

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 (LPP) 9.12 - Local Planning Policy – Short-Term Rental Accommodation.

2.0 Introduction

This Policy provides direction and guidance on the development of short-term rental accommodation ('STRA') under the Shire of Dandaragan Local Planning Scheme No.7 ('LPS7'). The Policy provides information regarding Development Application requirements and process and the assessment of proposals for 'Unhosted STRA'.

The definitions of 'STRA', 'Unhosted STRA', 'Hosted STRA' and 'STRA arrangement', as set out in Section 4 – Definitions, were automatically incorporated into LPS7 via the *Planning and Development (Local Planning Schemes) Amendment (Short-term Rental Accommodation) Regulations 2024*, as these terms were inserted into Schedule 2 – Deemed Provisions. However, LPS7 has not been updated to incorporate the new definitions in the zoning table.

Until updates to the zoning table are progressed, applications for STRA will be assessed in accordance the criteria set out in this Policy.

3.0 Objectives

- 3.1 To establish development standards for Unhosted STRA developments and provide a consistent approach to the assessment and discretionary approval of STRA.
- 3.2 To ensure that the 'Residential' zone continues to fulfill its primary purpose of providing long-term housing opportunities.
- 3.3 To encourage the location of Unhosted STRA in the 'Regional Centre' and 'Tourism' zones where STRA can contribute to tourism accommodation and be in proximity to a range of amenities and services.
- 3.4 To ensure Unhosted STRA is designed, sited and managed to avoid off-site impacts on adjoining properties and to preserve the amenity and character of the area in which it is located.
- 3.5 To ensure Unhosted STRA is appropriately serviced to meet the needs of visitors and prevent impacts on the local environment and infrastructure.

- 3.6 To provide for the safety of guests in the event of a bushfire or other natural disaster.

4.0 Definitions

“Deemed-to-Comply” means a provision which, if satisfied, an Unhosted STRA is deemed compliant with respect to the matters subject of that provision..

“Dwelling” means a building or portion of a building used, adapted, designed, or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than 6 persons who do not comprise a single family.

“Guest” means a person who is accommodated at the STRA.

“Holiday house” means a single house (excluding Ancillary Accommodation) which might also be used from time to time for short stay accommodation for no more than six (6) people (but does not include a bed and breakfast, guesthouse, chalet, and short stay accommodation unit).
Definition as per Schedule 1 – Dictionary of Defined Words and Expressions in LPS7

“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 accommodation 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 same lot, resides at that other dwelling during the short-term rental accommodation 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 accommodation arrangement.

“Performance Criteria” means specific design objectives for each element listed in Section 6.0 of this Policy, which are to be met by all unhosted STRA. A development application is required to demonstrate compliance with the Performance Criteria where it does not meet the Deemed-to-Comply provisions for any element.

“Short-term rental accommodation” —

- (a) means a dwelling provided, on a commercial basis, for occupation under a short-term rental accommodation 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) workforce accommodation;

“Short-term rental accommodation 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;

“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.

“Visitor” means a person who is attending the STRA for social purposes, at the invitation or with the permission of the guest of the STRA.

5.0 Application of this Policy

- 5.1 This Policy applies to all STRA proposed on land within the LPS7 area.
- 5.2. Hosted STRA is exempt from requiring development approval, if the use occurs in a lawfully approved dwelling.
- 5.3 Any current ‘Bed and Breakfast’ approvals fall within the definition of ‘Hosted STRA’, and further renewal of these approvals is not required.
- 5.4 Unhosted STRA will be assessed in accordance with the use class permissibility for ‘Holiday House’ under LPS7 if the following criteria apply:
 - a) the Unhosted STRA will be located in an existing, lawfully approved single house. Unhosted STRA proposed in a grouped, multiple or ancillary dwelling does not meet this requirement; and
 - b) the Unhosted STRA will have a capacity of no more than six (6) persons.
- 5.5 Unhosted STRA proposals that do not meet the criteria for ‘Holiday House’ in Clause 5.4 will be assessed as a ‘use not listed – Unhosted STRA’ under LPS7.
- 5.7 Within the ‘Rural,’ ‘Rural Residential,’ ‘Rural Smallholdings’ and ‘Tourism’ zones, Unhosted STRA proposals that meet the criteria for a ‘Holiday House’ in Section 5.4 do not require Development Approval, unless:

- a) there is a works component to the proposal (i.e. any new construction, alteration, or addition to any building or structure on the land); or
- b) the land is located within a Designated Bushfire Prone Area and has a Bushfire Attack Level (BAL) above BAL-LOW.

In circumstances where a) or b) apply, Development Approval is required for the Unhosted STRA.

5.8 Development Approval is required for all Unhosted STRA proposals within the 'Residential,' 'Special Development,' and 'Regional Centre' zones, regardless of whether the criteria in Section 5.4 are met.

5.9 Proposals for Unhosted STRA will not be approved in any zone where 'Holiday House' is an 'X' use in the zoning table of LPS7.

5.10 Reverting an Unhosted STRA to a dwelling that will be inhabited on a permanent basis does not require a change of use approval from the local government.

6.0 Development Application Requirements

6.1 A Development Application for Unhosted STRA shall include a completed Development Application form signed by all landowners and the following supplemental information:

- a) Site plan showing vehicular access to the STRA and the location and dimensions of the proposed on-site car parking bays associated with the STRA;
- b) Floor plan showing the interior layout of the dwelling, clearly indicating:
 - i) all bedrooms to be used as part of the STRA; and
 - ii) the location of compulsory hardwired smoke alarms and emergency exits.
- c) A Code of Conduct, detailing the following:
 - i) contact details of the STRA manager, with arrangements provided for 24-hour emergency contact availability. In non-emergency situations, the manager should be accessible during reasonable hours and is required to provide a direct, non-automated response within 12 hours;
 - ii) the maximum number of guests;
 - iii) the maximum number of visitors and allowable visiting times;
 - iv) on-site parking availability and restrictions (for guests and visitors);
 - v) requirements around noise (such as quiet hours) and antisocial behaviour;
 - vi) house rules including the use of amplified music; and
 - vii) any applicable rules where pets are allowed.
- d) A Complaints Management Procedure, incorporating the following:
 - i) Details of how complaints will be handled, including circumstances where guest eviction will occur;
 - ii) a register including:
 - a. copy and/or detailed description of the complaint;
 - b. date and time of the complaint;

- c. how the complaint was addressed; and
- d. how long it took to address the complaint.

The STRA owner shall make details of the complaints register available to the local government upon request.

- e) An Operations Management Plan that details the following:
 - i) check in and check out procedures for guests, including those arriving during quiet hours;
 - ii) how waste will be managed by guests and/or property managers;
 - iii) how cleaning and property maintenance will be undertaken;
 - iv) control of noise and other disturbances, noting that noise is not to exceed the requirements of the *Environmental Protection (Noise) Regulations 1997*.
 - v) where the Code of Conduct will be clearly displayed on the premises and made available to guests;
 - vi) the location and size of any proposed signage associated with the STRA.

- 6.2 If the STRA is located within a Bushfire Prone Area, the Applicant shall provide a Simplified Emergency Evacuation Plan in accordance with the WAPC's Bushfire Emergency Plan Manual (November 2024) and a Bushfire Management Plan – Simple Development Application, in accordance with the WAPC's Bushfire Management Plan Manual (November 2024).

7.0 Policy Provisions – General

- 7.1 Approvals for Holiday House and Unhosted STRA are issued to the current property owner and are not transferable to subsequent owners.
- 7.2 The total number of guests to be permitted in Unhosted STRA within the 'Residential', 'Special Development' and 'Rural Residential' zones shall not exceed six (6). Within the 'Rural Smallholdings', 'Rural,' 'Tourist' and 'Regional Centre' zones, a maximum of twelve (12) guests may be accommodated, subject to meeting the requirements of this Policy.
- 7.3 All parking shall be provided on site.
- 7.4 A sign up to 0.2m² in area identifying the property as STRA and listing the approved property manager's contact details must be provided on site and made visible from the street at the front of the dwelling. The sign must include a 24-hour emergency contact number if this is different than the approved manager's number.
- 7.5 Any Development Application which does not meet the Deemed-to-Comply provisions and cannot be justified against the Performance Criteria requires Council determination.

8.0 Policy Provisions – Performance Based Standards

8.1 PREFERRED LOCATION	
Deemed-to-Comply	Performance Criteria
An Unhosted STRA satisfies the deemed-to-comply standard if: C1.1 The dwelling is located within the 'Regional Centre' or 'Tourism' zones.	An Unhosted STRA satisfies the Performance Criteria provisions if: P1.1 When proposed in the 'Residential' or 'Special Development' zones, the dwelling is located within the 'Preferred' areas identified in the map in Appendix A. P1.2 When proposed in the 'Rural Residential', 'Rural Smallholdings' or 'Rural' zones, the dwelling is: - Accessible from a sealed public road; or - Accessible from an unsealed public road, when the Applicant has provided written confirmation that no demand will be placed on the local government for the improvement or upgrade of the road, unless: - A financial contribution for such works has been agreed to and received from the landowner; or - The road (or portion of the road) is deemed as unsafe as assessed by the local government.

8.2 UTILITY SERVICING	
Deemed-to-Comply	Performance Criteria
A Unhosted STRA satisfies the deemed-to-comply standard if: C2.1 The Unhosted STRA is connected to a reticulated water supply, or provided with a 92,000-litre rainwater tank fed by roof catchment, or provided with a 10,000 litre storage tank fed from an on-site dam or underground bore, for the exclusive use of the Unhosted STRA; and	A Unhosted STRA satisfies the Performance Criteria provisions if: P2.1 The local government is satisfied the Unhosted STRA will have an adequate supply of potable water. If the Unhosted STRA is not connected to a reticulated water supply, the alternative potable water supply must be tested and approved for public consumption by the Local government's Environmental Health

C2.2 The Unhosted STRA is located within the Shire of Dandaragan's kerbside refuse collection area; and C2.3 The Unhosted STRA is connected to reticulated sewerage, or there is an approved on-site effluent disposal system with adequate capacity for the proposed number of guests. <i>Note: in areas not serviced by reticulated sewerage, it should not be assumed that an existing on-site effluent disposal system approved for a Single House will have sufficient capacity for the proposed number of guests without the need for upgrading. Advice should be sought from the Shire of Dandaragan's Environmental Health staff prior to lodging an application for development approval.</i>	Department, prior to the commencement of the use. P2.2 The local government is satisfied the Unhosted STRA will be provided with an adequate refuse collection service; and P2.3 The local government is satisfied the Unhosted STRA will be provided with an adequate on-site effluent disposal system. Where an adequate system is not currently approved and in place, provision of such will be a condition of Development Approval, to be met prior to the commencement of the use.
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8.3 CAR PARKING	
Deemed-to-Comply	Performance Criteria
A Unhosted STRA satisfies the deemed-to-comply standard if: C3.1 The Unhosted STRA will have constructed on-site car parking bays to the satisfaction of the local government. Within townsites, parking bays are to be constructed of an impervious surface (i.e. concrete, bitumen, brick paving). Outside townsites, parking bays are to be constructed of an all-weather surface (i.e. concrete, bitumen, brick paving, compacted gravel or limestone). C3.2 The parking bays shall be consistent with the size and manoeuvrability criteria set out in the <i>Residential Design Codes of Western Australia Volume 1</i>. Tandem bays are permitted with two bays (one behind	A Unhosted STRA satisfies the Performance Criteria provisions if: P3.1 The local government is satisfied the car parking provided on-site for an Unhosted STRA is appropriate for the guest capacity proposed and can be achieved without: a) the need for cars to park on the verge or in visitor car parking bays within a unit complex or similar; b) Impeding on vehicle sightlines, footpaths or the manoeuvrability requirements (Australian Car Parking design standards and guidelines AS2890.1); and c) Detrimental impact on the existing streetscape.

another), but not with a third bay behind another two, in accordance with the following rates:

Maximum number of guests	Minimum number of car parking bays required
1-3	1
4-6	2
7-8	3
9-12	4

C3.3 Vehicle access to parking bays is provided in accordance with the Shire of Dandaragan Local Planning Policy 9.6 Car Parking. In the 'Residential' zone driveways are to be provided consistent with clause 5.3.5 of the *Residential Design Codes of Western Australia Volume 1*.

P3.2 Where an Unhosted STRA is located in the 'Regional Centre' or 'Tourist' zones, the local government is satisfied the Unhosted STRA will not have a noticeable effect on the availability of public car parking in the locality.

8.4 DWELLING DESIGN

Deemed-to-Comply

A Unhosted STRA satisfies the deemed-to-comply standard if:

C4.1 Bedrooms in a Unhosted STRA are provided in accordance with the following rates:

Maximum number of guests	Minimum number of bedrooms required
1-2	1 or studio
3-4	2
5-8	3
9-12	4

C4.4 Bathrooms and toilets in a Unhosted STRA are provided in accordance with the following rates:

Maximum number of guests	Minimum number of bathrooms/toilets required
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Performance Criteria

A Unhosted STRA satisfies the Performance Criteria provisions if:

C4.1 The local government is satisfied the dwelling design is appropriate to accommodate the proposed maximum number of guests.

1-6	1 bathroom and 1 toilet	
7+	2 bathrooms and 2 toilets	

9.0 Public Consultation

9.1 Any Development Application that does not comply with the requirements of:

- Section 7.0 - Policy Provisions – General; and
- The Deemed-to-Comply requirements in Section 8.0 - Performance Based Standards

will be advertised for a period of 14 days to owners of properties in the vicinity of the development who, in the opinion of the local government, may be affected by the granting of Development Approval, in accordance with Clause 64(4) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

10.0 Approval Period

10.1 An Unhosted STRA that is located within the 'Regional Centre' or 'Tourism' zones and meets all general and specific standards of this Policy may be granted permanent approval, at the discretion of the local government.

10.2 Development Approval for an Unhosted STRA in all other zones will initially be granted for a 12-month period.

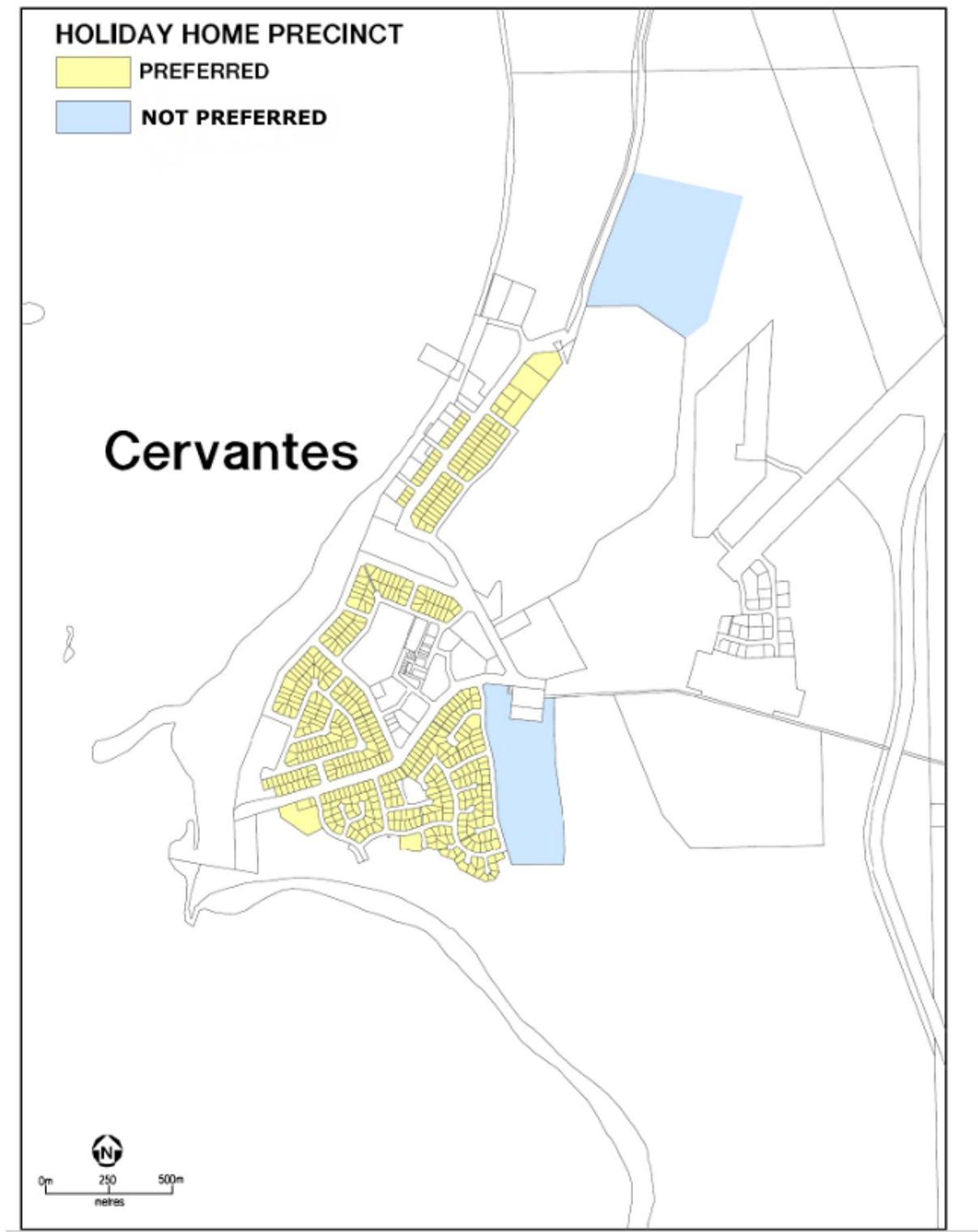
10.2 An application to renew a Unhosted STRA approval shall be submitted by the applicant to the local government before the expiration date of the original approval. **This is the responsibility of the Applicant and the local government will not send out reminder notices or automatically re-issue approvals.**

10.3 Renewal applications are to contain evidence that a current Short Term Rental Accommodation registration has been obtained from the Department of Local Government, Industry Regulation and Safety.

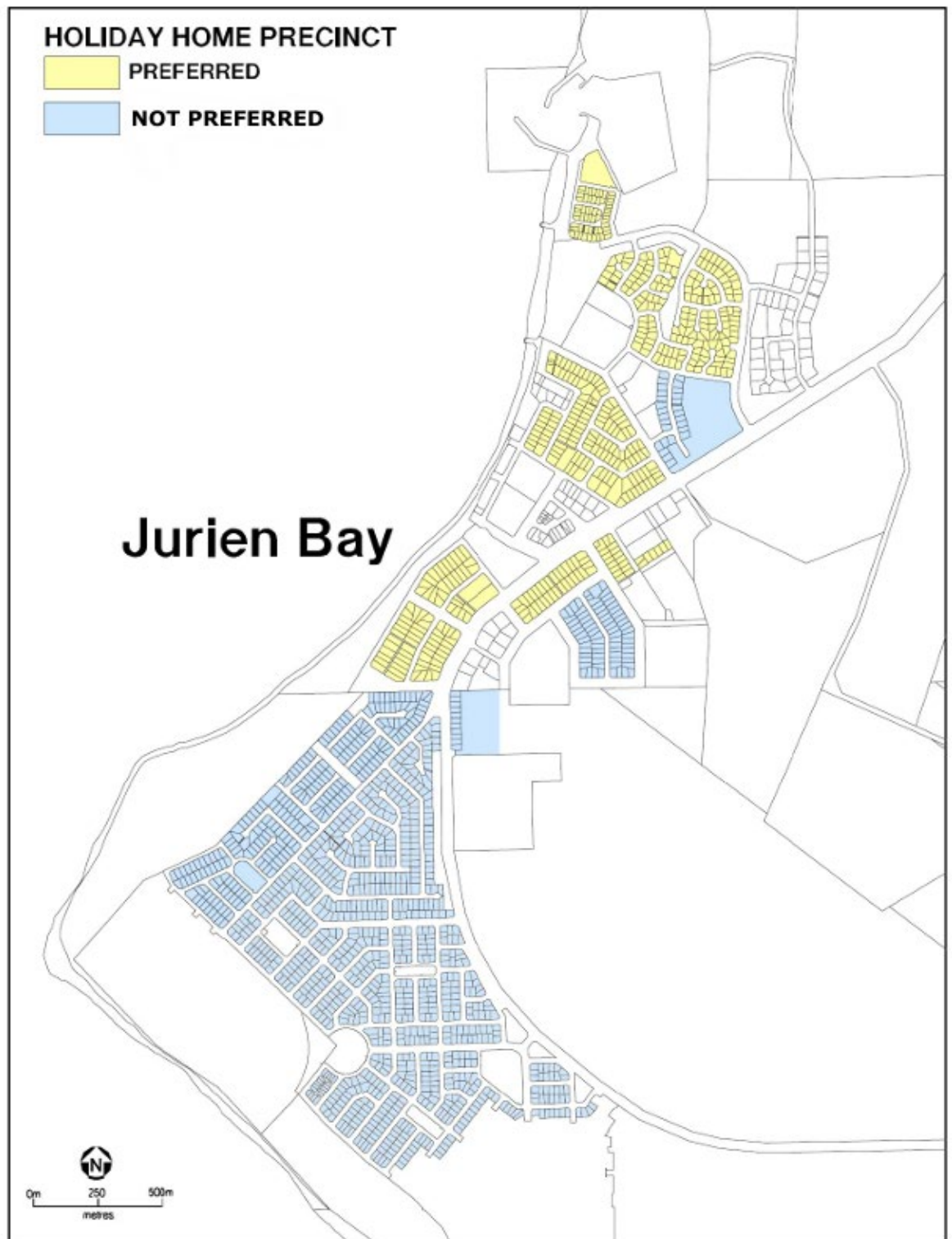
10.4 In assessing renewal applications, subsequent approvals of up to three years may be issued, where it has been demonstrated that the use can operate without any detrimental impact on adjoining and surrounding landowners, and no changes are made to the management measures.

Responsible Business Unit	Development Services
Public Consultation (amended Policy)	
Adoption Date (amended Policy)	
Reference Number (internal purposes)	912

APPENDIX A – PREFERRED STRA LOCATIONS



Cervantes



Jurien Bay