

## LOCAL PLANNING POLICY No. 2 –

### Tourist Development



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## Tourist Development

### 1. CITATION

This Local Planning Policy prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

This Policy may be cited as LPP No. 2 Tourist Development.

### 2. CRITERIA

- a. To provide for tourist accommodation in the various areas of the Shire in a manner that does not conflict with existing or potential agricultural or horticultural pursuits.
- b. To provide a balance between agriculture or horticulture and tourism, such that tourism does not dominate and does not detrimentally impact, the sustainable use or availability of agricultural land.
- c. To acknowledge tourism as an appropriate source of employment and income to the benefit and prosperity of the community of the Shire.
- d. To optimise both the agricultural and tourism potential of the rural areas of the Shire without detrimental impact on the inherent beauty, amenity and value of those areas.
- e. This policy applies to the residential, peri-urban and rural areas of the municipal district of the Shire of Plantagenet and to all land zoned: Residential, Commercial, Service Commercial, Mixed Use, Tourism, Rural, Rural Residential, Rural Smallholdings, Rural Village and Special Use.

### 3. INTRODUCTION

The purpose of this planning policy is to set out the objectives and policy provisions which the Shire shall have regard to in the assessment and determination of application for Development Approval. The policy relates to land uses such as Bed & Breakfasts, Caravan Parks, Chalet, Holiday Accommodation, Holiday House, Nature Based Park and Tourist Development proposals. This may formally cover "Airbnb", "Hipcamp", "Eco-Tourism" proposals and other similar concepts.

Refer to *Table 3- Zoning Table* in the Shire's Local Planning Scheme to check land use permissibility.

#### 4. DEFINITIONS

Words and expression used in this policy have the same meaning as they have in the Local Planning Scheme and other relevant legislation.

Bed and Breakfast- means a dwelling —

- a. used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
- b. containing not more than 2 guest bedrooms;

Caravan park means premises that are a caravan park as defined in the Caravan Parks and Camping Grounds Act 1995 section 5(1);

Holiday Accommodation means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;

Holiday House means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;

Hosted accommodation – means a dwelling or ancillary dwelling, or a portion thereof, used for the purpose of short-term accommodation, with a permanent resident who is present overnight for the duration of the stay either in the dwelling or ancillary dwelling.

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.

Nature Based Park means a facility in an area that:

- a. is not in close proximity to an area that is built up with structures used for business, industry or dwelling-houses at intervals of less than 100 metres for a distance of 500 metres or more; and
- b. has been predominately formed by nature; and
- c. has limited or controlled artificial light and noise intrusion.
- d. A natural landscape can include an agricultural setting if the other criteria are met.

Short-term accommodation – means temporary accommodation provided on a commercial basis, either continuously or from time-to-time with no guest accommodated for periods totalling more than 3 months in any 12-month period.

Tourist Development means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide —

- a. short-term accommodation for guests; and
- b. onsite facilities for the use of guests; and
- c. facilities for the management of the development;

## 5. DEVELOPMENT REQUIREMENTS

### 1. General Requirements

- a) Up to 5 units of tourist development are permitted on any one lot. Greater than 5 will trigger the need for Council Determination.
- b) Applications for 10 or more units of Tourism Development will be expected to contribute to local road upgrades. The amount of which will be at the discretion of the Shire.
- c) A keeper/manager is not required to reside at the premises whilst it is being used for tourist accommodation purposes.
- d) The use of one or more existing multiple or grouped dwellings within a complex for the purposes of tourist accommodation shall generally not be supported.
- e) Proposals including a mix of uses including permanent residential and tourist accommodation within the same development should provide sufficient separation of the uses to ensure the amenity of permanent residents is adequately protected.
- f) All tourist accommodation units will be sited in a manner that will not impinge on the amenity or character of the area. The Shire may require additional vegetation screening to be planted and established prior to approval of the proposal.
- g) Car parking for tourist accommodation shall be a minimum of 1 parking space per unit.
- h) It is preferable that Tourist Developments be on a lot serviced by a bitumen sealed road. Applications for Tourist Developments on lots serviced by a gravel road will be considered on their merits. Where the lot is not abutting a constructed public road, the requirements of clause 32 (8) of LPS5 apply and the application may be refused.
- i) External Building Materials of tourist accommodation units and/or additional houses must be compatible with the site's surrounding and sympathetic to the natural environment around it.
- j) Each tourist accommodation unit, requires a source of potable water to a capacity of 92,000 litres. All water tanks are to be fitted with 65mm (2.5") female camlock outlets for Emergency Services.
- k) Subdivision, by way of freehold or strata title, arising from the approved tourist development of any given site will not be provided with recommended approval by the Shire to the Western Australian Planning Commission (WAPC).

- l) Temporary approvals for periods of 12 months may be considered in certain circumstances where amenity impacts are considered to be potentially greater.

## 2. Management Plans

All proposals for tourist accommodation and other uses outlined in the purpose section of this policy shall include the lodgement of a management plan which shall address:

- a. Control of Noise and other disturbances;
- b. Complaints management procedures;
- c. Security of guests, visitors and neighbours;
- d. Control of anti-social behaviour and potential conflict between tourists/guests/visitors and permanent residents of the area;
- e. Car parking for guests and visitors;
- f. Number of bedrooms and beds; and
- g. Contact details of Owner and Keeper/Manager.

## 3. Bushfire Prone Tourism Developments

- a. A Tourist Development proposed in a Bushfire Prone Area may require a:
  - i. Bushfire Attack Level Assessment
  - ii. Bushfire Management Plan or Statement
  - iii. Emergency Evacuation Plan

Such documents are to be prepared by an accredited bushfire practitioner.

- b. Notwithstanding, the minimum setbacks applicable in the zone, new Tourist Developments should generally be setback a minimum of 20 metres from any lot boundary to accommodate a suitable Asset Protection zone within the subject land, where applicable.
- c. The Shire shall determine on application the need for fire protection measures such as Asset Protection Zones (APZ's), firebreaks, escape routes, clearing of vegetation and standpipe and hose facilities in consultation with the Department of Fire and Emergency Services.
- d. Where a Bushfire Attack Level Assessment of BAL-40 and BAL-Flame Zone applies and the rating cannot be reduced it is considered inappropriate for a Tourist Development land use and an application for development approval will be refused.

## 4. Water Supply

- a) The Ancillary Dwelling requires a source of potable water to a capacity of 92,000 litres. All water tanks are to be fitted with 65mm (2.5") female camlock outlets for Emergency Services.
- b) Tourism Units are to be located within relatively close proximity of each other to enable shared use of infrastructure and to minimise the development footprint.

## 5. Septics

The applicant must demonstrate that efficient long-term on-site effluent disposal can be achieved without potential impact to public health, water supplies, neighbouring properties or the environment.

Conventional effluent disposal area must be setback 100 metres of any creek, river, dam or spring, however, approved ATU's may allow this setback to be reduced to 50 metres.

## 6. Nature Based Parks

A Nature Based Park operator is to fill in a Licence Application under *Schedule 1, Form 1* of the *Caravan Parks and Camping Grounds Regulations 1997* and submit it to the Shire for approval. The management plan will be an attachment to Form 1. The Management Plan is to be submitted at the time of the Planning Application for initial review, the Licence Application can be submitted post Planning Approval being granted.

Nature based parks are generally exempt from the above "General Requirements" as the intent is to provide minimal services in the most natural setting possible. The Shire will follow the Department of Local Government, Sport and Cultural Industries' "*Nature Based Parks: Licencing Guidelines for Developers and Local Government*" when assessing such applications. The below items will be considered when assessing such applications:

- i. locational factors which may assist in determining appropriate locations for unhosted forms of short-term rental accommodation within residential areas (refer to the Guidelines for further information)
- ii. limits to the number of guests and/or rooms
- iii. limits to nights the property can be made available for rental in any one year
- iv. provision of car parking
- v. minimum services such as potable water and reticulated sewerage
- vi. preparation and approval of a Management Plan
- vii. waste management
- viii. whether pets of guests (such as dogs) are permitted
- ix. managing for potential noise nuisance.

## 7. Caravan Parks

Development standards for caravan parks are contained in the Western Australian Planning Commission's *Planning Bulletin 49/2014 'Caravan Parks'* and shall be used by the Shire in the assessment of these proposals.

## **6. PERMISSIBILITY**

Where an application satisfies the requirements of this Policy, conditional Development Approval may be issued under the relevant delegation.

Proposals that do not satisfy the criteria will be assessed on their merits and determined by the Council.

This Local Planning Policy No.2 supersedes Town Planning Scheme Policy No. 14

Adopted on .....2023 in accordance with clauses 3, 4, 5 and Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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