Short-Term Rental Accommodation

The City seeks to encourage good quality, well managed short-term rental accommodation that does not compromise the amenity of residential areas or nearby residents.

This Information Sheet has been prepared to provide information on the City's planning requirements for short-term rental accommodation and guidance on the approval process.

What is Short-Term Rental Accommodation?

The City of Belmont's Local Planning Scheme No. 15 (LPS 15) defines 'short-term rental accommodation' and 'short-term rental arrangement' as follows:

- ***Short-term rental accommodation*** means:
  - (a) *a dwelling provided, on a commercial basis, for occupation under a short-term rental arrangement but 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) workforce accommodation.*
- ***Short-term rental arrangement*** means:

  an arrangement under which –
  - *(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.*

LPS 15 distinguishes between different types of short-term accommodation by establishing the following land use categories:

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; (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

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	same lot, resides at that other dwelling during the short-term rental arrangement; (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."
Unhosted Short-term Rental Accommodation	means short-term rental accommodation that — (a) is not hosted short-term rental accommodation; and (b) accommodates a maximum of 12 people per night.
Tourist and Visitor Accommodation	(a) means a building, or a group of buildings forming a complex, that — (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 one separate accommodation unit or is capable of accommodating more than 12 people per night; and (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 (c) does not include 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) hosted short-term rental accommodation; (iv) a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1); (v) a park home park; (vi) a retirement village as defined in the Retirement Villages Act 1992 section 3(1); (vii) a road house; (viii) workforce accommodation.

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Is Short-Term Rental Accommodation Allowed in the City of Belmont?

LPS 15 includes a zoning table that stipulates the land uses that can be considered in particular zones.

The zoning table provides the following land use permissibility for short-term rental accommodation:

ZONES										
USE CLASSES	Residential	Town Centre	Commercial	Mixed Use	Mixed Business	Industrial	Service Station	Places of Public Assembly	Residential and Stables	Special Development Precinct
Hosted Short-term Rental Accommodation	P	P	P	P	P	X	X	X	P	P
Unhosted Short-term Rental Accommodation	A	A	A	A	A	X	X	X	A	A
Tourist and Visitor Accommodation	X	X	X	D	A	X	X	X	X	A

'P' Permitted by the Scheme providing the use complies with the relevant requirements of the Scheme;

'D' The use is not permitted unless the City of Belmont has exercised its discretion by granting Development Approval;

'A' The use is not permitted unless the City of Belmont has exercised its discretion by granting Development Approval, after the use has been advertised.

'X' The use is not permitted.

Is Development Approval Required?

Development approval is required for all 'Unhosted Short-term Rental Accommodation' and 'Tourist and Visitor Accommodation' land uses.

How do I apply for Development Approval?

An application for development approval is required to be accompanied by certain information to enable a proposal to be assessed and determined by the City.

The City's website has checklists that set out the minimum information required to lodge an application for development approval: Application forms, checklists and fees | City of Belmont

Lodgement of Applications Online

The City encourages customers to lodge development applications online (www.belmont.wa.gov.au, refer Build, How to get Started, Lodge and Track an Application). Guest access is available.

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Minimum required information	Applicant Use Only	Council Use Only
One (1) electronic copy of the complete application is required. Electronic plans should be submitted in **PDF format** and meet the following requirements: • unlocked, no security or passwords • to scale • optimised for minimum file size.		
• **Application for Development Approval form** completed and signed by **all landowners** (registered on the certificate of title) of the land; or is accompanied by a letter of authorisation signed by all landowners of the land. On the form under the Proposed Development section, next to Description of proposed works and/or land use, please add '*Change of Use' to* and then add the Land Use for example: *Hosted Short Term Rental Accommodation or Unhosted Short Term Rental Accommodation or Tourist and Visitor Accommodation.*		
• Current copy of the **Certificate of Title** (no older than 6 months). *Note: This is required to confirm ownership details and to check for caveats and memorials that may affect the proposed development. Available for purchase from Landgate (www.landgate.wa.gov.au).*		
• Correct **fee** paid – refer to Schedule of Planning Fees		
• **Site Plan** drawn to an appropriate scale (e.g. 1:200) detailing car parking, access ways, the location of the existing dwelling and the location of the proposed Ancillary Dwelling.		
• **Approval of the Strata Company** to the change of use		
• **Management Plan** for the accommodation		
• A **written submission** detailing how and why the proposed accommodation will be compatible with the adjoining area.		

How will my application be assessed?

All applications for short-term rental accommodation are assessed against the provisions of the City's Local Planning Policy No. 19. Proponents should have regard to Local Planning Policy No. 19 when preparing an application.

A copy of Local Planning Policy No. 19 is available on the City's website: Local Planning Policy No 19 - Short-term Rental Accommodation

What is a Management Plan?

A management plan is required to be submitted with the development approval application for short-term rental accommodation. A condition is applied to all development approvals requiring the short-term rental accommodation to be operated in accordance with the management plan.

Local Planning Policy No. 19 sets out the information to be provided with a management plan.

Do I require any other Approvals?

The issue of a development approval does not negate the need for the owner and/or applicant to seek all other required approvals for the site.

Building

The conversion of an existing building classification to short-term rental accommodation may trigger the need for the building to be upgraded to meet the current *National Construction Codes* and the *Disability (Access to Premises - Buildings) Standards 2010*. If upgrading works are required, applications for a Building Permit (certified or uncertified, as required) and an Occupancy Permit will also be required.

Please contact the City's Building Services Department on (08) 9477 7222 for further details on the processes, documentation requirements and fees applicable.

Health

Depending on the nature and extent of the proposal, health approval and registration as a Lodging House under the *Health (Miscellaneous Provisions) Act 1911* and *The City of Belmont Health Local Laws 2002* may be required. Proponents should contact the City's Environmental Health Services on (08) 9477 7222 regarding any health requirements and approvals.

Strata Titles Act 1985

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

Questions

If you have any further questions regarding the development approval process for short-term rental accommodation, please contact the City's Planning Services on (08) 9477 7222.

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