

Short-Term Rental Accommodation

This document outlines the assessment criteria (locational and operational) for short-term rental accommodation in the City of Melville.

If you are searching for general information in relation to planning requirements, please refer to the Planning Services page of our website <https://www.melvillecity.com.au/> or alternatively you can speak to one of our planning officers either on the phone, 9364 0666 or in person at 10 Almondbury Road, Booragoon during business hours, 8.30am – 5:00pm Monday to Friday.

Policy Type: Local Planning Policy Policy Owner: Director Urban Planning	Policy No. LPP 1.21 Last Review Date: TBD
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Citation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations) and the City of Melville Local Planning Scheme No. 6 (LPS No.6). This Local Planning Policy may be cited as Local Planning Policy No. 1.21 – Short Term Rental Accommodation (LPP1.21).

Policy Objectives

The objectives of this policy are as follows:

- To establish a clear framework for the identification, assessment, and determination of applications for short term rental accommodation.
- To ensure that short-term rental accommodation is appropriately located and managed so as to protect the amenity of residential areas or nearby residents.

Policy Scope

This policy applies to all short-term rental accommodation land uses which are not exempt from requiring development approval throughout the City including Activity Centres that do not reference Short Term Rental Accommodation as a use.

Through the *Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024*, the State Government introduced a suite of planning reforms which updated the approvals process for a variety of Short-Term rental accommodation land use activities. In accordance with these amendments, development approval is not required for hosted short-term rental accommodation, nor is development approval required for unhosted short-term rental accommodation where the dwelling meets the following criteria:



- i) Wholly or partly in the metropolitan region; and
- ii) Registered under the *Short-Term Rental Accommodation Act 2024* Part 3; and
- iii) Used as unhosted short-term rental accommodation for no more than 90 nights in a relevant 12-month period; and
- iv) Not located in a zone in relation to which the use of a dwelling as unhosted short-term rental accommodation is a class 'X' use or a use that is not consistent with the objectives of that zone.

The requirement to register short-term rental accommodation activities has been created by the State Government (the Department of Energy, Mines, Industry Regulation and Safety). Where a Short-Term Rental Accommodation use is not exempt under the Regulations, development approval from the Local Government is required, with this policy setting out the City's process and the matters taken into account in the assessment and determination of a development application.

Definitions / Abbreviations Used in Policy

LPS6 City of Melville Local Planning Scheme No. 6

Regulations Planning and Development (Local Planning Schemes) Regulations 2015

R-Codes Residential Design Codes Volume 1 and Residential Design Codes Volume 2 - Apartments

Regulations Definitions

- Amenity
- Short-Term Rental Accommodation
- Short-Term Rental Arrangement

LPS6 Definitions

- Hotel
- Hosted Accommodation
- Un-hosted Accommodation
- Tourist and Visitor Accommodation

R-Code Definitions

- Ancillary Dwelling
- Dwelling
- Grouped Dwelling
- Multiple Dwelling
- Residential Building
- Single House
- Small Dwelling

Policy Statement

1 General

Assessment of development applications for short term rental accommodation uses are to have regard to the objectives, performance criteria and standards identified in this policy. Assessment will note that the range of different types and characteristics of short-term rental accommodation uses is likely to vary the level of potential impact related to the use. Where an accumulation of short-term rental accommodation uses in a particular locality, site or building are likely to generate potential for additional adverse amenity impacts, the use may not be supported by the City.

2 Site Characteristics

2.1 Residential zone (including Residential Areas designated in Activity Centre Plans)

The City's policy position is that short-term rental accommodation uses are generally not supported in most Residential areas however, some locations and dwelling types will be better suited to short term rental accommodation in terms of being compatible and complementary. Where a Short-Term Rental Accommodation use is proposed within the Residential zone (and it requires development approval), the following will be taken into account in the assessment of the suitability of the location:

Preferred Property Characteristics

- (a) Location within 200 metres of mixed use zones and activity centres or within 400m of a hospital or tertiary education institution;
- (b) Well served by footpaths, dual access paths and high-frequency public transport;
- (c) Located on Local Distributor or District Distributor Roads; and
- (d) The immediate location (as per (a) above) is undersupplied by STRA.

Undesirable Property Characteristics

- (a) Properties located within cul-de-sacs;
- (b) Properties located on battle-axe style rear lots; or
- (c) Properties comprising grouped or multiple dwelling developments with shared access arrangements without the permission/consent of other strata owners.

Preferred Operational Characteristics

- (a) Minimum stay of two nights;
- (b) No more than six guests; and
- (c) Identified management/contact person in operational management plan being resident within same suburb as the STRA.

2.2 Other zones

Mixed use zones and the non-residential zones of activity centres are preferred for short term rental accommodation uses. These locations are likely to have less impact on residential amenity and provide good access to services such as shopping centres, workplaces, and public transport.

3 Car Parking

- 3.1 On-site parking is to be provided in accordance with the relevant standards of the Residential Design Codes, applicable Local Planning Policy or Activity Centre Plan, or other applicable legislation including parking for people with disabilities. Required parking is to be provided, maintained and available on site with users of the short-term rental accommodation not reliant on verge or street parking. The requirement to use on-site parking is to be required as a part of the terms of an approved operational management plan.
- 3.2 Car parking provided for the short-term rental accommodation use is to be within area of exclusive use of the unit if within a strata development.

4 Signage

- 4.1 In Residential Zones, no on-site signage is permitted in association with the short-term rental accommodation use. A discrete sign less than A4 sign may be permitted near the entry of the dwelling however for strata properties, this signage must be approved by the strata body/other owners.
- 4.2 Signage in other zones may be permitted based on the scale of the short-term rental accommodation, however there is generally presumption against signage unless necessary to direct persons to the correct dwelling/unit. The signage is to comply with the objectives of the City's relevant Local Planning Policy.

5 Operational Management Plan

- 5.1 An operational management plan is generally required to be submitted at the time of lodging a development application for short-term rental accommodation use.
- 5.2 The management plan is to include, but not be limited to the following matters:
- i. a code of conduct detailing the expected behaviour and obligations of guests. The code of conduct shall be displayed in a prominent position within the premises.
 - ii. management of complaints, in the form of a Complaints Management Procedure (which must include the provision of the short-term rental accommodation owners/managing agents contact telephone number for adjoining neighbours);
 - iii. control of anti-social behaviour and the potential conflict between guests and permanent residents of the area, detailing the expected behaviour of guests and control of noise;
 - iv. details regarding guest check-in and check-out procedures;
 - v. management of car parking;
 - vi. details regarding waste management which must include specifying the expectations on guests with regard to general rubbish and bin collection (if applicable);
 - vii. compliance with Strata By-Laws (if applicable) in the form of a Statement of Compliance.
- 5.3 The use is required to operate in accordance with the operational management plan with condition to be included as a condition of any development approval issued.

6. Consultation

- 6.1 Proposals will be advertised for public comment in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* and the City's Local Planning Policy 1.1 – Planning Processes and Decision Making.
- 6.2 Where an application involves short term rental accommodation land uses in a strata title arrangement, applicants are required to demonstrate that the operation of short-term rental accommodation is compliant with regulations governing ownership of the property i.e. provisions of the *Strata Titles Act 1985* and associated by-laws and/or management orders. This may require a copy of the strata by-laws being provided and ideally also the strata body's consent (otherwise the strata body or all other strata owners will be consulted by the City).

7 Temporary Approval

- 7.1 Where necessary to allow ongoing monitoring of the impacts of short-term rental accommodation, the approval period may be limited in accordance with Clause 72 of Schedule 2 of the Regulations. This is likely to be applied in circumstances where discretion has been applied in the decision to enable monitoring of the use prior to any future on-going approval.



References that may be applicable to this Policy

Legislative Requirements:

Planning and Development Act 2005
Health Act 1911
Planning and Development (Local Planning Schemes) Regulations 2015
Australian National Construction Code
Australian/NZ Standard 2890.6 for parking for people with disabilities and Fire safety requirements
Building Act 2011
Building Regulations 2012

Procedure, Process Maps, Work Instructions:

Planning Application Directorate Procedure

Other Plans, Frameworks, Documents Applicable to Policy:

Local Planning Scheme No. 6
Residential Design Codes Volume 1
Residential Design Codes Volume 2 (Apartments)
Local Planning Policy 1.6 – Parking and Access

Delegated Authority No:

DA – 020: Planning and Related matters

ORIGIN/AUTHORITY Adopted By Council 18 May 2021

Item No. P21/3898

Reviews

<TBC>