



**SHIRE OF BODDINGTON
LOCAL PLANNING POLICY No. 20
TOURISM LAND USES AND VISITOR ACCOMMODATION**

1. Policy Statement

It is Council's policy to promote tourist and visitor accommodation and non-accommodation forms of tourist development in appropriate locations, subject to addressing relevant planning considerations and minimising impacts on the amenity, appearance and character of the locality.

2. Background and Issues

Tourism can assist to diversify and grow the local economy. Tourist and visitor accommodation, however, needs to be compatible and integrated with surrounding land uses and the natural and built environment.

The challenge for local government, applicants and tourist accommodation providers is to achieve (and maintain) the balance between tourism, the environment, and protecting the amenity of adjoining/nearby residents and other land uses.

The local government has the discretion under the *Shire of Boddington Local Planning Scheme No.2 (LPS2)* to consider applications for tourist accommodation in most zones. LPS2 sets out the uses of bed and breakfast, camping area, caravan park, chalet, guesthouse, holiday home, hotel and motel. It also sets out a range of other forms of visitor accommodation and tourist development.

While the Policy focuses on tourist accommodation, relevant components of the Policy will be used in assessing Development Applications for non-accommodation forms of tourism development (especially outside of the Boddington and Ranford townsites).

3. Definitions

For the purposes of this Policy, all terms and references shall have the same meaning as given by LPS2.

In this Policy, the following definitions apply:

'Relevant planning considerations' include matters set out in Clause 67 of Schedule 2, Part 9 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and matters set out in the Policy Provisions section of this Policy.

'Tourist accommodation' - accommodation which, by way of trade of business, is held out as being available or is made available for holiday (tourism) purposes and/or short-term visitation

for occupation by persons other than the proprietor. It includes bed and breakfast, camping area, caravan park, chalet, guesthouse, holiday home, hotel and motel. It also includes 'visitor accommodation' and will as relevant, guide the assessment of non-accommodation forms of tourist development.

'Construction camp' is defined by LPS2. In this Policy, a construction camp is not included as tourist accommodation or visitor accommodation but is a separate land use.

4. Objectives

The objectives of this Policy are to:

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

5. Application of the Policy

This Policy applies throughout the municipality (the district).

As set out in LPS2, in the Zoning Table or in the Appendices for certain zones, various types of tourist accommodation can be considered in most zones.

6. Links to Local Planning Scheme and Other Documents

This is a Local Planning Policy prepared under the Regulations and LPS2.

This Policy relates to various requirements set out in LPS2 and is also guided by the Local Planning Strategy and other documents. Where there is an inconsistency between this Policy and LPS2, then LPS2 prevails to the extent of such inconsistency.

7. Policy Provisions

7.1 General

The local government:

- Supports tourist 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 tourist accommodation which is appropriate for the site's context and which showcases and complements the attributes of the district;
- Encourages tourist accommodation which is sympathetic with the district's architectural style and climatic conditions. The local government will have regard, as relevant to the location of the application, to other local planning policies and the *Residential Design Codes* (R-Codes);
- Adopts a precautionary approach to minimising bushfire risk;
- Generally does not support tourist accommodation in the mining buffer unless the approval is for a limited period and/or is suitably justified by the applicant and addresses mining impacts. Early liaison and consultation with the holders of a Mining Lease Special Agreement is encouraged by the applicant; and
- Will generally require that tourist accommodation, on 'Rural' zoned land, is ancillary to rural and/or conservation uses. Unless appropriately justified, larger scale developments should be in a Tourism or related zone.

All tourist 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 7.7.

While the Policy focuses on tourist accommodation, relevant components of the Policy will be used in assessing Development Applications for non-accommodation forms of tourist development (especially outside of the Boddington and Ranford townsites). 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.

7.2 Application Site Requirements

Development for tourist 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 tourist accommodation. All public road access to tourist accommodation, other than land zoned 'Rural', shall be constructed to a sealed standard unless otherwise determined by the local government; and
- Address other matters set out in this Policy.

Minimum boundary setbacks for tourist accommodation are set out in the Development Table or the Appendices of LPS2 or are as per the R-Codes for land subject to the R-Codes.

While noting LPS2 sets a minimum boundary setback of 20 metres in the Rural zone, the setbacks for tourist accommodation may need to be greater to be a good neighbour and to address relevant planning considerations.

Where applicable, tourist accommodation should be located within the approved building envelope for the site or outside of building exclusion areas.

7.3 Amenity

The local government seeks that tourist 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 tourist 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.

The 24 hour contact details of the manager of the tourist accommodation should be visible on the property from the nearest street frontage and maintained to the satisfaction of the local government.

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 provided.

7.4 Visual Amenity and Visual Impact

The local government:

- Requires tourist 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 tourist 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 tourist accommodation in general. In particular, the local government seeks to carefully consider Development Applications for tourist accommodation:

- Within the town centre;
- Within Landscape Protections Areas (including outlined in the Local Planning Strategy or in an approved Structure Plan); and
- Which adjoin 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 tourist 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).

7.5 Traffic and Access

The local government:

- Requires tourist 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 tourism 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 tourist 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 *LPP 5 Developer and Subdivider Contributions* and *LPP 9 Car Parking and Vehicular Access*.

7.6 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 tourist 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 LPS2 or in *Local Planning Policy 9 Car Parking and Vehicular Access*.

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

7.7 Bushfire Management

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

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

7.8 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 tourism 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 to the *Australian Drinking Water Guidelines*.
- A condition of development approval may include that the water supply is appropriately treated (e.g. chlorination) and require regular testing (not to be less than once per annum) for the chemical parameters of water, however the bacteriological testing of water should be no less than once per month of a NATA Registered Water Testing Laboratory.
- 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.

7.9 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 tourist accommodation, this may include:

- The provision of cooking, toilet, ablution or laundry facilities;
- Disability access and mobility - applicants are encouraged to design and construct tourist 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:
 - i) in every bedroom;
 - ii) in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building; and
 - iii) on each storey;
- 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 7.8).

7.10 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 tourist 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.

7.11 Signs

Other than directional signs, any proposed advertising sign must be located within the property boundaries and comply with *Local Planning Policy No.14 Signs and Advertisements*.

7.12 Rating

If the development of tourist 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 to Gross Rental Value.

7.13 Construction Camps

The local government favours new construction camps (workforce accommodation), to support mining, other industries or construction, to be located in or near the Boddington and Ranford townsites. Ideally, the built form and design integrates and complements the townsites.

Where a construction camp is proposed, the local government favours it to be located in or near the Boddington and Ranford townsites provided relevant planning considerations are suitably addressed.

The local government will consider construction camps in rural areas on their merits if they are short-term (less than 3 years) and provided relevant planning considerations are suitably addressed.

8. Administration

8.1 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.

8.2 Application Requirements

Development Applications should include the following:

- 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 tourism accommodation; and
- A management plan.

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

- 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 construction. Subject to the type, scale and servicing of the tourism accommodation, other approvals may also be required prior to occupation.

8.3 Consultation with Neighbours and other Stakeholders

In various instances, LPS2 will require the local government to consult on Development Applications for tourist accommodation. The local government will consult with adjoining/nearby landowners and other stakeholders as determined by the local government. The local government will also consult where a Development Application does not comply with this Policy.

8.4 Assessing the Development Application

In determining a Development Application, the local government will consider matters set out in clause 67 of Schedule 2, Part 9 of the Regulations, LPS2 provisions, the Local Planning Strategy and this Policy.

Should an application for tourist 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, LPS2, based on the information provided by the applicant, or based on information set out in any submission.

Related Policies	<i>LPP 2 Boddington Town Centre Design Guidelines</i> <i>LPP 5 Developer and Subdivider Contributions</i> <i>LPP 6 Development in Flood Affected Areas</i> <i>LPP 8 Fire Protection Measures for New Development and Subdivisions</i> <i>LPP 9 Car Parking and Vehicular Access</i> <i>LPP11 Landscaping and Revegetation</i> <i>LPP 14 Signs and Advertising</i> <i>LPP 16 Residential Development and Design</i> <i>LPP 19 Heritage Conservation</i>
Related Procedures and Documents	<i>Government Sewerage Policy</i> <i>State Planning Policy 3.7 Planning in Bushfire Prone Areas</i> <i>Guidelines for Planning in Bushfire Prone Areas</i> <i>Planning Bulletin 83/2013 Planning for Tourism</i> <i>Visual Landscape Planning Manual</i> <i>Australian Drinking Water Guidelines</i>
Delegation Level	Chief Executive Officer, Principal Environmental Health Officer/Building Surveyor
Adopted	17 December 2020