



## 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 ~~the~~ 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:**  
**TBDNA**

### 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. ~~To ensure appropriate location and management of short term accommodation that protects the amenity of residential areas or nearby residents.~~

### **Policy Scope**

This policy applies to all ~~short term~~ 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, but not including land uses such as Bed and Breakfast, Serviced Apartments and Tourist Accommodation that are defined elsewhere in the City's planning framework.

Through the *Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024*, the State Government introduced a suite of planning reforms

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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 which meets the following criteria where the dwelling is 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. Enquiries can be directed (to 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 City is required, with this policy setting out the City's process and the matters taken into account in -for the assessment ad determination of a developmenta application-and the matters taken into account in determining such applications.

## **Definitions / Abbreviations Used in Policy**

~~Bed and breakfast accommodation (LPS6 definition)~~

~~Means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.~~

~~Hosted Accommodation (draft Planning and Development (Local Planning Schemes) Regulations definition)~~

~~Means a portion of a dwelling or entire ancillary dwelling used to provide short-term accommodation with a permanent live in host (owner/occupier/manager) but does not include a bed and breakfast or caravan park or serviced apartment.~~

~~Holiday Accommodation (draft Planning and Development (Local Planning Schemes) Regulations definition)~~

~~Means 1 or more grouped dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot, but does not include hosted accommodation~~

~~Holiday Apartment (draft Planning and Development (Local Planning Schemes) Regulations definition)~~

~~Means a multiple dwelling that is used to provide short term accommodation.~~



~~Holiday House (Planning and Development (Local Planning Schemes) Regulations definition)~~  
~~Means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.~~

LPS6 City of Melville Local Planning Scheme No. 6

Regulations Planning and Development (Local Planning Schemes) Regulations 2015

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R-Codes ~~State Planning Policy 7.3~~ 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 Serviced Apartment (LPS6 definition)

- Hotel
- Hosted Accommodation
- Un-hosted Accommodation
- Tourist and Visitor Accommodation Means a group of units or apartments providing —
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~~R-(a) Self-contained short stay accommodation for guests; and (b) Any associated reception or recreation facilities.~~

#### ~~Short Term Accommodations (LPS6 general terms definition)~~

~~Means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than three months in any twelve month period.~~

#### ~~Tourist Accommodation (Canning Bridge Activity Centre Plan definition)~~

~~Means any land or building used for human habitation on a temporary basis with ancillary amenities such as café / restaurant, laundry and cleaning services. The term includes motel and serviced apartment and the like, but does not~~ Short Term Accommodations (LPS6 general terms definition)

~~Means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than three months in any twelve month period.~~

#### ~~Tourist Accommodation (Canning Bridge Activity Centre Plan definition)~~

~~Means any land or building used for human habitation on a temporary basis with ancillary amenities such as café / restaurant, laundry and~~ include hotel, residential building or bed and breakfast accommodation.

#### Residential Building (R-Code Definitions)

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



- Small Dwelling

A building or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto; such building being uses or intended, adapted or designed to be used for the purpose of human habitation:

- ~~Temporarily by two or more persons; or~~
- ~~Permanently by seven or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school.~~

## Policy Statement

### 1 General

~~1.1 This Policy establishes that the activities defined as holiday house, holiday accommodation, holiday apartment and hosted accommodation are land uses distinct to standard residential accommodation and accordingly require development approval.~~

~~1.2 The City is progressing amendments to the local planning framework to establish a separate use classes and associated land use permissibility for short term accommodation. In the interim, short term short-term accommodation is to be considered as a use not listed under Local Planning Scheme 6 or the applicable Activity Centre Plan. During this interim period, as a use not listed, short term accommodation activities will require planning approval and will be assessed against the local planning framework, including this policy.~~

1.3 — Assessment of developmentplanning applications for short term rental accommodation uses ~~activities~~ ~~shall~~ ~~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~~ short-term rental accommodation uses is likely to vary the level of potential impact related to the

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use. ~~Smaller hosted short term short-term accommodation uses, for example, are likely to result in lesser impacts in comparison to a larger un-hosted uses.~~ Where an ~~accumulation of short term short-term rental accommodation uses in a particular locality, site or building are likely to generate potential for additional adverse amenity impacts, the un-hosted use may~~ will not be supported by the City.

### 2 Site Characteristics

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



The Residential Zone includes the objective to “provide for a range of nonresidential non-residential uses, which are compatible with and complementary to residential development...”. The City's policy position is that ~~short-stay accommodations~~ short-term rental accommodation uses are (in particular, holiday apartments) is generally not supported in most Residential areas/zones. 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 –holiday house, holiday accommodation, holiday apartment and/or hosted accommodation–uses are 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.

#### Preferred Property Characteristics

- (a) Location within, abutting or opposite to mixed use zones and activity centres.



~~Well served by footpaths, dual access paths and public transport.~~  
~~(b) (c) — Located on Local Distributor and District Distributor Roads.~~

#### ~~Undesirable Property Characteristics~~

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

#### 2.2 — Other zones Locations

Mixed use zones and the mixed use non-residential zones of activity centres mixed-use areas within Centre Zones are preferred for short term rental accommodation uses. Similar commercial residential uses are permissible in these locations. These locations are likely to have less impact on residential amenity and provide good access to services such as shopping centres, workplaces workplaces, and public transport. In these locations applications for short term accommodation will still be subject to planning assessment of potential impacts.

#### 3 Number of Persons

3.1 — No more than 6 people/guests may stay at an individual dwelling/unit associated with a holiday house, holiday accommodation, holiday apartment and/or hosted accommodation use Where approval for more than six guests is proposed, approval for the change of use of the residence to a Residential Building will be required.





## **34 Car Parking**

**43.1** 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 [disability parking provisions](#)~~parking for people with disabilities~~. Required parking is to be provided, maintained and available on site with users of the ~~short-term~~[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, and must be required by the terms of an approved management plan and the short stay accommodation agreement to only use on-site parking.~~

**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.

## **45 Signage**

**45.1** In Residential Zones, no on-site signage is permitted in association with the ~~short-term~~[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.

## **65 ~~Operational~~Site Management Plan**

**56.1** An [operational](#) management plan is [generally](#) required to be submitted at the time of lodging a development application for [short-term rental accommodation use](#). ~~holiday house, holiday accommodation, holiday apartment and/or hosted accommodation. The requirement for the operation of the use in accordance with the management plan will be included as a condition of any development approval issued.~~

**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;~~[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;
- ~~iv-v.~~ 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.

## **67. Public Consultation**

76.1 For proposals where the provisions of the 'Residential' zone apply, development applications for short term accommodation, or applications where the existing use is proposed to be intensified, 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 for a minimum period of 14 days by way of letters to adjoining and nearby landowners (or longer with the owners' consent by way of letters to the adjacent landowners).

67.2 Where an application involves short term rental accommodation and uses holiday house, holiday accommodation, holiday apartment and/or hosted accommodation in a strata title arrangement, the strata body will be consulted. Prior to submission, applicants are required to demonstrate that the operation of short term 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).

## **87 Temporary Approval**

87.1 Where necessary to allow ongoing monitoring of the impacts of short term 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.

## **9 Compliance With Other Legislation**





~~9.1 Short term accommodation proposals may trigger compliance requirements in addition to planning approval under other legislation such as the Health Act 1911 and the National Construction Code. Applicants are advised to familiarise themselves with any additional requirements and to ensure compliance. Any granting of planning approval does not remove the need to seek other statutory approvals, nor does it imply that these consents will be forthcoming.~~

~~(For Example, where applicable, short term accommodation in a multi-level apartment complex must comply with Class 3 building specifications of the Australian National Construction Code and Australian/NZ Standard 2890.6 for parking for people with disabilities and Fire safety requirements)~~

#### 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  
[State Planning Policy 7.3](#) Residential Design Codes Volume 1  
and 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>](#)