

LOCAL PLANNING POLICY 5.25

TITLE:	UNHOSTED SHORT TERM RENTAL ACCOMMODATION (UNHOSTED STRA)
ADOPTED:	28 September 2023
REVIEWED:	OMC 30 May 2024 – Pages 10 –16 OMC 26 February 2026 – Pages 1 – 4
ASSOCIATED LEGISLATION:	<i>Planning and Development Act 2005</i> <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> <i>Local Planning Scheme No7 (LPS7)</i> <i>Short Term Rental Accommodation Act 2024</i>
ASSOCIATED DOCUMENTS:	
REVIEW RESPONSIBILITY:	Director of Development and Community Services
DELEGATION:	Delegations are exercised in accordance with delegation granted in terms of Section 5.42 of the Local Government Act 1995 as amended or other statutes as applicable to specified officers.
APPLICATION:	This policy applies to the LPS7 area.

Objectives:

1. To support Unhosted STRA land uses while managing the social impacts of this use.
2. To establish development standards for Unhosted STRA land uses to avoid off-site impacts and maintain the desired amenity of the zone.
3. To provide for the safety of users who may be less familiar with the dwelling and surrounding environment.
4. To establish minimum management obligations for the operation of Unhosted STRA to ensure their compatibility with the desired amenity and objectives of the zone.

Definitions:

“Residential built-out area” a lot that has access to reticulated water and is within or contiguous with, an urban area or town (or similar).

“Short-term rental accommodation” –

- a) Means a dwelling provided, on a commercial basis, for occupation under short-term rental agreement; but
- b) Does not include a dwelling that is, or is part of, any of the following –
 - i. an aged care facility as defined in the *Land Tax Assessment Act 2002* section 38A(1);
 - ii. a caravan park;
 - iii. a lodging-house as defined in the *Health (Miscellaneous Provisions) Act 1911* section 3(1).
 - iv. a park home park;
 - v. a retirement village as defined in the *Retirement Villages Act 1992* section 3(1).
 - vi. workforce accommodation.

“Short-term rental arrangement” means an arrangement under which –

- a) a dwelling, or part of a dwelling, is provided for occupation by a person; and
- b) the person occupies the dwelling, or part of the dwelling, for a period or periods not exceeding a total of 3 months in any 12-month period.

“Unhosted short-term rental accommodation” or “Unhosted STRA” means short term rental accommodation that -

- a. Is not hosted short-term rental accommodation; and
- b. Accommodates a maximum of 12 people per night.

Policy:**1. Dwelling Requirements****1.1. The Unhosted STRA is within an existing lawful dwelling and has:**

- a. Legal access to a public road.

1.2. For Unhosted STRA, within a Grouped or Multiple Dwelling, written support has been received by the local government from the majority of owners of properties in the complex or development within which the Unhosted Short Term Rental Accommodation is to be located (excluding the owner of the site subject of the application, unless the applicant owns all of the properties in the complex or development).**1.3. Bedrooms and car parking for Unhosted STRA are provided in accordance with the following rates:**

Number of Occupants	Minimum Number of Bedrooms	Number of Car Parking Bays
1-2	1 bedroom or studio room	2
3-4	2	2
5-8	3	3
9-12	4	4

Note: the Planning and Development (Local Planning Schemes) Regulations 2015 establishes that the maximum number of occupants in an Unhosted STRA, regardless of the number or size of bedrooms, is 12. The Shire has no discretion to approve Unhosted STRA with maximum occupant numbers higher than those limits.

2. Management of Unhosted Short Term Rental Accommodation

2.1. Every application for Unhosted STRA land use must be accompanied by a Management Plan which as a minimum, incorporates the following:

- a. Nomination of a manager of the Unhosted STRA and their contact details. The approved manager must reside or have their office within 15 minutes driving distance of the Unhosted STRA.
- b. The hours the manager can be contacted which as a minimum must be between 9am and 5pm Monday to Saturday (excluding public holidays) and 9am to 12pm on Sunday and public holidays.
- c. Details on how the premises will be managed on a day-to-day basis (including how keys are easily available for late entry, providing on-site assistance to occupiers of the Unhosted STRA and confirming arrangements for cleaning (including garden/waste management).
- d. Control of noise and other disturbances;
- e. Control of anti-social behaviour;
- f. A complaints procedure which as a minimum establishes that any complaints from adjacent residents are responded to as soon as reasonable and practicable and within a maximum of 12 hours;
- g. A code of conduct for guests, which must be displayed within the Unhosted STRA, and as a minimum incorporates the following:
 - i. Maximum number of guests permitted to stay in the Unhosted Short Term Rental Accommodation;
 - ii. Rules for use of outdoor areas to minimise noise and amenity impacts on adjacent properties;
 - iii. Management of visitors to the site;

- iv. Parking controls, including that guests and any visitors must park on site;
and
- v. The use of amplified music.

It will be a condition of development approval that the owner/operator must comply with the management plan at all times.

3. Public Consultation

- 3.1. An application for Unhosted STRA land use will be advertised for public comment for a minimum comment period of 21 days. The owners of properties adjoining the application site and those on the other side of any street immediately opposite will be consulted in writing.

4. Unhosted STRA in Bushfire Prone Areas

- 4.1. Where Unhosted STRA is proposed in a bushfire prone area and is in a residential built-out area, it will be deemed minor development under State Planning Policy 3.7 – Planning in Bushfire Prone Areas, subject to the submission of an acceptable:
 - a. Simplified Emergency Evacuation Plan; and
 - b. Simplified Bushfire Management Plan.

Note: a template for the preparation of the above, can be accessed [here](#),

- 4.2. Where Unhosted STRA is proposed in a bushfire prone area and is not a residential built-out area, it must satisfy State Planning Policy 3.7 – Planning for Bushfire Prone Areas.

SHIRE OF BROOME LOCAL PLANNING SCHEME No. 7 (LPS7) – LOCAL PLANNING POLICIES

This Policy is a Local Planning Policy adopted pursuant to Part 2 clause 4 of the deemed provisions of LPS7. LPS7 is administered by the Shire of Broome as the responsible authority under the Scheme. LPS7 was gazetted and came into operation on the 28 September 2023.

Planning policies adopted under LPS7 may be amended or rescinded after the procedures set out in Part 2 of the deemed provisions of LPS7 have been completed.