

TOWN of CLAREMONT

LOCAL PLANNING POLICY 210

UNHOSTED SHORT TERM RENTAL ACCOMMODATION

KEY FOCUS AREA LIVEABILITY

1. Citation

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This policy may be cited as Local Planning Policy 210 – Unhosted Short Term Rental Accommodation.

2. Introduction

The purpose of this policy is to guide the design and operation of unhosted short term rental accommodation (unhosted STRA) within the Town of Claremont.

3. Objectives

The objective of the Unhosted Short Term Rental Accommodation Policy is:

- a) To ensure unhosted STRA is managed to reduce the potential for adverse impacts on surrounding residential amenity.
- b) To ensure guests parking is appropriately managed to reduce the impact on residential streets.
- c) To promote the Town of Claremont as a distinct tourism destination, supported by suitable accommodation.
- d) To provide clear guidance for the assessment of development applications for unhosted STRA.

4. Application

This policy applies to all unhosted STRA within the Town of Claremont. This policy excludes applications for tourist and visitor accommodation and hosted short term rental accommodation.

5. Policy Provisions**5.1 Occupancy**

- 5.1.1 Unhosted STRA are limited to a maximum number of six guests per dwelling and any associated ancillary dwellings on the same lot.
- 5.1.2 Each bedroom of an unhosted STRA is permitted to host a maximum of two guests.

5.2 Car Parking

- 5.2.1 In accordance with Table 2 – Development Table of *Local Planning Scheme No. 3*.
- 5.2.2 All car parking is to be provided off street within the property boundaries.
- 5.2.3 Where an unhosted STRA is proposed within a site that includes common visitor parking, parking must be provided within bays designated for the exclusive use of that dwelling.

5.3 Management Plans

A management plan outlining the following information must be submitted as part of a development application:

- Details of a local property manager, including phone, email and alternative contact person. It is expected the manager is available to be contacted 24 hours a day in relation to a complaint.
- Details of local emergency services and a fire/emergency response plan for visitors.
- A code of conduct for guests, the code of conduct should be available at all times within the dwelling and outline acceptable behaviours.
- Restrictions on the use of the dwelling for parties.
- Management of guests parking within approved off street parking areas.

- Control of noise and other disturbances, including use of outdoor entertainment areas, appropriate check in and check out times.
- Complaints management procedure, including action when responding to complaints.
- The use and on-going maintenance of the premises, including landscaping and gardening.
- Waste management procedure, including the presentation and removal of bins from the verge.

5.4 Vulnerable Land Uses

Where an unhosted STRA is located within a designated bushfire prone area, a Bushfire Management Plan shall be submitted with the application for development approval detailing emergency procedures. This shall be communicated to the guests and displayed prominently within the dwelling.

5.5 Other Consideration

It is noted some dwellings may be able to comfortably accommodate more than six guests at a time. Where an application for development approval is submitted proposing more than six guests being accommodated, sufficient justification against the policy objectives is required. In this circumstance, the Town may include a condition limiting the period the unhosted STRA is approved for. In this instance, further applications for development approval may need to be submitted to continue the validity of the use.

6. Definitions

Bushfire Prone Area

An area that has been designated by the FES Commissioner under s.18P of the *Fire and Emergency Services Act 1998* as an area that is subject, or likely to be subject, to bushfires.

Hosted Short Term Rental Accommodation

means any of the following —

- 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;
- 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;
- 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;

Short Term Rental Accommodation

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

Tourist and Visitor Accommodation

As per *Local Planning Scheme No. 3*

Unhosted Short Term Rental Accommodation

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

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Legislation:	Planning and Development Act 2005 Planning and Development (Local Planning Schemes) Regulations 2015 Town of Claremont Local Planning Scheme No. 3		
Organisational:	Liveability		
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