

**Planning Policy Manual – Part 1**

**Section 3.9**  
**Special Residential and 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 3.9 – Special Residential and Short-Term Rental Accommodation* (LPP 3.9).

## 2.0 PURPOSE AND APPLICATION

As the capital city of Western Australia, the City of Perth plays an important role in the promotion of tourism and business for Perth and Western Australia.

As the long-term residential population increases in line with the City of Perth *Local Planning Strategy*, it is important to balance the amenity of the residential population with the supply of quality tourism accommodation as an international tourism destination.

The Special Residential land use category comprises of different commercial accommodation land uses that support the tourism industry in the city, ranging from hotels to serviced apartments.

Short-Term Rental Accommodation (STRA) is where a residential dwelling, or portion of a residential dwelling, is occupied by guests for periods of three months or less on a commercial basis. This provides an alternative type of accommodation to Special Residential uses.

This Policy provides guidance to support well designed and managed Special Residential and STRA uses that respond to its setting and positively contributes to the city.

### 2.1 Application

This Policy applies to all applications for development approval for any Special Residential and Unhosted Short-Term Rental Accommodation (Unhosted STRA) under City Planning Scheme No. 2 (CPS2) and Local Planning Scheme No.26 (LPS26).

### 2.2 Relationship to other Planning Documents

This policy should be read in conjunction with CPS2 and other relevant planning policies.

Where this policy is inconsistent with CPS2, the provisions of CPS2 prevail to the extent of any inconsistency.

Where this policy is inconsistent with another planning policy, the requirements of this planning policy prevail to the extent of inconsistency.

## 3.0 OBJECTIVES

To ensure Special Residential and Unhosted STRA uses:

- maintain the amenity and character of the area through ensuring the location, scale, design and operation is appropriate for its location and setting.
- provide a high level of amenity for occupants.
- do not adversely affect the significance of heritage places.
- maintain residential amenity when located near residential uses.

## 4.0 POLICY – SPECIAL RESIDENTIAL

### 4.1 Design Requirements

- (a) Hotels shall include an entrance foyer with reception desk.
- (b) Where permanent Residential and Special Residential uses are proposed within the same building:
  - i. applications shall demonstrate how the amenity and security of all occupants will be protected through the design and management of the building including separation of these uses;
  - ii. Communal facilities for the exclusive use of permanent residents are to be provided to maintain residential amenity.

*Note:*

- *Under the National Construction Code (Class 3 buildings), a proportion of Special Residential accommodation may be required to be designed to accommodate people with a disability; with adequate on-site disabled car parking and universal access to any facilities in the development.*
- *Australian Standard 1670 applies to a change of use to Special Residential for buildings two storeys or higher, which will require a building wide alarm and Fire Indicator Panel to be installed.*

### 4.2 Management

#### 4.2.1 Management Plan

The most effective method for managing amenity issues is via a Management Plan. The purpose of a Management Plan is to demonstrate the use can operate without undue impact on immediate neighbours and the locality more broadly.

- (a) Applications for development approval for any use within the Special Residential use group shall be accompanied by a Management Plan which details how potential amenity impacts will be addressed. This shall include matters such as:
  - i. details of the property manager;
  - ii. check in and check out hours and booking procedure;
  - iii. type or extent of additional services to be offered (e.g. food, beauty treatments, child care);
  - iv. safety and security arrangements including for the occupants and their guests;
  - v. management of and access to any shared facilities and communal spaces;
  - vi. cleaning and laundry facility services/arrangements;
  - vii. control of noise and other disturbances;
  - viii. complaints management procedure;
  - ix. Code of Conduct; and
  - x. an Emergency Response Plan and Evacuation Plan.
- (b) The complaints management procedure shall include:



- i. property manager’s contact details and how these are made available to guests and nearby owners and occupants;
  - ii. details of how the property manager will respond to complaints in a timely manner; and
  - iii. details of how complaints will be recorded. Recorded information shall include:
    - name, address, and contact details of complainant;
    - details of complaint;
    - record of response (date, name and contact of responder, response details); and
    - further details of any follow up actions.
- (c) A Code of Conduct is to be provided for guests, including details of the property manager, emergency procedures and any other important information guests may need;
- (d) With any change of operator, the relevant new details are to be provided to the local government and incorporated into an updated revised management plan.

#### 4.2.2 Registration

All applications should include written evidence demonstrating that the operator has valid membership, licence or accreditation to an appropriate professional board or body, which operates within a code of practice or licensing system. This may be the Australian Hotels Association (WA), Tourism Council of WA, or another appropriate organisation.

Where the operator of the use is unknown at the planning application stage, written evidence of membership will be required prior to occupation.

## 5.0 POLICY – UNHOSTED SHORT-TERM RENTAL ACCOMMODATION (STRA)

The impact of an Unhosted STRA on neighbouring properties is an important consideration when determining an application for development approval. The following provides requirements for an Unhosted STRA to be addressed in an application for development approval.

### 5.1 Occupancy

- (a) Unhosted STRA shall have a maximum occupancy of two persons per bedroom, up to a maximum of six persons per dwelling.

### 5.2 Parking

- (a) Where car parking is provided for a dwelling, it shall be available for the Unhosted STRA.

### 5.3 Signage

- (a) Signage should be minimised. Where signage is proposed, it shall comply with the following:
- i. be affixed to the front/entrance door of the unhosted STRA;
  - ii. not greater than an A4 sheet of paper;
  - iii. not illuminated;
  - iv. be of high quality material;
  - v. include the current telephone number for the property manager; and

- vi. For multiple and grouped dwelling developments, signage shall not be visible from the public realm.

## 5.4 Strata Schemes

- (a) For properties located within a strata scheme, applications for development approval are required to provide the following additional information:
  - i. a letter from the strata company (or strata management company on behalf of the strata company):
    - a. confirming there is no by-law effecting a prohibition on Unhosted STRA within individual apartments.
    - b. confirming there is no by-law effecting a prohibition or management controls on the use of common property by the Unhosted STRA.
  - ii. a site and floor plan clearly indicating any areas that are proposed to be accessed by guests. This includes the strata lot, and any common property, for example: car parking area, lifts, pool and gym.
- (b) Where a lock box is proposed, the lock box shall not be visible from the public realm. A strata scheme should consider a centralised location to reduce visual clutter.

## 5.5 Management

### 5.5.1 Management Plan

The most effective method to managing any possible amenity issues is via Management Plan, which will demonstrate that the Unhosted STRA can operate without undue impact on immediate neighbours and the locality more broadly.

- (a) Applications for development approval are to be accompanied by a Management Plan which details how potential amenity impacts will be addressed. This should include matters such as:
  - i. details of the property manager;
  - ii. check in and check out hours and booking procedure;
  - iii. minimum and maximum stay requirements;
  - iv. maximum number of guests;
  - v. management of visitors;
  - vi. confirmation of designated on-site parking bays;
  - vii. alternate transport options to on-site car parking, such as public transport details, and/or nearby paid car parking locations where on-site car parking is not provided;
  - viii. access to any communal facilities (if allowed), and how guest and visitor usage is managed;
  - ix. waste management information;
  - x. cleaning arrangements;
  - xi. complaints management procedure;
  - xii. Code of Conduct; and



- xiii. an Emergency Response Plan and Evacuation Plan.
- (b) The complaints management procedure is to include:
  - i. property manager’s contact details and how these are made available to guests and nearby owners and occupants.
  - ii. details of how the property manager will manage and respond to complaints in a timely manner.
  - iii. details of how complaints will be recorded. Recorded information shall include:
    - name, address, and contact details of complainant.
    - details of complaint.
    - record of response (date, name and contact of responder, response details)
    - further details of any follow up actions.

*Note: Nuisance behaviour that may trigger a complaint include:*

- *Violence or threats.*
  - *Loud aggressive behaviour including yelling, screaming, or arguing.*
  - *Excessively loud noise nuisance.*
  - *Light spill.*
  - *Barking dogs.*
  - *Smoke or odours.*
- (c) A Code of Conduct shall be provided for guests, including details of the Property Manager, emergency procedures and any other important information guests may need.
  - (d) With any change of operator, the relevant new details should be provided to the local government and should incorporate an updated management plan.

### 5.5.2 Registration

Whilst it is not a requirement at application stage, all STRA require Registration in accordance with the State Government Short-Term Rental Accommodation (STRA) Register.

## 5.6 Time Limitation of Development Approvals

- (a) Development approval for Unhosted STRA may be conditionally granted for an initial period of twelve months. This will be applied where the appropriateness of the Unhosted STRA land use to its setting is dependent upon the effectiveness of proposed management arrangements.
- (b) Where a time limited development approval is granted in accordance with clause 5.6 a), the assessment of a subsequent application for development approval to continue the use will consider the management arrangements during the initial 12-month period, with regard to any complaints received during this period.