

Option 1 (excluding short stay accommodation in a Residential zone)

That Council:

- 1 Pursuant to regulation 17(2) of the *Town Planning Regulations 1967* ADOPTS as final Amendment No 36 to the City of Joondalup's District Planning Scheme No. 2 with modification, as outlined in Attachment 1a
- 2 AUTHORISES the affixation of the Common Seal and ENDORSES the signing of the amendment documents;
- 3 ADOPTS as final Local Planning Policy – Short Stay Accommodation, as presented in Attachment 2a, and DETERMINES that the policy will become operational in the event, and on the date, that Amendment No 36 to District Planning Scheme No 2 is approved by the Minister for Planning and Infrastructure;
- 4 NOTES the submissions received and advises the submitters of Council's decision;
- 5 NOTES that, pending the successful adoption of the short stay policy and District Planning Scheme No 2 amendment, that the delegation of planning powers notice will be amended to reflect that proposals for short term accommodation abutting a residential zone will be referred to the Council for determination.

Proposed Amendment to District Planning Scheme No 2

1. ~~Clause 3.4 is amended by inserting the following after (c):~~

~~“provide the opportunity for appropriately located and managed short stay accommodation.”~~

2.1. Table 1 is amended by inserting the use class “short stay accommodation” and designating that use as “A” in the Residential Zone, “D” in the Mixed Use, Business, Commercial and Private Clubs and Recreation zones, and “X” in all of the other Zones.

3.2. Table 2 is amended by inserting the use class “short stay accommodation” and inserting “2 bays per unit” in the column headed “Number Of Onsite Parking Bays”.

4. 3. Schedule 1 is amended as follows:

(a) the definition of “dwelling” is amended by inserting the following words after the semi colon:

“for the purpose of applying the definition of “dwelling” in Table 1, and notwithstanding clause 1.9.2, habitation for any period which is not less than a continuous period of 3 months is taken to be habitation on a permanent basis;”;

(b) a new definition is inserted as follows:

“short stay accommodation” means the use of a single house, grouped dwelling or multiple dwelling for the purposes of providing temporary accommodation to any person or persons; for the purpose of the definition of “short stay accommodation”, temporary accommodation excludes any period of accommodation which exceeds a continuous period of 3 months;”;

(c) deleting the definition of “residential building” and substituting the following new definition:

“residential building” means a building or portion of a building together with rooms or outbuilding separate from such building incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation permanently by 7 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;”

POLICY No SHORT STAY ACCOMMODATION

STATUS: **City Policy** - *A policy that is developed for administrative and operational imperatives and has an internal focus.*

City policies are referred to Council for review and endorsement.

RESPONSIBLE DIRECTORATE: Planning and Community Development

OBJECTIVE: To specify standards of development and use for sites proposed to be used as short stay accommodation.

To protect the amenity and character of adjoining residential areas by minimising potential impacts associated with short stay accommodation.

AUTHORITY

This policy has been prepared in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No 2 (DPS2) which allows Council to prepare planning policies relating to planning or development within the scheme area.

POLICY AREA

This policy applies to the whole of the City of Joondalup.

POLICY STATEMENT

Short stay accommodation is defined within the District Planning Scheme as:

“the use of a single house, grouped dwelling or multiple dwelling for the purposes of providing temporary accommodation to any person or persons; for the purpose of the definition of “short stay accommodation”, temporary accommodation excludes any period of accommodation which exceeds a continuous period of 3 months;”

This policy does not apply to Residential Building, Bed and Breakfast, motel, or hotel proposals, as these are separately and specifically defined under DPS2.

Amenity Impacts

This policy aims to protect the residential amenity of permanent term residents and minimise the negative impacts that may be caused by the transient nature of the occupation, such as:

- excessive noise and/or anti-social behaviour
- potential increased demand for car parking
- sense of loss of security
- poor property appearance and maintenance

To ensure these amenity impacts are minimised, the following will apply:

1. Location criteria within Residential Zones

The Council will consider relative merits and compatibility of the proposal with the surrounding areas. Criteria that will be considered include (but are not limited to) whether the use will-

- not result in the requirement for a greater number of parking facilities than those provided on the site so as to cause an unacceptable inconvenience to adjoining residents and road users,
- not result in the generation of traffic beyond that of adjoining residential properties,
- not, given the nature and character of the prevailing area, have the potential to unreasonably disturb the desired character of the area, in the Council's opinion,
- be located within close proximity of supporting and complementary land uses and opportunities (like shops, transport networks, entertainment facilities etc)

2. Short Stay Accommodation within Grouped and Multiple Dwellings

Short stay accommodation is required to be separated from permanent dwellings that may be located on the same site or building. This can be achieved by exclusive access arrangements (vehicular and/or pedestrian), separate floors for short stay accommodation in multi storey buildings, provision of separate communal open space areas for short stay accommodation.

Short stay accommodation is not to form the predominant land use in situations where residential dwellings and short stay accommodation are located on the same site, with the exception of the City Centre.

3. Management Plan

A management plan is required to be submitted at the time of lodging the application. The operation of the short stay accommodation is then required to be in accordance with that approved Plan. The management plan shall cover and/or include:

- The control of noise
- Complaints management procedure
- The on-going maintenance of the premises and all common property areas
- Security of guests, residents and visitors
- Control of anti social behaviour and potential conflict between long term and short term guests. A Code of Conduct shall be prepared detailing the expected behaviour of residents in order to minimise any impact on adjoining properties.
- Parking Management Plan
- Compliance with House Rules such as recycling
- Exclusive use of storage areas by the occupier of the accommodation.
- If located on a strata-titled development, appropriate by-laws being entered into the strata management statement acknowledging the short stay activity on the site.

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.

Applicants/owners are also reminded of the need to have the appropriate insurance, liability, and indemnity cover, as appropriate.

4. Guest Register

A register of all persons occupying the accommodation is required to be kept.

The register shall:

- (a) show the name and address of every person staying within the accommodation and the unit occupied
- (b) be signed by the person
- (c) include the date of arrival and departure
- (d) be kept on the premises of the short stay accommodation or at such other place as agreed to by the Council and shall be open to inspection on demand by an authorised City Officer.

5. Annual Renewal

Where short stay accommodation is located ~~in or~~ abutting the Residential Zone, or where a short stay accommodation is located on the same site or building as **permanent** dwelling/s, the time limit for any approval granted will be not more than 12 months. A fresh approval will be required after that time if the use is proposed to continue.

Details Required For Planning Application

In addition to the management plan referred to above, and normal planning application requirements (for lodgement of plans), the following additional information is required be submitted on application for planning approval:

1. Information justifying the proposed location of the accommodation, and
2. Justification as to how and why the proposed accommodation will be compatible with the adjoining area.

Compliance with Health Act 1911 and City Of Joondalup's Health Local Law.

The development of short stay accommodation may be classified as a Lodging House under the City of Joondalup Health Local Law. ***Strict requirements apply to Lodging Houses, and potential applicants are advised to be familiar with these requirements and incorporate those requirements into the proposal, prior to the application being submitted.***

Advertising of Proposal

Advertising requirements are established in District Planning Scheme No 2.

Related Documents

District Planning Scheme No 2
Planning Application Fact Sheet
Health Local Law

OPTION 2 (ALLOWING FOR SHORT STAY WITHIN A RESIDENTIAL ZONE)

That Council:

- 1 Pursuant to regulation 17(2) of the *Town Planning Regulations 1967* ADOPTS as final Amendment No 36 to the City of Joondalup's District Planning Scheme No. 2 with modification, as outlined in Attachment 1 to this report;
- 2 AUTHORISES the affixation of the Common Seal and ENDORSES the signing of the amendment documents;
- 3 ADOPTS as final Local Planning Policy – Short Stay Accommodation, as presented in Attachment 2, and DETERMINES that the policy will become operational in the event, and on the date, that Amendment No 36 to District Planning Scheme No 2 is approved by the Minister for Planning and Infrastructure;
- 4 NOTES the submissions received and advises the submitters of Council's decision;
- 5 NOTES that, pending the successful adoption of the short stay policy and District Planning Scheme No 2 amendment, that the delegation of planning powers notice will be amended to reflect that proposals for short term accommodation in or abutting a residential zone will be referred to the Council for determination.

Proposed Amendment to District Planning Scheme No 2

1. Clause 3.4 is amended by inserting the following after (c):

“provide the opportunity for appropriately located and managed short stay accommodation.”
2. Table 1 is amended by inserting the use class “short stay accommodation” and designating that use as “A” in the Residential Zone, “D” in the Mixed Use, Business, Commercial and Private Clubs and Recreation zones, and “X” in all of the other Zones.
3. Table 2 is amended by inserting the use class “short stay accommodation” and inserting “2 bays per unit” in the column headed “Number Of Onsite Parking Bays”.
4. Schedule 1 is amended as follows:
 - (a) the definition of “dwelling” is amended by inserting the following words after the semi colon:

“for the purpose of applying the definition of “dwelling” in Table 1, and notwithstanding clause 1.9.2, habitation for any period which is not less than a continuous period of 3 months is taken to be habitation on a permanent basis;”;
 - (b) a new definition is inserted as follows:

“short stay accommodation” means the use of a single house, grouped dwelling or multiple dwelling for the purposes of providing temporary accommodation to any person or persons; for the purpose of the definition of “short stay accommodation”, temporary accommodation excludes any period of accommodation which exceeds a continuous period of 3 months;”;
 - (c) deleting the definition of “residential building” and substituting the following new definition:

“residential building” means a building or portion of a building together with rooms or outbuilding separate from such building incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation permanently by 7 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;”

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- poor property appearance and maintenance

To ensure these amenity impacts are minimised, the following will apply:

1. Location criteria within Residential zones

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- not result in the requirement for a greater number of parking facilities than those provided on the site so as to cause an unacceptable inconvenience to adjoining residents and road users,
- not result in the generation of traffic beyond that of adjoining residential properties,
- not, given the nature and character of the prevailing area, have the potential to unreasonably disturb the desired character of the area, in the Council's opinion,
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