

6.1.5 UNHOSTED SHORT TERM RENTAL ACCOMMODATION

1. 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) 6.1.5 Unhosted Short Term Rental Accommodation (STRA).

2. Introduction

Purpose

The purpose of this Policy is to:

- (i) Provide a set of development requirements for a range for Unhosted STRA applications;
- (ii) Establish protocols for effective local management of Unhosted STRA operations.
- (iii) Require effective monitoring of accommodation operations to ensure compliance with planning and local management requirements;
- (iv) Standardise the conditions of approval of Unhosted STRA approved under previous planning framework to ensure all accommodation operations are managed and controlled under the same planning parameters;
- (v) Provide guidance in the assessment of holiday accommodation in Bushfire Prone Areas and Agricultural zones; and
- (vi) Provide for an Unhosted STRA to automatically revert to its original dwelling purpose as either the result of non-renewal of an approval or the sale of the property without arrangements having been made for the transfer of the Unhosted STRA approval.

Background

The local government considers that it is preferable to support the operation of STRA subject to specific controls to protect the residential amenity of the locality in which they are located. However, it is considered prudent that STRA are controlled in a manner that reflects their use by occupants that may not be familiar with either the house or the locality in which it is located. Given this, STRA are to be approached in a similar manner to purpose-built short stay accommodation rather than as a domestic residence.

This Policy is intended to be applied to the renting of dwellings for a short period of

time to a family or group of persons known to one another. The local government does not consider this Policy for the definition of Unhosted STRA to apply to the use of dwellings for backpackers accommodation or similar. Given this, a condition of approval will be placed on Unhosted STRA to ensure it is occupied at any one time by a single group of persons known to one another.

This Policy recognises that in many cases, Unhosted STRA will revert to a domestic residence at some point in time. Therefore, the Policy will provide for an initial annual renewal of the Unhosted STRA approval then a three yearly renewal. In the event that approval is not renewed, the predominant use of the building will revert from 'Unhosted STRA' to 'dwelling'. The Policy will also provide for the automatic reverting for properties that have been sold.

Legislative references

- Shire of Manjimup Local Planning Scheme No 4
- Planning and Development (Local Planning Schemes) Regulations 2015
- Position Statement – Planning for Tourism and Short- Term Rental Accommodation
- Planning for Tourism and Short- Term Rental Accommodation Guidelines

Objectives

The objectives of this Policy are to:

- (i) Ensure STRA are operated in a manner that does not impact on surrounding residents;
- (ii) Recognise the increasing market demand for Unhosted STRA within the Shire of Manjimup and encourage Unhosted STRA development that does not adversely impact on residential amenity.
- (iii) Allow for regular updating of management information to assist in emergency management and response to matters that may affect the amenity of surrounding residences; and
- (iv) Ensure people and property are protected in the event of bushfire, and an adequate risk assessment is undertaken;

3. Application of Policy

This Policy applies to all existing Unhosted Short Term Rental Accommodation in a residential dwelling and to any new proposal for an Unhosted STRA.

This Policy can also be applied as considered appropriate by the local government to a range of short stay accommodation associated with a predominant residential use, including those under the definition of tourist and visitor accommodation.

The Policy is to be read in conjunction with the Scheme and any other relevant Local Planning Policy.

If a provision of the Policy is inconsistent with the Scheme, the Scheme prevails to the extent of the inconsistency.

Administration

1. Form of Application

1.1. An initial application for Unhosted STRA is to take the form of an Application for Planning Approval as provided for by Part 9 of the Scheme and include the following additional information:

- (a) Completed Management Plan;
- (b) Completed Emergency Response Plan;
- (c) Code of Conduct

1.2. An application for annual renewal of a current Holiday House Permit is to be in the form provided at Appendix C of this Policy.

2. Advertising of Initial Application

Advertising of an initial application for an Unhosted STRA is to be undertaken in accordance with Local Planning Policy LPP 6.1.2 *Advertising of Planning Proposals*.

3. Issue of Permit

3.1. A Permit is to take the form of a conditional development approval granted under Part 10 of the Scheme.

3.2. Where an initial application for Unhosted STRA is assessed as compliant with the provisions of this Policy and any other relevant Scheme or Local Planning Policy provision, and no objections have been received during consultation, an Unhosted STRA Permit may be granted by the Chief Executive Officer under delegated authority under clause 11.3 of the Scheme.

3.3. An application will be considered at an Ordinary Meeting of Council where an objection based upon material planning grounds has been received during consultation.

4. Suspension of Permit

4.1. The local government may issue a Notice of Suspension of an Unhosted

STRA Permit where it is satisfied that a breach of this Policy or the Permit conditions has occurred.

- 4.2. A Notice of Suspension will be in writing and served upon the Permit Holder.
- 4.3. The local government will provide details of the breach that has occurred within the Notice of Suspension and indicate, if appropriate, how the breach can be rectified to allow the Permit to be reinstated. Operation of an Unhosted STRA whilst a Notice of Suspension remains in place constitutes a contravention of the Scheme under clause 11.4.
- 4.4. The local government may reinstate a Permit once it is satisfied that the an Unhosted STRA can operate in accordance with the provisions of the Policy and the conditions of the Permit. Reinstatement of a Permit will be in writing and served upon the Permit Holder.

5. Renewal of Permits

- 5.1. Annual or triannual renewal of a current Permit may be granted by the Chief Executive Officer under delegated authority under clause 11.3 of the Scheme where:
 - (a) The local government is satisfied that local management of the premises is being provided in accordance with this policy;
 - (b) The local government is satisfied that the Management Plan and Emergency Response Plan required by this policy remain satisfactory;
 - (c) The application for renewal has been received either prior to expiry of the current approval, or within one (1) month of the expiry date; and
 - (d) There has been no cause to suspend the Permit within the 12 month period immediately prior to the renewal date.
- 5.2. When considering renewal of a Permit, the local government may request the Permit Holder allow an inspection of the premises to ensure compliance with this Policy.
- 5.3. Advertising of renewals will not be normally required. However, the local government may determine consultation is required in order to be satisfied that the Unhosted STRA is operating in accordance with this Policy and any conditions of the Permit.

6. Revocation of Permit

- 6.1. Revocation of an Unhosted STRA Permit shall only occur once a Notice of Suspension has been issued and the local government is satisfied that the breach of the Policy is of a nature that prevents rectification.
- 6.2. Revocation of an Unhosted STRA Permit will require consideration at an Ordinary Meeting of Council.
- 6.3. Any revocation of a Holiday House Permit shall be in writing and will provide a right of review under clause 10.11 of the Scheme.

4. Policy Measures

1. Change of Use

- 1.1. An application for an Unhosted STRA will be considered as a change of use from 'Dwelling' to 'Unhosted STRA' under clause 4.19 of the Scheme.
- 1.2. This change in the purpose for which a property can be used will be conditional on annual renewal.

2. Local Management

- 2.1. Notwithstanding the residential location of the permit holder, local management of the day-to-day operations of the Unhosted STRA will be a condition of all approvals.
- 2.2. A local manager is to be able to immediately respond to any matters raised by either guests, neighbours, local government or emergency services at all times the Unhosted STRA is occupied.
- 2.3. The contact details of the local manager are to be provided to guests and be displayed in a prominent location within the Unhosted STRA together with other relevant information required by this Policy.
- 2.4. The particulars and contact details of the local manager are to be provided to the local government at the time of application and upon each renewal. The local government may provide these details to third parties, including neighbouring residents and/or emergency services.
- 2.5. In the event of a change in the local management of an Unhosted STRA, the local government will be notified of the change immediately in writing. Each annual/triannual renewal will be subject to renomination of the local manager, with current contact details to be provided with each renewal application.
- 2.6. The local government may revoke or suspend any permit in the event that a local manager is not nominated or is found to no longer be able to meet the requirements of this Policy. Any reinstatement of a suspended permit will be subject to the local government being satisfied that local management has been reinstated.
- 2.7. Operation of an Unhosted STRA without an approved local manager is not permitted and will trigger revocation or suspension of the permit.

3. Management Plan

- 3.1. An application for an Unhosted STRA is to be supported by a management plan made in accordance with this Policy
- 3.2. A management plan is to outline how the Unhosted STRA is to be operated and managed on an ongoing basis.

- 3.3. The management plan is to include, as a minimum:
 - (a) Property details;
 - (b) Permit Holder / Property Owner details;
 - (c) Number of bedrooms in the Dwelling, together with a scaled floor plan of the Dwelling showing areas that are to be available to guests and any areas that will not be accessible;
 - (d) Maximum number of guests able to be accommodated by the Unhosted STRA;
 - (e) If pets of guests are to be accommodated at the premises, and if so, details of how are these to be secured needs to be provided;
 - (f) Location and number of car parking spaces, provided within the property boundary;
 - (g) Details of water supply (i.e. scheme water, on-site tanks, bore, etc);
 - (h) Method of booking the accommodation (i.e. online, management agent, visitor's centre, etc);
 - (i) Method of key collection / lock box;
 - (j) Local manager details as required by section 2.3;
 - (k) Cleaning and servicing arrangements, including rubbish disposal;
 - (l) The standard of the crossover, driveway and car parking allocation on the site;
 - (m) Location and type of smoke alarms and fire extinguishers; and
 - (n) Level of compliance with the local government fire break and fuel hazard reduction notice requirements;
 - (o) Details of how complaints are managed when they arise.
- 3.4. The management plan is to use the format provided for in Appendix A of this Policy.
- 3.5. A copy of the approved management plan is to be endorsed by the local government and provided to the Permit Holder when an Unhosted STRA is approved.
- 3.6. The Permit Holder is to advise the local government of any changes to the management plan at the time of annual/triannual renewal of the an Unhosted STRA approval.

4. Emergency Response Plan

- 4.1. An application for an Unhosted STRA is to be supported by an emergency response plan made in accordance with this Policy.
- 4.2. The emergency response plan is to outline how guests are to respond to an emergency situation and is to assume all guests have no local knowledge to assist them in an emergency.

- 4.3. The local manager and/or permit holder is responsible for ensuring all guests are made aware and understand the content of the emergency response plan.
- 4.4. The emergency response plan is to be based on the pro forma contained in Appendix B of this Policy and is to include as a minimum:
 - (a) Emergency Contact Details for “000” and State Emergency Service;
 - (b) Location and contact details of the nearest hospital;
 - (c) The legal property address that is used by emergency services to locate the premises;
 - (d) The nearest cross street to assist emergency services in locating the premises;
 - (e) The fire brigade area and local government area in which the property is situated;
 - (f) Information on mobile phone / data coverage, whether a landline is provided or WIFI connectivity for outgoing calls in the and the phone number of any phone line connected to the premises;
 - (g) Details of the most likely emergency situations that may affect the property (i.e. bushfire, structural fire, storm damage, flooding, etc);
 - (h) Radio frequency of the local emergency radio broadcaster;
 - (i) Floor plan showing exits and location of any provided fire fighting and/or first aid equipment;
 - (j) Route plan showing escape routes from the property to the nearest town or emergency evacuation point; and
 - (k) Any other information that is considered necessary for guests to be aware of, such as the presence of local environmental hazards.
- 4.5. The emergency response plan is to be displayed in a prominent location within the Unhosted STRA and is to clearly contain the information required by this Policy.
- 4.6. If the Unhosted STRA is located in an area without mobile phone coverage, a “land-line” telephone connection or internet service with ‘call out’ availability is to be provided and maintained at all times to allow for emergency use.
5. **Bushfire Prone Areas**
 - 5.1. Purpose built holiday accommodation proposed that is located in an area designated as Bushfire Prone, will require a Bushfire Attack Level (BAL) report to be submitted with the application forms.
 - 5.2. Where the proposed Unhosted STRA is located in an existing dwelling, it may satisfy the definition of minor development. A simplified

Emergency Evacuation Plan or compliance with the Homeowners Bushfire Survival Manual (DFES, 2014) is required.

- 5.3. Purpose built holiday accommodation proposed in area with a Bushfire Attack Level rated at 40 or FZ are unlikely to be granted planning approval.
- 5.4. Holiday accommodation in bushfire prone areas which through a Bushfire Management Plan, operate outside of a nominated bushfire season may be eligible for a reduction in renewal fees.

6. Priority or General Agricultural Areas

- 6.1. All types of holiday accommodation proposals located in Priority or General Agricultural zones are required to be setback 100 metres from agricultural activities;
- 6.2. The applicant will be required to notify all guests of the potential impact from agricultural activities occurring on the subject property and/or surrounding properties.

7. Number of Guests

- 7.1. All guests occupying an Unhosted STRA at any one time are to be known to one another and be members of a single booking party with a maximum of six (6) persons. The use of an approved Unhosted STRA for backpackers or lodging house accommodation is not permitted; this is to be approved as a different land use.
- 7.2. The maximum number of guests will be calculated on two (2) persons per bedroom.
- 7.3. Permits will stipulate the maximum number of guests permitted. The local government will revoke or suspend a Permit where it is satisfied that the number of guests has exceeded the stipulated maximum. Unless otherwise requested by the Applicant and approved by the local government, all Permits will be limited to a maximum of six (6) persons (i.e. Unhosted STRA (standard)) as a default position.

8. Car Parking and Access

- 8.1. The operation of an Unhosted STRA should not require car parking or access or generate vehicle movements over and above that normally provided for a residential dwelling. Car parking is to be provided at a rate of one (1) space per three (3) guests, or part thereof, with a minimum of two (2) spaces.
- 8.2. Car parking space dimensions and layout are to be in accordance with the Scheme.
- 8.3. The following car parking, driveway and crossover standards relate to STRA:

- (a) For properties zoned 'Town Centre' or 'Residential' with a density code of R10 or higher, car parking spaces, access driveway and verge crossover are to be drained and either sealed, paved or concreted to the specifications of the local government;
- (b) For properties zoned 'Residential' and with a density code of R5 or lower, car parking spaces and access driveway may remain unsealed (i.e. gravel surface) only where the majority of driveways within the street are similarly unsealed., Unsealed driveways are to be constructed to allow all weather access by a two-wheel-drive vehicle. The verge crossover is to be constructed to a sealed urban standard to the specifications of the local government.
- (c) Notwithstanding (a) above, properties located within the Pemberton Timber Mill Workers Cottages Precinct are not required to seal, pave or concrete car parking areas, driveways or verge crossovers; and
- (d) In all other zones, car parking areas and access driveways may remain unsealed (i.e. gravel surface) but constructed to allow all weather access by a two-wheel-drive vehicle. Where the verge crossover is onto a sealed road, it is to be constructed to a sealed standard to the specifications of the local government.

8.4. The street number / property address of the Unhosted STRA is to be clearly shown as follows:

- (a) For STRA within Town sites, the street number is to be displayed on a letterbox, front fence or front wall of the Holiday House, as appropriate to be clearly seen from the street;
- (b) For STRA outside of town sites, the rural property address number is to be displayed on a standard green rural street address post at the crossover location; and
- (c) For STRA in Windy Harbour, the site number to be displayed on or near the front door.

9. Signage

- 9.1. As STRA are intended to utilise residential dwellings in a relatively unmodified manner, there is a presumption against the erection of advertising signs that would not normally be displayed in a residential or rural setting.
- 9.2. One (1) sign with an area no greater than 0.2m² can be displayed at the premises. Such signage is to be placed on or within the property boundary and be compliant with Shire of Manjimup Local Planning Policy LPS4 6.1.4 *Advertising Devices (Signage and Flags)*.
- 9.3. Signage should contain details of the local manager and located to be

visible to passers-by.

- 9.4. To ensure against undesirable visual impact and road safety implications, directional and advertising signs located upon road reserves managed by the local government or Main Roads Western Australia are not permitted for STRA.

10. **Building Approval Requirements**

The applicant is advised to contact the Shire's Building Services to determine the requirements under the *Building Act 2011*.

11. **Environmental Health Requirements**

- 11.1. All STRA are to be connected to a potable water supply approved by the local government. Where reticulated scheme water is not available, the requirements of clause 5.24 of the Scheme will apply.
- 11.2. All STRA are to be connected to sewerage or an on-site effluent disposal system approved by the local government.
- 11.3. Where Unhosted STRA intends to utilise an existing on-site effluent disposal system, the local government will assess the adequacy of the system in the light of the proposed maximum number of guests. Any upgrading of the system required to cater for the proposed maximum number of guests will be required as a condition of the Permit.
- 11.4. Where the maximum number of guests for an Unhosted STRA is six (6) or less, no approval under the *Health Act (Miscellaneous Provisions) 1911*, or subsequent legislation will be required.
- 11.5. Where the maximum number of guests for an Unhosted STRA (large) is seven (7) or more, annual inspection and approval under the *Health Act 1911 (Miscellaneous Provisions)*, or subsequent legislation will be required in addition to the Permit. Additional requirements to operate as a 'lodging house' may be imposed over and above the provisions of this Policy.

12. **Guest Register**

- 12.1. The Local Manager will maintain a register of all guests containing the following information:
 - (a) Name, address and contact details of the hirer;
 - (b) Number and names of any additional guests; and
 - (c) Length of stay.
- 12.2. The register of guests is to be made available to the local government upon request.

4. Exemptions

Development for which development approval is not required			
	Development Type (Use/Works)	Zones/Local Reserves	Conditions
1.	Hosted STRA	All zones	
2.	Unhosted STRA	1. Tourist Enterprise 2. Town Centre 3. Residential	The dwelling is located within Precinct 1A and 1C of the Manjimup Planning Precinct

Local Planning Policy Document Control				
Responsible Business Unit and/or Officer		Previous Policy Title (if applicable)		Next Review Date
Development Services		6.1.41 Holiday Accommodation in Residential Dwellings 6.1.5 Holiday Houses		March 2031
Version	Decision to Adopt/Amend		Brief Details of Modifications	
1.	23/02/2006 OCM			
	08/07/2021 OCM			
	25/02/2026 OCM		Update definitions for STRA and include a code of conduct.	
WAPC Approval Required (Yes/No)		No	Date approved by WAPC (if applicable)	
Document Reference				

13. Appendices

APPENDIX A

MANAGEMENT PLAN TEMPLATE

Property and Permit Holder Details	
Holiday House Address	
Holiday House Permit Holder (i.e. Property Owner)	
Permit Holder's Residential Address (i.e. Not a PO Box)	
Permit Holder's Postal Address (If not same as residential address)	
Permit Holder's Daytime Contact Number(s)	
Permit Holder's Email	

Local Manager's Details	
Name of Manager	
Residential Address (i.e. Not a PO Box)	
Postal Address (If not same as residential address)	
Day Time Contact Number	
All-Hours Contact Number (To be made available to guests)	

Management Details	
Number of Guest Bedrooms (Attach scaled floor plan showing areas available to guests and any areas not accessible).	
Maximum number of guests able to be accommodated at the premises.	
Will pets be accommodated? If so, please provide details of how these will be secured. (Pets should not be left unaccompanied at the premises at any time)	
Location and number of car parking spaces available to guests inside the property.	
Provide details on what measures are in place to minimise the noise impact	

to neighbouring properties.	
Provide details on how the Manager will handle complaints.	
How is water supplied to the premises? If an on-site water supply is provided, provide details of type and capacity.	
Detail the method of guest booking.	
Detail the method of key collection / drop off.	
Detail the cleaning and servicing arrangements.	
Detail rubbish disposal arrangements.	
Will additional signage be displayed at the property? Provide details, including location, size and design of management detail signage..	

Other Comments on Management

APPENDIX B

EMERGENCY PLAN TEMPLATE

A copy of this information is to be displayed in a prominent location in the Unhosted STRA for guests to refer to in the event of an emergency.

Property Details	
Legal property address <i>This is the formal property street address and locality as shown on the Certificate of Title.</i>	
Nearest road intersection	
Local Government Area	Shire of Manjimup
Land line telephone number <i>If a land/fixed telephone is connected to the premises.</i>	
Is there mobile phone / data coverage available. If so, which telcos?	

Emergency Contacts and Information	
National Emergency Service Number <i>Police, Ambulance, Fire</i>	000
State Emergency Service Assistance <i>Non-emergency</i>	132 500
Emergency Information <i>Phone and Website</i>	1300 657 209 www.dfes.wa.gov.au
Radio frequency of the official local emergency radio broadcaster <i>i.e. ABC Local Radio</i>	
Nearest Emergency Muster Point / Evacuation Centre <i>Include route map of access from the holiday accommodation to the closest evacuation centre and directions to the neighbouring towns.</i>	

Nearest Hospital Information (24hr Emergencies)	
Name	
Address	
Distance from Holiday House	
Telephone Number	

Bush Fire Brigade Information (if outside of a Townsite or settlement)	
Name of local brigade	
Name of local fire control officer	
Phone number for local fire control officer	

Site Specific Emergency Matters	
Any Site Specific Emergency Situations that may occur that guests should be made aware of?	
	☐ Flooding ☐ House Fire ☐ Bush Fire ☐ Snakes ☐ Mosquitos ☐ Other

Other Matters

APPENDIX C

OPERATIONAL MANAGEMENT PLAN AND CODE OF CONDUCT

Unhosted Short Term Rental Accommodation (unhosted STRA) – Code of Conduct

PROPERTY ADDRESS:

1. Occupants are to act lawfully

An occupant must not engage in conduct at the Unhosted STRA that contravenes

- (a) Criminal Law: or
- (b) The Certificate of Registration

2. Number of Occupants and Guests

The maximum number of Occupants permitted at this Unhosted STRA is No _____ guests are permitted after 10.00 pm.

3. Vehicles

3.1 The number of vehicles (including motorised vehicles and trailers) parked at the Holiday Home must not exceed _____

3.2 Each vehicle used by an occupant of the Unhosted STRA must be parked within the designated parking bays.

4. Obligations to neighbours

Each occupant who enters, uses or occupies the Unhosted STRA, including any outdoor areas, for example an outdoor entertainment area, deck, balcony, swimming pool or spa, must not act in a manner that could reasonably be expected to cause alarm, distress or nuisance to neighbours adjoining or in the vicinity of the Unhosted STRA, including but not limited to-

- (a) Violence or treats;
- (b) Loud aggressive behaviour including yelling, screaming or arguing;
- (c) Excessively loud noise nuisance; and
- (d) Overlooking or light spill.

5. Pets

Pets occupying the premises;

Must not be left unattended; and

Must be managed and not cause a nuisance (including a noise nuisance) to neighbours adjoining or in the vicinity of the Unhosted STRA.

6. General Obligations

- 6.1 An occupant or a guest of the Unhosted STRA must not sleep or camp on the site in a tent, caravan, campervan or similar.
- 6.2 All rubbish produced by the Occupants must be stored in a waste container and removed weekly.

7. Responsibility to Manager

An occupant must notify the Manager representative of any dispute or complaint about an occupant's behaviour as soon as possible after the dispute or complaint arises.

8. Responsibility for conduct of guests

An occupant is responsible for the actions of all guests they invite onto the premises during the occupancy period and must ensure guests comply with sections 1 – 6 of this code.