

SHORT TERM RENTAL ACCOMMODATION Information Sheet

Background

The State Government introduced Short Term Rental Accommodation Act 2024 (STRA Act) and the Planning and Development (Local Planning Schemes) Amendment (Short Term Rental Accommodation) Regulations 2024 (Regulations). This has resulted in a change in land use definitions and the way applications are assessed.

The land use definitions are in two categories and are described as:

- Hosted STRA
- Un-hosted STRA

Hosted STRA is exempt from the need for a development approval

Un-hosted STRA will require development approval and land use permissibility's in Table 4 of the Shire of Ashburton Local Planning Scheme 8 (LPS8) should be read as if "Holiday House" and "Holiday Accommodation" uses are replaced with "Un-hosted STRA".

The private holiday house market has grown in popularity in recent times with the rise of booking platforms such as AirBnB and Stayz making it easy and convenient for homeowners and holiday makers to use the service. This rise in popularity, especially in popular holiday destinations has created concerns regarding impacts of inconsiderate behaviour from holiday makers and the changes to the character of local communities.

In response to this concern, the State Government introduced new legislation to regulate and control STRA. This includes the need for properties to be included on a statewide register and for development approval to be obtained (where necessary) prior to registration.

What the Shire will consider as part of assessing an application

In considering an application for an Un-hosted STRA use, the Shire will have regard to:

- a) The scale of the proposed use compared to the scale and intensity of development in the area surrounding the development site.
- b) The potential impact of increased vehicle access demand to a site, namely whether the proposal results in a significant increase in the volume of vehicle traffic and/or movements in the area.
- c) Any proposed management controls by the operator that will be incorporated into the Management Plan. These controls are to mitigate potential adverse amenity impacts to nearby landowners and occupiers.

If the application relates to a retrospective development application, whether previous valid complaints have been received relating to a loss of amenity to adjoining properties and whether or not these impacts can be addressed by appropriate management under an approved management plan.

Time limits

The Shire may grant approval to the use on a temporary basis for a period of 12 months.

At the conclusion of the 12-month period, the approval shall lapse and be of no further effect unless the Shire resolves to grant approval to a new development application, amends the original approval to delete the condition(s) limiting the time of approval or extends the term of the approval.

In determining whether a subsequent approval is to be granted under Clause 77 of the Deemed Provisions, the Shire shall have regard to the following matters:

- Any changes to the characteristics of the area surrounding the use since the original approval was granted.
- Responsiveness of managers/owners to resolve breaches.
- Whether the approved Management Plan has been sufficiently complied with.
- The validity and severity of any complaints received relating to the operation of the approved use.

Information required to support an application

Management Plans

The Shire will typically require the submission of a Management Plan (code of conduct) at lodgement of an application. The Management Plan shall (but not limited to) address the following matters:

- Duration of stay, number of guests and check in and departure procedures;
- Control of noise and other disturbances, including but not limited to amplified music, smoke, odours, light and barking dogs;
- Complaints management procedure; Security of guests, residents and visitors;
- Control of anti-social behaviour and potential conflict between the short-term and long-term residents;
- Storage and removal of rubbish;
- Signage standards for contact information; and
- Vehicle parking management.

Standard conditions of a Management Plan (code of conduct) are included in Annexure A but may be subject to review on an ongoing basis at an administrative level to ensure policy objectives are achieved.

Annexure A

Management Plan - Code of Conduct for

Un-Hosted Short Term Rental Accommodation (STRA)

1. Occupants to act lawfully

2. Number of Occupants and Guests

The maximum number of Occupants permitted at this Un-hosted STRA is (insert number of guests) are permitted after 10pm.

3. Vehicles

3.1. The number of vehicles (including all motorised vehicles and trailers) parked at the Holiday House must not exceed (insert number of vehicles).

3.2. Each vehicle used by an occupant or guest of the Holiday House must be parked within the designated parking bays.

4. Obligations to neighbours

Each occupant who enters, uses or occupies the Un-hosted 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 Holiday House, including but not limited to—

- (a) violence or threats;
- (b) loud aggressive behaviour including yelling, screaming or arguing;
- (c) excessively loud noise nuisance; and

5. Noise

Guests to be advised of the requirement to comply with the Environmental Protection (Noise) Regulations 1997 in relation to noise emissions. Parties are not permitted, and music noise, loud TV or stereo exceeding prescribed noise levels will not be tolerated. An after-hours contact must be provided to neighbouring properties for response to noise complaints.

6. Hygiene

Demonstrate how ensuring clean and hygienic conditions being met including management of linen.

7. Mosquitoes

If your property is identified as a high-risk location by the Environmental Health team at the Shire then advice must be included regarding virus risk and measures to avoid being bitten.

Suggested inclusion:

You are advised to take appropriate precautions such as wearing long loose clothing and applying an effective repellent to avoid being bitten' Further information can be sought from Prevent mosquito bites (healthywa.wa.gov.au)

8. Pets

Pets occupying the premises—

- (a) must not be left unattended; and
- (b) must be managed and not cause a nuisance (including a noise nuisance) to neighbours adjoining or in the vicinity of the Holiday House.

9. Beach Access

If your property has direct access to the beach or nearby to tracks, include the following section.

Beach access through fragile dune systems is to be avoided as it can lead to vegetation and habitat destruction which can cause dune erosion. Pedestrians must keep to existing access points as highlighted (insert sketch).

10. General obligations

- 10.1. An Occupant or guest of the Holiday House must not sleep or camp on the site in a tent, caravan, campervan or similar.
- 10.2. Demonstrate how waste collection and disposal is managed including storage, cleaning and weekly disposal.

11. Responsibility of Manager

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

Prior to commencement of any occupation of the Holiday House, the Manager must provide all Occupants with the following a copy of the approved Management Plan – Code of Conduct with version number/date.

The Owner and Manager must ensure that the Premises displays a sign that:

- 11.1. is visible from the street;
- 11.2. displays a current telephone number upon which the Manager can be reached;
- 11.3. is located solely within the subject site; and
- 11.4. is no larger than 0.2m².

12. The owner and Manager must ensure that:

- (a) The property is fitted with fire alarms that are reticulated into the main electrical system and that these are maintained in accordance with the operating manual requirements of the system;
- (b) An emergency exist sign is provided in appropriate locations; and
- (c) An emergency evacuation plan is displayed and made available for occupants and guests.