

Local Planning Policy

No. 19

Short-Term Rental Accommodation



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Pursuant to Schedule 2, Part 2, Clause 4 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015.

1. Policy Basis

The City of Belmont is an appealing location for short-term rental accommodation (STRA) uses due to its proximity to Perth Airport, the Perth CBD, Optus Stadium and the Swan River. Therefore, there is a need to ensure STRA uses are located and managed appropriately to protect the supply and amenity of long-term residential accommodation.

This Local Planning Policy contains the standards and objectives in which the City will assess applications for STRA.

2. Policy Application

This Policy applies to development applications for STRA and Serviced Apartments.

STRA is the collective name given to holiday homes, units or apartments offered for short-term letting, often through an online booking platform or management agent.

STRA is either hosted (where a host is present) or unhosted (where guests have exclusive use of an entire house, unit or apartment). Commonly, they can be:

- a) a family holiday home, periodically offered as a short-term rental;
- b) a property purchased for the sole intent of operating a short-term rental operation; and
- c) spare bedrooms and areas within a home, offered to let on a short-term basis.

The land use definitions for the various forms of STRA and classification table is outlined in Section 7.

3. Policy Exclusions

This Policy is not intended to apply to the following forms of traditional tourist accommodation and other forms of temporary accommodation that are subject to alternative guidance or legislation:

- Hotels and motels;
- Caravan parks (inclusive of chalets and cabins associated with this use);
- Tourist development;
- Lodging house and Boarding house;
- House swapping and house sitting;
- Personal use of a holiday home or the sharing of a holiday home with the owner's family and friends;
- Student exchange accommodation;
- Workforce accommodation; and
- Residential parks, park home parks, lifestyle villages.

4. Policy Objectives

The objectives of this Policy are to:

- a) Provide guidance and standards for operators seeking to establish and operate STRA.
- b) Ensure STRA is appropriate for its location by being located near other short-term accommodation and tourist accommodation uses (such as hotels and motels) and accessible for visitors by being near high frequency public transport routes.
- c) Ensure STRA does not adversely impact on the character and amenity of the surrounding residential area or nearby residents.
- d) Safeguard the primary purpose of residential areas in providing residential dwellings which are affordable and available on a long-term basis.
- e) Ensure dwellings located within the flexible density coded areas which have been developed above the base density coding are providing long-term and affordable residential accommodation.

5. Terms Used

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| Guest | A person who is accommodated within a short-term accommodation on a temporary basis for a fee but is not subject to a Residential Tenancy Agreement. |
| Host / Keeper | Means a person who permanently resides at the dwelling and is responsible for its upkeep and management of the accommodation. |
| Anti-Social Behaviour | Means actions and behaviours that threaten the amenity of the locality, and includes but is not limited to swearing, shouting, abusive, threatening behaviour, raised voices, parties and loud music. |
| Strata Company | A body corporate constituted under section 32 of the <i>Strata Titles Act 1985</i> whether for a strata scheme or a survey-strata scheme. |

6. Accompanying Information

Pursuant to Clause 63(1)(d) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, an application for development approval for any STRA use is to include the submission of a detailed Management Plan and Code of Conduct that addresses, but is not limited to, the following matters:

6.1. Management Plan

The Management Plan is to address, but is not limited to, the following:

- Control of anti-social behaviour and the potential conflict between guests and permanent residents of the area;
- Minimum and maximum lengths of stay;
- Maximum occupancy limit;
- Guest arrival and departure procedures;
- Car parking management;
- Complaints management and after-hours complaints procedure including:
 - Nature of complaint
 - Date and time of complaint
 - Complainant
 - Description of how complaint was addressed and whether feedback was provided to complainant.
- The provision of a contact telephone number of the accommodation owner and operator to neighbouring properties for business-hours and after-hours complaints; and
- Explanation of how guests are informed of the Code of Conduct prior to and on arrival.

6.2. Code of Conduct

The Code of Conduct is to address, but is not limited to, the following matters:

- The expected behaviour of guests.
- Periods of 'quiet time', noting that parties are not permitted;
- Reasonable noise expectations (in compliance with the *Environmental Protection (Noise) Regulations 1997*);
- Details regarding guest check-in and check-out procedures;
- Expected control and maintenance of pets (if permitted at the property);
- Details of any car parking restrictions applicable to the area, and clarification on:
 - the maximum number of vehicles that can park on a property; and
 - that parking on surrounding properties and within the street and verge area is not permitted;
- Details regarding waste management which specifies the expectations on guests about general rubbish and bin collection;
- Rules and maintenance relating to the use of all common property and common facilities (if applicable);
- Information on relevant strata by-laws (if applicable);

- Emergency contact information;
- Contact details of emergency services, the City’s Rangers Department and the Belmont Community Watch; and
- Implications of breaching the code of conduct.

The Code of Conduct shall be provided in the form of an information booklet for guests at the accommodation, and online prior to arrival.

6.3. Complaints Register

A complaints register should accompany any application proposing to amend or extend an existing approval.

6.4. Strata Approval

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

7. Land Use Definitions and Classification Table

The City’s Local Planning Scheme No. 15 (LPS 15) contains the following general definition for short-term accommodation:

"Means 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 defines various STRA land uses and outlines the associated permissibility as per the Zoning Table. If a defined land use is not contained within the Zoning Table, it will be treated as a 'Use Not Listed' and advertised accordingly.

The types of STRA that are subject to this policy are defined as follows:

| Land use | LPS 15 definition | Characteristics and application |
|---------------------------------|--|---|
| 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. | This use shall apply where only a singular dwelling in a Grouped or Multiple Dwelling development is proposed for STRA. |
| Bed and Breakfast | Means a dwelling – (a) Used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and | This must be hosted accommodation, with the host of the accommodation residing at the premises at all times while the Bed and Breakfast is in operation. There should be access to a separate bathroom provided for |

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| | (b) containing not more than 2 guest bedrooms. | <p>guests, as well as access to a dining area and laundry facilities.</p> <p>This use may occur within a single house, grouped dwelling or multiple dwelling.</p> |
| Holiday Accommodation | Means two or more dwellings on one lot used to provide short-stay accommodation for persons other than the owner of the lot. | Applies to Grouped Dwelling and Multiple Dwelling developments where two or more dwellings are proposed to be used for short-term accommodation. |
| Holiday House | Means a single dwelling on one lot used to provide short-stay accommodation but does not include a bed and breakfast. | This use shall apply to Single House developments, where the whole house is proposed to be used for the purposes of short-term accommodation. |
| Serviced apartments | <p>Means a group of units or apartments providing –</p> <p>(a) self-contained short stay accommodation for guests; and</p> <p>(b) any associated reception or recreational facilities.</p> | <p>Applications for serviced apartments shall include either an associated reception or recreational facilities as per the below:</p> <p><u>Reception</u></p> <p>An entrance, foyer or lobby, with a reception desk which shall be attended by staff.</p> <p><u>Recreational Facilities</u></p> <p>Amenities such as a sporting court, health studio, gym, pool, sauna, playground or games room.</p> |

8. Assessment Criteria

STRA and Serviced Apartments will generally only be supported where the following criteria (Section 8.1 to 8.2) are met:

8.1. Car Parking

Car parking must be provided in accordance with the below minimum standards:

| Dwelling type | Location A | Location B |
|-----------------------------|--------------------|---------------------|
| 1 bedroom dwelling | 1 bay per dwelling | 1 bay per dwelling |
| 2+ bedroom dwellings | 1 bay per dwelling | 2 bays per dwelling |

* *Location A: within 800m walkable catchment of a train station and/or 250m of a transit stop of a high-frequency route or within the defined boundaries of an activity centre. Location B: Not within Location A.*

- All car parking associated with the use must be wholly contained on the subject site.
- Strata and community title developments must not rely on the use of visitor car parking bays.
- A Transport Impact Statement or Assessment will be required in support of proposals in the instances outlined in the Department of Planning, Lands and Heritage Transport Impact Assessment Guidelines.

8.2. Amenity

- The City will evaluate the potential amenity impacts of each STRA proposal, considering their individual circumstances and the specific local context.
- STRA proposals that detrimentally impact the surrounding locality's amenity will not be supported.
- The evaluation of a proposal will focus on the inherent suitability of each proposed use, as presented in the application, with specific attention to its details and how it impacts amenity of the locality. Conditions of approval should not be used to support proposals that are inherently unsuitable.
- In reviewing STRA proposals, the City will assess proposed management measures to consider if they are reasonable, enforceable, and effective in maintaining amenity.
- STRA proposals must, at a minimum, demonstrate compliance with the *Environmental Protection (Noise) Regulations 1997*. However, compliance does not automatically translate into acceptable noise impacts from a planning amenity perspective. The City will consider factors such as arrival times, use of outdoor areas, proximity to adjoining dwellings, and other relevant aspects.

8.3. Instances in which STRA will not be supported

- a) STRA will not be supported on flexible residential density coded sites which have been developed above the base density code.

9. Development Approval

9.1. Approval Period

If approved, the City will issue a time-limited approval of up to 12 months in the first instance. This approval will be of no further effect unless the City resolves to grant approval to a new development application, amends the original approval to delete the condition(s) limiting the time of approval or extends the terms of the approval under Clause 77 of the Deemed Provisions.

Where the Local Government is satisfied the STRA has been appropriately managed, an approval of the renewal application for a period of up to three years may be granted. In determining this, the City would have regard to the performance of the accommodation over the previous period, and if not satisfactory, the application may not be supported.

9.2. Conditions

In approving an application for development approval, the City may impose conditions including, but not limited to the following:

- There shall be no more than six short-stay guests or one family residing at the property at any one time.
- The whole property is to be rented as one booking only. No bedrooms or other areas of the house are to be rented on an individual basis.
- Prior to commencement of the use, the landowner shall implement the approved Management Plan (as well as any subsequently update and approved versions of the Management Plan) to the satisfaction of the City.
- The STRA operator shall supply the emergency contact details of the management agent or owner to address complaints from surrounding residents that require urgent attention.
- The landowner shall maintain a complaint register and outline the measures taken to address any complaints.
- The minimum length of stay.

9.3. Other Approvals

This policy does not exempt STRA from the requirement to obtaining any other necessary approvals, including, but not limited to building or health approvals.

Governance references

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| Statutory compliance | <i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> Local Planning Scheme No. 15 |
| Industry compliance | |
| Organisational compliance | |
| Process links | |

Local planning policy administration

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