

POLICY NO: 3.4.5

**SPECIAL RESIDENTIAL ACCOMMODATION
(BED AND BREAKFAST, SHORT TERM RESIDENTIAL,
LODGING HOUSE, SERVICED APARTMENT)****INTRODUCTION**

The City of Vincent is situated within close proximity to the Perth Central Business District, public transport networks, tourist attractions and education facilities making it a highly desired area for the provision of diverse accommodation opportunities.

With a growing population and changing demographics, there is an increased need for alternative forms of accommodation types to be provided in Vincent and Perth generally.

OBJECTIVES

To:

1. facilitate the development of appropriately located high quality accommodation other than a permanent residential dwellings with the City of Vincent.
2. provide clear policy direction on the requirements for Special Residential accommodation within the City of Vincent.
3. ensure a high standard of amenity for long-term residents and the occupants of Special Residential Accommodation through management controls.
4. state the rights and obligations of the manager/owner offering Special Residential Accommodation.
5. ensure properties used for Special Residential Accommodation purposes do not have an undue impact on the residential amenity of the area.

POLICY STATEMENT**1. RESIDENTIAL BUILDING**

A **dwelling** is defined by the Residential Design Codes as '*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 persons who do not comprise a single family.*'

This includes a Single House, Grouped Dwelling, Multiple Dwelling and Ancillary Accommodation as defined by the Scheme and Residential Design Codes.

Permanent in the above, is defined by a minimum continuous period of habitation at the dwelling of six months for each person.

Where a dwelling is proposed to be used contrary to the above, it ceases to be classified as a dwelling and is instead classified as a **Residential Building**.

A **Residential Building** is defined by the Residential Design Codes as:

'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.*

Given the variety of forms that a Residential Building can take, this policy defines and differentiates between different types of Residential Buildings used for Special Residential Accommodation that are regarded as most significant to the City of Vincent. The types of accommodation that are the subject of this policy are as follows:

- Bed and Breakfast
- Short Term Residential
- Lodging House
- Serviced Apartment

2. DEFINITIONS

Bed and Breakfast means a dwelling, used by a resident of the dwelling, to provide accommodation for a maximum of six persons away from their normal place of residence on for a continuous maximum period of six months and meets the following criteria:

- The owner/permanent resident of the Bed and Breakfast resides on site at all times while the Bed and Breakfast is in operation;
- Meals are provided to Bed and Breakfast guests only, including breakfast, but may include other meals;
- Bed and Breakfast accommodation shall not contain self contained rooms, however access to bathroom facilities may be provided within each room;
- Access to a dining area must be provided for Bed and Breakfast guests along with communal laundry facilities or a laundry service.

Short Term Residential means the provision of accommodation, lodging or boarding within a residential property for a maximum of six (6) persons, exclusive of the keeper thereof, for a continuous period of less than six (6) months within any twelve month period.

Note: Keeper, for the purpose of this Policy, means the owner or resident of the property permanently residing at the property for a period for more than six (6) months

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

Lodging House has the same meaning as defined in the Health Act 1911 and City of Vincent Local Law relating to Lodging Houses, namely:

‘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 publican’s general licence, limited hotel licence, or wayside-house licence, granted under the Licensing Act 1911;*
- (b) *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, boarding houses, backpackers and workers accommodation and any other form of Residential Building proposed or capable of providing accommodation for 7 or more unrelated guests/occupants.

Serviced Apartment means a building which is used exclusively to provide short term self contained accommodation, but are not subject to residential tenancy agreements within the meaning of the Residential Tenancy Act 1987.

Serviced apartments function in a similar way to a hotel in that they may be serviced or cleaned by the owner or manager of the apartment (or by the owner’s or manager’s agents) and be provided with a laundry service where the apartment does not contain laundry facilities.

3. REQUIREMENTS

3.1 General Requirements for all Special Residential Accommodation

3.1.1 Car Parking

Car parking standards for all Special Residential Accommodation are to comply with the requirements of the City of Vincent’s Planning Policy No. 3.7.1 relating to Parking and Access.

3.1.2 Owners consent

The property owners consent must be obtained prior to accommodation being used for Special Residential Purposes.

3.1.3 Strata Title situations

Special Residential Accommodation will not be supported in Strata Title situations except where the consent of all owners has been given.

3.2 Bed and Breakfast Accommodation

3.2.1 Location

Bed and Breakfast accommodation may be located in all zones.

3.2.2 Occupancy

Up to a maximum of six (6) guests may be accommodated in a Bed and Breakfast premises at any one time, exclusive of the permanent resident.

A maximum of two bedrooms shall be provided for bed and breakfast guests.

3.3 Short Term Residential

3.3.1 Location

Short Term Residential accommodation may be located in all zones.

3.3.2 Occupancy

Up to a maximum of six (6) occupants, exclusive of the keeper may be accommodated in a Short Term Residential accommodation at any one time.

3.4 Lodging House

3.4.1 Location

Lodging Houses are to be located within Residential/Commercial, Commercial, Local Centre or District Centre Zones.

3.4.1 Occupancy

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.

3.4.3 Management

The caretaker of a Lodging House accommodation must reside on site at all times while the Lodging House is in operation.

3.4.4 Health Requirements

Applications for a Lodging House are subject to the requirements set out in the *Health Act 1911* and the City’s Health Local Law relating to Lodging Houses.

Applicants are required to register as a Lodging House with the City’s Health Services.

3.4.5 Communal Open Space

Communal Open Space for Lodging Houses shall be provided in accordance with the following assessment table:

Performance Criteria	Acceptable Development								
New development (inclusive of alterations and additions) to meet these criteria:	Development which complies with the following will generally be approved:								
External Communal Space	External Communal Space								
P1 Sufficient area is to be provided outside the building for recreational use. Where developments are well supplied with private outdoor space in the form of private balconies or courtyards, minimum external communal space requirements may be reduced.	A1 External communal space to be provided in accordance with the following table and to have a minimum dimension of 4 metres: <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>No of occupants / guests</th> <th>Minimum area of external communal space required</th> </tr> </thead> <tbody> <tr> <td>100 or less</td> <td>20 square metres</td> </tr> <tr> <td>Greater than 100 and less than 150</td> <td>30 square metres</td> </tr> <tr> <td>150 or greater</td> <td>40 square metres</td> </tr> </tbody> </table>	No of occupants / guests	Minimum area of external communal space required	100 or less	20 square metres	Greater than 100 and less than 150	30 square metres	150 or greater	40 square metres
No of occupants / guests	Minimum area of external communal space required								
100 or less	20 square metres								
Greater than 100 and less than 150	30 square metres								
150 or greater	40 square metres								
P2 Design and location of external communal space to be easily accessible by guests and occupants.	A2 External communal space should be located at ground level in a courtyard or the like.								
P3/4 Appropriate landscaping demonstrating the use of water conservation measures and paving to be provided that meets the needs of occupants and enhances security, safety and amenity of the development and adjoining properties.	A3 Landscaping to be provided to screen communal spaces from adjoining properties and/or adjoining public areas and to enhance the amenity of the property.								
P5 External communal space should be designed to gain solar access.	A4 Communal open space areas to be sufficiently paved to meet the needs of guests to the satisfaction of the City. A5 At least 2/3 of the required external communal space area shall be without permanent roof cover.								

Performance Criteria	Acceptable Development
Internal Communal Space	Internal Communal Space
P6 Sufficient area is to be provided inside the building for the purpose of passive recreation.	A6 An area no less than 13 square metres to be provided.
P7 Design and location of internal communal space should be easily accessible by guests and occupants.	A7 Communal space shall be located adjacent to commonly used spaces, such as kitchen, lobby entry area, manager's office etc, or adjacent to the communal outdoor open space.
General	General
P8 Appropriate facilities provided to meet the needs of guests and occupants.	A8 All communal spaces to be equipped with seating and tables.
P9 Communal space should be designed to gain solar access.	A9 Internal and external communal space preferably to be north facing.

Where communal open space cannot be provided in accordance with the acceptable development standards, justification is to be provided with the planning application in terms of how the proposal meets the performance criteria.

3.5 Serviced Apartments

3.5.1 Location

Serviced Apartments are to be located within Residential/Commercial, Commercial, Local Centre or District Centre Zones.

3.5.2 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.

3.5.3 General Requirements

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.

4. MANAGEMENT

4.1 Planning Approval

All proposals to operate a Special Residential Accommodation (including Bed and Breakfast, Short Term Residential, Lodging House and Serviced Apartment) within the City of Vincent require the submission of a planning application and the issue of Planning Approval by the City of Vincent prior to commencement of operation.

Special Residential Accommodation defined as 'Bed and Breakfast' and 'Short Term Residential' are not listed uses within the City Planning Scheme No.1 zone table and are therefore considered as 'Unlisted Uses' under the provisions of Clause 15 of the Scheme. Planning applications for 'Unlisted Uses' are required to follow the "SA" advertising procedures under Clause 37 of the Scheme.

Special Residential Accommodation defined as 'Lodging House' and 'Serviced Apartments' are listed uses within the City Planning Scheme No.1 zone table with "SA" permissibility in all zones.

In accordance with the Scheme, the following applies to uses with an "SA" classification:

"SA" means that the use is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice in accordance with Clause 37.

4.2 Building Approval

Residential Buildings, including Bed and Breakfast Accommodation, Short Term Residential, Lodging Houses and Serviced Apartments, may be subject to National Construction Code Series 2012 Building Code of Australia, and Australian Standards requirements over and above those normally required for a dwelling. These may include requirements relating to Fire Resistance, Access and Egress (to include Disability Access to Premises standards), Services and Equipment, Health and Amenity and Energy Efficiency.

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 and Building approval.

4.3 Health Approval

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 City of Vincent's Health Local Law relating to Lodging Houses, including the requirements for a keeper/manger to reside on the premises at all times.

Applicants are strongly advised to familiarise themselves with the requirements and ensure that they have been factored into the design, managements and operation of the proposal, prior to submitting an application for a Lodging House.

4.4 Relationship with other Documents

This Policy should be read in conjunction with other relevant documents including:

- The City's Town Planning Scheme No. 1
- The City's Planning and Building Policy No. 3.1.7 - Parking and Access
- The City's Health Local Law relating to Lodging Houses
- The City's Planning and Building Policy 3.2.1 - Residential Design Elements Policy
- Residential Design Codes

4.5 Residential Tenancy Act 1987

Applicants are strongly advised to familiarise themselves with their rights and responsibilities under the *Residential Tenancy Act 1987*, particularly in relation to gaining the property owner's permission in sub-letting and/or lodging situations.

4.6 Breaches in Compliance

Where the City becomes aware of accommodation that breach building, health or planning requirements, the City would initially seek to work with owner/manager to achieve compliance.

If the manager/owner disputes the classification of the Short Term Residential accommodation, they should provide the City with evidence of occupancy agreements such as:

- a) copies of current lease agreements indicating tenancy is for a period exceeding six (6) months; or
- b) Statutory Declaration stating that the tenancy agreement is for a period exceeding six (6) months.

If no evidence is provided, then an application for planning approval is to be made to the City.

Where necessary, failure to comply with requirements may result in legal proceedings being initiated and the immediate cessation of the unauthorised accommodation.

5. APPLICATION REQUIREMENTS

The following information is required be submitted with all planning application for Special Residential Accommodation. Management Plans, associated plans and other supporting evidence as required by this Policy are to be made available for public viewing during the community consultation period.

5.1 Management Plan

All applications for Special Residential Accommodation will require a detailed Management Plan to be submitted with the application. The Management Plan should include, but not be limited to the following issues:

- a) Control of noise and other disturbances;
- b) Complaints management procedures, which is to include the provision of the telephone number of the accommodation owner and operator to adjoining neighbours;
- c) Security of guests, residents and visitors;
- d) Control of anti-social behavior and the potential conflict between short term residents and long term residents of the area. A Code of Conduct shall be prepared detailing the expected behavior of guests/residents in order to minimise any impact on adjoining residents;

Residents must be made aware of the 'House rules' and Code of Conduct and they must be displayed in a prominent position within the premises at all times.

- e) Strata titled developments should include evidence that the Strata body approves the proposal, and that the appropriate by-laws will be entered into the strata management statement acknowledging the land use activity and including provisions for notifying future and prospective owners of the existence of the accommodation type within the development;
- f) Compliance with Lodging House 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* and the City's Health Local Law relating to Lodging Houses.

5.2 Car Parking Management Plan

All applications for Special Residential Accommodation will require a detailed Car Parking Management Plan to be submitted with the application. The Management Plan should include, but not be limited to the following issues:

- a) provision of car parking on site in accordance with the City's Policy 3.7.1 relating to Parking and Access; and

- b) a commitment to advising occupiers of the premise, verbally and in writing, of the negative impact that inappropriate car parking can have on long term residents. Details are to include any relevant car parking restrictions applicable to the area in relation to parking vehicles on surrounding properties and within the streets, and instructions that parking of vehicles on the verge is not permitted.

5.3 Servicing Strategy

In addition to the 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 checkouts;
- b) Method of reservations/bookings;
- c) Means of attending to guest complaints;
- d) Type and extent of room service available;
- e) Cleaning and laundry services, where available;
- f) Company name and relevant experience of management/operator;
- g) Back of house facilities (eg. kitchen, laundry, office); and
- h) Management and accommodation of servicing vehicles within the context of the overall car parking for the development.

5.4 Supporting Information

In addition to the Management Plan, Car Parking Management Plan, Servicing Strategy (in the case of serviced apartments) and normal planning application information requirements (for lodgment of plans) the following additional information is required to be submitted with all applications for Special Residential Accommodation:

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

Additional information may be required by the City of Vincent at its discretion.

Date Adopted: 10 April 2007

Date Amended: