

Title	TOURIST AND ALTERNATIVE ACCOMMODATION (including STRA)
Policy Number (Governance Purpose)	LPP 1.15



Policy Type

Local Planning Policy

Citation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This policy may be cited as Local Planning Policy (LPP) 1.15 -Tourist and Alternative Accommodation (including STRA).

Introduction

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 (TPS3) provides only limited development standards for such proposals.

The purpose of this policy is to:

- Establish a clear framework for the assessment of Tourist and alternative accommodation by providing Development Standards for the following land use types:
 - Tourist and Visitor Accommodation/Hotels
 - Hosted and Un-hosted Short-Term Rental Accommodation (STRA)
 - Caravan Parks
 - Camping Grounds
 - Workforce Accommodation
 - Residential Buildings – including Lodging Houses under the *Health (Miscellaneous Provisions) Act 1911*

These land use definitions are defined in TPS3, the Residential Design Codes (R-Codes – Residential Building) or in the *Short-Term Rental Accommodation Act 2024* and broadly referred to as ‘tourist and alternative accommodation’ within this policy.

The permissibility of tourist and alternative accommodation proposals shall be in accordance with the Zoning Table of TPS3. This policy does not provide development standards for long-stay Park Homes, Residential Parks or Lifestyle Villages.

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 Development Approval. Specific requirements for Lodging Houses are provided in section 5 of this policy.

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Objectives

The objectives of this policy are:

- To ensure that tourist and alternative accommodations are appropriately located, designed, and managed to respond to demand whilst protecting the character of the locality and the amenity and wellbeing of nearby residents.
- To safeguard the primary purpose of residential and rural (living) areas in providing residential dwellings which are affordable and available for permanent accommodation on a long-term basis.
- To protect the City's dwelling stock for permanent accommodation to meet the housing needs of the local community as a priority.
- To protect dwellings within the walkable catchment of schools for permanent accommodation to meet the needs of the community and to support safe school environments that encourage active transport.
- To concentrate Caravan Parks and Camping Grounds within existing sites in the Parks and Recreation Reserve of the City's coastal area, where high amenity, adequate infrastructure, and a clear tourism role can be achieved.

Application

This policy applies to the entire Scheme area of the City of Cockburn to guide discretionary decisions relating to tourist and alternative accommodations.

Policy Provisions

(1) Tourist and Visitor Accommodation/Hotels

- 1.1 A Keeper/Manager is not required to reside at the premises.
- 1.2 Proposals including a mix of uses including permanent residential and Tourist and Visitor Accommodation or Hotel within the same development should provide sufficient separation of the uses to ensure the amenity of permanent residents is adequately protected.
- 1.3 Proposals for Tourist and Visitor 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 as prescribed by the R-Codes.

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- 1.4 Proposals for Tourist and Visitor Accommodation or Hotels in the form of apartments shall include an entrance/foyer with a reception desk attended by staff during check-in and check-out times.
- 1.5 Car parking for Tourist and Visitor Accommodation and Hotel shall be located on-site and in accordance with TPS3 provisions.

(2) Short Term Rental Accommodations (STRA)

2.1 Exempt from Development Approval

Hosted STRA: 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*.

Un-hosted STRA (up to 90 nights): 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 un-hosted 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 un-hosted STRA for a maximum of 90 nights within a calendar year without needing to obtain prior development approval.

2.2 Un-hosted STRA – More than 90 nights

An un-hosted STRA operating more than 90 days within a calendar year must obtain a Development Approval.

2.2.1 General requirements

- i. All approvals will be for a 12-month period, after which renewal, via an application to amend Development Approval will be required. In considering a renewal, due regard will be given to the history of the STRA operation. Where the City is satisfied that the STRA has been appropriately managed, subsequent approvals may be granted for a longer period up to three years.
- ii. Prior to commencement of the use, the landowner shall implement an approved Management Plan to the satisfaction of the City. Refer to Appendix A – Section (2).
- iii. Proposals for Un-hosted STRA in bushfire prone areas are to provide an Emergency Evacuation Plan and communicate this to accommodation guests.

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2.2.2 Properties within or adjoining a Residential zone

STRA will generally not be approved in the following locations:

- i. Battleaxe lots and lots/dwellings without street frontage, except for the front lot of a grouped dwelling development (including where access is provided via common property), due to the potential to impact residential amenity through noise, activity, traffic and overflow parking.
- ii. Properties located within a 400m radius from primary and secondary schools, to protect the availability of permanent housing for families with children within the walkable catchment, and to support safe pedestrian environments that encourage walking and cycling.

2.2.3 Preferred operational characteristics

The following are preferred operational characteristics to protect residential amenity and character from the potential impacts of STRA:

- i. The property is to be rented as a single booking only, for up to three bedrooms.
- ii. The property has a maximum occupancy of no more than two persons per bedroom. Persons under 16 years of age are exempt from this restriction. Rooms not designed as bedrooms (e.g. lounge/dining/living/theatre rooms) will not be supported for use as bedrooms for the purpose of calculating maximum occupancy.
- iii. The property shall display one sign per dwelling, not exceeding 0.5m² in area. Signage must include the STRA registration number and contact details of the owner or manager. Where multiple STRA operate on a site, signage should be consolidated where practicable.
- iv. Where a proposal does not comply with the preferred operational characteristics, it must demonstrate that it maintains the amenity and established character of residential areas by ensuring the location, scale, design, and operation of un-hosted short-term rental accommodation are appropriate to the setting.

2.2.4 Properties within the Rural, Rural Living or Resource zones

Proposals within the 'Rural', 'Resource' or 'Rural Living' zone are to be designed, sited and managed to minimise impact on the environmental values, character and function of rural land.

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(3) **Caravan Parks and Camping Grounds**

3.1 Definitions

Camping Ground – means an area of land on which camps, but not caravans, are situated for habitation.

Caravan Park – Is defined under the *Caravan Parks and Camping Grounds Act 1995* as – ‘an area of land on which caravans, or caravans and camps, are situated for habitation’, however there is flexibility for campers on private property under the *Caravan Parks and Camping Grounds Regulations 1997*, including camping on private property for up to 5 days without approval and up to 24 months with local government approval. To provide clarification as to when Development Approval is required (in addition to approval under the *Caravan Parks and Camping Grounds Regulations 1997*), a site containing more than 2 occupied caravans will be considered a ‘Caravan Park’ requiring Development Approval.

3.2 Development Standards

Land uses that meet the above definitions of Caravan Park or Camping Ground will be dealt with as a ‘Use not listed’ under TPS3, requiring Development Approval, and the following provisions will apply:

- i. The strongly preferred location for such uses is within the existing sites (reserved ‘Parks and Recreation’ under the Metropolitan Region Scheme) in the City’s recreational coastal area where they have a high level of amenity, supporting infrastructure and a direct tourist function.
- ii. Caravan Parks and Camping Grounds will be treated as sensitive land uses that will generally not be supported in the Kwinana Air Quality Buffer Environmental Protection Area; or the Jandakot Groundwater Protection Area (Priority 1 or 2 areas) where they are deemed ‘incompatible’ in Water Quality Protection Note 25.
- iii. Caravan Parks and Camping Grounds will generally not be supported in the Residential zone due to the impact on residential amenity; and to prioritise these areas for permanent housing.
- iv. Proposals must demonstrate:
 - A clear tourism and recreation function;
 - Access to appropriate services (e.g. electricity and wastewater);
 - Minimal environmental and landscape impacts, respect for local character and amenity, appropriate response to constraints (including bushfire), and no adverse impact on residential amenity; and
 - Compliance with the guidance contained in the Western Australian Planning Commission Planning Bulletin 49/2014 ‘Caravan Parks’.

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(4) Workforce Accommodation

4.1 General Requirement

Any application for Workforce Accommodation shall demonstrate it 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);
 - Details of the estimated numbers of workers required to support the work site(s);
 - The length of time 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; and
 - Whether the proposal seeks to accommodate workers from other worksites and/or companies.
- 4.2 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.
- 4.3 Workforce accommodation that is only required for a certain period 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.
- 4.4 Workforce Accommodation proposals shall be located within a 30-minute drive from the applicable project/work location.

(5) Residential Building (including 'Lodging Houses' – Health (Miscellaneous Provisions) Act 1911 and local laws)

5.1 Definitions

Residential Building – has the same meaning as defined by the R-Codes, being:

'a building or portion of 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

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- 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 the above definition, the term **temporarily** is taken to have the same meaning as the duration identified in the definition of **short-term rental arrangement** pursuant to the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* – that being a period not exceeding 3 months in any 12-month period.

Residential Buildings are purpose-built developments and are not considered dwellings, unlike STRA.

Common examples of Residential Buildings include:

- Youth Hostels
- Back-packers’ Inns
- Boarding Houses
- Group Homes (e.g. disability or support accommodation)
- Crisis support accommodation

Residential Buildings used for temporary accommodation shall have a maximum capacity of 12 temporary lodgers/boarders. Proposals for more than 12 temporary lodgers/boarders/visitors shall be treated as ‘Tourist and Visitor Accommodation’ for the purposes of TPS3.

Residential Buildings, depending on the specific operation, may be identified as Lodging Houses for the purposes of the Health local Law. Additional design, construction and operational requirements may apply.

5.2 Development Standards

Proposals for Residential Buildings should adhere to the following development standards:

- Residential Buildings shall have a maximum capacity of 12 persons (including temporary lodgers or permanent residents).
- Residential Buildings in the Residential zone should be separated by a minimum distance of 200m, measured in a straight line.
- Residential Buildings are 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 i.e. a bus stop/station or train station (a 5–10-minute walking distance).

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- iv. The development of Residential Buildings in the Residential zone should comply with the requirements of the R-Codes, except that parking shall be provided as per (e) below.
- v. Parking should be provided at a rate of 0.75 bays per lodger plus 1 bay per staff member.
- vi. 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.
- vii. Areas of the 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.

(6) Other Legislative Requirements

Some proposal may be defined as Class 3 or 1B buildings under the Building Code of Australia and may require a portion of units to be designed for persons with disabilities or may be required to comply with Australian Standard 1670.1:2015 as it relates to fire detection and warning.

Strategic Link:	Town Planning Scheme No. 3
Category	Planning - Town Planning & Development
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Appendix A

(1) Definitions

Short-term rental accommodation – has the same meaning as defined in the *Short-Term Rental Accommodation Act 2024*.

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.

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) Details on 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.