

Local Planning Policy 3.5: Bed and Breakfast Accommodation

INTRODUCTION

Bed and breakfast accommodation offers alternative accommodation options for travellers, generally provided within an operator's primary residence in a residential area and in some instances, purpose designed dwellings. Whilst such a use can be considered as a home occupation as allowed for in Town Planning Scheme No.1, there needs to be a recognition that there is potential for a residential property used for this purpose to be incompatible with the surrounding land uses and development. It is considered therefore, that additional guidance and controls to those provided for within Local Planning Policy 3.4: Home Occupations are necessary, that more specifically address the particular requirements of bed and breakfast operations.

Council will adopt a conservative approach in the assessment of applications for the establishment of bed and breakfast accommodation, in recognition of the potential impacts emanating from such uses. Approval will not necessarily be granted on the basis of complying with the individual provisions of the policy.

For the purposes of assessment under the Town Planning Scheme, applications for bed and breakfast accommodation will be assessed as home occupations.

DEFINITION

Bed and breakfast means the use of a dwelling by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.

AIMS

- To identify those circumstances in which applications for bed and breakfast accommodation will be considered for approval.
- To provide guidance for those persons planning the location and operation of bed and breakfast accommodation within the Town.
- To provide guidelines for the establishment and operation of bed and breakfast accommodation so as to ensure the activity does not have a prejudicial affect on the amenity of adjoining properties in the locality.

POLICY

1. Application detail

Planning approval is required for bed and breakfast accommodation. An application for planning approval in accordance with Scheme requirements is required to be submitted which shall include a completed application form signed by the landowner(s), three copies of the site plan and a floor plan, showing parking areas and areas of the dwelling which are to be used for bed and breakfast accommodation.

Additionally, an 'Application for Approval of Certain Food Handling Activities in a Residential Premises' will be required to be submitted to satisfy Health Regulations. This application is available from Council's Environmental Health Services.

2. Suitable locations for bed and breakfast accommodation

It is likely that applicants will seek to establish operations in residential areas, however, this does not preclude applications being considered in other areas. In general, the Council does not support the establishment of linear or cluster development of this type.

It is envisaged that Council will receive very few applications for bed and breakfast accommodation. It is on the basis of this expectation that Council is prepared to make allowances for such a use in its Town Planning Scheme. Consequently, the Council expects that bed and breakfast accommodation will only occur in isolated incidences. Concentrations of bed and breakfast accommodation (or indeed more than one) in any one particular residential locality will not be favoured.

Council will have regard at the very least to comments from neighbours in the immediate street block and this will be an important determining factor.

Bed and breakfast accommodation will not be supported in multiple or special purpose dwellings. Applications within grouped dwellings will only be supported if the applicant can provide justification for this and the consenting signatures of all strata owners and/or the body corporate can be obtained.

3. Number of persons

The maximum number of persons occupying a bed and breakfast accommodation must not exceed four (4) persons accommodated in two (2) rooms. This does not include permanent residents or rooms used by permanent residents of the dwelling.

4. Parking and site requirements

Generally, it would be desirable to provide sufficient carparking on site to accommodate one bay, per bedroom, being used for bed and breakfast purposes, in addition to the normal Scheme and Residential Design Codes requirements for parking.

Consideration will be given to the existing site conditions and surrounds and the impact of additional on-site parking. The Town will have regard for existing development provisions contained within the Residential Design Codes and the Council's residential policies when considering the provision of additional parking spaces.

The provision of on-site parking, while desirable, will not be a sole determining factor in the acceptability of applications, as in certain instances there may be suitable alternative locations for parking available or access to public transport.

5. Neighbour comment

All applications for bed and breakfast accommodation shall be required to be advertised to all adjoining and opposite landowners and a sign (to Council specifications) notifying the intention of the proposed land use will be required to be placed on site for a minimum period of 14 days.

In seeking comment on individual applications, consideration will be given to the nature of a submission and in the case of an objection being received, how the use may directly affect the adjoining property. Should objections be received,

the matter will be presented to Council. Each application will be dependent on the merits of the proposal and any comments received during the comment and/or advertising period.

6. Approval applies to applicant (does not apply to the land)

Approval of a bed and breakfast accommodation use is not transferable between owners or to subsequent owner(s) of a property or other properties.

7. Revocation of planning approval

If in the case of a planning approval granted for bed and breakfast accommodation, if a notice served under clause 55(3) of the Town Planning Scheme is not complied with, the Council may, without further notice to the owner or occupier, revoke its planning approval.

In addition to non-compliance with the planning approval issued, planning approval can also be revoked on the basis of excessive and undue noise and anti-social behaviour emanating from the use of the premises.

8. Advertising signage

The property is restricted to one advertising sign with a maximum size of 0.2m².

Adopted: 13 October 2009
Amended: 26 March 2019 (DV19.29)