

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.

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;
- c) spare bedrooms and areas within a home, offered to let on a short-term basis; and
- d) motels and serviced apartments.

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;
- Caravan parks (inclusive of chalets and cabins associated with this use);
- 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 rental accommodation, tourist accommodation uses and hotels along Great Eastern Highway and accessible for visitors by being near a high frequency public transport stop along that road.
- 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

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. The host/keeper cannot reside on a different land parcel or in a different unit.
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 Strata Titles Act 1985 whether for a strata scheme or a survey-strata scheme.
Short-term Rental Arrangement	Means an arrangement under which: <ul style="list-style-type: none">(a) a dwelling, or part of a dwelling, is provided for occupation by a person; and(b) the person occupies the dwelling, or part of the dwelling, for a period or periods not exceeding a total of 3 months in any 12-month period

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, six guests or one family to a maximum of two people per bedroom;
- 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', including between 10pm to 7am;
- 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. Complaint register

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

6.4. Strata approval

For STRA proposals, the signature from all lot owners who own an undivided share of the Common Property in accordance with the Strata Titles Act 1985 is needed.

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 Rental Accommodation:

- (a) "Means a dwelling provided, on a commercial basis, for occupation under a short-term rental arrangement; but
- (b) Does not include a dwelling that is, or is part of, any of the following:
 - i. An aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);
 - ii. A caravan park
 - iii. A lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);
 - iv. A park home park;
 - v. A retirement village as defined in the Retirement Villages Act 1992 section 3(1);
 - vi. A workforce accommodation."

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	
Hosted Short-term Rental Accommodation	means any of the following — (a) short-term rental accommodation where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the same dwelling during the short-term rental arrangement;	

	<p>(b) short-term rental accommodation that is an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the other dwelling on the same lot, resides at that other dwelling during the short-term rental arrangement;</p> <p>(c) short-term rental accommodation that is a dwelling on the same lot as an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the ancillary dwelling during the short-term rental arrangement.</p>	
Tourist and visitor accommodation	<p>(a) means a building, or a group of buildings forming a complex, that —</p> <ul style="list-style-type: none"> (i) is wholly managed by a single person or body; and (ii) is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; and (iii) may include on-site services and facilities for use by guests; and (iv) in the case of a single building — contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night; <p>and</p> <p>(b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but</p> <p>(c) does not include any of the following —</p> <ul style="list-style-type: none"> (i) an aged care facility as defined in the <i>Land Tax Assessment Act 2002</i> section 38A(1); (ii) a caravan park; 	

	<ul style="list-style-type: none"> (iii) hosted short-term rental accommodation; (iv) a lodging-house as defined in the <i>Health (Miscellaneous Provisions) Act 1911</i> section 3(1); (v) a park home park; (vi) a retirement village as defined in the <i>Retirement Villages Act 1992</i> section 3(1); (vii) a road house; (viii) workforce accommodation. 	
Unhosted short-term rental accommodation	<p>means short-term rental accommodation that —</p> <ul style="list-style-type: none"> (a) is not hosted short-term rental accommodation; and (b) accommodates a maximum of 12 people per night. 	

8. Assessment criteria

STRA will generally only be supported where the following criteria (Section 8.1 to 8.5) are met:

8.1. Location

- Within 400 metres of a high frequency public transport stop located on Great Eastern Highway and an existing short-term rental accommodation, tourist accommodation use or hotel on Great Eastern Highway.

8.2. Car parking

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

Dwelling type/Unit	Location A ¹	Location B ²
1 bedroom dwelling/unit	1 bay per dwelling/unit	1 bay per dwelling/unit
2+ bedroom dwellings/units	1 bay per dwelling/unit	2 bays per dwelling/unit

¹Location 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.

²Location B: Not within Location A.

- For the purpose of calculating parking requirements, any dwelling or accommodation unit that either functions or has the ability to function as two separate and independent dwellings, such as having its own entrance, kitchen, or bathroom facilities, will be treated as separate dwellings or accommodation units.
- 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.

8.3. 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.

8.4. Strata developments

- For lots that have 2 or more proposed STRA land uses, there will be the requirement to have appointed on-site personnel, or demonstrate modern technology will be used, for access control and monitoring.

8.5. Instances in which STRA will not be supported

Applications for STRA will not be supported in the following instances:

- a) Applications within multiple dwelling complexes proposing ad hoc STRA uses will not be supported. Instead, applications should seek to change the use of entire floors to ensure separation of uses within a building.
- b) STRA applications will not be supported where associated with a grouped dwelling which has a lot size of less than 350m².
- c) STRA will not be supported on flexible residential density coded sites which have been developed above the base density code.
- d) In the 'Residential and Stables' zone.
- e) Within 400m of a school.

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 to a maximum of two people per room.
- 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

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	

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