

CITY OF BELMONT

Short Term Accommodation

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The City seeks to encourage good quality, well managed short term accommodation that does not compromise the amenity of residential areas or nearby residents. This Information Sheet has been prepared to provide information on the City's planning requirements for short term accommodation and guidance on the approval process.

What is Short Term Accommodation?

The City of Belmont's Local Planning Scheme No. 15 (LPS 15) defines 'short term accommodation' as the "...*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.*" LPS 15 distinguishes between different types of short term accommodation by establishing the following land use categories:

Land Use	LPS 15 Definition
Bed and Breakfast	means a dwelling – (a) used by a resident of the dwelling to provide short-stay 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.
Holiday Accommodation	means 2 or more dwellings on one lot used to provide short-stay accommodation for persons other than the owner of the lot.
Holiday House	means a single dwelling on one lot used to provide short-stay accommodation but does not include a bed and breakfast.
Hotel	means premises the subject of a hotel licence other than a small bar or tavern licence granted under the Liquor Control Act 1988 including any betting agency on the premises.
Lodging House	has the same meaning given to the term in the <i>Health Act 1911</i> , save that in this Scheme the term also includes premises providing board or lodging to 6 persons or less, but the term does not include the bed and breakfast use.
Motel	means premises, which may be licenced under the <i>Liquor Control Act 1988</i> – (a) used to accommodate guests in a manner similar to a hotel; and (b) with specific provision for the accommodation of guests with motor vehicles."
Serviced Apartment	means a group of units or apartments providing – (a) self-contained short stay accommodation for guests; and (b) any associated reception or reception or recreational facilities.
Short Stay Accommodation	means the accommodation of short stay guests providing on site facilities for the convenience of guests and, management of the development, where occupation by any person is limited to a maximum of three months in any 12 month period, and excludes any other use falling within a use class specifically defined in this scheme.

CITY OF BELMONT
215 Wright Street
(LMB 379) Cloverdale
Western Australia 6105

Ph (08) 9477 7222 / **Fax** Admin (08) 9478 1473



Is Short Term Accommodation Allowed in the City of Belmont?

LPS 15 includes a Zoning Table that controls where land uses are permitted in particular zones. The Zoning Table operates by listing each land use class and cross referencing it with each zone identified by LPS 15. In terms of short term accommodation, the Zoning Table provides the following land use permissibility:

Use Class	Zones									
	Residential	Town Centre	Commercial	Mixed Use	Mixed Business	Industrial	Service Station	Place of Public Assembly	Residential and Stables	Special Development Precinct
Bed and Breakfast	D	X	X	A	X	X	X	X	A	X
Holiday Accommodation	X	X	X	X	X	X	X	X	X	X
Holiday House	Use Not Listed	Use Not Listed	Use Not Listed	Use Not Listed	Use Not Listed	Use Not Listed	Use Not Listed	Use Not Listed	Use Not Listed	Use Not Listed
Hotel	X	D	X	D	A	X	X	X	X	A
Lodging House	Use Not Listed	Use Not Listed	Use Not Listed	Use Not Listed	Use Not Listed	Use Not Listed	Use Not Listed	Use Not Listed	Use Not Listed	Use Not Listed
Motel	X	X	X	D	A	X	X	X	X	A
Serviced Apartment	D	X	X	D	A	X	X	X	X	D
Short Stay Accommodation	Use Not Listed	Use Not Listed	Use Not Listed	Use Not Listed	Use Not Listed	Use Not Listed	Use Not Listed	Use Not Listed	Use Not Listed	Use Not Listed

'P' – Permitted by the Scheme providing the use complies with the relevant requirements of the Scheme.

'D' – The use is not permitted unless the City of Belmont has exercised its discretion by granting planning approval.

'A' – The use is not permitted unless the City of Belmont has exercised its discretion by granting planning approval, after the use has been advertised.

'X' – The use is not permitted.

Where a land use is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within a type of any other use category, the proposal will be assessed by the City of Belmont to determine whether:

- The use is consistent with the objectives of the particular zone and is therefore permitted;
- Determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures in considering an application for planning approval;
- Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

Is Development Approval required?

Yes, Development Approval is required for any form of short term accommodation.

How do I apply for Development Approval?

An application for development approval is required to be accompanied by certain information to enable a proposal to be assessed and determined by the City. This includes providing an application form, plans of the property, a management plan, amongst other information.

The following table provides a list of all the information requirements for a short term accommodation proposal. It should be noted that larger proposals, such as those for Hotels or Motels, may require additional information e.g. technical reports on traffic, parking and waste management.

Minimum required information*	Applicant Use Only	Council Use Only
<p>One (1) electronic copy of the complete application is required. Electronic plans should be submitted in PDF format and meet the following requirements:</p> <ul style="list-style-type: none"> • unlocked, no security or passwords • to scale optimised for minimum file size. 	Copy of application provided by: <input type="checkbox"/> CD OR <input type="checkbox"/> Emailed to: planning@belmont.wa.gov.au (Max 10MB) OR <input type="checkbox"/> Online Lodgement	
<ul style="list-style-type: none"> • Application for Development Approval Form for a Change of Use completed and signed by all landowners (registered on the certificate of title) of the land; or is accompanied by a letter of authorisation signed by all landowners of the land. 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • Current copy of the Certificate of Title (no older than 6 months). <i>Note: This is required to confirm ownership details and to check for caveats and memorials that may affect the proposed development. Available for purchase from Landgate (www.landgate.wa.gov.au).</i> 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • Correct fee paid – refer to Schedule of Planning Fees 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • Site Plan drawn to an appropriate scale (e.g. 1:200) detailing car parking, access ways, the location of the existing dwelling and the location of the proposed Ancillary Dwelling. 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • Approval of the Strata Company to the change of use 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • Management Plan for the accommodation 	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> • A written submission detailing how and why the proposed accommodation will be compatible with the adjoining area. 	<input type="checkbox"/>	<input type="checkbox"/>

What is a Management Plan?

A management plan is required to be submitted with the application for development approval for short term accommodation. It will be a condition of any development approval that the short term accommodation is operated in accordance with the management plan.

The management plan must address the following matters:

- i. a code of conduct detailing the expected behaviour and obligations of guests. The code of conduct must be displayed in a prominent position within the premises;
- ii. The management of complaints, in the form of a Complaints Management Procedure (which must include the contact telephone number of the owner/ operator/managing agent for the use of adjoining neighbours);
- iii. Control of anti-social behaviour and the potential conflict between guests and permanent residents of the area, detailing the expected behaviour of guests and control of noise;
- iv. Details regarding guest check in and check out procedures;
- v. Management of car parking;
- vi. Details regarding waste management including the expectations on guests (if applicable);
- vii. Compliance with Strata By-laws (if applicable) in the form of a Statement of Compliance.

Do I require any other Approvals?

The issue of a development approval does not negate the need for the owner and/or applicant to seek all other required approvals for the site.

Building

The conversion of the use or classification of a building to short term accommodation may trigger the need for the building to be upgraded to meet the current *National Construction Codes* and the *Disability (Access to Premises - Buildings) Standards 2010*. If upgrading works are required, applications for a Building Permit (certified or uncertified, as required) and an Occupancy Permit will also be required.

It is recommended that you contact the City's Building Services Department on (08) 9477 7425 for further details on the processes, documentation requirements (including certification) and fees applicable.

Health

Depending on the nature and extent of the short accommodation, health approval and registration as a Lodging House under the *Health (Miscellaneous Provisions) Act 1911* and The City of Belmont Health Local Laws 2002 may be required.

It is recommended that you contact the City's Environmental Health Services on (08) 9477 7222 regarding any health requirements and approvals.

Strata Titles Act 1985

If a landowner requires approval under the *Strata Titles Act 1985*, approval from any relevant Strata company or other Strata Lot owners should accompany any application for development approval.

Questions?

If you have any further questions regarding the development approval process for short stay accommodation, you can contact the City's Planning Services Department on (08) 9477 7428.