

LOCAL PLANNING POLICY 28.0 – Bed and Breakfast Accommodation

1.0 Background

1.1 Bed and Breakfast accommodation is a component of the short stay accommodation sector and an important aspect of the overall mix of tourism accommodation. This Policy seeks to achieve a balance between providing Bed and Breakfast accommodation throughout the Shire whilst ensuring that the local character and amenity is not compromised.

2.0 Application

2.1 The policy applies to all zones under the Town Planning Scheme within which Bed and Breakfast accommodation is classified as a Permitted or a Discretionary I land use.

2.2 It is acknowledged that any planning consent granted for a Bed and Breakfast accommodation prior to the adoption of this Policy does not require the approval requirements under Section 7.4 of this Policy to be met. However, the Shire encourages all Bed and Breakfast owners, who obtained planning consent prior to the adoption of this policy, to implement the approval requirements under Section 7.4 of the Policy to respond to the market expectations of visitors utilising bed and breakfast accommodation.

3.0 Definitions

In this policy, the following definitions apply:

- **Bed and Breakfast** - as defined in the Shire of Waroona Town Planning Scheme No.7
- **Local Planning Strategy (LPS)** means the Shire of Waroona Local Planning Strategy 2009.
- **Short Stay** means that no person is to stay for more than three months in any 12 month period.
- **Town Planning Scheme (TPS)** means the Shire of Waroona Town Planning Scheme No. 7 1996.

4.0 Objectives

The objectives of Council are to:

- a) Support a diversity of accommodation base within the local government;
- b) Provide an effective framework of guidelines within the local government to develop Bed and Breakfast accommodation;
- c) Ensure the maintenance of a satisfactory standard of facility, which has Town Planning as well as Environmental Health and Building approval; and
- d) Maintain the amenity of both the property and the neighbourhood wherein the Bed and Breakfast establishment is located.

5.0 Legal Status/Considerations

5.1 This Policy has been adopted in accordance with Clause 2.4 of the Town Planning Scheme.

6.0 Special Procedural Considerations

6.1 Applications for planning approval for Bed and Breakfast accommodation are to be determined in accordance with the provisions contained within this policy.

7.0 Policy Statement

7.1 Locations for Bed and Breakfast Accommodation

7.1.1 Bed and Breakfast Accommodation may only be located in suitable locations as identified by the Town Planning Scheme and the Local Planning Strategy..

7.2 Community Consultation

7.2.1 All applications for Planning Consent, for the establishment of a Bed and Breakfast Accommodation, will be the subject of a process of community consultation in accordance with Clause 8.2 of the Town Planning Scheme and Local Planning Policy 1.0 – Community Consultation.

7.3 Application requirements

7.3.1 The following information is required to be submitted to enable an assessment of the Bed and Breakfast proposal:

- Completed 'Application for Planning Consent' form, stating the maximum number of guests to be accommodated;
- Payment of application fee in accordance with Council's Fees and Charges;
- Property Management Plan.
- Three (3) copies of the following:
 - (a) Site plan (to scale) clearly indicating:
 - i. The building in relation to the lot boundaries;
 - ii. Location of on-site car parking for use by occupants and bed and breakfast guests; and
 - iii. Bin storage and collection areas.
 - (b) Floor plan(s) (to scale) clearly indicating:
 - i. The internal arrangement of rooms and their use;
 - ii. Demarcation of guest areas and private residential areas;
 - iii. Guest entry and exits; and
 - iv. Cooking and dining areas.
 - (c) Any building modifications or other site works proposed including those that are intended to mitigate the potential for disturbance to occur upon neighbouring properties.
 - (d) Details of any proposed signage.

7.4 Approval Requirements

7.4.1 Up to 6 guests may be accommodated at any one time, exclusive of the permanent residents. *(N.b.: additional guests will lead to the premises being required to be registered and comply as a Lodging House under the Health Act 1911.)*

7.4.2 One car parking bay is required per guest bedroom in addition to car parking for permanent residents. Where applicable, car parking for permanent residents is to be in accordance with the Residential Design Codes. All car parking is to be contained on-site and no verge area may be used for car parking.

7.4.3 All proposed Bed and Breakfasts on Rural or Rural Residential blocks must include provision for the storage of water in tanks of not less than 92,000 litres capacity unless satisfactory proof is provided that arrangements for connection to a Water Corporation reticulated water supply service has been made.

- 7.4.4 In the event that a proposed Bed and Breakfast does not have access to Council waste collection services, a Waste Management Plan, detailing how waste shall be disposed of, will be required as part of the application.
- 7.4.5 A Property Management Plan shall be prepared to the satisfaction of Council and shall be required to be submitted as part of the planning application. The Property Management Plan shall detail the following:
- The owner/operator of the bed and breakfast accommodation residing on-site at all times, accessible twenty four hours a day, seven days a week, while the bed and breakfast is in operation.
 - Responsibilities of the owner/operator including but not be limited to, matter such as maintenance and cleaning.
 - Code of conduct for guests which shall, amongst others, list what is considered acceptable and unacceptable behaviour.
 - Details of how nuisance issues such as noise will be addressed by the owner/operator.

In the case of an established permitted Bed and Breakfast, the owner/operator is encouraged to prepare a property management plan.

- 7.4.6 As part of any approval for a Bed and Breakfast, Council will recommend that the following information be displayed in the Bed and Breakfast:
- Emergency contact details.
 - Code of Conduct.
 - Fire and Emergency Response Plan (If available)

- 7.4.7 Council may permit one sign on the property to indicate the dwelling is a Bed and Breakfast establishment. The sign shall not exceed 0.2m². The sign may display the name, number and address of the building and the purpose for which the building is used or the name and address of the managing agent thereof. All other signage requires the approval of Council.

Note: The above list of approval requirements is not exhaustive. Depending on the circumstances and the merits of each individual application, further requirements may be added as appropriate.

7.5 Environmental Health Requirements

- 7.5.1 Kitchen facilities and food handling practices are to be in accordance with the minimum requirements of the Food Hygiene Regulations 1993 (as amended) or subsequent editions (as amended), and breakfast/dining room facilities may be shared with occupants of the households.
- 7.5.2 Details of the current septic system shall be submitted as part of the application. The application will be referred to the Shire of Waroona Environmental Health Department and an upgrade to the septics may be required.
- 7.5.3 Separate bathroom and toilet facilities are to be provided for guests.

7.6 Fire and Emergency

7.6.1 The owner is encouraged to prepare a Fire and Emergency Plan as part of the Planning Consent application. The Fire and Emergency Plan may include the provision of the following fire safety measures:

- Provision of fire extinguishers, fire blankets and internal hardwired smoke alarms.
- Outside barbeques to be gas or electric.
- Emergency Evacuation Plan.
- Access to water supply.

Advice note - Under Division three (3) of the Building Regulations (2012) rental properties are required to have mains powered smoke alarms. In dwellings where the construction of the building does not permit a space to conceal the wiring or where no mains power is available, smoke alarms with a 10 year battery life are permitted.

7.7 Bed and Breakfast Register

7.7.1 Council will maintain a Bed and Breakfast register. The register will provide information on the owner / operator, property address, number of beds, car parking spaces and expiry / renewal date.

7.7.2 At the time of annual registration, formally non renewed approvals and houses that are no longer available for Bed and Breakfast purposes will be removed from the Bed and Breakfast register.

7.8 Approval Period and Renewal of Bed and Breakfasts

7.8.1 All initial planning approvals for Bed and Breakfasts, including renewals of approvals granted prior to this policy, shall be granted for a one year period unless Council determines otherwise. Such approvals may be renewed in the form of a new application made at least 6 weeks prior to the expiration of the initial approval.

7.8.2 Bed and Breakfasts shall be required to renew annually. The annual renewal fee will be in accordance with Council's fee and charges as outlined on Council's website. The renewal shall be issued following an inspection of the site and dwelling by Council.

7.8.3 In determining an application for renewal, Council will consider the nature and validity of complaints (if any) made regarding the operation of the activity and any other information available relating to the adverse impact of the activity on the amenity of neighbours and surrounding area.