

## 12. REPORTS AND RECOMMENDATIONS OF COMMITTEES

### 12.1 PLANNING AND DEVELOPMENT COMMITTEE - 11 MARCH 2025

Councillor Michael Dudek disclosed an Impartial Interest in Item 12.1/CF2 as his brother has a Short-Term Rental Accommodation within the City of Stirling.

#### 12.1/CF2 PROPOSED LOCAL PLANNING POLICY 6.19 - SHORT-TERM RENTAL ACCOMMODATION

|                |                |                                       |
|----------------|----------------|---------------------------------------|
| Business Unit: | City Future    | Service: Schemes, Policies & Heritage |
| Ward:          | City Wide      | Location: Not Applicable              |
| Applicant:     | Not Applicable |                                       |

#### Role

Legislative - *Making local laws, policies and planning instruments.*

#### Council Resolution

**0325/031**

**Moved Councillor Proud, seconded Councillor Giudici**

**That Council PREPARES Local Planning Policy 6.19 – Short-Term Rental Accommodation (as shown in Attachment 1) for the purpose of public advertising.**

**The motion was put and declared CARRIED (13/0).**

**For:** Councillors Creado, Dudek, Ferrante, Giudici, Hatton, Lagan, Migdale, Olow, Paparde, Perkov, Proud, Re and Thornton.

**Against:** Nil.

### **Committee Recommendation**

That Council PREPARES Local Planning Policy 6.19 – Short-Term Rental Accommodation (as shown in Attachment 1) for the purpose of public advertising.

### **Officer's Recommendation**

That Council PREPARES Local Planning Policy 6.19 – Short-Term Rental Accommodation (as shown in Attachment 1) for the purpose of public advertising.

### **Purpose**

To consider draft Local Planning Policy 6.19 – Short-Term Rental Accommodation (draft Policy) for the purposes of public advertising. The policy will provide a framework for the assessment of Unhosted Short-Term Rental Accommodation within the City.

### **Background**

Following a 2018 Parliamentary Inquiry into Short-Term Rental Accommodation (STRA), the State Government has worked towards implementing a consistent approach to the regulation of STRA throughout the state. Measures that have been implemented include mandatory registration of STRA properties and the introduction of a consistent set of land use definitions and exemptions through the Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024 (STRA Regs). These were gazetted in September 2024 and require that local governments amend their planning frameworks to align with the regulations. In December 2024, Council resolved to amend Local Planning Scheme No.3 (LPS3) to satisfy this requirement. The key changes to LPS3 include the introduction of Unhosted and Hosted STRA use classes and definitions.

Hosted STRA occurs where an owner resides at a dwelling and allows one or more bedrooms to be used for short term rental accommodation. Unhosted STRA is where a maximum of 12 guests have exclusive use of an entire property for short stay rental purposes.

Hosted STRA does not require development approval, as it is exempt through the STRA Regs. Unhosted STRA is permitted for up to 90 nights without development approval but requires development approval for more than 90 nights.

The announcement by the State Government of the introduction of the STRA Regs has resulted in an increase in the number of development applications for Unhosted STRA, with 119 development applications being approved by the City since 1 July 2024.

Local Planning Policy 6.19 – Short-Term Rental Accommodation has been prepared to provide a framework for the assessment of Unhosted STRA proposals within the City (Attachment 1).

## Details

The draft Policy provides a contemporary framework for assessing development proposals for Unhosted STRA in the City, which aligns with the City's Strategic Community Plan, Local Planning Strategy and the City's Economic Development and Tourism Strategy (Attachment 3).

The key guidance contained in this draft Policy is:

- Identifying preferred locations for Unhosted STRA - The draft Policy encourages Unhosted STRA within 400m of a Metropolitan Region Scheme (MRS) Coastal Reserve, Activity Centre, or 200m of an Activity Corridor identified in the Local Planning Strategy. The draft Policy does not preclude STRA outside of these areas but requires evidence that the potential impact of the development on the amenity of the area has been considered.
- Parking - Car parking standards to be introduced to ensure adequate onsite parking is provided. These requirements will be aligned with the R-Codes, but will require additional car bays when the number of guests exceeds eight. The draft Policy will not allow the use of Visitor bays or the verge area to count towards onsite car parking requirements.
- Dwelling Occupancy - No more than two persons per bedroom (does not include persons under 16 years of age). Grouped and multiple dwellings to have a maximum occupancy of six persons.

### Short Term Rental Accommodation Register

The *Short-Term Rental Accommodation Act 2024* (STRA Act) introduced a requirement that all providers for Unhosted and Hosted STRA within WA register their property. This is managed by the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS).

One of the key reasons for introducing the STRA Register was the absence of reliable data regarding the growth of the use of properties for STRA throughout the State. The introduction of mandatory registration means that all levels of government will be able to use accurate data to inform future decision making around STRA. When registering a property, owners are required to advise the number of rooms to be used as STRA and the maximum number of guests.

Current data retrieved from the DEMIRS register regarding STRA in the City indicates there are:

- 212 properties registered as Hosted STRA (total 378 bedrooms).
- 439 properties registered as Unhosted STRA (total 1,102 bedrooms).

The registered Unhosted STRA operate from the following dwelling types:

- Multiple dwellings (Apartments) – 197.
- Grouped dwellings – 126.
- Single houses – 116.

A total of 25,145 nights' accommodation has been booked to-date in the City since the introduction of the register.

A map showing the distribution of registered properties in the City is shown in Attachment 2. This map shows that the majority of registered STRAs are located close to Activity Corridors, Activity Centres or the MRS Coastal Reserves.

#### Local Planning Scheme No.4.

Council supported the draft LPS4 at its meeting in December 2024 prior to the publication of the STRA Regs. As a consequence, the City is progressing with Scheme Amendment No.131 to LPS3 to align the City's LPS3 with the STRA Regs. This process is anticipated to be complete prior to the gazettal of LPS4, and the requirements of Scheme Amendment No.131 will be incorporated into LPS4 as an administrative change by the Department of Planning, Lands and Heritage.

### **Financial Assessment and Implications**

The costs associated with the advertisement of the draft Policy are provided for in the City Future Business Unit budget.

### **Stakeholder Engagement**

The draft Policy will be advertised in accordance with the requirements of the Regulations and Local Planning Policy 6.18 Public Consultation. The City will advertise the draft Policy concurrently with Scheme Amendment No.131 – Short-Term Rental Accommodation.

### **Recommended Action**

The City does not currently have a policy that provides guidance on Short-Term Rental Accommodation. This Local Planning Policy is required to ensure thorough and consistent assessment of Unhosted STRA proposals. It is recommended that the Policy be advertised for public comment.

### **Relevant Policies, Legislation and Council Resolutions**

Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024

City of Stirling Local Planning Scheme No.3

Sustainable Stirling 2022-2023 Strategic Community Plan

City of Stirling Local Planning Strategy

City of Stirling Economic and Tourism Development Strategy 2021-2025

[Local Government Act 1995](#)

| Meeting Date     | Council Resolution Number | Council Resolution   |
|------------------|---------------------------|--|
| 19 November 2024 | 1124/012                  | Council ADOPTS (for the purpose of advertising) Scheme Amendment No.131 to Local Planning Scheme No.3 to incorporate land use definitions and permissibility for Short Term Rental Accommodation contained in the Planning and Development (Local Planning Schemes) Amendment (Short Term Rental Accommodation) Regulations 2024 |

### Sustainable Stirling 2022-2032

**Key Result Area:** Our leadership

**Objective:** A well-governed City

**Priority:** Comply with legislation, standards and obligations

### Strategic Risk

| Strategic Risk | Risk Appetite   |
|----------------|---|
| Governance     | The City will act with integrity and implement appropriate processes and controls to avoid breach of legislation. |

### Relevant Documents and Information

#### Attachments

Attachment 1 - Draft LPP6.19 - Short Term Rental Accommodation - For Advertising [↓](#)

Attachment 2 - City of Stirling STRA Mapping [↓](#)

#### Linked Documents

Nil.



Policy Manual

## 6.19 SHORT-TERM RENTAL ACCOMMODATION

*This document has been prepared under Schedule 2 of the 'Planning and Development (Local Planning Schemes) Regulations 2015' and the City of Stirling 'Local Planning Scheme No.3'.*

### 1. APPLICATION OF THIS POLICY

- a) This Policy applies to all proposals for Unhosted STRA developments that operate for more than 90-nights in a calendar year.
- b) Where this local planning policy is inconsistent with the provisions of a specific local development plan, structure plan or other local planning policy that applies to a specific site area, the provisions of that document shall prevail.

### 2. PURPOSE

This Policy provides a framework to manage the use of residential properties for short-term rental purposes. The policy seeks to balance the economic and tourism benefits of STRA with the need to protect residential amenity, maintain neighborhood character aligning with the City's strategic framework.

### 3. OBJECTIVES

- a) To ensure the location, scale and operation of Unhosted STRA is suitable, preserving the amenity of the area for the existing residents.
- b) To encourage and support tourism growth at coastal nodes and areas of high tourism value.
- c) To encourage Unhosted STRA along high frequency transport corridors.
- d) To ensure Unhosted STRA operates in a manner that does not negatively impact amenity of adjoining residents regarding intensity of use, hours of operation, noise, parking, light spill, waste management and the provision of facilities.
- e) The number of occupants is to be appropriately scaled to the size of the dwelling to ensure an acceptable amenity and living space is provided.

### 4. PROVISIONS

#### 4.1 MANAGEMENT PLAN

Development applications for Unhosted STRA should be accompanied by a Management Plan which details how potential amenity impacts will be proactively managed (refer to Appendix 1).



Policy Manual

#### 4.2 PURPOSE BUILT

- a) Proposals for Unhosted STRA must comply with the provisions of the applicable Residential Code (R-Code), Local Planning Scheme, Local Planning Policy, Local Development Plan and Structure Plan.
- b) In the absence of built form controls, the proposal is to align with State Planning Policy 7.0 – Design of the Built Environment.

#### 4.3 SIGNAGE

- a) Unhosted STRA is required to provide signage that does not exceed an area of 0.5m<sup>2</sup> and one sign per dwelling. Where a site contains multiple Unhosted STRA's, the signage shall be consolidated.
- b) Signage is to include the phone number of the property owner/manager.

#### 4.4 DWELLING OCCUPANCY

- a) Unhosted STRA should have a maximum occupancy of no more than two persons per bedroom. Persons under 16 years of age are exempt from this restriction. Rooms not designed as bedrooms (e.g. lounge/dining/living/theatre rooms) will not be supported for use as bedrooms for the purpose of calculating maximum occupancy.
- b) Notwithstanding (a), Unhosted STRA within grouped and multiple dwelling developments shall have a maximum occupancy of six persons.

#### 4.5 PARKING

|  |                                  | Parking Bay Requirements |
|--|----------------------------------|--------------------------|
| <b>Bedroom Requirements</b>  | Ancillary Dwelling               | 1                        |
|  | Studio / 1 Bedroom               | 1                        |
|  | 2-bedroom (or greater) dwellings | 2                        |
| <b>Person Requirements</b>   | 8-10 persons                     | 1 additional             |
|  | 11-12 persons                    | 2 additional             |
| <i>The relevant 'Person Requirements' are to be added to the 'Bedroom Requirements'.</i> |                                  |                          |

Visitor car bays and verge parking are not to be included as parking for Unhosted STRA.



Policy Manual

#### **4.6 PREFERRED LOCATIONS**

In order to protect low density areas and provide a strategic planning approach in accordance with proximity to public transport and activity, Unhosted STRA should be located within:

- a) 400m of a Centre identified in the City of Stirling's Local Planning Strategy; or
- b) 200m of a Corridor Class 1, Class 2 and Class 3 road as identified in the Local Planning Strategy; or
- c) 400m of the coastal MRS Parks & Recreation Reserve.

These preferred locations are illustrated in Appendix 3

Where proposed outside of the areas identified above, in order to prevent conflicts with residential amenity, development applications will need to demonstrate, through an Amenity Impact Statement how the impacts of the STRA can be mitigated.

#### **4.7 AMENITY IMPACT STATEMENT**

Proposals for Unhosted STRA outside of preferred locations must include a written amenity impact statement which demonstrates how the proposal preserves the existing and future amenity of the area. The requirements of the amenity impact statement are provided in Appendix 2.

#### **4.8 BUSHFIRE PRONE AREAS**

Proposals for Unhosted STRA in bushfire prone areas are to provide evacuation guidance and communicate this to accommodation guests.

### **5. CONSULTATION**

All Unhosted STRA applications will be advertised in accordance with clause 64 of the Deemed Provisions and the City's Local Planning 6.18 – Public Consultation.

### **6. VARIATIONS**

Where an Unhosted STRA proposal does not meet the provisions of this Policy, the proposal will be assessed against the Objectives of this Policy.





Policy Manual

## 7. DEFINITIONS

|  |   |
|--|---|
| <b>Amenity:</b>                                  | As defined in the Planning and Development ( <i>Local Planning Schemes</i> ) Regulations 2015.<br><br><i>Note: This includes the 'liveability', comfort or quality of a place which makes it pleasant and agreeable to be in for individuals and the community. Amenity is important in the public, communal and private domains and includes the enjoyment of sunlight, outlook, privacy and quiet. It also includes protection from pollution and odours.</i> |
| <b>Hosted Short-Term Rental Accommodation:</b>   | As defined in the Planning and Development ( <i>Local Planning Schemes</i> ) Amendment ( <i>Short-Term Rental Accommodation</i> ) Regulations 2024.   |
| <b>Streetscape:</b>                              | Means the visible components in a street between the facing buildings, including the form of the buildings, garages, setbacks, fencing, driveways, utilities, street surfaces, street trees and street furniture such as lighting, signs, barriers and bus shelters.  |
| <b>Short-Term Rental Accommodation:</b>          | As defined in the Planning and Development ( <i>Local Planning Schemes</i> ) Amendment ( <i>Short-Term Rental Accommodation</i> ) Regulations 2024.   |
| <b>Unhosted Short-Term Rental Accommodation:</b> | As defined in the Planning and Development ( <i>Local Planning Schemes</i> ) Amendment ( <i>Short-Term Rental Accommodation</i> ) Regulations 2024.   |

## 8. RELATED DOCUMENTS

- City of Stirling Local Planning Scheme No.3
- Planning and Development Act 2005
- Short-Term Rental Accommodation Act 2024
- Planning and Development (Local Planning Schemes) Regulations 2015
- State Planning Policy 7.0 – Design of the Built Environment
- State Planning Policy 7.3 Residential Design Codes
- Department of Planning, Lands and Heritage - Position Statement: Planning for Tourism and Short-term Accommodation
- Department of Planning, Lands and Heritage - Planning for Tourism and Short-term Rental Accommodation Guidelines



Policy Manual

- Planning Bulletin 115/2024: Short-Term Rental Accommodation (STRA) – Guidance for Local Government
- Health Local Law 2009
- Local Planning Policy 6.1 Advertising Signs
- Local Planning Policy 6.7 Parking and Access



---

## APPENDIX 1 – MANAGEMENT PLAN

METHOD OF BOOKING/CHECK-IN (SYSTEM TO BE USED)

CHECK-IN AND CHECK-OUT TIMES

NUMBER OF OCCUPANTS/VISITORS

CONFIRMATION OF LOCATION AND NUMBER OF ON-SITE PARKING

COMPLAINTS MANAGEMENT PROCEDURE ADDRESSING DIFFERENT TYPES OF  
NUISANCE BEHAVIOUR

*This may include (but not limited to) violence/threats, loud aggressive behaviour, excessively loud noise nuisance, overlooking, light spill, barking dogs or smoke/odours.*

CONTACT DETAILS (PROPERTY MANAGER AND/OR EXTERNAL AGENT)

WASTE DISPOSAL



## APPENDIX 2 – AMENITY IMPACT STATEMENT

The Amenity Impact Statement is to demonstrate how the proposal engages with and responds to its location and surrounding context. Example below:

### APPLICANT DETAILS

Name:

Contact Number:

Property Address:

### DESCRIPTION OF UNHOSTED STRA

Accommodation Type (*single dwelling, apartment, grouped dwelling*):

Maximum Number of Guests:

Number of Bedrooms:

Duration of Stay (Min/Max Nights):

Facilities Provided:

### RESPOND

Explain how the proposal suits the site and surrounding area (*identify any nearby sensitive land uses*)

### IMPACT ON LOCAL AMENITY

Expected noise levels during operation and relevant measures in place

Expected increase in vehicle traffic, availability of parking and measures proposed to manage this.

Provision of security lighting, controlled access on site, etc.)

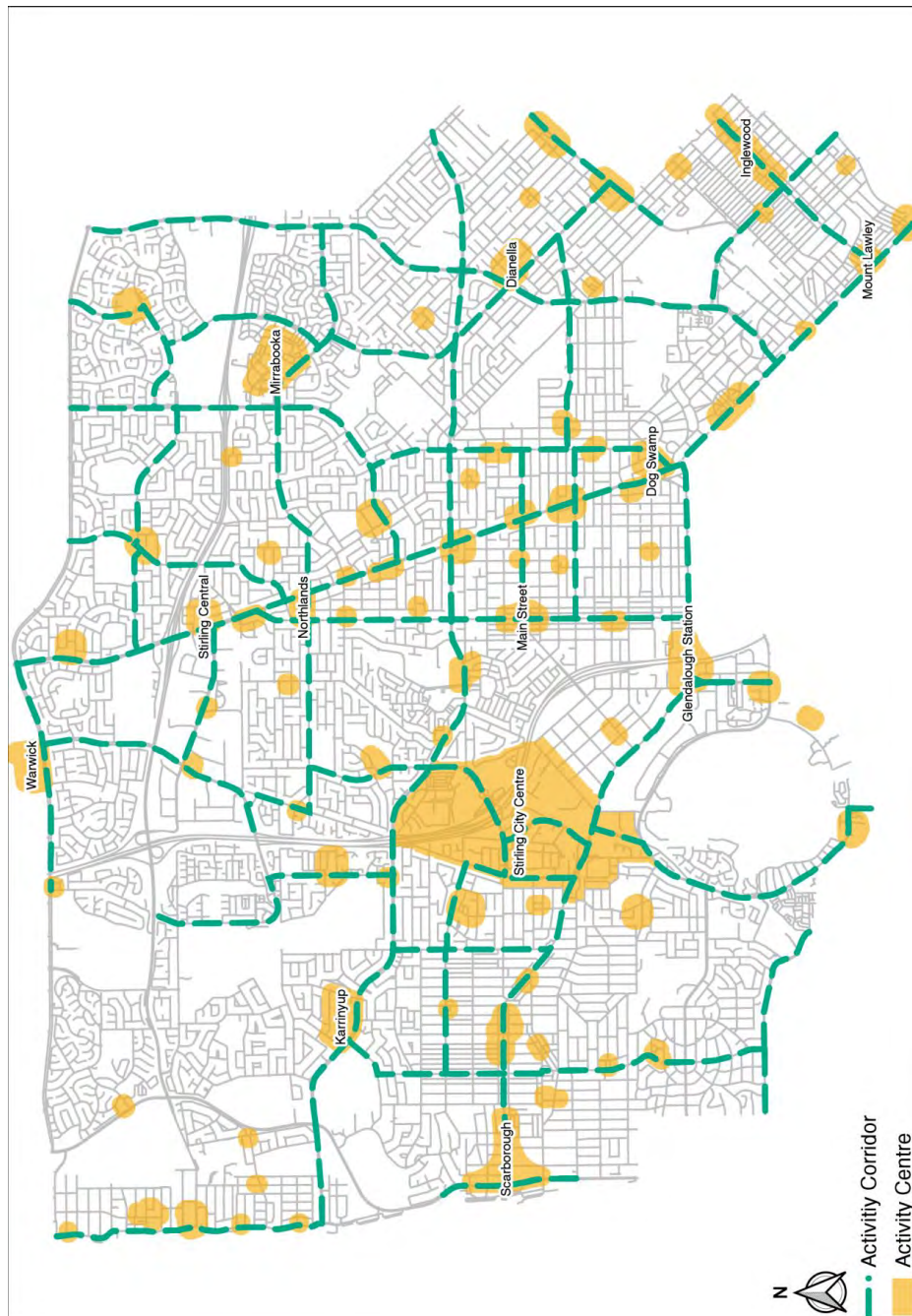
Waste management plan and cleaning procedure

### ENGAGEMENT

Summary of consultation with neighbours and residents (*if any*)

Summary of feedback received from community (*if any*)

## APPENDIX 3 – STIRLING ACTIVITY CENTRE AND CORRIDOR MAP



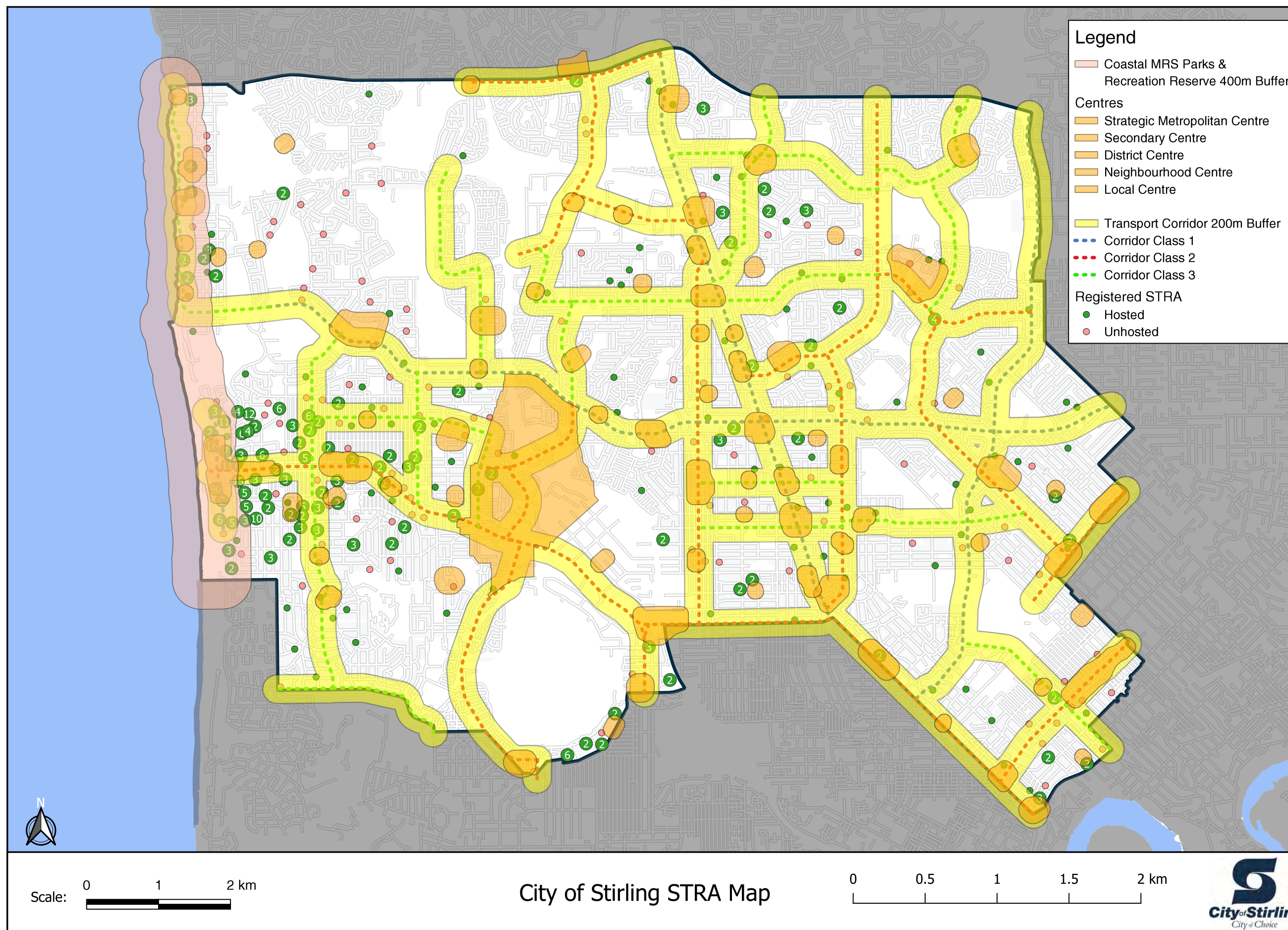
**Figure 1: Location of Activity Centres and Urban Corridors**

*Note: Refer to 'StirlingMaps' on the City's website for the exact locations.*

**OFFICE USE ONLY:****Local Planning Scheme No.3 – Local Planning Policy History:**

| <b>Action</b>          | <b>Resolution Number</b> | <b>Effective Date</b> |
|------------------------|--------------------------|-----------------------|
| <b><i>Modified</i></b> |                          |                       |





| ALIGNMENT WITH STRATEGIC DOCUMENTATION   |
|--|
| City of Stirling Local Planning Strategy   |
| <p><u>Response:</u> 3.2 – Encourage integrated economic development based on the City's Economic Development Strategy</p> <p><u>Action:</u> Ensure land-use and Local Planning Scheme zoning support the City's Economic Development Strategy.</p>   |
| City of Stirling Strategic Community Plan  |
| <p><u>Objective:</u> Create unique and liveable neighbourhoods and places</p> <p><u>Action:</u> Prioritise growth in activity corridors and centres</p> <p><u>Action:</u> Facilitate diverse housing choice for our community.</p> <p><u>Objective:</u> Attract visitors to our City</p> <p><u>Action:</u> Activate local centres to increase visitor and economic activity.</p> |
| City of Stirling Economic and Tourism Development Strategy 2021 - 2025   |
| <p><u>Objective:</u> Tourism – Support accommodation development</p> <p><u>Action:</u> Promote opportunities for short-stay accommodation development.</p>   |