

Local Planning Policy No. 2.4

RURAL TOURIST ACCOMMODATION

1. HEAD OF POWER

This Policy has been adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions), Clause 4 and applies to development across the whole of the City.

2. PURPOSE

2.1 Statement of intent

The intent in preparing and adopting these provisions is to pursue the principle that commercial tourist development should generally occur within the urban areas of Busselton City and that opportunities should be provided for small scale and low impact tourist accommodation and related activities in rural areas.

2.2 Relationship to other policies

These provisions should be read in conjunction with the City of Busselton Local Rural Planning Strategy, Local Planning Scheme and other City policies relating to tourism development. These provisions act as a refinement of the broad guidelines provided in the Busselton Local Rural Planning Strategy and the Local Planning Scheme.

Where there is an inconsistency between these provisions and any other City policy, (except in the case of proposals that are not permitted under the Planning Scheme or are referred to in the Local Rural Planning Strategy), then these provisions prevail.

2.3 Aims and objectives

- a. Provide for tourist accommodation in the rural areas of the City in a manner that does not conflict with existing or potential agricultural, horticultural or viticultural pursuits.
- b. Provide a balance between agriculture / viticulture / horticulture and tourism such that tourism does not dominate, and does not detrimentally impact, the sustainable use or availability of prime agricultural land.
- c. Acknowledge tourism as an appropriate source of employment and income to the benefit and prosperity of the community of Busselton City.
- d. Optimise both the agricultural and tourism potential of the rural areas of the City without detrimental impact on the inherent natural beauty and value of those areas, having regard to the above.

3. INTERPRETATION

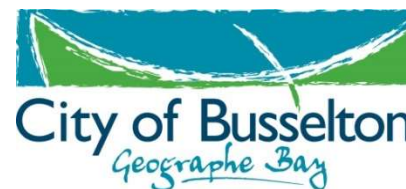
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4. POLICY STATEMENT

These provisions apply to all land situated within the "Agriculture", "Viticulture and Tourism", "Rural Landscape", "Conservation" and "Rural Residential" zones designated under the Local Planning Scheme other than such land that is situated within, adjoining or adjacent to existing urban areas.

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These provisions outline objectives and performance standards for the carrying out of development for the purposes of Rural Tourist Accommodation. Development proposals should achieve the objectives outlined. Proposals will also be assessed against the standards as a measure of compliance with the objectives and strict compliance standards will be required if there is doubt that the objectives will be met. However, simple compliance with the standards does not necessarily imply approval. In considering applications, the City will need to be convinced that its overall objectives for Rural Tourist Accommodation are being met.

Proponents should be aware that certain proposals, such as Rural Holiday Resorts, outside the "Viticulture and Tourism" zone, will be subject to rezoning and other procedures pursuant to the Local Planning Scheme in addition to the requirements of these provisions.

4.1 Assessment and community consultation procedures

OBJECTIVES

To provide the local community with the ability to assess and comment on proposals and to influence the City's decision as to the appropriateness of development or the conditions that should apply.

STANDARDS

Every development application for the purposes of Rural Tourist Accommodation will be exhibited for public comment for a minimum of 21 days. The consultation process will involve the placement of an advertisement in the local newspaper and written advice to adjoining and adjacent landowners.

Rural Holiday Resorts outside the "Viticulture and Tourism" zone will be subject to rezoning via a Scheme Amendment to Town Planning Scheme No. 20 to render the use permissible (generally as an "Additional Use") on the approved development site. It should be noted that where land is to include a rural holiday resort as an additional use, the specific density provisions need not necessarily apply, however they should be used as a guide and the objectives of these provisions should be complied with at all times.

4.2 General locational requirements

Subject to any restrictions and considerations outlined elsewhere in these provisions:

- a) Bed and Breakfast establishments and Guesthouse developments may be located on any land to which these provisions apply.
- b) Chalet development may be carried out on land within the "Agriculture", "Viticulture and Tourism", "Rural Landscape" and "Conservation" zones as designated in the Local Planning Scheme.
- c) Conservation Tourism may be carried out in the "Rural Landscape" and "Conservation" Zones.
- d) Caravan Parks and Camping Grounds may be carried out on land within the "Agriculture" and "Viticulture and Tourism" zones and must be located adjoining or adjacent to existing urban areas or the coast (i.e. within a radius of approximately 3kms).
- e) Rural holiday resort is not permitted outside "Viticulture and Tourism" zones unless rezoned.

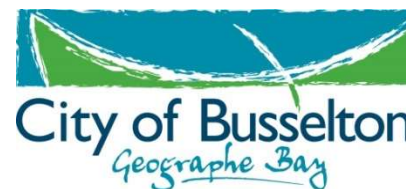
4.3 Minimum site area requirements

OBJECTIVES

- a) To provide a rural ambience and setting for Rural Tourist Accommodation;
- b) To allow sufficient scope for the siting of buildings in sympathy with landscape features and distant from neighbouring properties and important roads;
- c) To avoid clutter, over-development and the appearance of commercial development;

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- d) To achieve and maintain a high level of rural amenity.

STANDARDS

Subject to the further requirements of these provisions and where consistent with the Scheme and Local Rural Planning Strategy:

- a) Bed and Breakfast establishments will be permitted on any lawfully created allotment.
- b) Guesthouse and Caravan Parks and Camping Grounds development will not be permitted on allotments of land comprising less than 10 hectares.
- c) Chalet development will not be permitted on allotments of land comprising less than 15 hectares.
- d) Conservation Tourism will not be permitted on lots comprising of less than 20 hectares.
- e) Rural Holiday Resorts will not be permitted on allotments of land comprising less than 30 hectares.

4.4 Density

OBJECTIVES

- a) To maintain rural amenity in terms of visual and human impacts.
- b) To reduce the potential risks of over-exploitation of water supplies and pollution of the natural environment.
- c) To encourage development of a scale and density no greater than lower density rural residential development so as to maintain rural character.
- d) By specifying a minimum scale of development, to seek a commitment to tourism and therefore allay concerns that such development may be utilised for residential use in the future.

STANDARDS

- a) Caravan Parks and Camping Grounds shall not comprise more than 10 caravan sites per hectare of site area or such other density as established by State Government regulations from time to time.
- b) Guesthouses shall not comprise more than 1 suite per 1 hectare of site area.
- c) Chalets shall not be developed at a density greater than 1 chalet per 3 hectares of site area and shall comprise a minimum of 2 accommodation units.
- d) Rural Holiday Resorts shall be subject of the density ratios applicable to the particular type of development on a cumulative basis (e.g. a holiday resort comprising a 6 suite guesthouse and 10 chalets will require a site area of 36 hectares).
- e) Detached accommodation units shall not be located closer than 30 metres to each other unless the landform or intervening vegetation provides adequate screening and / or cluster-style development is necessary or appropriate in the special circumstances of the particular site.

4.5 Setbacks

OBJECTIVES

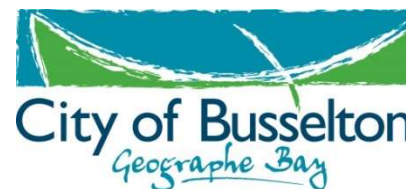
- a) To maintain scenic quality and tourism appeal of local road systems, particularly Caves Road, Bussell Highway, Wildwood Road, Vasse-Yallingup Siding Road, Abbey Farm Road, Metricup Road, Cape Naturaliste Road, Meelup Road and Eagle Bay Road.
- b) To achieve screening or filtered views only of development from neighbouring properties and roads.

STANDARDS

- a) Bed and Breakfast Establishments must be setback at least 50 metres from any highway, important regional road or nominated tourist road and 30 metres from any other property boundary.
- b) Guesthouses, Chalets, Rural Holiday Resorts and Caravan Parks and Camping Grounds must be

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setback:

- * 100 metres from any highway, important regional road, or nominated tourist road.
- * 50 metres from any other property boundary except if that other property contains Prime Agricultural Land.
- * 100 metres from any other property boundary if that other property contains Prime Agricultural Land.

- c) Reductions to the above setbacks to a minimum of 30 metres may be considered in circumstances where a densely vegetated minimum buffer of 30 metres exists between the proposed development and the boundary or road. In the case of development adjoining another property which contains Prime Agricultural Land, consideration will be given to the reduction of the setback from 100 metres to 50 metres if such buffer exists or can be achieved.
- d) Setback areas are to contain sufficient vegetation to screen and / or provide filtered views only, of new developments. Increased setbacks, or the implementation of landscape measures (which will be subject to Performance Guarantees), or both, may be necessary to achieve the desired effect. The City will require implementation of landscape measures toward the achievement of screening prior to the issue of a building licence and will hold Performance Guarantees for a nominated establishment period to ensure achievement of screening of development. Screening by use of indigenous species will be the preferred option.

4.6 Relationship to prime agricultural land and existing agricultural Activities

OBJECTIVES

- a) To acknowledge agricultural land as a resource.
- b) To protect existing agricultural / viticultural / horticultural enterprises, including wineries, against operational controls which may be imposed as a result of new development.
- c) To minimise land use conflicts wherever possible.
- d) To provide sufficient separation between agricultural and tourism activities to avoid risks to health, nuisance or other conflict between the two land uses.

STANDARDS

- a) Rural Tourist Accommodation, except a Bed and Breakfast establishment within an existing dwelling, will not be permitted on prime agricultural land.
- b) Rural Tourist Accommodation and Rural Holiday Resorts will not be permitted within a minimum of 100 metres of existing viticulture plantations or wineries on adjoining land.
- c) In the event that the classification of any land as prime agricultural land is under dispute, then it will be the responsibility of the proponent for Rural Tourist Accommodation to engage the services of an appropriately qualified agronomist to provide a report on the matter. The City will refer such a report to the Department of Agriculture for comment and assistance prior to making a decision on the matter.
- d) The applicant / owner may be required to display appropriate signage / information material within the main reception area of the development and / or within accommodation units that advises patrons the development is located in an agricultural area and that agricultural activities may create nuisance or inconvenience from time to time, but are essential to the maintenance of the prosperity and character of the area.

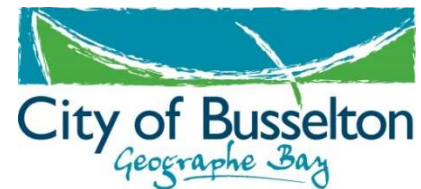
4.7 Management

OBJECTIVES

- a) To ensure the necessary commitment to tourism by the landowner / developer of Rural Tourist

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- Accommodation.
- b) To retain a high standard of tourism development and services.

STANDARDS

- a) All rural tourism accommodation development must include a 24 hour on-site management presence and regime. It is preferable that the owner of the development site be integral to management of the tourist development.

4.8 Services

OBJECTIVES

- a) To meet acceptable standards for community safety, health and well-being.
- b) To reduce the potential for demand for the uneconomic provision of services by the City and other authorities in the future.
- c) To provide a reasonable and appropriate quality of access and services on which tourists depend.
- d) To protect the natural environmental and to achieve sustainable development.

STANDARDS

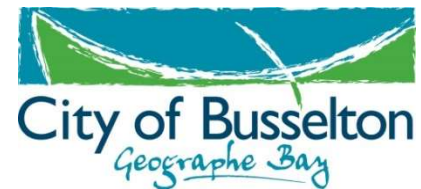
- a) Guesthouse, Chalet and Rural Holiday Resort developments must be accessed from a bitumen sealed road. This requirement may be waived for very small scale guesthouse or chalet developments with less than four accommodation units provided the City is confident that the development will not generate pressure for the City to seal local roads in the future.
- b) The proponents 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.
- c) Effluent disposal areas must not be located within 30 metres of any creek, river, dam or spring.
- d) A potable water supply of minimum 80,000 litres per annum per chalet or 30,000 litres per annum per suite must be available to the development. Potable water will be required to comply with the National Health and Medical Research Council's Guidelines for Drinking Water. Testing of water supplies to ensure compliance with required standards by City will be at the cost of the landowner.

Acceptable means of water supply include:

- * Collection of roof water into holding tanks (subject to minimum roof areas and annual rainfall calculations).
 - * A roof water supply augmented by a suitably treated and sustainable supply of groundwater or springwater.
- e) The use of existing dams for the provision of potable water supply is not generally acceptable and will only be considered if the dam is proven supply of water of appropriate quality and quantity. In these cases, stringent controls will apply to the area of dam catchment within the development site but the City cannot take responsibility for ongoing quality and quantity of water, due to possible use of the area within the catchment outside of the development site which could impact the water supply.
 - f) The establishment of new dams for water supply or aesthetic purposes will not be permitted.
 - g) The provision of all services, including augmentation of existing services, necessary as a consequence of any proposed development will be at no cost to the City. In addition, The City may require a contribution by the developer to the provision of bush fire fighting facilities and community facilities required as a consequence of the development.

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4.9 Subdivision

OBJECTIVES

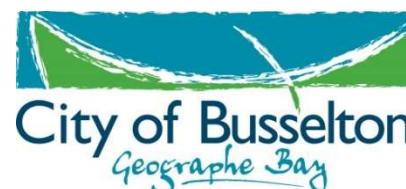
- a) To facilitate quality of development through increased ability to attract development capital for construction of tourism projects.
- b) To ensure implementation of appropriate management controls to guard against longer-term pressure for permanent occupancy of strata title developments and the demand for uneconomic provision of services that would ensue.
- c) To inhibit fragmentation of rural land.
- d) To maintain the integrity of approved tourist development.

STANDARDS

- a) Land subdivision arising from the approved development of Rural Tourist Accommodation of any given site is prohibited.
- b) Except for Caravan Parks and Camping Grounds; and minor developments, strata subdivision of approved development will generally be supported by the City subject to the following guidelines:
 - * Strata lots are to contain the actual accommodation unit and a small curtilage thereto only. Subdivision of the form of rural residential development is prohibited and all management, plantation areas, service areas and the like should be generally included as "common property".
 - * The proposal meeting the requirements of the 'Tourist Accommodation Strata Title Guidelines' prepared by the Department of Planning.
 - * Titles to strata lots and the bylaws of the Body Corporate must be subject to restrictions and controls necessary to ensure that owners and prospective purchasers are fully aware of their inability to occupy the premises for residential and retirement purposes. These controls may require the entering into of agreements between the City and the developer and the purchasers.
 - * The structure of the Body Corporate and bylaws shall require that bylaws regulating use of the development cannot be altered without the consent of the City.
 - * As a general rule, all accommodation units are to be available for holiday letting on a "pooled fund" basis.
 - * Staged and / or vacant lot strata subdivision will not be supported unless there has been a substantial commitment to the commencement of the development, an even then, may be subject to lodgement of Performance Guarantees for the provision of facilities and services.
 - * Strata subdivision of viticultural plantation areas will be considered provided there is appropriate provision for ongoing management and maintenance of the plantation and the processing of produce such that the City is convinced that any given strata lot will not lie fallow or fall into disrepair.
 - * The City may seek memorials on titles of strata allotments advising that properties are located within agricultural areas and may experience the effects of agricultural pursuits being carried out on adjoining properties.
 - * Applicants should be aware that it is a policy of the WA Planning Commission that strata subdivision of rural land be subject to rezoning procedures by way of a Scheme Amendment to the Local Planning Scheme.
- c) It should be noted that approvals for strata subdivisions will be conditional on the policies of both the Water Corporation and Health Department of WA for sewerage / water services and wastewater disposal.

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4.10 Preferred development

The following examples are provided as a general guide as to the type of rural accommodation development that the City seeks to encourage and discourage throughout the City.

Council prefers development that:

- a) Is a conjunctive use of land currently utilised for a viable agricultural / viticultural / horticultural enterprise.
- b) Provides some on-site activity or feature of interest to tourists.
- c) Is low profile, both physically and in setting, and is designed in harmony with existing buildings and character, being especially Bed and Breakfast Establishments and Guesthouse developments.
- d) Provides a wilderness or other eco-tourism experience.
- e) Is associated with an existing tourism operation such as a wildlife park, art gallery, restaurant, wineries and the like, or is on land close to those facilities.
- f) If a Caravan Park and Camping Ground, is situated within walking distance of beaches and tourism nodes.
- g) If situated in an area of high agricultural activity, is a development that has utilised noise reduction techniques, filter systems and similar methods of construction to mitigate the effects of agricultural activity on the residents and patrons of that development.

The City will actively discourage development that:

- a) Is situated in visually significant locations, such as on ridges or along unscreened sections of regional or tourist roads.
- b) Involves major disturbance of remnant bushland or natural areas.
- c) Is not in reasonable proximity (i.e. 5kms) of a township, major tourist node, beaches or other recognised areas of tourist activity. Caravan Park and Camping Grounds should be within 3km of an urban area on the coast.
- d) Is located on land of no particular topographical or landscape interest or value.
- e) Is of a development form that resembles urban based tourism such as motels, resorts and the like.
- f) Is identified as an "Undesirable Use" by the Busselton Local Rural Planning Strategy within the locality in which it is proposed.
- g) Is a Caravan Park and Camping Ground situated east of Caves Road or on any allotment having frontage to Caves Road south of Dunsborough.

5. REVIEW DETAILS

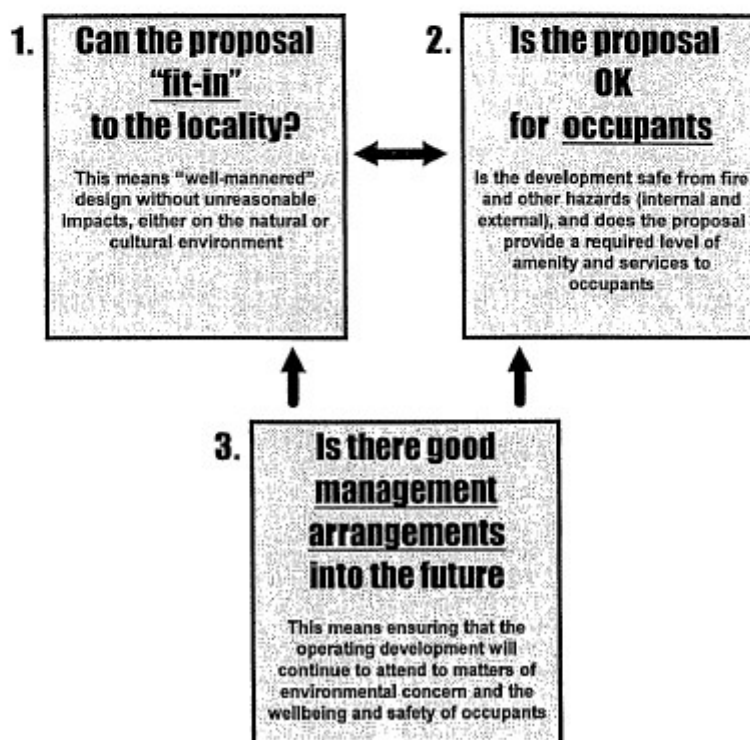
Review Frequency		2 yearly		
Council Adoption	10/3/2010		C1003/069	
Previous Adoption	DATE		Resolution #	

** Policy number changed from LPP 5B to LPP 2.4 on the 11th May 2020. The change is administrative only, no resolution by Council required.*

Understanding Approvals

The Purpose Of Government Involvement

From the viewpoint of government regulators there are three major, and interrelated, tests for a rural tourist accommodation proposal. These are indicated graphically below.



Preparing Applications

Good Planning & Effective Documentation

Apart from the actual plans of the proposed building works, there are key documents which can be prepared in the early stages of your application. These can help ensure you're as well positioned as possible to deal with the requirements of councils and other government authorities.

1. Site analysis document
 - Helps you and others understand the site constraints and opportunities.
 - An example of a simple site analysis drawing is provided overpage. A written report will also be required.
2. Statement of environmental effects
 - Written statement responding to each of the key development and environmental issues.
3. Statement of social impacts
 - Written statement (or pro forma) responding to the identified social impacts.
4. Management Plan
 - An outline of the operational procedures to minimise potential problems into the future.

It can be expected that applications for new purpose-built rural tourist accommodation will require input from qualified professionals such as town planners, urban designers, landscape architects and architects.

Sound initial planning and analysis work can lead to a well conceived development in terms of environmental sustainability. It can also prepare you well for any questions which may arise during the approvals process.

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Site Analysis Plan

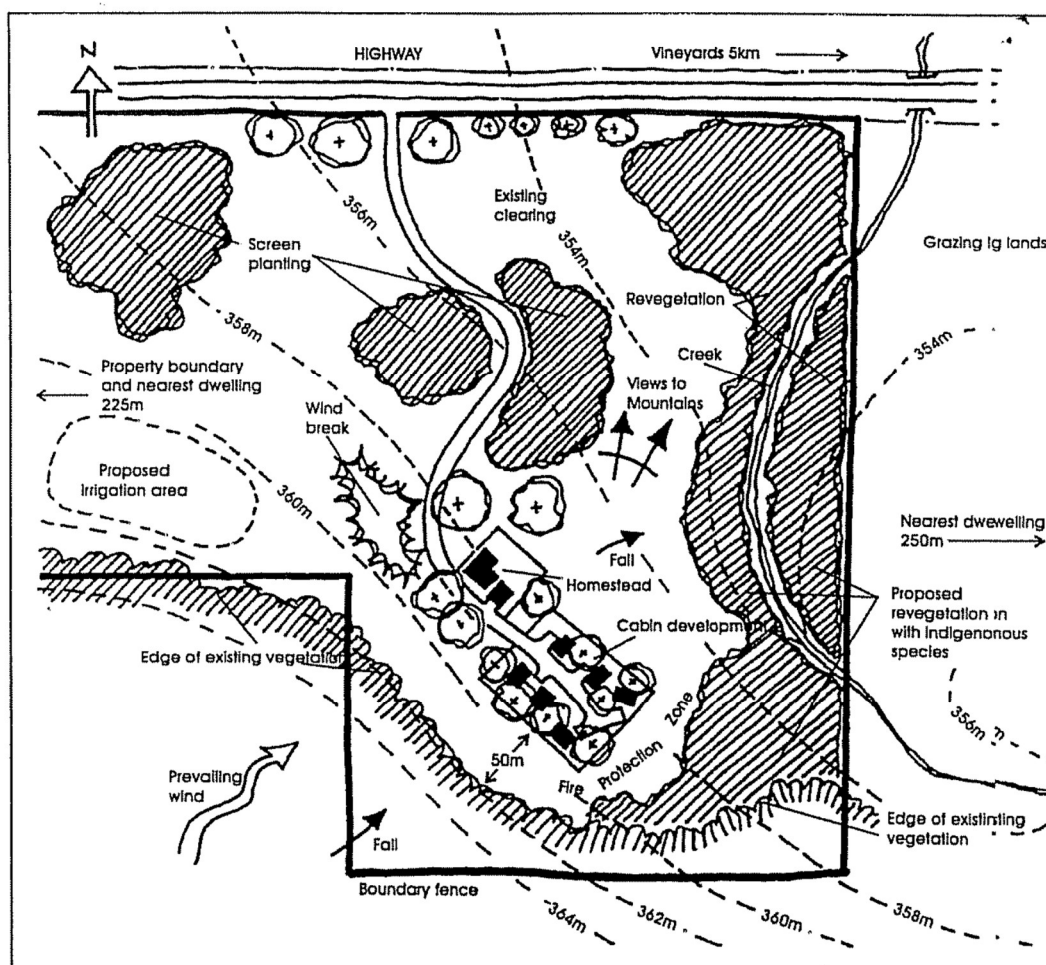
The site analysis plan should clearly identify the proposed development site in relation to important existing features both on the subject land and on adjoining parcels of land. The site analysis plan will help demonstrate that the development concept can "fit in" to the existing setting.

It would be expected that the following information would be included on a site analysis plan:

- north point
- property boundaries and key dimensions
- contours and major physical features

- existing vegetation
- creeklines or wetlands
- distances and any sightlines to adjoining dwellings
- relevant details on any adjoining farm or other rural activities
- views
- location of existing services.

Ortho-photomaps available from Department of Land and Water Conservation would provide a base for much of the information. A simplified example of a site analysis plan is provided below.



Adapted from Shoalhaven Council (1995)