience shopping and access to everyday goods and services.

### **2.3.2 Design**

Applications for a Lodging House will generally not be supported by the Council unless the proposed site and building in which the use/occupation is to occur is consistent with the following:

#### **2.3.2.1 Existing Buildings:**

- (a) The applicant has demonstrated that the internal design and layout of the building is consistent with the construction and use requirements specified for Lodging Houses in Part V, Division 2 of the *Health Act 1911* and Council's Health Local Law 2003, except where the proposal is specifically excluded from the definition of a 'Lodging House' contained in the *Health Act 1911*. This includes the requirement for a keeper/manager to reside on the premises at all times; and
- (b) The existing building is approved by the Council as a Single House or Grouped Dwelling; or
- (c) The existing building is approved (excluding a Multiple Dwelling) but meets the visual privacy, open space and outdoor living area requirements of the Residential Design Codes that apply to a Single House or Grouped Dwelling constructed on the site.

#### **2.3.2.2 New Buildings:**

- (a) The applicant has demonstrated that the internal design and layout of the building is consistent with the construction and use

requirements specified for Lodging Houses in Part V, Division 2 of the Health Act 1911 and Council's Health Local Law 2003, except where the proposal is specifically excluded from the definition of a 'Lodging House' contained in the Health Act 1911. This includes the requirement for a keeper/manager to reside on the premises at all times;

- (b) The proposed building meets the requirements of the Residential Design Codes that apply to a Single House or Grouped Dwelling constructed on the site in relation to density (i.e. number of buildings), boundary setbacks, open space, outdoor living area, site works, building height, visual privacy and design for climate;
- (c) The proposed building meets the requirements of Council's Local Planning Policy – Streetscape that apply to a Single House or Grouped Dwelling constructed on the site, where it is located on Residential Zoned Land;
- (d) 2.3.2.2(b) and 2.3.2.2(c) applies to the design and location of carports, garages and any other incidental development associated with the Lodging House.

### **2.3.3 Car Parking**

2.3.3.1 All resident, guest, staff and visitor car parking associated with a Lodging House shall be contained on site. No consideration will be given to the parking of vehicles on-street or on Council verge areas.

2.3.3.2 Applications for a Lodging House shall be subject to the car parking requirements for 'commercial accommodation' stipulated by the Scheme Policy Manual.

### **2.3.4 Signage**

#### **2.3.4.1 Residential Zoned Land**

On land zoned 'Residential' under the Scheme, a maximum of only one (1) sign on the site not exceeding 0.2m<sup>2</sup> in area, and incorporated into a front fence, wall, structure or building that identifies the name and address of the Lodging House is permitted.

#### **2.3.4.2 Land in Zones other than Residential**

Signage associated with a Lodging House on land zoned other than 'Residential' shall be subject to Council's Signs Local Law.

## **2.4 SERVICED APARTMENTS**

## **2.4.1 Location**

2.4.1.1 Applications for Serviced Apartments will be favourably considered by the Council where they are classified as 'P' (permitted) uses under the Scheme for the particular zone in which they are proposed to be located, subject to the provisions outlined in this policy, those of the Scheme and any other relevant policies.

2.4.1.2 Consideration may be given to locations where Serviced Apartments are classified as an 'AA' (discretionary use) under the Scheme, however this is limited only to locations where Multiple Dwellings are classified as a 'P' (permitted) or 'AA' (discretionary) use under the Scheme.

2.4.1.3 In addition to the above, applications for Serviced Apartments will be more favourably considered by the Council, where they are located in the following preferred locations:

- i) On a Primary, District or Local Distributor road;
- ii) Within 400 metres of a train station or high frequency bus route stop;
- iii) Within 400 metres of an area of tourist potential, such as adjacent to the Swan River foreshore, an entertainment centre or other attraction; and
- iv) In or within 400 metres of a District Centre zone, Commercial zone or other location providing convenience shopping and access to everyday goods and services.

## **2.4.2 Design**

2.4.2.1 Applications for Serviced Apartments shall be subject to the siting, design and location requirements applicable to the site for Multiple Dwellings under the Council's Scheme, the relevant Precinct Plan for the locality and the Residential Design Codes. Where Serviced Apartments are located on Residential zoned land they are additionally subject to the requirements of Council's Local Planning Policy – Streetscape.

2.4.2.2 Where a combination of dwellings (permanent occupancy) and Serviced Apartments are proposed within a development, the applicant must demonstrate how the amenity and security of all occupants will be protected and maintained through the design and management of the development.



- 2.4.2.3 In such instances the Serviced Apartments will be required to be separated from the permanent/long term residents of the development by being located on separate floors of the building.
- 2.4.2.4 The conversion of dwellings to Serviced Apartments (or vice versa) on a unit by unit basis will generally not be supported by the Council. Applications should only seek to change the use of entire floors to ensure compliance with the separation of uses within the building.
- 2.4.2.5 Separate entrances should be provided for permanent and temporary residents where a combination of dwellings and Serviced Apartments are proposed within a single development.
- 2.4.2.6 Applications for Serviced Apartments shall include within the entrance foyer or lobby, a reception desk which is to be attended by staff at all times when apartment check-ins and check-outs can occur.
- 2.4.2.7 Consideration should be given to providing some communal facilities for the use of permanent residents only, where a combination of dwellings and Serviced Apartments are proposed within a single development.

### **2.4.3 Car Parking**

- 2.4.3.1 All resident, guest, staff and visitor car parking associated with Serviced Apartments shall be contained on site. No consideration will be given to the parking of vehicles on-street or on Council verge areas.
- 2.4.3.2 Applications for Serviced Apartments shall be subject to the minimum on-site car parking requirements applicable to:
  - (a) “commercial accommodation” as specified in Policy 5.1 ‘Parking Policy’ of the Scheme Policy Manual; or
  - (b) Multiple Dwellings under the Residential Design Codes, including visitor car parking;

Whichever is the lesser.

Applications shall demonstrate the sufficient and appropriate allocation of car parking bays for occupants, staff and visitors of Serviced Apartments developments. Applications must also demonstrate the sufficient provision of facilities for the loading/unloading of goods on the site, as per the requirements of Town Planning Scheme 5.2 ‘Loading and Unloading’.

- 2.4.3.3 Where a development involves a combination of dwellings (permanent occupancy) and Serviced Apartments, the parking area for permanent

residents and their visitors shall be clearly separated and delineated from the parking area for the Serviced Apartments.

- 2.4.3.4 Tandem car parking arrangements (one bay behind another) will only be considered where the bays are allocated to the same apartment. Only one of two tandem car bays shall be calculated as part of the approved car parking requirement for a development in other instances.

## **2.4.4 Signage**

### **2.4.4.1 Residential Zoned Land**

On land zoned 'Residential' under the Scheme, a maximum of only one (1) sign on the site not exceeding 0.2m<sup>2</sup> in area, and incorporated into a front fence, wall, structure or building that identifies the name and address of the Serviced Apartments is permitted.

### **2.4.4.2 Land in Zones other than Residential**

Signage associated with Serviced Apartments on land zoned other than 'Residential' shall be subject to Council's Signs Local Law.

## **PART 3 MANAGEMENT & OPERATION**

### **3.1 MANAGEMENT PLAN**

The Council will require a detailed Management Plan to be submitted for all applications for a Residential Building or Serviced Apartments. The Management Plan should include, but not be limited to, the following:

- a) Control of noise and other disturbances, including the appropriate use of outdoor entertainment areas, appropriate times for the checking-in and checking-out of occupants, etc.;
- b) Complaints management procedure, which is to include the provision of the telephone number of the accommodation owner and operator to adjoining neighbours;
- c) The use and on-going maintenance of the premises, landscaping and gardens, and any common property areas or common facilities (where applicable);
- d) Security of guests, residents and visitors;
- e) Control of anti-social behaviour and potential conflict between short-term residents with neighbouring long-term residents. A Code of Conduct shall be prepared detailing the expected behaviour of residents/guests in order to minimise any impact on adjoining properties;

- f) Strata titled developments should include appropriate By-Laws to be entered into the strata management statement acknowledging the type and nature of the accommodation (for example Short Term Accommodation), which also acts as a mechanism to advise future and prospective owners of the existence of the accommodation within the development;
- g) Exclusive use of the storage areas by the operator of the building, where the operator of the accommodation is to reside within the premises;
- h) Parking Management Plan detailing the expected number of vehicle trips to and from the premises by guests, visitors and occupants of the accommodation, including delivery vehicles. The plan shall demonstrate the sufficient provision of car parking on the site, and as a minimum shall comply with the requirements of Council's Scheme in relation to on-site car parking for commercial accommodation, unless otherwise stipulated by this policy. The plan should also detail the manner in which occupants and visitors will be directed to park vehicles on the site at all times;
- i) Compliance with House Rules (such as recycling, rubbish disposal, removal of old furniture, maintenance of building and gardens, etc.); and
- j) Compliance with Lodging House management requirements, if the premises is deemed a Lodging House (such as registers, water supply, cleaning, disease notification, maintenance, room occupancy, painting, linen washing, cooking and food storage, fire control, etc.) as defined in the Health Act 1911.

The Management Plan shall be kept at the premises at all times, and the Code of Conduct shall be displayed in a prominent position within the premises.

### **3.2 SERVICING STRATEGY (SERVICED APARTMENTS)**

In addition to a Management Plan, all applications for Serviced Apartments shall include a Servicing Strategy detailing the level of servicing containing, but not limited to, the following:

- a) Opening hours for guest check-ins and check-out;
- b) Method of reservations/bookings;
- c) Means of attending to guest complaints;
- d) Type or extent of room service to be offered;
- e) Cleaning and laundry services, where applicable;
- f) Company name and relevant experience of management/operator;

- g) Back of house facilities (e.g. kitchen, laundry, office); and
- h) Management and accommodation of servicing vehicles within the context of the overall car parking for the development.

### **3.3 APPLICATION INFORMATION**

In addition to the Management Plan and Servicing Strategy (in the case of Serviced Apartments) referred to above and normal planning application information requirements (submission of forms, plans etc.), the following additional information is required to be submitted for planning approval for any application for a Residential Building or Serviced Apartments:

- (a) Information justifying the proposed location of the accommodation;
- (b) Justification as to how and why the proposed accommodation will be compatible with the adjoining area and is consistent with the objectives of this Policy;

### **3.4 ON-SITE REGISTER**

A register of all occupants of an approved Residential Building or Serviced Apartments development is required to be kept by the operator of the accommodation and shall be made available for inspection upon the request or demand of an authorised Council Officer.

The register shall:

- a) Show the name and usual place of residence of every occupant staying within the accommodation; and
- b) Include the date of arrival and date of departure of the occupants of the accommodation.

### **3.5 COUNCIL REGISTER**

3.5.1 A register of approved Residential Buildings and Serviced Apartments shall be established and maintained by the Council.

- i. The register should record basic details of the property including the contact details of the owner and/or manager, property address, and configuration of the accommodation (bedroom number, number of beds, bathrooms, car parking spaces etc.). These matters should be consistent with the Management Plan

and/or Servicing Strategy approved for the Residential Building or Serviced Apartments.

## **PART 4 ASSESSMENT OF APPLICATIONS FOR DWELLINGS**

### **4.1 CRITERIA USED TO DETERMINE TYPE OF ACCOMMODATION**

The Council will have regard to the following criteria in determining whether an application for a building providing accommodation will be determined as a dwelling (for example a Single House or Grouped Dwelling) or a Residential Building:

- (a) The number of proposed and potential bedrooms and occupants, in particular where there are 6 or more rooms proposed or considered capable for use as bedrooms. The Council may consider any enclosed habitable room greater than 10m<sup>2</sup> in area as capable of occupation by two persons;
- (b) The ratio of bathrooms and toilets to the number of bedrooms/occupants. As a guide, the Council will consider a building that provides a high ratio of toilets and bathrooms to the number of proposed or potential bedrooms as characteristic of a Residential Building (i.e. a ratio of more than 1 toilet per 2 bedrooms or more than 1 bathroom per 2 bedrooms);
- (c) The floor area ratio of potential bedrooms to living areas;
- (d) The location and provision of outdoor living areas so that they do not provide opportunity for conversion to car parking spaces;
- (e) The provision of soft landscaping in comparison to hard/paved surfaces to determine whether a proposed building will have landscaped surroundings and a level of maintenance usually associated with a dwelling for permanent occupation, particularly in the case of applications for a Single House or Grouped Dwelling(s);
- (f) Proximity of the site to higher education providers (i.e. Curtin University and Carlisle TAFE), high frequency public transport and/or commercial centres, which serve as attractive locations for Short Term Accommodation and other forms of Residential Buildings (i.e. within 400 to 800 metre radius).

## **4.2 RESTRICTION ON USE OF APPROVED DWELLINGS**

Where the Council is satisfied that an application for a Single House, Grouped Dwelling or Multiple Dwelling is proposed and intended for use and occupation as a 'dwelling', the Council may impose the following or similar condition on the planning approval:

*This approval is for the use and occupation of the building as a dwelling only, to be occupied by a single family or no more than six (6) persons who do not comprise a single family, on a permanent basis. Any alternative use or occupation of the building is not permitted unless further planning approval has been granted by the Council.*

## **4.3 NOTIFICATION TO PROSPECTIVE OWNERS & OCCUPIERS**

Where the Council is of the view that there is a risk that a proposed building may be used or occupied as a Residential Building rather than as a dwelling (i.e. Single House, Grouped Dwelling, etc.) as stated by an applicant or owner of a property, the Council may impose the following or similar condition on the planning approval:

*Prior to submission of an application for building permit, a notification in the following terms shall be registered on the Certificate of Title for (property address) under section 70A of the Transfer of Land Act 1893 at the expense of the owner/developer:*

- a) *Under the provisions of the Town of Victoria Park Town Planning Scheme No. 1, the whole of the building on the lot is approved as a dwelling, which may only be occupied by members of the same family or by no more than six (6) persons who do not comprise a single family, on a permanent basis. The lease or occupation of any part of the building on a temporary basis or as self-contained living accommodation separate from any other part of the building is not permitted without planning approval first being granted by the Town of Victoria Park.*

*The use or occupation of the dwelling in contravention of this requirement is an offence under the Planning and Development Act 2005.*