SHIRE OF IRWIN
DONGARA-PORT DENISON
A BRILLIANT BLEND

# SHORT-TERM RENTAL ACCOMMODATION

## Local Planning Policy

October 2024



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# 1 CITATION

This is a local planning policy prepared under Schedule 2, Part 2 of the deemed provisions as set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the Shire of Irwin Local Planning Scheme No. 5. This policy may be cited as the *SHORT-TERM RENTAL ACCOMMODATION* local planning policy.

# 2 POLICY INTENT

The intent of this policy is to provide guidance on the exercise of discretion when dealing with the design, planning and assessment of applications for, or related to short-term rental accommodation.

This policy applies to all unhosted short-term rental accommodation.

Hosted short-term rental accommodation is exempt from the requirement to obtain development (planning) approval as the primary owner or occupier of the residence remains onsite for the duration of a guest's stay. This means they can manage any issues that may arise, such as noise or parking, and is therefore considered to have very minimal impact on residential amenity and housing.

# 3 BACKGROUND

Western Australians have a tradition of holidaying in country areas particularly in the Mid West region, often renting private dwellings on a short-term basis. This has had a number of economic and social benefits but also some adverse impacts caused by overcrowding of houses, inappropriate guest behaviour and inadequate facilities and parking for guests.

Short-term rental accommodation 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. Short-term rental accommodation is either hosted (where a permanent resident is present) or unhosted (where guests have exclusive use of an entire house).

# 4 POLICY OBJECTIVES

The objectives of this policy are:

a. To ensure that short-term rental accommodation will be compatible with its setting, which includes:

   i. The amenity of the locality;

   ii. The desired future character of its setting; and

   iii. Its relationship to development on adjoining land or on other land in the locality.

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b. To recognise the increasing market demand for short-term rental accommodation and to provide operators and other stakeholders with clarity on the issues that the local government wishes to address.

c. To provide for short-term rental accommodation in residential dwellings in appropriate locations where the proponent addresses relevant issues and suitably manages the use on an ongoing basis.

d. To ensure land use impacts between short-term rental accommodation activities and other land uses (especially permanent residential) are appropriately managed.

# 5 POLICY MEASURES

## 5.1 Location

As a guide, short-term rental accommodation is more appropriate in areas of high tourism amenity and in close proximity to social, cultural, and leisure attractions. They should be located to minimise adverse interface issues, particularly amenity impacts on surrounding permanent residential living areas.

## 5.2 Number of Guests

The number of guests in a short-term rental accommodation is restricted to 3 families and in any event the maximum number of guests shall not exceed 12. The local government may further limit the number of guests in response to site constraints such as vehicle parking, number of bedrooms/bathrooms and servicing considerations (effluent disposal and water supply).

## 5.3 Complaints Management

5.3.1 The manager of short-term rental accommodation should be contactable in the event that a complaint is made. The guest should have 24-hour access to the manager via phone, email or an online app.

5.3.2 Suitable on-going management is, of course more difficult if owners live a considerable distance from the premises. Accordingly, as part of the development application, the local government will require the proponent to outline how the site will be managed, especially if the owners do not live nearby.

5.3.3 The proponent is to keep a record of complaints made against the short-term rental accommodation detailing how the complaint was managed. This will need to be provided when submitting a renewal application.

## 5.4 Guest Check-In and Check-Out Procedures

Clear check-in and check-out procedures should be outlined in the management plan.

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## 5.5 Access and Parking

5.5.1 All car parking is to be contained on-site and no verge area should be used for car parking.

5.5.2 At a minimum, it will be necessary to provide 2 on-site car parking bays. Tandem parking will only be permitted for maximum of one vehicle behind one other vehicle.

5.5.3 It is common for holiday makers to have a boat, tailer, caravan etc. and there should be additional space allocated for such.

5.5.4 All vehicle access (including crossovers) and car parking areas are to be constructed and may need to be upgraded, to the approval of the local government.

## 5.6 Signage

A sign must be erected in a conspicuous position on-site and clearly visible from the street that has the manager's name and contact details. Proponents of short-term rental accommodation will be expected to send directional maps to patrons and tourist bureaus and use other methods for directional purposes rather than relying on signage.

## 5.7 Waste Management

The management plan should address how waste is to be managed in instances when normal kerbside bin collection is insufficient or if located outside of the waste collection area, how the waste will be appropriately managed.

## 5.8 Management Plans

5.8.1 It is considered that the responsibility for appropriate on-going management rests with the proponent to ensure that visitors are responsible and do not create inappropriate impacts (including noise and anti-social behaviour) to adjoining/nearby land.

5.8.2 The local government will require the proponent to lodge a management plan which details how potential amenity impacts will be addressed. This may include:

- details on the potential impact on the amenity of adjoining/nearby land;
- how noise and anti-social impacts will be managed;
- whether dogs or other pets will be permitted;
- any restriction on visitors (say after 10pm);
- detailing how the premises will be managed on a day-to-day basis (including how keys are easily available for late entry, providing on-site assistance and confirming arrangements for cleaning/waste management);

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- relevant site specific matters including fire management/emergency response plans for users; and

- the handling of complaints (it is expected that the tenant be contacted by phone immediately and the proponent visit the property as soon as possible).

5.8.3 Should it be demonstrated that the short-term rental accommodation is not being appropriately managed, and matters are not quickly rectified, the local government may not renew the development approval.

### 5.9 Application Information

Applications shall include a site plan, indicating parking areas, an internal floor plan along with a management plan and information detailing how the proposed location is appropriate and others matters as outlined in this policy.

### 5.10 Fees

5.10.1 Where the dwelling exists, the fee payable shall be the same as for an application for determining and initial application for approval of a home occupation.

5.10.2 Where the dwelling is proposed to be built, the fee payable shall be the same as for an application for determining a development application.

5.10.3 The annual renewal fee payable shall be the same as for determining an application for the renewal of an approval for a home occupation.

### 5.11 Time Limited Approvals

Development approvals for short-term rental accommodation shall be limited to a maximum period of 12 months, after which the further renewal of the approval by the local government is required annually. This is the responsibility of the proponent and the local government will not automatically re-issue approvals. In considering the renewal of an approval the local government is to have due regard to the effective on-going management (including any complaints received).

### 5.12 Further Information

5.12.1 Under the *Short-Term Rental Accommodation Act 2024*, all providers of short-term rental accommodation within Western Australia (both hosted and unhosted), are required to register their property. Further information can be obtained from the Department of Energy, Mines, Industry Regulation and Safety.

5.12.2 All short-term rental accommodation providers must ensure that residual current device (RCD's) are installed in accordance with the *Electricity Regulations 1947* to protect all power points and lighting circuits.

5.12.3 Owners must install and maintain smoke alarms in dwellings that are used or made available for short-term rental accommodation.

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5.12.4 Owners of short-term rental accommodation properties on which there is a swimming pool or spa must ensure they always have a compliant safety barrier in place.

5.12.5 If you prepare food for your guests, you are required to be appropriately trained and registered as a food business with the local government.

# 6 DEFINITIONS

The terms used in this policy complement those contained in the *Planning and Development (Local Planning Schemes) Regulations 2015* and the Shire of Irwin Local Planning Scheme No. 6. The following additional definitions apply within this policy.

***Short-Term Rental Accommodation*** (STRA) refers to the practice of renting out a property (or part of a property) for a relatively short period of time, usually on a nightly or weekly basis. This type of accommodation is usually booked through online platforms and is popular among travellers and visitors seeking temporary lodging for holidays, business trips or other short stays. STRA properties are either ***hosted*** – where the host lives onsite (for example a bed and breakfast), or ***unhosted*** – where guests have exclusive use of an entire house, unit or apartment (for example a holiday home).

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