

# Local Planning Policy No. 31

## Unhosted Short-Term Rental Accommodation and Residential Building

Adopted: 10 April 2012

Last Amended: 21 April 2026

### 1.0 Citation

This Local Planning Policy is prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This Policy may be cited as Local Planning Policy No. 31 'Unhosted Short Term Rental Accommodation and Residential Building'.

### 2.0 Introduction

The Town of Victoria Park (Town) is located within easy travel distance from the Perth CBD and Perth airport. This strategic location coupled with many entertainment and tourism attractions within the Town including Perth Stadium, Burswood Casino Entertainment Complex, Belmont Park racecourse, the Derbarl Yerrigan (Swan River), Albany Highway cafe/retail strip, a vibrant inner-city precinct, means that the locality is an attractive area for unhosted short-term rental accommodation properties and to a lesser extent, residential buildings.

This policy aims to support well-located unhosted short-term rental accommodation and residential buildings, which are appropriately managed to minimise impact to surrounding properties.

### 3.0 Objectives

- a) To limit the land uses of unhosted short term rental accommodation in locations near tourism and entertainment attractions and/or activity centres.
- b) To maintain the amenity and established character of residential localities by ensuring the location, scale, design and operation of unhosted short-term rental accommodation is appropriate to the setting.
- c) To ensure the land uses of unhosted short term rental accommodation and residential buildings are appropriately serviced to meet the needs of occupants and prevent impacts on the local environment or infrastructure.

## 4.0 Scope

- a) The following land uses require development approval in accordance with Local Planning Scheme No. 2, and are the subject of this Policy -The following uses of land require development approval in accordance with Local Planning Scheme No. 2, and are the subject of this Policy -
- i. Unhosted short term rental accommodation intended to occur for 90 nights or more within a 12-month period; and
  - ii. Residential buildings

Note 1: pursuant to the *Planning and Development (Local Planning Scheme) Regulations 2015*, 'hosted short term rental accommodation' where the host lives on the site/property or 'unhosted short term rental accommodation' which is rented 90 days or less within a 12-month period from the date of registration are exempt from requiring development approval.

- b) This policy does not apply to the following types of short-term and temporary accommodation:
- i. House swapping and house sitting
  - ii. Personal use of a holiday home or the sharing of a holiday home with the owner's family and friends
  - iii. Student exchange accommodation
  - iv. Hosted short-term rental accommodation;
  - v. Unhosted short-term rental accommodation intended to be used for 90 days or less within a 12 month period
- c) While this Policy does not apply to the types of accommodation listed in (b) above as these uses are exempt from development approval, the Town encourages the use of land for the purposes covered by items iv. and v. to be located as per clause 5.1 of this Policy and for properties to have an operational Management Plan having regard to clause 5.6 of this Policy.

## 5.0 Policy Requirements

### 5.1 Location Requirements

- a) Applications for unhosted short term rental accommodation are to be located within Areas 1 to 4 as described below and shown on the maps at Appendix 1, being areas within proximity of an entertainment or tourism attraction:

- Area 1: Burswood Peninsula

Properties located north of Great Eastern Highway, west of Graham Farmer Freeway and east of and south of the Derbal Yerrigan (Swan River)

- Area 2: Burswood South

Properties located north of Burswood Road, south of Great Eastern Highway and east of Shepperton Road

- Area 3: Albany Highway - Victoria Park

Properties located north of Washington Street, west of Canning Highway, south of Shepperton Road and east of Kent/Miller Street

Note 2: refer to Appendix 1 to view maps showing the preferred locations (Areas 1 to 3).

b) Applications for a residential building will generally only be supported within the following zones as designated under Local Planning Scheme No.2:

- i. Mixed Use
- ii. Local Centre
- iii. District Centre
- iv. Residential, where the R-Code is R60 or higher.

c) Temporary development approvals granted for Unhosted STRA prior to 21 April 2026 which subsequently apply for further development approval are to meet the requirements of this policy, with the exception of '5.1 Location Requirements'

## 5.2 Built Form and Site Appearance

- a) Built form should be generally consistent with requirements for the zone, including the Residential Design Codes (R-Codes) and applicable Local Planning Policies.
- b) On land zoned 'Residential' under Local Planning Scheme No. 2, a maximum of one sign on the site not exceeding 0.2m<sup>2</sup> in area, and incorporated into a front fence, wall, structure or building that identifies the name and/or address of the accommodation is permitted. The signage can be backlit for illumination but not a digital sign.

- c) Signage associated with the accommodation on land zoned other than 'Residential' shall be subject to Local Planning Policy 38 'Signs'.

### 5.3 Dwelling Occupancy

- a) The overall maximum number of occupants shall be calculated at two occupants per bedroom provided or other habitable room that is capable of use as a bedroom.

Note 3: For example, a one-bedroom dwelling - a maximum of two occupants, or a four-bedroom dwelling – a maximum of eight occupants.

### 5.4 Waste

- a) Where the occupancy is intended to exceed six occupants, proposed waste management details are to be provided as part of the Management Plan submitted.

Note 4: Waste generation is assessed using the Waste Authority's Waste Calculator for 'Serviced Apartment / Boarding House / Backpacker' for a 3 bin system.

### 5.5 Car Parking

- a) The provision of car parking provided on-site is to be provided in accordance with the minimum car parking requirements outlined in the Residential Design Codes (R-Codes).
- b) On-site car parking should be designed and located to not impede on vehicle manoeuvring, sightlines or the streetscape.

Note 5: This is assessed against the R-Codes. The applicable Part B design elements are 5.2.5 Sightlines, 5.3.2 Landscaping, 5.3.3 Parking, 5.3.4 Design of Car Parking Spaces and 5.3.5 Vehicular Access and the applicable Part C design elements are 1.2 Trees and Landscaping, 2.3 Parking, 3.6 Streetscape and 3.7 Access.

### 5.6 Management Plan

- a) All applications for Unhosted STRA-and residential buildings are to be accompanied by a Management Plan.
- b) The Management Plan is to detail the following matters:
- i. Name and contact details of the manager and other people responsible for management. There shall be at least one person available by direct telephone at all times of operation of the accommodation, that is within local proximity of the premises to be able to respond and be present at the site, within one hour of any complaints or other issues being received.
  - ii. Arrival and departure procedures
  - iii. Confirmation of designated on-site car parking bays, public transport options and any active transport modes provided to occupants (i.e. bicycles).
  - iv. Control of noise and other disturbances, including the appropriate use of outdoor areas

- v. Complaints Management Procedure detailing the person(s) responsible and measures that will be taken in the event a complaint is received in relation to the occupants or operation of the premises. This will detail the approach and
- vi. timeframe to resolve any complaints received and provide feedback to the complainant that appropriate actions have been taken to resolve the issue and prevent further occurrences. The Complaints Management Procedure is to be provided to all properties surrounding the premises (if approved) and revised copies provided should the person(s) responsible for receiving and responding to complaints (or their contact details) change.
- vii. Waste management including the expectations about general rubbish and bin collection.
- viii. Pet management (if applicable)

Note 6: A template Management Plan is provided at Appendix 2 of this Local Planning Policy.

- c) The Management Plan shall be provided to the occupant(s) at the time of booking and kept displayed in a prominent position within the premises.

## 5.7 Criteria to classify 'residential building' land use

- a) The following criteria is considered when classifying whether an application for a building providing accommodation will be determined as a dwelling (for example, a Single House or Grouped Dwelling) or a Residential Building:
  - i. The number of proposed and potential bedrooms and occupants, in particular where there are 6 or more rooms proposed or considered capable for use as bedrooms. The Council may consider any enclosed habitable room greater than 10m<sup>2</sup> in area as capable of occupation by two persons;
  - ii. The ratio of bathrooms and toilets to the number of bedrooms/occupants. As a guide, the Council will consider a building that provides a high ratio of toilets and bathrooms to the number of proposed or potential bedrooms as a characteristic of a Residential Building (i.e. a ratio of more than 1 toilet per 2 bedrooms or more than 1 bathroom per 2 bedrooms);
  - iii. The floor area ratio of potential bedrooms to living areas;
  - iv. The location and provision of outdoor living areas so that they do not provide opportunity for conversion to car parking spaces;



- v. The proportion of soft landscaping in comparison to hard/paved surfaces to determine whether a proposed building will have landscaped surroundings, and a level of
- vi. maintenance usually associated with a dwelling for permanent occupation, particularly in the case of applications for a Single House or Grouped Dwelling(s)
- vii. Proximity of the site to higher education providers (i.e. Curtin University and Carlisle TAFE) and high frequency public transport

Note 7: A 'Residential Building' land use may also be classed as a Lodging House under the *Health Act 1911* and the Town of Victoria Park's Health Local Law. Lodging Houses are subject to additional requirements, including the requirement for a caretaker/manager to reside at the premises at all times. Please contact the Town's Environmental Health service area for further information.

### **5.8 Approval Period**

- a) Development approval for Unhosted STRA will be granted for an initial period of twelve months only. This recognises that the appropriateness of the Unhosted STRA land use to its setting is dependent upon the effectiveness of proposed management arrangements.
- b) The Town will undertake community consultation for applications that are received to renew their initial development approval. The Town in determining whether to grant permanent further development approval will have regard to the submissions received during the consultation period, valid complaints received in the previous approval period and any changes made to the operation of the Unhosted STRA to demonstrate whether the land use has been appropriately managed.
- c) Any development approval granted beyond the initial 12 month period is to be for a maximum of 5 years. Prior to the expiry of the 5 year approval period, an applicant may apply for a further 5 year development approval

### **5.9 Community Consultation**

- a) All applications will be advertised for community consultation in accordance with Clause 64(4) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Policy 37 – Community Consultation on Planning Proposals.

## 6.0 Definitions

<b>Dwelling</b>	<p>as defined in the Residential Design Codes: Volume 1 means –</p> <p>a building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.</p>
<b>Habitable room</b>	<p>as defined by the NCC [National Construction Code] for a room/space used for normal domestic activities that includes:</p> <ul style="list-style-type: none"><li>- a bedroom, living room, lounge room, music room, sitting room, television room, kitchen, scullery, dining room, sewing room, study, playroom, family room, sunroom, gymnasium, fully enclosed swimming pool or patio;</li></ul> <p>but excludes:</p> <p>a bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, photographic darkroom, clothes drying room, verandah and unenclosed swimming pool or patio and other spaces of a specialised nature occupied neither frequently nor for extended periods.</p>
<b>Hosted short-term rental accommodation</b>	<p>as defined in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> means any of the following —</p> <ul style="list-style-type: none"><li>(a) short-term rental accommodation where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the same dwelling during the short-term rental arrangement;</li><li>(b) short-term rental accommodation that is an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the other dwelling on the same lot, resides at that other dwelling during the short-term rental arrangement;</li><li>(c) short-term rental accommodation that is a dwelling on the same lot as an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the ancillary dwelling during the short-term rental arrangement;</li></ul>

**house swapping and house sitting**

a mutual arrangement made between owners of separate properties to 'swap' homes for a temporary period and is often for holiday accommodation purposes. House swapping is commonly organised through specialised websites. Housesitting is a mutual arrangement whereby a person stays and cares for a property whilst the owner is away. Housesitting can be a commercial or non-commercial form of accommodation and is commonly arranged through specialised websites.

**lodger and boarders**

a lodging house is defined under the *Health Act 1911* as any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than six persons, exclusive of the reward, not including the family or the keeper of the house. Common boarding arrangements include backpacker hostels, crisis accommodation, and student accommodation services. The *Health Act 1911* requires boarding or lodging houses to be registered with a local government who may establish additional local laws for premises.

**occupant**

means a person who is over 16 years in age and accommodated at the property

**residential building**

as defined in the Residential Design Codes: Volume 1 means – a building or portion of building, together with rooms and outbuildings separate from such building but incidental thereto such building being used 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 of a single family, but does not include a hospital or sanitorium, a prison, a hotel, a motel or residential school.

**short-term rental accommodation**

as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* means —

- means a dwelling provided, on a commercial basis, for occupation under a short-term rental arrangement; but
- 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*

- (iv) *(Miscellaneous Provisions) Act 1911* section 3(1)
- (v) a park home park;
- (vi) a retirement village defined in the Retirement Villages Act 1992 Section 3(1);
- (vii) workforce accommodation.

**short-term rental arrangement**

as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* means — as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* 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

**student exchange accommodation**

temporary accommodation whereby students stay with a host family in their home whilst studying. These arrangements are commonly organised through student hosting organisations or educational establishments

**unhosted short term rental accommodation**

as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* means short-term rental accommodation that —

- (a) is not hosted short-term rental accommodation; and
- (b) accommodates a maximum of 12 people per night



## 7.0 Relevant Legislation & Policies

*Planning and Development Act 2005*

*Planning and Development (Local Planning Scheme Regulations) 2015*

*Short-Term Rental Accommodation Act 2024*

Town of Victoria Park Local Planning Scheme No. 2

Residential Design Codes of Western Australia (R-Codes)

Town of Victoria Park Local Planning Policies

Position Statement: Planning for Tourism and Short-term Rental Accommodation

Planning for Tourism and Short-term Rental Accommodation Guidelines

## 8.0 Version Control & Administration

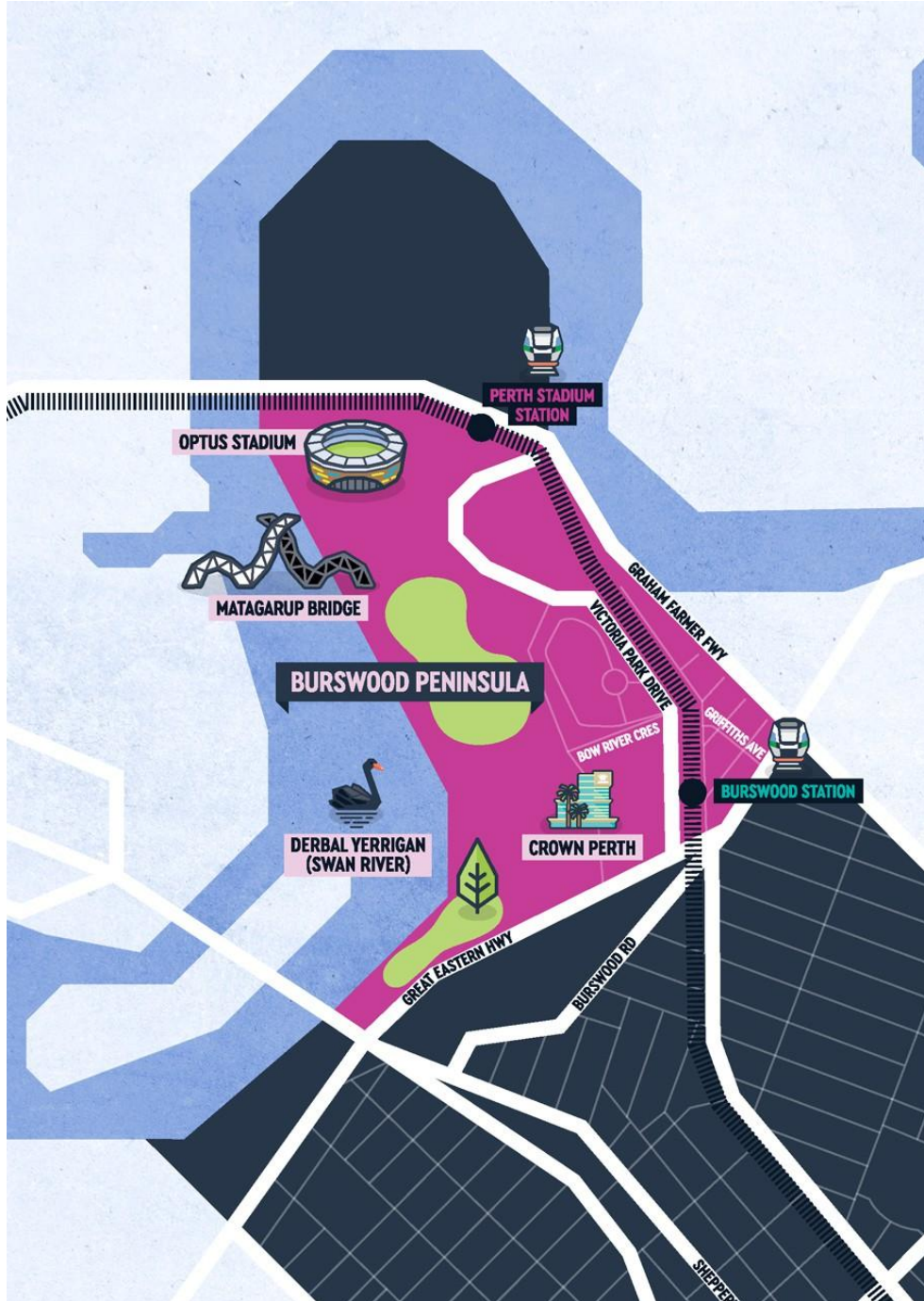
<b>LPP Category</b>	Miscellaneous
<b>Responsible Service Area</b>	Urban Planning
<b>Adoption Date</b>	10 April 2012
<b>Review Date(s)</b>	16 April 2019 21 April 2026
<b>Next Review Date</b>	2030 (4 years)

## Appendix 1: Preferred Area Maps (Unhosted STRA)

### Area 1: Burswood Peninsula

Properties located north of Great Eastern Highway, west of Graham Farmer Freeway and east of and south of the Derbal Yerrigan (Swan River)

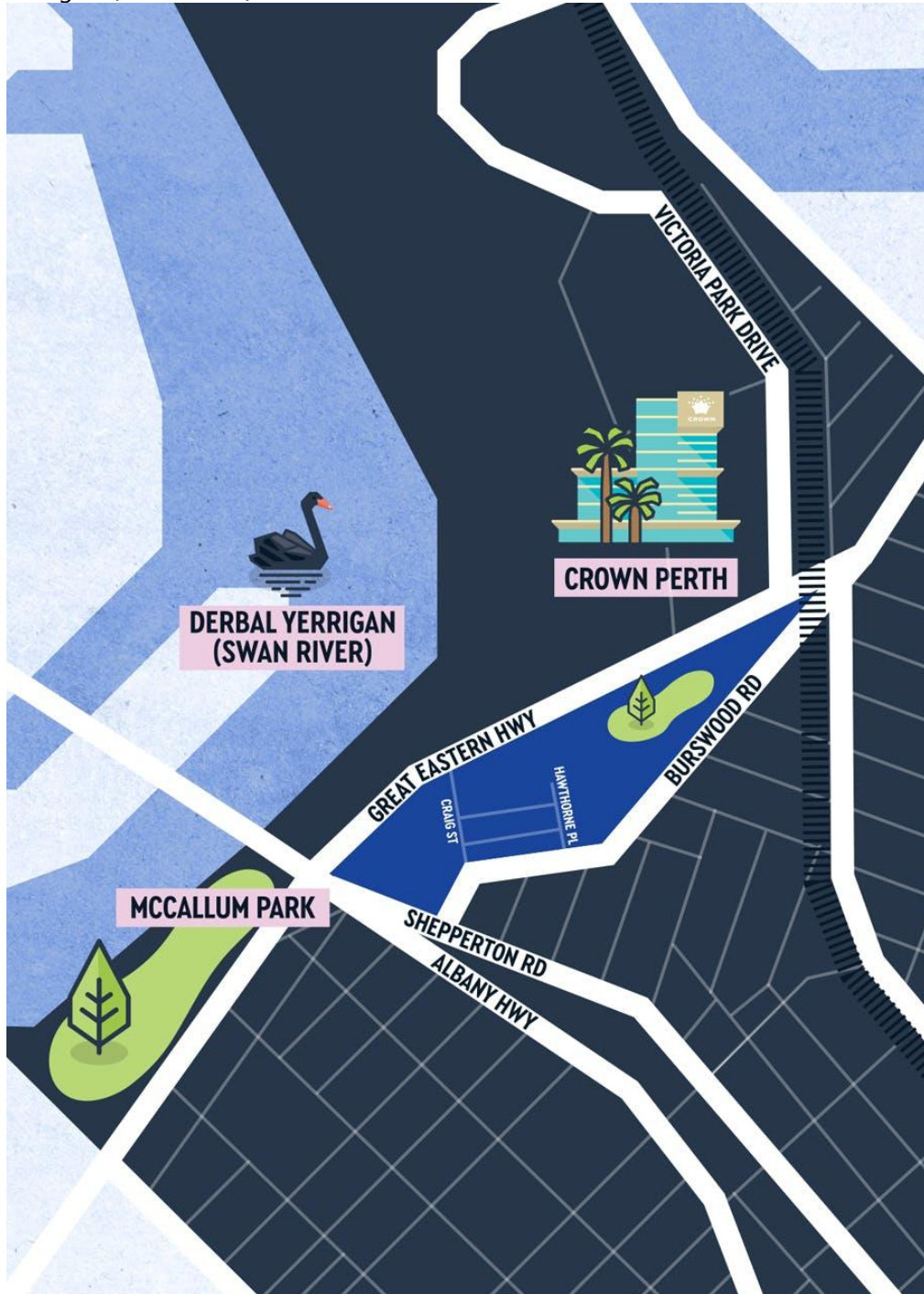
Attractions include Perth Stadium, Burswood Casino / Entertainment complex and Derbal Yerrigan (Swan River)



**Area 2: Burswood South**

Properties located north of Burswood Road, south of Great Eastern Highway and east of Shepperton Road

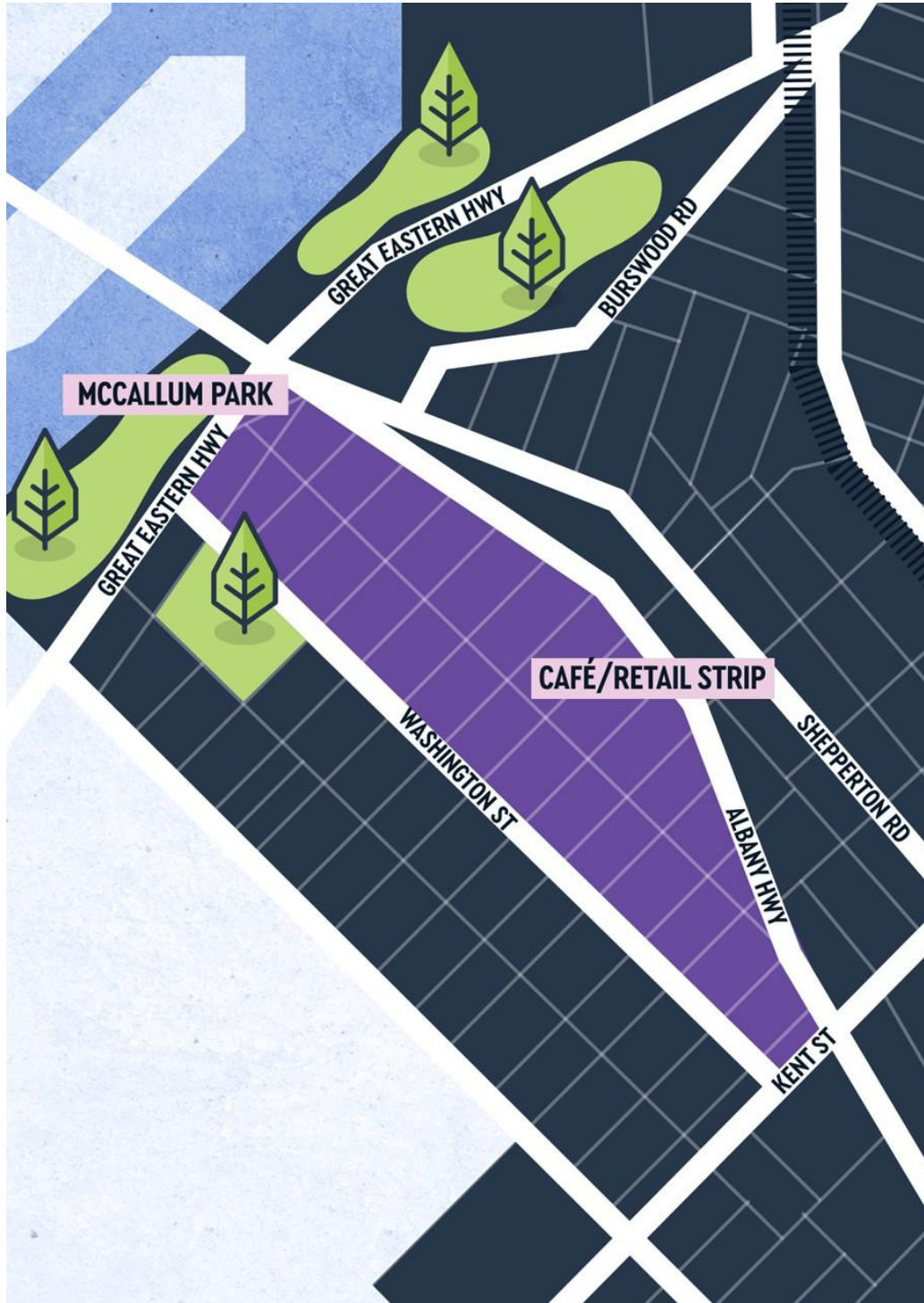
*Attractions include Burswood Casino / Entertainment complex and Derbal Yerrigan (Swan River)/McCallum Park*



### Area 3: Albany Highway - Victoria Park

Properties located north of Washington Street, west of Canning Highway south of Shepperton Road and east of Kent/Miller Street

*Attractions include Albany Highway café/retail strip*



## Appendix 2: Template Management Plan

### Unhosted Short Term Rental Accommodation (STRA) – Management Plan

PROPERTY ADDRESS:

MANAGER/MANAGEMENT COMPANY CONTACT DETAILS:

Name:

Address:

Phone:

Email:

Signature:

*Note: There shall be at least one person available by direct telephone at all times of operation of the accommodation, that is within local proximity of the premises to be able to respond and be present at the site, within one hour of any complaints or other issues being received.*

**ACCOMMODATION DETAILS:** Maximum number of bedrooms and bathrooms to be used for Unhosted STRA> Maximum numbers of occupants: Provide details of arrival and departure procedure for occupants.

**PARKING AND TRANSPORT:** Describe location of onsite parking bays (within property boundary.: Details on public transport options and any active transport modes provided to occupants (i.e. bicycles).

**NOISE:** Provide details on what measures will be in place to minimise noise impact to neighbouring properties, in particular from outdoor areas, swimming pools and balconies.

*Note: Any activity at the property must comply with assigned noise levels within the *Environmental Protection (Noise) Regulations 1997*.*

**COMPLAINTS PROCEDURE:** detailing the person(s) responsible and measures that will be taken in the event a complaint is received in relation to the occupants or operation of the premises. This will detail the approach and timeframe to resolve any complaints received and provide feedback to the complainant that appropriate actions have been taken to resolve the issue and prevent further occurrences, including details of consequences which may include evictions. The Complaints Management Procedure is to be provided to all properties surrounding the premises (if approved) and revised copies provided should the person(s) responsible for receiving and responding to complaints (or their contact details) change.

**PET MANAGEMENT:** Maximum number of pets \*pets should not be left at the property unattended

**WASTE MANAGEMENT PROCEDURE:** Provide details of waste management procedure: Indicate who is responsible for a) ensuring rubbish and recycling bins are placed for collection on designated collection days and b) ensure that any additional rubbish and disused items (including old furniture) is removed from the property in accordance with the Town of Victoria Park's waste requirements. Where over six occupants are proposed additional waste management details are to be provided (refer to policy provision 5.4 Waste).

*Note: Refer to [vicpark.info/waste](http://vicpark.info/waste) for further information on waste and recycling in the Town of Victoria Park*