

<b>Policy Number:</b>	LPP 9
<b>Policy Type:</b>	Local Planning Policy
<b>Policy Name:</b>	<b>Tourism Land Uses and Short-Term Accommodation</b>
<b>Policy Owner:</b>	Chief Executive Officer

**AUTHORITY:** Shire of Nannup Local Planning Scheme No.4

## **POLICY BASIS**

This is a local planning policy prepared under the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the *Shire of Nannup Local Planning Scheme No. 4 (LPS4)*.

## **OBJECTIVE**

The objectives of this policy are to:

1. Support short-term accommodation based on the district's natural and cultural assets.
2. Ensure that relevant planning considerations are suitably addressed.
3. Ensure that short-term accommodation is located and managed so as to prevent inappropriate impacts upon the amenity of surrounding areas.
4. Ensure short-term accommodation is sited, sized and designed to be consistent with the character of the surrounding area.
5. Retain or enhance the visual amenity of the locality.
6. Encourage short-term accommodation in non-urban areas whilst conserving the rural character and protecting primary production.
7. Achieve a high standard of short-term accommodation.
8. Ensure short-term accommodation is appropriately managed so as not to cause nuisance or annoyance to the owners of adjoining or nearby properties.
9. Provide increased certainty for applicants, the community and others and to assist in providing greater consistency in decision making by the local government.

## **DEFINITIONS**

For the purposes of this policy, the following definitions apply:

**"Rural"** means land zoned Rural, Rural Smallholdings, Environmental Conservation or Priority Agriculture in LPS4.

**"Short-term accommodation"** is defined in LPS4 and means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period. It includes bed and breakfast, camping ground, caravan park, holiday accommodation, holiday house, hotel, motel and nature based park. It also includes 'tourist development' and will as relevant, guide the assessment of non-accommodation forms of tourist development.

## **APPLICATION OF THE POLICY**

This Policy applies to the development of short-term accommodation throughout the municipality (the district).

## **POLICY PROVISIONS**

1. General

As set out in LPS4, in particular in the Zoning Table or in the Schedules for certain land, various types of short-term accommodation can be considered in most zones.

The local government:

- Supports short-term accommodation on appropriately zoned land subject to the applicant addressing relevant planning considerations. This includes appropriately addressing environmental, landscape/visual impact, land use compatibility, risks including bushfire and flooding, access, servicing, design and effective on-going management;
- Supports the provision of a range of short-term accommodation which is appropriate for the site's context and which showcases and complements the attributes of the district;
- Encourages links between short-term accommodation and established rural pursuits so as to diversify economic base and retain development at a low key nature.
- Adopts a precautionary approach to minimizing bushfire risk;
- Will generally require that short-term accommodation on rural land is ancillary to rural and/or conservation uses. Unless appropriately justified, larger scale developments should be in a Tourism or related zone.

All short-term accommodation requires the submission of a Development Application to the local government.

Based on *State Planning Policy 3.7 Planning in Bushfire Prone Areas and Guidelines for Planning in Bushfire Prone Areas*, the Development Application may need to be accompanied by a Bushfire Management Plan (BMP) and should be accompanied by a Bushfire Emergency Evacuation Plan (BEEP). Further details are outlined in section 7.

While the Policy focuses on short-term accommodation, relevant components of the Policy will be used in assessing Development Applications for non-accommodation forms of tourist development (especially outside of the Nannup townsite). This includes galleries, microbreweries, wineries, restaurants/ cafes and leisure/recreation-private uses.

The 'onus of proof' rests with the applicant to justify their application and variations to this Policy.

## 2. Application Site Requirements

Development for short-term accommodation should generally address the following site requirements:

- Provide appropriate setbacks/buffers to adjoining uses to be a 'good neighbour';
- Development should be suitably located to avoid potential conflict with normal farming operations on adjoining properties;
- The site shall, in the opinion of the local government, contain suitable tree cover and/or have other screening adequate to provide visual screening and privacy. The local government may require, as a condition of Development Approval, additional planting and/or other screening measures in order to provide increased screening of the proposed development from State and regional roads, key tourist routes or from surrounding properties;
- Site conditions including topography and soil type to ensure adequate sewerage disposal, building construction and drainage;
- Public road access shall, in the opinion of the local government, be appropriate for the proposed short-term accommodation; and
- Address other matters set out in this Policy.

Minimum boundary setbacks for short-term accommodation are set out in Schedule 1 of LPS4 or are as per the R Codes for land subject to the R Codes.

Where applicable, short-term accommodation should be located within the approved building

envelope for the site or outside of building exclusion areas.

### 3. Amenity

The local government seeks that short-term accommodation appropriately addresses the amenity of adjoining/nearby properties through addressing the siting and scale of development, access, servicing, building bulk (size and height), design, and on-going management.

The local government will have regard for potential impacts on the amenity of the surrounding area and will consider matters including:

- Existing land uses and the zoning of adjoining/nearby properties;
- The proximity of the site to any potential source of nuisance;
- The siting and location of the building/s to be used for short-term accommodation;
- The number of patrons to be accommodated on the site;
- The location of any on site activity areas and potential for noise; and
- Anticipated traffic generation.

The local government will generally require the applicant to prepare a Management Plan which is submitted with the Development Application. The Management Plan is to address a range of matters including being a 'good neighbour' along with practical on-going management considerations.

The Shire prefers on-site (hosted) management. Where management is 'off site', there should be a manager or a contactable employee that permanently resides no greater than a 45 minute drive from the application site.

Decks and balconies should be located away from the bedrooms of neighbouring dwellings and, if located close to living and dining areas of neighbouring dwellings, suitable screening is to be provided.

### 4. Visual Amenity and Visual Impact

The local government:

- Requires short-term accommodation to retain or enhance the visual amenity of the locality including through retaining existing vegetation, undertaking replanting, appropriate building siting and addressing building bulk (size and height), building design and colours;
- Seeks that the design of short-term accommodation should be sympathetic to the landscape, retains significant vegetation (subject to also addressing bushfire risks) and minimises visual impacts, especially when viewed from State and regional roads and key tourist routes;
- Encourages the use of natural materials and colours which architecturally blend into and/or complement the surrounding environment; and
- Supports the planting of native vegetation that is endemic to the district and/or the planting of suitable fire-suppression non-native/exotic vegetation.

The local government will consider the visual impact of short-term accommodation in general. In particular, the local government seeks to carefully consider Development Applications for short-term accommodation:

- Within Special Control Areas SCA2 Nannup Townsite Character Area, SCA6 Heritage Area and SCA7 General Landscape Values Area; and
- Which adjoins State and regional roads and key tourist routes. The local government's assessment of visual impact is primarily concerned when viewed from State and regional roads and tourist routes. The purpose of the assessment is not in relation to views from other properties, although the local government will separately consider amenity and land use compatibility.

Applicants proposing short-term accommodation in highly valued landscapes are encouraged to submit a landscape assessment from a suitably qualified consultant with the Development Application. The landscape assessment should have regard to the *Visual Landscape Planning Manual (Western Australian Planning Commission 2008)* or any updates).

## 5. Traffic and Access

The local government:

- Requires short-term accommodation to have suitable and safe vehicular access;
- Needs to be satisfied that the anticipated traffic generated by the tourist accommodation will not negatively impact on amenity, and that the traffic can be accommodated by the existing road network;
- Will require access from a suitably dedicated and constructed public road or from other forms of legal vehicular access;
- May require the applicant to submit a traffic report, for larger scale short-term accommodation developments, in support of the Development Application;
- May require road upgrading by the developer, at their cost, if the existing road network is inadequate to cater for anticipated traffic generated by the development;
- Will not support short-term accommodation where there is the potential for traffic generation to cause undesirable nuisance, safety or capacity issues; and
- Access to Main Roads controlled roads will need to be approved by Main Roads WA and applicants should liaise with Main Roads regarding location and access design requirements.

The local government will have regard to relevant local planning policies including LPP10 Car Parking and Vehicular Access and LPP14 Developer and Subdivider Contributions.

## 6. Car Parking

On-site car parking is required for tourists/visitors, management and staff.

A minimum of one car parking bay is required per guest room and/or unit. There is also a need to provide one car parking bay per staff member.

Subject to the proposed type of short-term accommodation and scale of development, there may be a requirement to provide more than one car parking bay per unit and/or provide space for boats, trailers and other vehicles.

Car parking should be constructed to a suitable standard as required by LPS4 or in Local Planning Policy LPP10 Car Parking and Vehicular Access.

Landscaping/revegetation should be provided between carparks and the front boundary of the lot or to a public place.

## 7. Bushfire Management

The local government will have regard to State Planning Policy 3.7 and other Western Australian Planning Commission publications.

Short-term accommodation proposed in areas with a Bushfire Attack Level Assessment rated at BAL-40 or BAL-FZ are unlikely to be granted development approval unless appropriately justified by a Level 2 or a Level 3 bushfire practitioner via addressing the Performance Principles.

## 8. Water Supply

The applicant is to ensure that an appropriate potable water supply is provided (reticulated scheme water or from on-site supplies) and that there is sufficient water supply for firefighting (if required)

prior to occupation of the short-term accommodation.

Where a reticulated scheme water supply is not available and/or feasible to connect, the following guidance is provided for on-site water supplies:

- Water storage tanks of a suitable size are required subject to the size and estimated occupancy of the tourist accommodation unit and to address a changing climate. The tank size to be a minimum of:
  - 45,000 litres for a 2 person unit/room;
  - 90,000 litres for a 4 person unit; and
  - 135,000 litres for a unit accommodating 5 or more people.
- The above is separate to water required for the provision of firefighting for areas not serviced by reticulated water.
- The sharing of water between units may be permitted through a common system.
- As an alternative to the supply of water from roof catchment, the local government may consider a supply from groundwater or from natural soaks. This is subject to supporting evidence of chemical and microbiological analysis to show that the water complies with the *Australian Drinking Water Guidelines*.
- Prior to occupation of the short-term accommodation, evidence of water supply suitability must be provided. In most cases supporting evidence of chemical and microbiological sample analysis, conducted by a NATA (National Association of Testing Authorities) approved laboratory will be required to show compliance with current Australian drinking water guidelines. Further routine sampling may be required by the local government to ensure compliance with the *Public Health Act 2016* and *Health (Miscellaneous Provisions) Act 1911*.
- As set out in the Council's annual Schedule of Fees and Charges, a charge for testing of water supply may be imposed by the local government.

#### 9. Building and Environmental Health Requirements

In addition to planning requirements, there is also a need to address building and environmental health requirements. Subject to the nature of the short-term accommodation, this may include:

- The provision of cooking, toilet, ablution or laundry facilities;
- Disability access and mobility - applicants are encouraged to design and construct short-term accommodation units having regard to universal access and mobility. Subject to the scale and nature of the development, some matters will be mandatory;
- A dry chemical powder type fire extinguisher and fire blankets;
- Smoke alarms must be installed as per the Building Code of Australia on or near the ceiling. In some cases, a system of lighting must also be installed to assist evacuation of occupants in the event of a fire;
- Sewerage disposal – the local government will have regard to the Government Sewerage Policy;
- Existing or proposed on site sewerage disposal systems are to be sized according to the intended number of guests, or the number of guests reduced accordingly; and
- Water supply (also refer to section 8).

#### 10. Maximum Length of Occupancy

Except with written approval from the local government, a person shall not stay for an aggregate period of more than three months in any consecutive twelve month period in a development approved for short-term accommodation. Subject to the zoning, proposal context and other relevant planning considerations, a development approval could be for an additional use e.g. holiday home and single house.

## 11. Signs

Other than directional signs, any proposed advertising sign must be located within the property boundaries and comply with Local Planning Policy LPP12 Signs and Advertisements.

## 12. Rating

If the development of short-term accommodation changes the use of a property which is rated using the Gross Rental Value (GRV) as the basis for calculations, the local government may change the rating of such a lot from GRV-General to GRV-Short Term.

If the development of short-term accommodation changes the predominant use of a lot from a rural agricultural base to a non-agricultural base, the local government may change the rating of such a lot from Unimproved Value (UV) to GRV-Short Term.

## **ADMINISTRATION**

### 1. Matters to be Addressed Prior to Formally Lodging the Development Application

Proponents are encouraged to discuss proposals that seek to vary Policy requirements with the Shire administration early in the planning/design process and prior to lodging a Development Application.

### 2. Application Requirements

Development Applications should include the following:

- Filling in the Form of Application for Development Approval;
- Payment of the local government Development Application fee;
- A written submission/report addressing this Policy and the site context;
- A site plan (including highlighting existing buildings) and proposed vehicular access, car parking and landscaping/revegetation;
- Floor plan/s and elevations including the external materials and colours to be used;
- Details of intended use/s of the short-term accommodation; and
- A management plan.

Subject to the proposed location and the scale of the proposed short-term accommodation, the local government may also require the applicant to provide:

- A Bushfire Management Plan and Emergency Evacuation Plan;
- A landscape assessment;
- A traffic report;
- Written information setting out why Policy requirements should be varied; and
- Any other plan or information that the local government may reasonably require to enable the application to be determined.

Should Development Approval be issued, it will also be necessary for the proponent to submit a Building Permit application (which gains necessary approvals) prior to undertaking any construction work. Subject to the type, scale and servicing of the short-term accommodation, other approvals may also be required prior to occupation.

### 3. Consultation with Landowners and Stakeholders

The local government will consult with adjoining/nearby landowners and other stakeholders as required by LPS4, the Regulations and as determined by the local government. The local government will also consult where an application does not comply with this Policy.

#### 4. Assessing the Development Application

In determining an application, the local government will consider matters set out in Clause 67 of the Deemed Provisions, Clause 52 of LPS4 along with Scheme provisions relating to the zone, the *Shire of Nannup Local Planning Strategy* and this Policy.

Depending on the site, key matters include:

- traffic safety and impact;
- access from a suitably dedicated and constructed public road;
- servicing;
- environmental impacts;
- fire management and impacts;
- visual impacts;
- appropriate setbacks and buffers to other uses;
- capability of the land for agriculture and rural pursuits;
- capability of the land to accept the use, by reason of soil type and stability; and
- density and scale of the proposed development.

Should an application for short-term accommodation not comply with requirements of this Policy, the application may be referred to Council for determination.

Where objections are received and the objections are not able to be adequately dealt with through conditions of approval, the Development Application will be referred to Council for determination.

The local government may refuse a Development Application where it is inconsistent with this Policy, LPS4, based on the information provided by the applicant, or based on information set out in any submission.

Related Policies:	LPP 10 Car Parking and Vehicular Access LPP 12 Signs and Advertisements LPP 14 Developer and Subdivider Contributions
Related Procedures/ Documents	<i>State Planning Policy 3.7 Planning in Bushfire Prone Areas</i> <i>Guidelines for Planning in Bushfire Prone Areas</i> <i>Australian Drinking Water Guidelines</i> <i>Visual Landscape Planning Manual (Western Australian Planning Commission 2008)</i>
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