



# UP25/78 Review of Local Planning Policy 1.21 - Short Term Accommodation

Mr T Cappelluci – Acting Manager Development Approvals



City of  
**Melville**

## UP25/78 Review of Local Planning Policy 1.21 - Short Term Accommodation

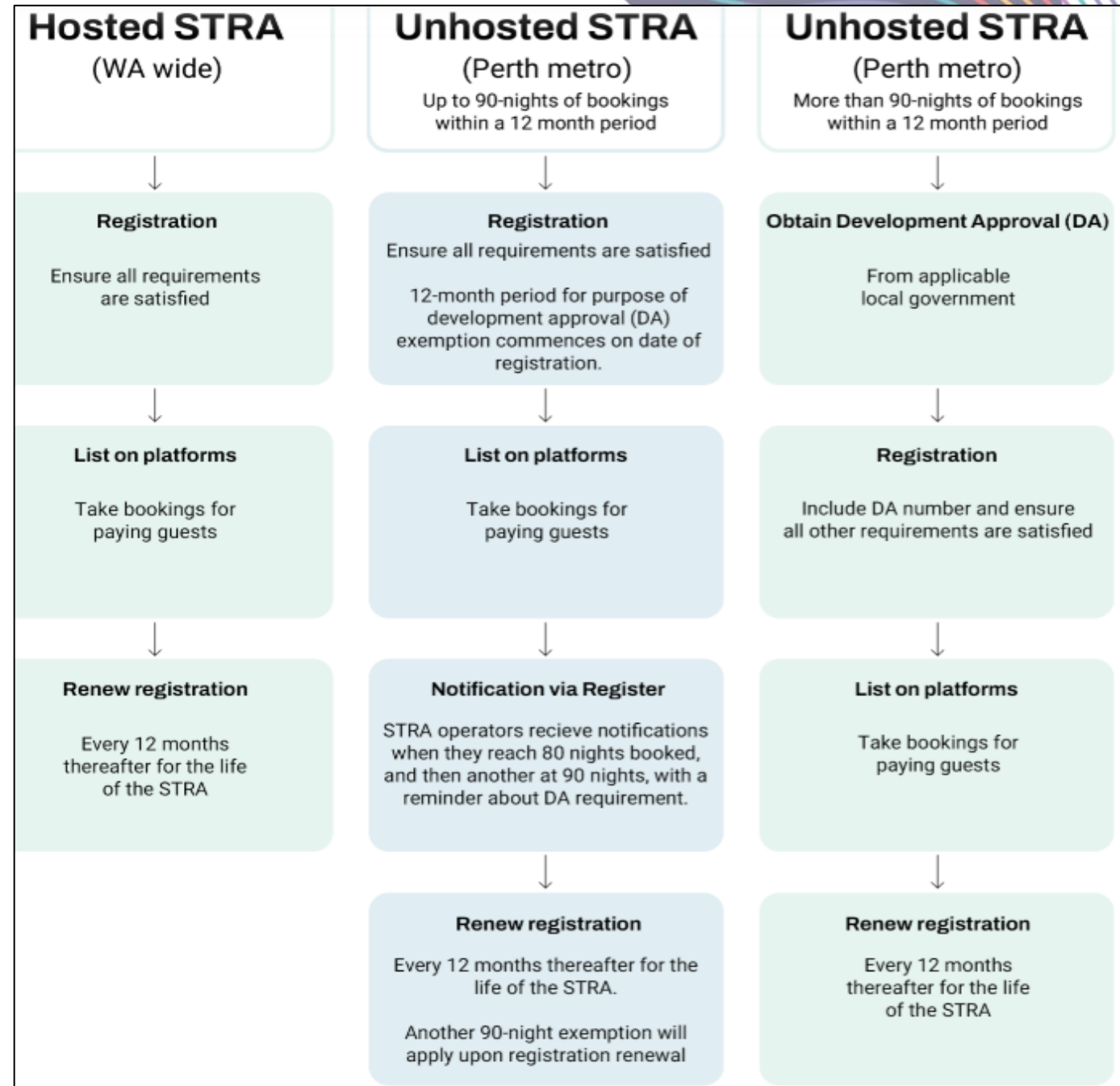
- Proposed amendment to LPP 1.21 earlier this year
- Review prompted by changes to legislation, influx of applications and feedback from the SAT on our policy
- Adopted by Council for the purpose of Advertising
- Advertised to community for 21 days – received 10 submissions
  - 5 objections
  - 3 support with concerns
  - 2 support

# UP25/78 Review of Local Planning Policy 1.21 - Short Term Accommodation

- Short Term Accommodation Act 2024 gazetted in July 2024
- Need to register hosted and unhosted Short Term Rental Accommodation (STRA) and renew annually
- Excluded are hotels, serviced apartments, tourist and visitor accommodation and lodging houses (etc.) where there is a sole operator/management group
- Approx 180+ homes on register
- Planning and Development (Local Planning Schemes) Amendment (Short Term Rental Accommodation) Regulations 2024 adopted September 2024
- Inclusion of new land use and other definitions
  - Tourist and visitor accommodation
  - Hosted short-term rental accommodation
  - Un-hosted short term rental accommodation
  - Short term rental accommodation
  - Short term rental arrangement
  - Un-hosted short-term rental accommodation
- LPS6 updated imminently as per Scheme Amendment 11 to reflect updated definitions and assign appropriate permissibility

# UP25/78 Review of Local Planning Policy 1.21 - Short Term Accommodation

- Outlines exemptions from requiring development approval
  - Hosted – just needs to register
  - Un-hosted <90 days – just needs to register
  - Un-hosted >90 days – DA required



# UP25/78 Review of Local Planning Policy 1.21 - Short Term Accommodation

## Key Changes

Change proposed	Rationale
Update to front end to make clearer when policy applies (i.e., hosted exempt)	Alignment with LPS6 and Regulations
Inclusion of up-front purpose	Align with business-friendly approach
Inclusion of citation	To provide appropriate legislative backing
Update to policy scope	Outline when approval is required and how policy applies
Update of definitions	Alignment with LPS6 and Regulations
General and site characteristics updated	Allow greater radius from activity centres Introduction of preferred operational characteristics Clarification on both general and site characteristics being applicable
Number of persons removed	Covered by Regulations

# UP25/78 Review of Local Planning Policy 1.21 - Short Term Accommodation

## Key Changes

Change proposed	Rationale
Car parking	Clarification on requirements for management plans
Signage	Clarification on signage expectations in Residential zone and other zones
Operational Management Plan	Renaming to have consistency with other land uses, when it is required
Consultation updates and rationalisation	Clarification for strata properties and referral to LPP 1.1 for advertising requirements
Temporary approval	Clarification as to when this would be applied.
Rationalisation of compliance with other legislation	Inferred – not necessary
LPP1.13 Bed and Breakfast Accommodation deleted	Regulations and LPS6 made LPP 1.13 redundant

# UP25/78 Review of Local Planning Policy 1.21 - Short Term Accommodation

## Proposed Preferred / Undesirable criteria after consultation

Submission	City response	Action
Change term undesirable to non-compliant	This is a policy and hence provides assessment guidance – the land use permissibility (compliance) is set by the Local Planning Scheme	Have clarified to make it clearer as to how this section is to apply.
Concerns around enforcement	The City has a compliance section which can The City will also potentially seek Unhosted STRA to require signage at the front of the property to direct initial complaints to management and temporary approvals where appropriate	Compliance and conditions of approval to assist in enforcement.
Existing approved STRA causing issues and tourist accommodation	Policy only applies to short term rental accommodation – not tourist accommodation (like lodges, motels, hotels and serviced apartments). Disruption to amenity and anti-social behaviour needs to be reported to the appropriate authority for investigation.	Suggest making formal complaint for City to investigate.
Questions around rationale for change and benefit to the community. Concerns around conflicts of interest.	There has been change in regulation and SAT appeals which have necessitated us to update our policy to ensure alignment with the legislation changes and case law. Conflicts of interest are dealt with through LG Act processes and requirements.	No change.
Concerns around a policy restricting future investment in area and emotional rather than fiscal response. Private property right infringement	Our policy balances permitting these uses where appropriate whilst also protecting residential amenity. SAT case law supports these are not a residential land use and therefore not always appropriate in all residential areas.	No change.

# UP25/78 Review of Local Planning Policy 1.21 - Short Term Accommodation

## Conclusion

- No changes recommended following advertising
- Minor modification to clarify application of both site and locational characteristics being required to be met for the City to support the proposal
- Recommended to be adopted
- Following adoption, will notify submitters of outcome