

12.3.1 a) LPP20 - Unhosted Short-Term Rental Accommodation



1 Objectives and definitions

1.1 Objectives

The objectives of this policy are:

- 1.1.1 To establish clear guidelines for unhosted short-term rental accommodation (Unhosted STRA). The policy excludes hosted short-term rental accommodation (Hosted STRA) where there is an onsite manager or owner such as bed and breakfast accommodation and guesthouses.
- 1.1.2 To ensure that Unhosted STRA occurs within appropriate locations to enhance the tourism experience and reduce existing or future land use conflicts such as impacts on residential amenity.
- 1.1.3 To ensure that all Unhosted STRA is in accordance with relevant legislation, local planning schemes and policies, and management plans.

2 Planning application and approval considerations

2.1 Requirements for Bushfire Attack Level Assessment

Where development is proposed to be located within a bushfire prone area, a Bushfire Attack Level Assessment must be prepared and lodged with a development application.

2.2 Development in BAL-40 and BAL-Flame Zone

Where a Bushfire Attack Level Assessment of BAL-40 and BAL-Flame Zone applies and the rating cannot be reduced it is considered inappropriate for an Unhosted STRA land use and an application for development approval will be refused.

2.3 Electrical Safety Certificate

An Electrical Safety Certificate must be prepared and lodged with a development application or alternatively may be conditioned where smoke alarms have not yet been installed. Where conditioned this condition must be satisfied prior to the commencement of the use.

2.4 Grouped dwellings

The use of grouped dwellings will generally not be supported for Unhosted STRA given the potential impacts on adjoining residents, unless all owners/strata owners are in agreement.

Any Application for Development Approval form will need to be signed by all strata owners or the body corporate regardless.

3 Approval conditions

Conditions in relation to the approval of applications for holiday house will include the following.

3.1 Management

A holiday house management plan should be submitted as part of the planning application and prior to the commencement of business.

The management plan will include:

- (a) Nomination of a local manager/caretaker within the vicinity of the property. Where properties are remote from a town site, alternative arrangements for a manager/caretaker may be considered.
- (b) Details of how nuisance issues such as noise will be addressed by the manager.
- (c) A fire and emergency response plan

Other matters such as car parking provision, signage, the number of people occupying the premises, maximum period of stay can be imposed as part of the planning approval and subsequently enforced pursuant to the *Planning and Development Act 2005*.

A condition will be placed on all development approvals requiring that the applicant provide adjoining landowners with a copy of the Property Management Plan.

3.2 Fire and emergency response plans

In all cases, an emergency response plan (i.e. fire escape route maps) is required to be clearly displayed in a conspicuous location within the dwelling, plus:

3.3 Smoke Alarms and Fire Safety

- (a) A hard-wired smoke alarm must be installed on or near the ceiling;
 - i) in every bedroom; and
 - ii) in every corridor or hallway associated with a bedroom, or if there is no corridor or hallway, in an area between the bedrooms and the remainder of the building; and
 - iii) on each other storey.
- (b) A fire extinguisher, in a clearly visible location, is to be maintained in proper working order as prescribed in AS 1851; and
- (c) Outside barbeques are to be gas or electric.

3.4 Non-compliance and cancellation

Any breach of approval conditions or the management plan can be dealt with in accordance with the enforcement provisions of local planning schemes and/or cancellation of a registration. A new application may be considered after a 12 month period. A breach of planning approval may be brought to the attention of local government as a result of an inspection or report by local government staff, a police report or by a member of the public.

4 Renewal & Approval Period

- (a) All initial planning approvals for holiday homes shall be granted for a one year period unless the local government determines otherwise.
- (b) In determining an application for renewal, the Shire will consider the nature of any comments made regarding the operation of the activity and any other information available relating to the adverse impact of the activity on the amenity of neighbours and surrounding area. Some allowance will be made for the busy New Years and Easter period in Bremer Bay given the higher-than-normal tourist numbers in the town in general.
- (c) Where complaints have been made, issues relating to impact on amenity have been verified or other non-compliance with the planning approval has occurred, approval of the renewal application is unlikely to be granted.
- (d) Where the Shire is satisfied that the holiday home has been appropriately managed, an approval of the renewal application for a period of up to three years may be granted.

5 Other matters

It is recommended that landowners/ managers seek independent legal advice on legislative requirements regarding the use and management of Unhosted STRA. This would include, but is not limited to, checking the requirements of the *Equal Opportunity Act 1984* and the *Fair Trading Act 1987*.

As many residential public liability insurance policies exclude the use of premises for Unhosted STRA, it is recommended that landowners/managers check this matter with their insurance providers.

The Shire of Jerramungup Local Planning Scheme No.2 (the Scheme) does not list 'Unhosted STRA' as a specific use class or defines Unhosted STRA'. Council has determined that the land use Unhosted STRA' shall be treated as a 'Use Not Listed' and considered in the 'Residential', 'Rural Residential', 'Rural', and 'Townsite' zones subject to advertising for public comment prior to a determination of an application.

UNHOSTED STRA PROPERTY MANAGEMENT PLAN



PROPERTY ADDRESS:

PROPERTY MANAGER DETAILS:

Name: _____

Address: _____

Telephone Number:

Email:

Details of where bookings are made:

Internet (please specify):

Property Manager:

Other (please specify):

NOTE: In relation to the nominated Property Manager, the following is applicable:

- **Is a person/company that will have day-to-day management of the holiday home; and**
- **Will specifically respond to complaints pertaining to guest behaviour made before 1am within a two hour timeframe; and**
- **In relation to any other complaints will respond, within a reasonable timeframe but in any event within 24 hours.**

DUTIES OF PROPERTY MANAGER

- Ensure that all guests and visitors to a property under their management comply with this Code of Conduct;
- Have day-to-day management of the Short Stay Accommodation;
- Respond to complaints within a two hour timeframe pertaining to guest behaviour made before 1am or respond within a reasonable timeframe, but within 24 hours, in relation to all other complaints;
- Ensure the Property Manager contact details are updated with the Shire of Esperance at the time of any change/s;
- Cooperate with other stakeholders including industry associations, tourism bodies, local councils and other government authorities to enhance the image, standards and contribution of Short Stay Accommodation to the economy;
- Supply, readily visible in the home:

- the Code of Conduct (please note the section labelled 'Pets' has been left blank for the applicant to fill out in accordance with their preferences);
 - the Property Management Plan
 - the Fire and Emergency Plan (including the Fire Evacuation Route)
 - a list of Emergency and After Hours contacts
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- Liaise with guests for the occupancy and vacation of the premises;
 - Ensure the correct maximum number of guests are staying overnight in accordance with Development Approval conditions;
 - Maintain a register of all people who utilise the premises, available for inspection by the Shire of Esperance upon request;
 - Ensure the premises are clean and maintained to a high standard;
 - Ensure bed linen is clean and replaced upon guest vacation; and
 - Ensure rubbish and recycling bins are put out and collected as required.

DATE:

UNHOSTED STRA FIRE AND EMERGENCY PLAN

PROPERTY ADDRESS:

FIRE SAFETY INFORMATION:

The following floor plan of premises clearly identifies the location of:

- Hardwired smoke alarms;
- Fire blanket (in kitchen);
- Fire Extinguishers; and
- External Taps/Garden Hose Locations; and
- A fire evacuation route leading to the nearest main road; and

Please attach a floor plan for each level of the premise with the above clearly located and identified.

The above information is to be clearly displayed in accordance with the Property Management Plan.

EMERGENCY CONTACT DETAILS:

FOR ALL EMERGENCIES DIAL 000

Property Manager:	
Jerramungup Police:	9835 0222
Shire of Jerramungup:	9835 1022
Jerramungup Hospital:	9835 1050
Bremer Bay Nursing Post	9837 4026

EMERGENCY PROCEDURE:

In the event of a fire or emergency, evacuation information may be broadcast or available from the following sources:

<u>ABC Radio:</u>	558AM
<u>DFES:</u>	http://www.dfes.wa.gov.au/alerts/Pages/default.aspx 1300 657 209
<u>Shire of Jerramungup:</u>	www.jerramungup.wa.gov.au

UNHOSTED STRA **CODE OF CONDUCT**

PROPERTY ADDRESS:

The following Code of Conduct governs tenant behaviour and use of the property. The tenant agrees to follow the guidelines below, for themselves and any visitors they allow at the property:

TENANTS: A responsible adult (over 18 years of age) shall be on site at all times when children are present. No unauthorised people are permitted to stay overnight.

NOISE AND NUISANCE: The tenants agree not to cause or permit nuisance at the property. This includes excessive noise, disruptive or anti-social behaviour. Noise should generally cease after 9pm Sunday through Thursday and 10pm Friday and Saturday.

VEHICLE PARKING: The tenants agree to use the parking spaces provided and not to park on lawn or garden areas on the property, or on the street verge or street itself outside the property. The guests agree not to park any additional vehicles on the property in excess of the parking spaces provided.

SHIRE REGULATIONS: The tenants agree to all Shire regulations, including noise and fire limitations.

FIRES: The tenants agree not to allow any candles, open fires or similar burn unsupervised within the premise. No open fires are permitted outside at any time. Barbeque facilities may be provided and used in a safe manner.

RUBBISH DISPOSAL: The guests agree to contain all their rubbish in the bins provided. Tenants are responsible for the putting out and collection of the bins where your stay coincides with collection days.

TERMINATION OF ACCOMMODATION:

If tenants are found to have contravened any of the above Code of Conduct responsibilities a verbal warning will be issued.

If the contravention is not rectified immediately the accommodation booking may be terminated with 2 hours' notice at the Property Manager's discretion.

No refunds will be made.

FIRE EVACUATION ROUTE

*Map of Locality
(Insert).*

The map of the property is to clearly show (or detail) the nearest Emergency Evacuation Point.

The primary route used to evacuate the locality in the event of an Emergency which must lead to a main road.

PROPERTY ADDRESS:

LEGEND

Subject Property

Roads to be used in the first instance for Emergency Evacuation

FLOOR PLANS OF PREMISE

PROPERTY ADDRESS:

*UPPER FLOOR PLANS
(Insert).*

*LOWER FLOOR PLANS
(Insert).*

LEGEND

Hardwired smoke alarms

Fire blanket (in kitchen)

Fire Extinguishers

You are here.