

## 9. Economic Services and Development

### 9.12 Short-Term Rental Accommodation

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#### 1.0 Citation

This is a Local Planning Policy prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. This Policy may be cited as Local Planning Policy 9.12 Short-Term Rental Accommodation.

#### 2.0 Introduction

This Policy provides direction and guidance on the use of single houses, grouped dwellings or multiple dwellings for commercial short-term rental accommodation on land zoned Residential, Rural Residential, Regional Centre or Special Development Zone 1 under the *Shire of Dandaragan Local Planning Scheme No.7*. This Policy intends to help protect consumers, support the local tourism industry and avoid conflict between short-term guests and permanent residents through development approval.

#### 3.0 Definitions

**“Deemed-to-comply”** means a provision which, if satisfied, means that a holiday house, unit or apartment is deemed compliant with respect to the matters subject of that provision. The Shire shall not refuse to grant approval to an application where the application satisfies all the relevant deemed-to-comply provisions.

**“Performance criteria”** means provisions to be used in the preparation, submission, and assessment of development proposals for the purpose of determining their acceptability, where they do not meet the relevant deemed-to-comply provisions.

**“Hosted accommodation”** means a dwelling or ancillary dwelling, or a portion thereof, used for the purpose of short-term rental accommodation, with a permanent resident who is present overnight for the duration of the stay either in the dwelling or ancillary dwelling.

**“Un-hosted accommodation”** means a dwelling or ancillary dwelling used for the purpose of short-term rental accommodation, without a permanent resident present overnight for the duration of the stay either in the dwelling or ancillary dwelling.

**“Holiday house”** means a single dwelling used to provide short-term rental accommodation for up to twelve (12) adult guests.

**“Holiday unit”** means a grouped dwelling used to provide short-term rental accommodation for up to six (6) adult guests.

**“Holiday apartment”** means a multiple dwelling used to provide short-term rental accommodation for up to six (6) adult guests.

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### 4.0 Objectives

- To support the role of un-hosted short-term rental accommodation as part of the tourism industry.
- To provide for the safety of guests who may be less familiar with the dwelling and surrounding environment.
- To establish development standards for unhosted short-term rental accommodation to avoid off-site impacts and maintain the desired amenity of the Residential, Rural Residential and Regional Centre zones.
- To encourage the provision of good quality, well managed unhosted short-term rental accommodation.

### 5.0 Applications Subject to this Policy

This Policy applies to all dwellings used for unhosted accommodation upon land zoned Residential, Rural Residential or Regional Centre under the *Shire of Dandaragan Local Planning Scheme No.7*.

#### 5.1 Exclusions

This Policy does not apply to following forms of short-term and temporary accommodation:

**“House swapping”** means a mutual arrangement made between owners of separate properties to ‘swap’ homes for a temporary period and is often for holiday accommodation purposes.

**“Housesitting”** means a mutual arrangement whereby a person stays and cares for a property whilst the owner is away and can be a commercial or non-commercial form of accommodation.

**“Personal use of a holiday home or the sharing of a holiday home with the owner’s family and friends”** means the informal and infrequent sharing between family and friends, and the personal use of private holiday homes is considered a non-commercial arrangement.

**“Student exchange accommodation”** means temporary accommodation whereby students stay with a host family in their home whilst studying.

#### 5.2 Exemptions

This Policy exempts hosted accommodation (i.e. bed and breakfast establishments) in a single house (or ancillary dwelling), grouped or multiple dwelling from requiring development approval, provided the maximum number of guests does not exceed four adult persons (or one family) and a maximum of two guest bedrooms.

This form of short-term rental accommodation is considered low scale because the host resides on site resulting in a sufficient level of in principle property management and the tourism/commercial use of the property being incidental to the predominant residential use.

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### 6.0 Application Requirements

A development application for the un-hosted accommodation use of a dwelling must be accompanied with the following information:

- Development application form
- Site plan
- Floor plan
- Bedroom sleeping configurations
- Car parking location and number
- Property management plan
- Code of conduct for guests
- Fire and emergency evacuation plan

### 7.0 Policy Statement

<b>7.1 Utility Servicing</b>	
<b>Deemed-to-comply</b>	<b>Performance criteria</b>
<p>A holiday house, unit or apartment satisfies the deemed-to-comply provisions if:</p> <ol style="list-style-type: none"> <li>1 The premises is connected to reticulated water for the exclusive use of the premises; and</li> <li>2 The premises is located within the Shire's kerbside refuse collection area; and</li> <li>3 The premises is connected to reticulated sewerage, or there is an approved on-site effluent disposal system with adequate capacity for the proposed number of guests.</li> </ol>	<p>A holiday house, unit or apartment satisfies the performance criteria provisions if:</p> <p>P1.1 The Shire is satisfied that the premises will have an adequate supply of potable water; and</p> <p>P1.2 The Shire is satisfied that the premises will be provided with an adequate refuse collection service; and</p> <p>P1.3 The Shire is satisfied that the premises will be provided with an adequate on-site effluent disposal system (and provision of such would be a condition of any approval, to be met prior to the commencement of the use if a suitable system is not already in place and approved).</p>
<b>7.2 Vehicle Parking</b>	
<b>Deemed-to-comply</b>	<b>Performance criteria</b>
<p>A holiday house, unit or apartment satisfies the deemed-to-comply provisions if:</p>	<p>A holiday house, unit or apartment satisfies the performance criteria provisions if:</p>

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<p>C2.1 The premises will have constructed on-site car parking bays, consistent with the size and manoeuvrability criteria set out in the <i>Residential Design Codes of Western Australia</i>, but with no more than any of two bays arranged one behind the other in accordance with the following rates:</p> <table border="1" data-bbox="306 723 842 954"> <thead> <tr> <th>Maximum guests</th> <th>Minimum parking bays</th> </tr> </thead> <tbody> <tr> <td>1-3</td> <td>1</td> </tr> <tr> <td>4-6</td> <td>2</td> </tr> <tr> <td>7-8</td> <td>3</td> </tr> <tr> <td>9-12</td> <td>4</td> </tr> </tbody> </table>	Maximum guests	Minimum parking bays	1-3	1	4-6	2	7-8	3	9-12	4	<p>P2.1 The Shire is satisfied that the premises has a minimum of two constructed on-site car parking bays and where additional car parking bays would be required to comply with C3.1 at least the equivalent number of vehicles could park on the site without the need for cars to park on the verge, in adjacent or nearby public car parking, or in visitor car parking bays within a unit complex or similar; or</p> <p>P2.2 The Shire is satisfied that the premises will not have a noticeable effect on the availability of public car parking within the locality.</p>
Maximum guests	Minimum parking bays										
1-3	1										
4-6	2										
7-8	3										
9-12	4										
<p><b>7.3 Dwelling Design</b></p>											
<p><b>Deemed-to-comply</b></p>	<p><b>Performance criteria</b></p>										

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<p>holiday house, unit or apartment satisfies the deemed-to-comply provisions if:</p> <p>C3.1 The premises is an existing, lawful dwelling; or</p> <p>C3.2 If the premises is not an existing, lawful dwelling, the premises will meet all the relevant design standards and requirements that would apply to a new dwelling on the land; and</p> <p>C3.3 The maximum number of occupants within a premises complies with the following standards:</p> <ol style="list-style-type: none"> <li>a. There is 5.5 square metres per guest in each bedroom utilising beds; and</li> <li>b. There is 3.5 square metres per guest in each bedroom utilising bunks; and</li> <li>c. There is sufficient bedroom space to accommodate the maximum number of guests consistent with (a) and (b) above; and</li> </ol> <p>C3.4 Bedrooms in a premises are provided in accordance with the following rates:</p> <table border="1" style="margin-left: 20px; margin-bottom: 20px;"> <thead> <tr> <th>Maximum guests</th> <th>Minimum bedrooms</th> </tr> </thead> <tbody> <tr> <td>1-2</td> <td>1, or studio</td> </tr> <tr> <td>3-4</td> <td>2</td> </tr> <tr> <td>5-7</td> <td>3</td> </tr> <tr> <td>8-12</td> <td>4</td> </tr> </tbody> </table> <p>C3.5 Bathrooms and toilets in a Holiday Home are provided in accordance with the following rates:</p>	Maximum guests	Minimum bedrooms	1-2	1, or studio	3-4	2	5-7	3	8-12	4	<p>A holiday house, unit or apartment satisfies the performance criteria provisions if C4.1 or C4.2 is/are met, and C4.3 and C4.5 are met; and:</p> <p>P3.1 The Shire is satisfied that the dwelling design in terms of bedroom configuration is appropriate to accommodate the proposed maximum number of guests.</p>
Maximum guests	Minimum bedrooms										
1-2	1, or studio										
3-4	2										
5-7	3										
8-12	4										

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Maximum guests	Minimum number of bathroom/toilets	
1-6	1 bathroom and 1 toilet	
7-12	1 or 2 bathrooms and 2 toilets	
<b>7.4 Overcrowding</b>		
<b>Deemed-to-comply</b>		<b>Performance criteria</b>
<p>A holiday house, unit or apartment satisfies the deemed-to-comply provisions if:</p> <p>C4.1 Each occupant over the age of 10 years has 14m<sup>3</sup> of airspace within a bedroom for sleeping purposes.</p> <p>C4.2 Each occupant 10 years and under has 8m<sup>3</sup> of airspace within a bedroom for sleeping purposes.</p>		<p>A holiday house, unit or apartment satisfies the performance criteria provisions if:</p> <p>P4.1 The Shire is satisfied the proposed maximum number of occupants can meet the sleeping airspace requirements by use of a suitable habitable room which is not a bedroom.</p>

### 7.5 Management Protocols

At a minimum a property management plan for un-hosted accommodation shall incorporate the following:

- Nomination of a manager of the premises and their contact details.  
The approved manager must reside or have their office within 30

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minutes driving distance of the premises. The hours the manager can be contacted which as a minimum must be between 9am and 5pm Monday to Saturday (excluding public holidays) and 9am to 12pm on Sunday and public holidays;

- Control of noise and other disturbances;
- Control of anti-social behaviour;
- A complaints procedure which as a minimum establishes that any complaints from adjacent residents are responded to as soon as reasonable and practicable and within a maximum of 24 hours;
- Guest check-in and check-out procedures; and
- Details on how cleaning and waste will be managed.

At a minimum a code of conduct for un-hosted accommodation shall incorporate the following:

- Maximum number of guests permitted to stay in the premises;
- Rules for use of outdoor areas to minimise noise and amenity impacts on adjacent properties;
- Management of visitors to the site;
- Parking controls, including that guests and any visitors must park onsite (where appropriate);
- Management of pets so they don't cause a nuisance; and
- The use of amplified music.

A sign up to 0.2 m<sup>2</sup> in area listing the approved manager's contact details is to be erected/placed on a frontage wall, fence or entry statement to all approved unhosted accommodation premises.

### **7.6 Term of Approval**

Development approval for un-hosted accommodation shall expire on 30 June each year.

Development approval for un-hosted accommodation will be re-issued for premises which have not had any un-rectified compliance issues in the previous approval year to the satisfaction of the Shire.

The first annual renewal fees will be waived for un-hosted accommodation which receives initial development approval within six (6) months of 30 June in the same calendar year.

### **8.0 Shire Register of Un-hosted Accommodation**

The Shire will maintain a register of approved un-hosted accommodation which will include the following information:

- Property address;
- Approved property manager and contact details; and
- Maximum number of guests approved.

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### 9.0 Consultation

Development applications for un-hosted accommodation will be advertised for a minimum comment period of 21 days to the owners of properties immediately adjacent the application site to the satisfaction of the Shire.

<b>Policy Number</b>	9.12 - Short-Term Rental Accommodation
<b>Adopted by Council</b>	25 October 2018
<b>Amended</b>	25 August 2022