

# Local Planning Policy Guideline: Unhosted Short-Term Rental Accommodation



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## **About WALGA**

The Western Australian Local Government Association (WALGA) is an independent, member-based, not for profit organisation representing and supporting the WA Local Government sector.

Our membership includes all 139 Local Governments in the State. WALGA uses its influence, support and expertise to deliver better outcomes for WA Local Governments and their communities.

We do this through effective advocacy to all levels of Government on behalf of our Members and by the provision of expert advice services and support to Local Governments.

WALGA's vision is for agile and inclusive Local Governments enhancing community wellbeing and enabling economic prosperity.

## **Acknowledgement of Country**

WALGA acknowledges the continuing connection of Aboriginal people to Country, culture and community. We embrace the vast Aboriginal cultural diversity throughout Western Australia, including Boorloo (Perth), on the land of the Whadjuk Nyoongar People, where WALGA is located, and we acknowledge and pay respect to Elders past and present.

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# 1. Purpose of these Guidelines

These Guidelines have been developed to assist Local Government in preparing local planning policies to facilitate a more consistent and transparent approach in the assessment and determination of development applications for unhosted short-term rental accommodation (unhosted STRA).

## 2. Background

The Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations)* feature land use definitions for short-term rental accommodation (STRA) to be included in all local planning schemes (LPS). These definitions broadly categorise STRA as being either hosted STRA or unhosted STRA. The LPS Regulations include a state-wide development approval exemption for hosted STRA, as well as a 90-night exemption for unhosted STRA within the Metropolitan Region Scheme (MRS) area.

In the past, there has been a lack of clarity as to whether STRA should be considered a stand-alone land use, for planning purposes, and some Local Governments have not required a development approval for STRA to operate. The Western Australian Planning Commission's Position Statement for Tourism and Short-Term Rental Accommodation (the Position Statement) and associated Guidelines (the PS Guidelines) confirm that STRA should be considered a unique land use for which development approval may be required.

It is expected that unhosted STRA will be designated as a discretionary use in most zones, particularly those within the MRS area. This will generate a requirement for development approval before commencing the unhosted STRA land use. There are a broad range of planning matters that may be relevant when considering an application for development approval, as outlined in part 5.4.2 of the Position Statement. This Guideline provides guidance to decision-makers on what planning matters may be appropriate to address within a local planning policy (LPP) to help guide decision making. In view of the state-wide development approval exemption for hosted STRA, this resource considers policy guidance for the assessment of unhosted STRA only.

## 3. How to use these Guidelines

These Guidelines provide an overview of planning considerations that might be appropriate for inclusion within an LPP for unhosted STRA. Local Governments are also encouraged to consider the broader range of planning considerations listed in the Position Statement and Guidelines. There is no expectation or requirement that Local Governments adopt an LPP for unhosted STRA. The requirements of the LPS, and unique characteristics of the Local Government area, should be considered when determining if an LPP is appropriate.

These Guidelines provide example general policy objectives and example LPP provisions for each planning consideration. For some planning considerations, multiple examples are provided to show a range of responses – it is not necessarily intended for all examples to be used together. Local Governments are encouraged to use these examples, but objectives and provisions should always be appropriate to the specific Local Government area and policy intent.

The Guidelines only address planning policy matters specific to unhosted STRA and do not include general development application requirements and basic principles for exercising discretion. Local Governments are encouraged to refer to more general tools for assistance on these matters, such as:

- The WA Planning Manual (WA Planning Commission)

- Development Application Exercise of Discretion Guidelines (WA Planning Commission)
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- [WALGA's Local Planning Policy Guide](#).

## 4. Matters for Consideration in a Unhosted STRA Local Planning Policy

### Overarching Considerations

The Position Statement provides that an LPP can be prepared to guide discretionary decision making for a range of planning considerations related to unhosted STRA.

An LPP 'must be based on sound town planning principles and may address either strategic or operational considerations in relation to the matters to which the policy applies' (schedule 2, cl. 3(3), *Planning and Development (Local Planning Schemes) Regulations 2015*). There are three broad categories of matters that an LPP for unhosted STRA might address, these can be applied across the 'matters of consideration' addressed in Part 6 of this guidance document.

### Development Standards and Procedural Matters

Development standards and procedural matters are the base statutory parameters that can be used to assess acceptable development outcomes. The 'deemed' land use definitions in the LPS Regulations clarify that STRA is a land use occurring within a 'dwelling'. This means that most applications for unhosted STRA will be in the form of a change of use from any type of dwelling, as defined under the Residential Design Codes and including ancillary dwellings. This aspect should be kept front of mind when preparing development standards for unhosted STRA.

### Amenity Matters

Amenity is broad ranging and can sometimes be responsive to context but is nonetheless a prominent issue when assessing a land use like unhosted STRA in potentially sensitive residential (or other) areas. The potential impact of an unhosted STRA on neighbouring established properties is an important consideration and often a key reason why such a use would require a development application. An LPP may provide objectives or guidance in relation to specific amenity matters for unhosted STRA to be addressed through a management plan. Amenity matters may also be considered from the viewpoint of guests staying within a property being used as an unhosted STRA, such as location factors, and not just the perspective of neighbourhood amenity.

### Strategic Housing and Tourism Objectives

A Local Government may have broad strategic goals for housing or tourism articulated within the local planning framework. Decisions relating to individual unhosted STRA properties can have cumulative impacts for the attainment of these goals. Part 5.2.2.1 of the Position Statement provides that these broader pressures can be considered in relation to unhosted STRA land uses. However, doing so within an LPP or development assessment context should only occur where a high-level strategic need has been established within the appropriate component of the local planning framework, typically within a local planning strategy. An LPP may include guidance that supports objectives and strategies provided in these higher order strategic instruments – but should not be used to establish such objectives and strategies.

## Matters that should not be addressed

There are also several matters for which an unhosted STRA LPP is not an appropriate mechanism, including:

- **Establishing strategic framework** - including broader strategic housing or tourism goals, which should be grounded in the strategic planning framework as stated above.
- **Local planning scheme provisions** - Outlining land use permissibility, setting mandatory development requirements, or limiting/removing discretion that is available through the scheme such as prohibiting unhosted STRA development in a zone where it is a permitted or discretionary land use under the scheme.
- **Removing exemptions** - Providing for development approval exemptions under clause 61 of the Deemed Provisions which would conflict with those listed in the LPS Regulations. This includes the state-wide exemption for hosted STRA as well as the 90-night exemption for unhosted STRA within the MRS area.
- **Duplication of State-wide Registration Scheme** - Replicating any registration or operational processes provided for under the state-wide STRA Registration Scheme. It is acknowledged that some Local Governments have adopted LPPs to address the previous regulatory gap that will be addressed by the STRA Registration Scheme and the *LPS Regulations*. These Local Governments are encouraged to review their LPPs as a priority to ensure there is absolute clarity on the requirement for registration under the State Government's scheme, subsequent to a development approval being obtained.
- **Repeating other non-planning requirements** - Replicating or referencing requirements provided for outside of planning legislation. If the Local Government has identified a particular need, this should be addressed through an appropriate mechanism. Examples include:
  - Providing specific requirements for management of visiting pets provided for under the *Dog Act 1976* and *Cat Act 2011*
  - Matters addressed primarily under the *Health Act 1911* and associated legislation and regulations
  - Matters relating to development or works within the Local Government verge area or road reserve, including signage and crossovers for vehicle parking.
- **Strata title matters** - Providing guidance on the operation of STRA within strata properties, which is a private strata management matter. Local Governments may wish to remind property owners in strata complexes of their obligations under the *Strata Titles Act 1987*, including adherence to any bylaws which may preclude the use of a dwelling unit for unhosted short-term rental purposes. However, LPP provisions should not attempt to replicate, vary or administer matters related to strata management.
- **Providing general information** - Providing advice to applicants, such as reiterating requirements from other legislation, rather than decision-making guidance. Advice should be provided through a guideline, webpage or similar. The Local Government might also consider attaching an advice note to any development approval if the circumstances of the application warrant doing so. Examples include:
  - Referencing noise management standards related to the *Environmental Protection (Noise) Regulations 1997*
  - Replicating requirements for smoke alarms in the *Building Regulations 2012*
  - Replicating requirements for swimming pools in the *Building Regulations 2012*.

## Local Planning Policy Objectives

The LPP should, first and foremost, provide objectives to assist the decision-maker in determining whether to exercise discretion regarding the planning proposal.

Objectives provide the decision-maker with an outcome that the proposal should achieve to be considered acceptable. If an unhosted STRA proposal cannot demonstrate that it is consistent with the objectives, it may not be appropriate to exercise discretion and approve the application.

Objectives should be clear, concise and related to a planning outcome that can be linked to the broader objectives (including zone objectives) of the LPS. Sample objectives for an unhosted STRA LPP are included in Table 1.

**Table 1: Sample objectives**

Objectives	Guidance
X.1 To encourage unhosted short-term rental accommodation in <i>localities/zones</i> located <i>near visitor attractions / activity centres / areas of high tourism value / areas near key facilities e.g. medical, sporting, conference.</i>	The first three example objectives relate to unhosted STRA being sited in those locations where it is most cohesive to the urban structure and neighbourhood amenity expectations. This first objective actively encourages unhosted STRA in locations where it may be a desired land use, usually due to proximity to visitor attractions. The objective could also be tailored to areas which have been identified as having unique values in a tourism strategy or similar.
X.2 To ensure unhosted short-term rental accommodation is designed, sited and managed to preserve the amenity and character of areas with heritage, environmental or conservation values.	This objective acknowledges the unique values of character areas, where unhosted STRA may be appropriate but must be assessed for its compatibility with the unique setting.
X.3 To ensure unhosted short-term rental accommodation is designed, sited and managed to minimise impact on the character and function of rural land.	The objective may cover matters such as the compatibility of unhosted STRA with established surrounding rural land uses which as part of their standard operations may lead to noise, odour and spray drift impacts on the unhosted accommodation. It might also consider the need to maintain the primary functions of rural land, particularly in relation to economic and biosecurity considerations.
X.4 To maintain the amenity and established character of <i>residential localities/zones</i> through ensuring the location, scale, design and operation of unhosted short-term rental accommodation is appropriate to the setting.	This objective is most appropriate to localities characterised by potentially sensitive land uses, such as the residential zone. It emphasises protecting the established amenity of the precinct when introducing any new unhosted STRA use.
X.5 To encourage unhosted short-term rental accommodation operators to consider emergency procedures and options for the evacuation of visitors in the event of natural disasters (e.g. bushfire).	The Position Statement provides that Local Governments can include specific bushfire emergency requirements for unhosted STRA in a bushfire prone area within an LPP.

<p>X.6 To promote local housing objectives through facilitating an appropriate balance of residential and unhosted short-term rental accommodation uses in the <i>residential zone / locality</i>.</p>	<p>An LPP may provide guidance to support decisions consistent with broader goals in a local planning strategy. Where goals and actions to support local housing needs have been established at the strategic level of the local planning framework, these may influence the locations and intensity of where unhosted STRA is preferred. Objectives in the LPP may draw from these higher strategic goals and may be more specific than the example provided here.</p>
<p>X.7 To ensure unhosted short-term rental accommodation is appropriately serviced to meet the needs of visitors and prevent impacts on the local environment or infrastructure.</p>	<p>This objective for appropriate management and siting of an unhosted STRA is to ensure it does not have an undue impact on the local environment or infrastructure. The objective is most likely to be relevant in locations with limited waste collection, water and wastewater infrastructure for individual lots. It may also be relevant in localities with significant car parking constraints or where alternative transport options are not available. The objective should not be used to establish provisions that fall outside of what can reasonably be considered a planning matter.</p>

## 5. Local Planning Policy Template

A template LPP format is provided in Table 2, to be adapted as required to suit the Local Governments required policy settings.

**Table 2: Local Planning Policy Template**

<b>Policy Number: LPP #.##</b> <b>Policy Name: Local Planning Policy – Unhosted Short-Term Rental Accommodation</b>		<b>Notes for Policy-Makers</b>
1.0	<b>Citation</b> This is a Local Planning Policy prepared under Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> . This Policy may be cited as Local Planning Policy (LPP) #.## - Local Planning Policy – Unhosted Short-Term Rental Accommodation	In addition, where the Regulations or another planning instrument such as the local planning scheme specifically call for or allow the preparation of an LPP to deal with a particular matter, the relevant clause/regulation number should be included in the citation.
2.0	<b>Introduction</b>	A brief statement outlining the overarching purpose of the LPP, the planning justification for the LPP and a concise overview of any relevant background information where applicable.  Reference to any specific clauses/regulations of relevant planning legislation that the policy seeks to provide guidance on (if applicable).



3.0	<p><b>Objectives</b></p> <p><i>Refer Section 4 of this Guideline for suggested inclusions.</i></p>	<p>LPP objectives should be performance-based, based on sound planning principles, and assist the decision-maker in determining whether to exercise discretion regarding the planning proposal (or planning matter) that the policy applies to.</p> <p>The provided objectives are a general starting point. Not all of these will be relevant in all Local Government situations, and some Local Governments may have area-specific objectives.</p>
4.0	<p><b>Application of this Policy (scope)</b></p> <p>This policy applies to all unhosted short-term rental accommodation within the <i>residential zone / Local Government area / requiring development approval in accordance with the Local Planning Scheme.</i></p>	<p>A unhosted STRA LPP may only apply to specific zones or precincts, or throughout the Local Government area. The extent of the policy's application should be clearly described here. Include any exceptions</p> <p>Also outline how discretion will be exercised by the decision-maker if a proposal does not satisfy the 'policy provisions', noting there must be clear and logical reasons to depart from the policy provision.</p>
5.0	<p><b>Policy Provisions</b></p>	<p>Specific provisions should be tailored to the objectives and needs of the Local Government.</p> <p>These policy provisions should be expressed as quantitative standards (where appropriate). Qualitative provisions that aim to achieve good planning and design outcomes are acceptable but should be specific to provide increased certainty of appropriate development outcomes.</p> <p>The next section provides some guidance on common matters suitable for consideration in a unhosted STRA LPP.</p> <p>Note, the policy provisions should not seek to establish a mandatory or controlling status. Hence mandatory language like 'shall' and 'must' are to be avoided.</p>
n/a	<p><b>Document Control Table</b></p>	<p>The table should include information such as approval and review dates, and details of recent modifications.</p>
n/a	<p><b>Appendices</b></p>	<p>The use of appendices allows the inclusion of supplementary information, data and supporting documents that provide additional context or detail but are not required within the main body of the LPP. The appendices should be tailored to the Local Government's needs (where applicable) and may include:</p> <ul style="list-style-type: none"> <li>• <b>Maps</b> - where the scope of the LPP applies to a large or complex area, a map should be used.</li> <li>• <b>Definitions</b> - where needed, should be provided within appendices. Definitions should not replicate or conflict with terms defined elsewhere, particularly those contained within the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. Reference to definitions in these Regulations should be made through a reference to the instrument, rather than replicating the definition itself.</li> </ul>



## 6. Matters for Consideration in Unhosted STRA Local Planning Policy Provisions

### Built Form and Site Appearance

In addition to a change of use, development applications for unhosted STRA may also be accompanied by a 'works' component. Where works are proposed as part of an application, built form should be consistent with the established design character of the locality and the Residential Design Codes of Western Australia (R-Codes) where these are applicable to the subject land. It is acknowledged that many unhosted STRA proposals, in rural and other non-coded areas, will not be subject to the R-Codes, therefore specific built form standards may be necessary if these are not already addressed in the planning scheme itself.

In residential areas, there is a general expectation that unhosted STRA shall take the form of a dwelling, which is usually easily achieved when existing dwellings are converted to unhosted STRA. An LPP should not be used to create more onerous built form expectations for unhosted STRA than is required more generally for 'dwellings' in the locality.

In some non-residential zones there may be limited existing built form guidance in the local planning framework. LPPs may provide built form guidance as required to ensure the unhosted STRA design is consistent with the character of the area, notwithstanding that in many cases the Residential Design Codes will continue to be relevant due to the definition of unhosted STRA being linked to a 'dwelling' development.

In areas with unique character and use considerations, such as heritage or landscape values, it is preferable for built form to be assessed against more general design objectives for the precinct or zone provided elsewhere in the planning framework, rather than creating or replicating detailed guidance within an unhosted STRA LPP.

On-site signage may be a requirement to assist in directing visitors to the unhosted STRA and providing contact details of the property manager. Signage should be of a format, scale and design appropriate to the setting, or otherwise in accordance with the Local Governments existing signage policy. Consideration should be given as to whether further guidance in these circumstances is necessary, having regard for local context. Where guidance is desirable, this may be more appropriately provided for in a general signage policy or broader design tools for the precinct.

#### Example Policy Provisions – Built Form and Site Appearance

- Built form should be generally consistent with requirements for the zone, including the Residential Design Codes of Western Australia as applicable.
- On sites where the Residential Design Codes of Western Australia applies, built form should be consistent with requirements for the relevant density coding.
- In Rural-type zones, built form and landscaping should be compatible with the rural setting and landscape character of the area.
- In Rural type zones, Unhosted STRA should be set back a minimum of XXm from any adjoining property boundary.
- Signage should be limited to sign types affixed to the main frontage of the building.
- Signage should not exceed XXXm<sup>2</sup> in area.

## Car Parking

In many settings, unhosted STRA will generate a demand for car parking from people staying at the property. Where an unhosted STRA is located within a dwelling in a residential zone, parking demand should generally be consistent with residential uses and provided at the same rate as set out in the Residential Design Codes, including allowance for proximity to public transport.

Where an unhosted STRA is located in an area not subject to the Residential Design Codes, the Local Government may choose to provide a car parking standard within an LPP to facilitate consistent decision making.

Where the design and scale of an unhosted STRA is such that car parking might reasonably exceed these standards, the Local Government may provide additional policy guidance. Any minimum or maximum standards described should have a clear and reasonable policy basis and be linked to the policy and zone objectives.

### Example Policy Provisions – Car Parking

- In zones where the Residential Design Codes of Western Australia applies, on-site car parking should be provided in accordance with the relevant dwelling type and location.
- In the Rural zone, a minimum of two exclusive on-site car parking bays should be provided for each Unhosted STRA.
- In addition to providing car parking in accordance with the Residential Design Codes of Western Australia, additional on-site car parking bays should be provided at a rate of one bay for every two bedrooms exceeding four bedrooms (i.e. one additional bay for 5-6 bedrooms, two additional bays for 7-8 bedrooms and so forth).
- On-site car parking for unhosted STRA should be designed and located to not impede on vehicle manoeuvring, sightlines or the streetscape.

## Dwelling Occupancy

The land use definitions provided in the LPS Regulations prescribe a maximum of 12 persons staying in a unhosted STRA property. There may be scenarios where further limiting occupancy is appropriate and can be guided by an LPP. This may be to achieve reasonable amenity outcomes for occupants, or to manage external impacts where the Local Government considers 12 persons a significantly more intense use of the building than would reasonably be expected with regards to its size, location or typology. Any guidance given for maximum occupancy should be clear, fair and reasonable, and not be inconsistent with the LPS Regulations or any other relevant legislation.

When applying guidance for maximum occupancy, decision-makers should consider the unique characteristics of the dwelling, noting there may be other restricting factors from an environmental health perspective (refer to Servicing Considerations). Examples include:

- a large bedroom might be suitable for accommodating two adults in a large bed or four people in single bunk beds
- a property with multiple bathrooms might be better suited to hosting 12 persons than a property with a single bathroom
- an unhosted STRA within an apartment complex might be appropriate for less than 12 persons to manage amenity impacts, while a large, detached unhosted STRA might be capable of reasonably containing up to 12 persons.

### Example Policy Provisions – Dwelling Occupancy

- Unhosted STRA should have a maximum occupancy of no more than two persons per bedroom/bathroom.
- Bedrooms in Unhosted STRA should provide a minimum of XXm<sup>2</sup> floor area (including area covered by the bed) per person accommodated.
- Unhosted STRA within multiple dwelling developments should have a maximum occupancy of six persons.

## Location Requirements

The primary determinant for where unhosted STRA should be located is the zoning table in the LPS. Where the zoning table designates unhosted STRA a discretionary (D or A) use, the Local Government may choose to provide more specific guidance for locations where unhosted STRA is preferred or not preferred. These can be articulated as locational characteristics, directing unhosted STRA to areas of greatest user interest or where there is a strategic intent to focus tourism. Amenity expectations in areas of more intense activity or located close to attractions may also be more aligned with unhosted STRA uses. Conversely, locational characteristics may also be influenced by a strategic intent to preserve some areas for long-term housing purposes.

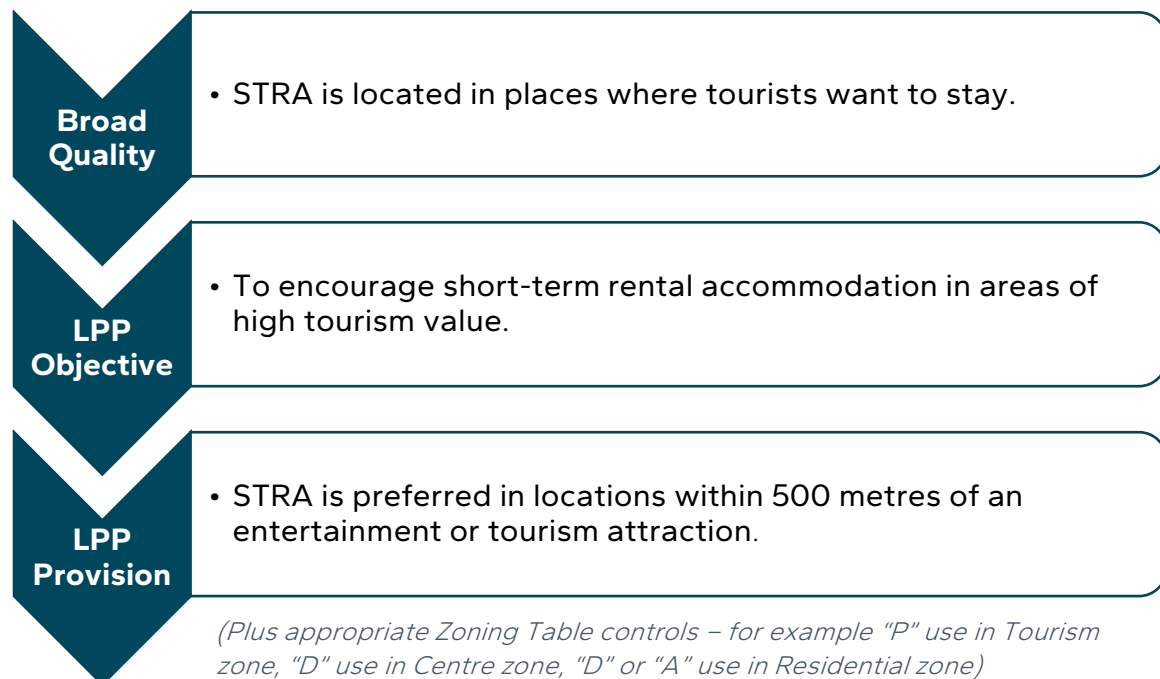
LPPs can provide guidance on preferred locational characteristics where these are intended to enhance visitor experience or amenity outcomes. Where provided, these should be clear, specific and linked to appropriate policy objectives. If preferred or not preferred locations are identified in response to long-term housing needs (as opposed to preferred locations for tourism and business purposes), these should be drawn from the local strategic planning framework i.e. a local planning strategy.

Locational characteristics should not be provided as broad, subjective qualities, particularly where the underlying focus is more suited to a policy objective, for example:

- *unhosted STRA is located in places where tourists want to stay.*
- *unhosted STRA is not preferred in places where there is already an oversupply of unhosted STRA.*
- *unhosted STRA is located where it makes a positive contribution to the precinct.*

These examples are difficult to measure and subjective in nature. This may lead to inconsistent application in decision-making, and more broadly to misaligned expectations for applicants and the local community.

Broad characteristics should be translated into specific provisions to guide the desired locational outcomes, for example:



Where locational characteristics are provided, these should not be used in place of more considered strategic tools, particularly where related to local housing supply issues.

Preferred location outcomes may also be specified in areas with particular density codings as a way to manage amenity expectations, such as to create separation between houses (lower density codings), locate unhosted STRA in more intensely developed areas (mixed use / higher density codings) or to preference certain towns and settlements in regional areas.

Rural areas may also factor into consideration the need to protect the predominant use of the land, particularly from an economic sustainability and biosecurity standpoint, to ensure that unhosted STRA remains secondary to primary production uses. An increased prevalence of unhosted STRA could lead to the neglect of traditional rural industries which are essential for the long-term economic health and sustainability of many regional areas, especially given the seasonal nature of tourism within many localities.

#### Example Policy Provisions – Location Requirements

- Unhosted STRA should be located within [insert distance] of high frequency public transport.
- Unhosted STRA should be located within [insert distance] of an entertainment or tourism attraction.
- Unhosted STRA should be located within designated activity centres.
- Unhosted STRA should be located in areas of high visitor amenity as depicted on the map in Attachment X.
- Unhosted STRA should be located in residential areas coded R40 or above.
- Unhosted STRA should not be located in housing priority areas as defined in the Local Planning Strategy.

## Servicing Considerations

Unhosted STRA may intensify demand on services for the property. This is unlikely to be a significant concern in metropolitan or urban areas, where servicing is provided by strategic networks and occupancy is likely similar to permanent residential uses. For regional areas, however, the capacity of septic systems, water tanks and power supply may need to be upgraded to meet increased demand. Waste generated by the unhosted STRA where there is no kerbside collection available, will also need to be managed by the landowner. Guidance in the LPP should assist in confirming that the unhosted STRA land use can be adequately serviced, but not be overly prescriptive on technical requirements provided for under local laws, State Government legislation and policy frameworks or relevant Australian Standards.

#### Example Policy Provisions – Servicing Considerations

- Unhosted STRA development should be connected to a reticulated potable water supply or provided with a [insert capacity] litre rainwater tank for its exclusive use.
- Unhosted STRA development should be within the Local Governments waste management kerbside waste collection area.
- Unhosted STRA development located outside the Local Governments waste management collection area may be supported where it is demonstrated that the waste generated by the development will be appropriately managed.
- Unhosted STRA development should be connected to reticulated sewerage or serviced by an approved on-site effluent disposal system with adequate capacity for the proposed number of occupants.

## Development in Bushfire Prone Areas

Where unhosted STRA requiring development approval through the Local Planning Scheme is located within a bushfire prone area, the Position Statement provides that Local Government should specify any relevant bushfire requirements in an LPP. Local Governments might consider matters such as bushfire emergency procedures, options for evacuation and provision of on-site water supply. Building construction standards for a dwelling will remain the same regardless of whether it is being used for permanent residential uses or as unhosted STRA. Accordingly, in many scenarios an appropriate bushfire response for unhosted STRA will be primarily focused on management strategies, rather than construction standards, and may be adequately addressed within an Emergency Response and Fire Management Plan (see the WA STRA Register 'Good Host Pack'), STRA Management Plan or Bushfire Management Plan.

### Example Policy Provisions – Bushfire Prone Areas

- Development applications for unhosted STRA should be accompanied by an Emergency Response and Fire Management Plan / STRA Management Plan / Bushfire Management Plan which details how the use will manage potential amenity impacts. The Emergency Response and Fire Management Plan / STRA Management Plan / Bushfire Management Plan should address bushfire emergency procedures and how these will be communicated to people occupying the property.

## Time Limitation of Approvals

The Local Government may, in limited circumstances, consider it appropriate to limit the validity of a development approval to a set time period, as provided for in the Position Statement. There are two general scenarios where this may be considered:

1. Where a locality is undergoing a period of transition, and a land use may be appropriate for its current character but not its long-term intended character; or
2. Where the Local Government is effectively creating a probationary period to confirm that the land use will not have unacceptable impact on residential amenity.

In relation to areas in transition, the rationale should be established at higher levels in the local planning framework. Any decision to limit the approval period for this reason should be clearly linked to the long-term objectives for the locality, as provided in a local planning strategy or similar.

The Local Government may place a time limitation on an initial approval for unhosted STRA if it can be demonstrated that this will assist in managing amenity impacts. If it is demonstrated that the use can be effectively managed to be appropriate to the setting after the initial approval period, it is preferential that subsequent approval is not time limited. The STRA Register provides mechanisms for properties to be deregistered in the case of unacceptable management standards in the future. Time limitation of development approvals that effectively replicates this process should be avoided.

In considering the above, the Local Government should factor into account resourcing implications resulting from an increased volume of development applications.

### Example Policy Provisions – Time Limitation of Approvals

- Development approval for Unhosted STRA may be granted for an initial period of twelve months only. This may be considered where the appropriateness of the Unhosted STRA land use to its setting is dependent upon the effectiveness of proposed management arrangements.

## Management Plans and Other Unhosted STRA Application Requirements

Clause 63(1) of the Deemed Provisions provides a Local Government can request 'any other plan or information that the Local Government reasonably requires' to accompany a development application. Where the Local Government has identified a need to assist in assessing applications for unhosted STRA, it may be beneficial to articulate this need in an LPP.

The most effective method to deal with amenity issues is to include the requirement for a Management Plan, which will demonstrate that the unhosted STRA use can be operated without undue impact on immediate neighbours and the locality more broadly. The Guidelines to the Position Statement provide some direction on matters that a Management Plan could address, and further information will be available to unhosted STRA operators through the Registration Scheme, these are expanded upon within the example policy provisions below.

Application requirements already established under the Deemed Provisions should not be replicated in an LPP, such as car parking plans. Information that is not clearly linked to a planning purpose or legislation should not be requested, such as electrical safety certificates.

In some Local Government areas, there may be demand for unhosted STRA within established multiple dwelling developments. An unhosted STRA LPP should not address private strata management issues or matters dealt with under other legislation. However, it may be acceptable for the Local Government to request written support of the strata body corporate to assist in determining the amenity impacts of the use.

### Example Policy Provisions – Management Plans

Development applications for unhosted STRA should be accompanied by a Management Plan which details how potential amenity impacts will be proactively addressed. This may include matters such as:

- Display of a sign that identifies the short-term rental premises and:
  - Is visible from the street;
  - Includes a current telephone number upon which the manager can be reached;
  - Is located within the property boundaries of the subject site.
- Confirmation of designated on-site parking bays.
- Alternate transport options to on-site car parking, such as public transport.
- Restriction of visitors after [*insert time of day e.g. 10pm*].
- Details of the property manager, which may be the land owner or an external agent, including that such a manager should be located within [*insert time/distance e.g. 30 minutes*] from the subject property.
- Property manager to respond to reports of nuisance behaviour to neighbours adjoining or within the vicinity within a specified timeframe. Different types of nuisance behaviour might include:
  - Violence or threats
  - Loud aggressive behaviour including yelling, screaming or arguing
  - Excessively loud noise nuisance
  - Overlooking
  - Light spill
  - Barking dogs
  - Smoke or odours.
- Whether or not dogs and other pets will be permitted at the property, and if so, whether or not they can be left unattended.
- Waste disposal on the designated collection day, and requirements for removal of any additional waste from the property.

## Community Consultation

In many locations, particularly those within the Metropolitan Region Scheme area, unhosted STRA will be designated a discretionary use in the zoning table. In keeping with clause 64(1)(c) of the Deemed Provisions, the Local Government may consider it is appropriate to advertise a development application for unhosted STRA. Specifying circumstances where this is appropriate may be desirable for consistency and transparency in the development assessment process.

### Example Policy Provisions – Community Consultation

- Development applications for Unhosted STRA proposing more than [insert number] guests should be advertised in accordance with clause 64 of the Deemed Provisions.
- Development applications for Unhosted STRA within grouped and multiple dwelling developments should be advertised in accordance with clause 64 of the Deemed Provisions.
- Development applications for Unhosted STRA within priority housing areas, as depicted in the Local Planning Strategy, should be advertised in accordance with clause 64 of the Deemed Provisions.