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| Responsible Directorate | Development Services |
| Responsible Business Unit/s | Statutory Planning |
| Responsible Officer | Manager Statutory Planning and Compliance |
| Affected Business Units | Strategic Planning |

Objective

The objective of the Short Stay and Temporary Accommodation Policy is:

- To encourage hosted and un-hosted short-term rental accommodation in appropriate locations, that enhance the tourism experiences on offer within the Shire while minimising exposure to hazards;
- To ensure short-term rental accommodation is appropriately managed in order to minimise adverse amenity impacts on nearby properties;
- To ensure residential areas are protected and maintained primarily for residential purposes;
- To provide clear guidance regarding the assessment of development applications for short-term rental accommodation; and
- To provide for temporary accommodation measures whilst construction of a residence is undertaken that does not compromise amenity.

Scope

This policy applies to all single, grouped and multiple dwellings within the Shire, as well as the following types of short-term rental accommodation land uses as per Table 3 of Local Planning Scheme No.3 (LPS3):

- Bed and Breakfast (Hosted);
- Caravan Parks;
- Holiday Accommodation (Chalets and Cabins);
- Holiday House (Un-Hosted);
- Motel;
- Road House;
- Serviced Apartment; and
- Tourist Development.

The Policy excludes the following:

- Workforce accommodation;
- Park home parks and lifestyle villages.



Introduction

Short-term rental accommodation is the common name given to holiday homes, units, chalets or apartments offered for short-term letting, usually through an online booking platform. In February 2024, the Short-Term Rental Accommodation Bill was introduced to Parliament. The Bill sought to provide stronger legislation for Short-Term Rental Accommodation (STRA) within Western Australia. LPP4.5 provides direction to assist in the lodgement of a development application for short-term rental accommodation, where such is required by the planning framework.

Policy Provisions

1. Hosted short-term rental accommodation:

Any existing single, grouped or multiple dwelling is exempt from the requirement to obtain development approval for short-term rental accommodation if the owner or occupier of the dwelling is present at all times while guests are staying. This is termed a Hosted STRA.

Hosted STRA owners/occupiers are responsible for compliance with all other legislative requirements of their activities, including (but not limited to) complying with requirements of any applicable strata body and strata by-laws, and the additional STRA requirements under State Government legislation.

2. Un-Hosted short-term rental accommodation not exceeding 90 days in any 12 month period in a single, grouped or multiple dwelling:

Any existing single, grouped or multiple dwelling is exempt from the requirement to obtain development approval for short-term rental accommodation if such is un-hosted and the period of accommodation does not exceed 90 days in any 12 month period.

Such un-hosted STRA owners/occupiers are responsible for compliance with all other legislative requirements of their activities, including (but not limited to) complying with requirements of any applicable strata body and strata by-laws, and the additional STRA requirements under State Government legislation.

3. Un-Hosted short-term rental accommodation exceeding 90 days in any 12 month period in a single, grouped or multiple dwelling AND all tourism related uses within the Local Planning Scheme

Consistent with the Local Planning Scheme, development approval is required for all un-hosted accommodation which proposes to exceed 90 days in any 12 month period, as well as the following forms of tourism related development:

- Caravan Parks;
- Holiday Accommodation (Chalets & Cabins);
- Holiday House (Un-Hosted);
- Motel;



- Road House;
- Serviced Apartment;
- Tourist Development; and
- Residential Building

4.1 Management Plans

A management plan must be submitted as part of a development application required under Provision 3, and should outline the following details:

- Details of the local property manager who will be contactable 24 hours a day. The manager (or a nominated representative) should reside no greater than a 30 minute drive from the site;
- A code of conduct for guests, which should list what is considered acceptable and unacceptable behaviour and identify repercussions for breaches;
- Details of the minimum number of stays which are required by any guests;
- Details of a bond if taken for any damages or for any other requirements;
- A mitigation plan to identify how anti-social behaviour, noise and any potential conflict will be controlled and details as to how the amenity of adjoining landowners will be maintained;
- Complaints management procedure - it is expected that the manager is available to be contacted 24 hours a day in relation to a complaint, and the manager (or their nominated representative) visits the property within two hours of receipt of the complaint;
- Details of how the premises will be managed on a day-to-day basis; including check in and check out procedures etc;
- Statement on the management and provision of car parking. On-site parking provision should align with the parking requirements detailed in this policy. The management plan should also detail whether the site has boat/trailer parking;
- Fire management/emergency response plans for visitors and managing risks for visitors;
- Waste management plan specifying the requirements of general waste and recycling, bin collection days and location of bins for collection.

4.2 Number of Guests

The amount of guests residing within an un-hosted STRA where such comprises a single, grouped or multiple dwelling is to comply with the following standards:

- A maximum of 12 persons at any time, subject to the following:



- 4m² per person in each bedroom utilising beds; and
- 2.5m² per person in each bedroom utilising bunks.

The maximum number of guests will be given consideration as a factor in assessing, determining, and mitigating any amenity, waste disposal, septic capacity, or parking matters.

If approval for more than 12 persons are sought, the proposal will be considered a “Residential Building” under the Local Planning Scheme.

4.3 Car Parking

Car parking for any un-hosted STRA where such comprises a single, grouped or multiple dwelling should be provided in the following manner:

- In accordance with Clause 4.3 (2) of Local Planning Scheme No. 3:

Where parking standards are not specified or the relevant land use is not contained within the Table below, the local government shall determine the number of required bays with regard to the following:

- a. Nature of the proposed development;
 - b. Number of employees, other persons and/or visitors likely to be associated with the proposed development; and
 - c. The parking requirements of similar land uses contained within the Table below (See Table 4 of LPS3)
- All car parking should be contained entirely on-site and no verge area will generally be permitted to be used for car parking.

4.4 Vulnerable Land Use

Un-hosted STRA (where such comprises a single, grouped or multiple dwelling) proposed in a Bushfire Prone Area will require a Bushfire Attack Level Assessment, Bushfire Management Plan or Statement and a Bushfire Emergency Evacuation Plan, as outlined under *State Planning Policy 3.7 Planning in Bushfire Prone Areas (SPP3.7)* and associated Guidelines. At a minimum a this should include:

- A Simple Form Bushfire Management Plan (BMP) and;
- Bushfire Emergency Evacuation Plan (BEEP).

These documents should be prepared by a suitably qualified bushfire practitioner.

Where the Bushfire Attack Level Assessment returns a rating of BAL-40 or FZ, approval is unlikely to be granted unless the BAL-rating can be reduced through vegetation thinning/clearance within lot boundaries. This needs to also be balanced against the landscape impact of such clearing.



Local Planning Policy 4.5 Short Stay and Temporary Accommodation and Temporary Accommodation

A short-term rental accommodation within a single, grouped or multiple dwelling within a Residential area, may be exempt from the requirement to provide a BMP and BEEP given the proposal is considered through Planning Bulletin 111/2016 Planning in Bushfire Prone Areas as not resulting in an intensification of the existing development. Exemptions also apply to any lot under 1,100m².

5. Registration

All STRA land uses where applicable shall seek registration from the Department of Energy, Mines, Industry Regulation and Safety (DMIRS) property regardless of whether guests stay in the property with you (hosted) or stay by themselves (un-hosted).

Contact: stra.enquiries@dmirs.wa.gov.au for any further information

6. Temporary Accommodation

- 6.1 Within the Rural, Rural Smallholding, Rural Residential, and Urban Development zones, lots greater than 1ha may have one caravan on a lot for the use of temporary accommodation for a maximum period of twelve months where it is stored within an approved outbuilding and septic systems.
- 6.2 Temporary accommodation may be approved for a period of six months. An extension of up to six months may be considered if the construction of the single house has been substantially commenced.
- 6.3 An application for temporary accommodation must be accompanied by an application for a single house or have an existing approval for a single house.

Definitions:

Refer to Local Planning Scheme No. 3.

| Office Use Only | | | | |
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| Relevant Delegations | As per Register of Delegations and Authorisations | | | |
| Council Adoption | Date | 15 May 2023 | Resolution # | OCM100/05/2 |
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