

Local Planning Policy No. 4.1

UNHOSTED SHORT-TERM RENTAL ACCOMMODATION



1. HEAD OF POWER AND SCOPE

This Policy has been adopted pursuant to *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2 (Deemed Provisions), Clause 4 and applies to the development of Unhosted Short-Term Rental Accommodation (STRA) across the whole of the City.

2. PURPOSE

The purpose of this Policy is to –

- 2.1 Provide clear guidance regarding the assessment of applications for development approval for Unhosted STRA; and
- 2.2 Identify the situations where Unhosted STRA will be supported, the situations where Unhosted STRA may be supported subject to further evaluation, and the situations where Unhosted STRA would not be supported.

3. OBJECTIVES

The objectives of this Policy are to –

- 3.1 To encourage Unhosted STRA in localities near the Busselton City Centre and Dunsborough Town Centre and areas of high tourism value.
- 3.2 To ensure Unhosted STRA is designed, sited and managed to preserve the residential amenity and character of area in which it is located.
- 3.3 To maintain the amenity and established character of residential localities through ensuring the location, scale, design and operation of Unhosted STRA is appropriate to the setting.
- 3.4 To encourage Unhosted STRA operators to consider emergency procedures and options for the evacuation of occupants and guests in the event of a bushfire or other natural disaster.
- 3.5 To maintain a balance of areas available for permanent residential housing and areas available for Unhosted STRA in the residential zone.
- 3.6 To ensure Unhosted STRA is appropriately serviced to meet the needs of visitors.

4. INTERPRETATION

The following interpretations are relevant when considering the application of this Policy.

“Accepted Standard” means a provision which, if satisfied, the Unhosted STRA is deemed compliant with respect to the matters subject of that provision. The local government shall not refuse to grant approval to an application where the application satisfies all the relevant Accepted Standard provisions.

“Guest” means a person who is at the Unhosted STRA for social purposes, at the invitation or with the permission of the occupant of the Unhosted STRA.

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“Hosted short-term rental accommodation” as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* means any of the following —

- (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;
- (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;
- (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.

“Performance Criteria” means provisions to be used in the assessment of a development application that does not meet the relevant Accepted Standard provisions for the purpose of determining the acceptability of the proposal.

“Policy” means this Unhosted STRA Local Planning Policy.

“Occupant” means a person who is accommodated at the Unhosted STRA.

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

- (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” 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;

“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.

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5. POLICY STATEMENT

| 5.1 LOCATION | |
|---|--|
| Accepted Standard | Performance Criteria |
| <p>A Unhosted STRA satisfies the Accepted Standard if:</p> <p>A1.1 The dwelling is located outside of a non-preferred area (Appendix A refers); and</p> <p>A1.2 The Unhosted STRA where located within an approved Single House or Grouped Dwelling has:</p> <ul style="list-style-type: none"> (a) direct frontage to a public road; and (b) a minimum lot size of 350m² exclusively for the use of the dwelling. | <p>A Unhosted STRA satisfies the Performance Criteria provisions if:</p> <p>P1.1 There is no performance criteria where located in non-preferred areas.</p> <p>P1.2 The City is satisfied that approval of the Unhosted STRA is not likely to have an adverse impact on the amenity of adjoining and nearby residents.</p> |

| 5.2 UTILITY SERVICING | |
|--|--|
| Accepted Standard | Performance Criteria |
| <p>A Unhosted STRA satisfies the Accepted Standard provisions if:</p> <p>A2.1 The Unhosted STRA is connected to reticulated water, or provided with a 135,000 litre rainwater tank directly connected to a suitable means of rainfall catchment, for the exclusive use of the Unhosted STRA; and</p> <p>A2.2 The Unhosted STRA is located within the City's kerbside refuse collection area; and</p> <p>A2.3 The Unhosted STRA is connected to reticulated sewerage, or there is an approved on-site effluent disposal system with adequate capacity for the proposed number of occupants.</p> <p><i>Note: in areas not serviced by reticulated sewerage, it should not be assumed that an existing on-site effluent disposal system approved for a Single House will have sufficient capacity for the proposed number of occupants without the need for upgrading. Advice should be sought from the City's Environmental Health staff prior to lodging an application for development approval.</i></p> | <p>A Unhosted STRA satisfies the Performance Criteria provisions if:</p> <p>P2.1 The City is satisfied that the Unhosted STRA will have an adequate supply of potable water; and</p> <p>P2.2 The City is satisfied that the Unhosted STRA will be provided with an adequate refuse collection service; and</p> <p>P2.3 The City is satisfied that the Unhosted STRA will be provided with an adequate on-site effluent disposal system (and provision of such would be a condition of any approval, to be met prior to the commencement of the use if a suitable system is not already in place and approved).</p> |

| 5.3 CAR PARKING | |
|---|--|
| Accepted Standard | Performance Criteria |
| <p>A Unhosted STRA satisfies the Accepted Standard provisions if:</p> | <p>A Unhosted STRA satisfies Performance Criteria provisions if:</p> |

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A3.1 The Unhosted STRA will have constructed on-site car parking bays, consistent with the size and manoeuvrability criteria set out in the *Residential Design Codes of Western Australia*.

Tandem bays are permitted, with two bays one behind another, but not with a third bay behind another two, in accordance with the following rates:

| Maximum number of occupants | Minimum number of car parking bays required |
|-----------------------------|---|
| 1-3 | 1 |
| 4-6 | 2 |
| 7-8 | 3 |
| 9-10 | 4 |
| 11-12 | 5 |

A3.2 Vehicle access to parking bays is provided in accordance with the City's Engineering and Technical Standards and Specifications. In the 'Residential' zone driveways provided consistent with clause 5.3.5 of the *Residential Design Codes of Western Australia*.

P3.1 The City is satisfied that the Unhosted STRA has a minimum of two constructed on-site car parking bays and, where additional car parking bays would be required to comply with A3.1, the equivalent number of cars could park on the site without:

- (a) the need for cars to park on the verge, in adjacent or nearby public car parking, or in visitor car parking bays within a unit complex or similar;
- (b) Impeding on vehicle sightlines, footpaths or the manoeuvrability requirements of AS2890; and
- (c) Detrimental impact on the existing streetscape.

P3.2 Where a Unhosted STRA is located in any of the 'Centre' Zones, the City is satisfied that the Unhosted STRA will not have a noticeable effect on the availability of public car parking within a 400m walkable catchment.

5.4 DWELLING DESIGN

Accepted Standard

A Unhosted STRA satisfies the Accepted Standard provisions if:

- A4.1 Grouped and Multiple dwellings are limited to a maximum of six (6) occupants.
- A4.2 Single Houses in the 'Residential' or 'Rural Residential' zone are limited to a maximum of eight (8) occupants.
- A4.3 The maximum number of occupants within a Unhosted STRA complies with the following standards:
 - (a) There is 5.5 square metres per occupant in each bedroom utilising beds; and
 - (b) There is 3.5 square metres per occupant in each bedroom utilising bunks.
- A4.4 Bedrooms in a Unhosted STRA are provided in accordance with the following rates:

Performance Criteria

A Unhosted STRA satisfies the Performance Criteria provisions if A4.1, A4.2, A4.3 and A4.5 are met and:

- P4.1 The City is satisfied that the dwelling design is appropriate to accommodate the proposed maximum number of occupants. In general, if A4.4 is not met, this would only be the case if there are a smaller number of relatively large bedrooms.

Note: The Planning and Development (Local Planning Scheme) Regulations 2015 establishes that the maximum number of occupants in a Unhosted STRA is 12.

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| | | |
|--|-----------------------------|-------------------------------------|
| | Maximum number of occupants | Minimum number of bedrooms required |
| | 1-2 | 1 |
| | 3-4 | 2 |
| | 5-8 | 3 |
| | 9-12 | 4 |

A4.5 Bathrooms and toilets in a Unhosted STRA are provided in accordance with the following rates:

| | |
|-----------------------------|--|
| Maximum number of occupants | Minimum number of bathrooms/toilets required |
| 1-6 | 1 bathroom and 1 toilet |
| 7-12 | 1 or 2 bathrooms and 2 toilets |

| 5.5 OPERATIONAL MANAGEMENT | |
|---|--|
| Accepted Standard | Performance Criteria |
| <p>A Unhosted STRA satisfies the Accepted Standard provisions if the following is provided:</p> <p>A5.1 Operational Management Plan in accordance with Appendix 2 of this policy detailing:</p> <ul style="list-style-type: none"> (a) Contact details of the manager. The manager should be accessible during reasonable hours and is required to provide a direct, non-automated response within 12 hours. (b) Arrival and departure procedures. (c) The location of signage (0.2m²) visible from the street, identifying the premises and manager contact details in legible font. (d) Confirmation of designated on-site parking bays and public transport options. (e) Noise management. (f) Complaint management procedure, including a record of complaints. (g) Pet permissions and requirements. (h) Waste management procedure. (i) Emergency evacuation procedure. | <p>There are no performance criteria for this provision as the Acceptable Standard must be met for all Unhosted STRA</p> |

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| | |
|---|--|
| <p>A5.2 Code of Conduct in accordance with Appendix B of this policy detailing:</p> <ul style="list-style-type: none"> (a) The expected behaviour and obligations of the occupants and guests (b) Maximum number of occupants and guests. (c) Pet permissions. (d) Responsibility to Manager. (e) Responsibility for the behaviour of guests, including a restriction on guests after 10pm. <p>The code of conduct shall be displayed in a prominent position within the dwelling.</p> | |
|---|--|

| 5.6 BUSHFIRE MANAGEMENT | |
|--|---|
| Accepted Standard | Performance Criteria |
| <p>Where a Unhosted STRA is located within a Bushfire Prone area on the Department of Fire and Emergency Services map of Bushfire Prone Areas, a Bushfire Emergency Plan (BEP) is prepared in accordance with the "Bushfire Emergency Plan (BEP) Manual". The BEP shall be prepared by an accredited level 2 or 3 bushfire practitioner.</p> <p>The BEP shall be made available on the premises at all times that the Unhosted STRA is in operation.</p> | <p>There are no performance criteria for this provision as the Acceptable Standard must be met for all Unhosted STRA in Bushfire Prone Areas.</p> |

6. APPROVAL PERIOD

Where development approval is granted by the City for Unhosted STRA, approval will be subject to a 12-month initial approval period.

The City in considering any applications for renewal will have due regard to any valid complaints made in the previous approval period and any changed made to the operation of the Unhosted STRA. Should it be demonstrated that the Unhosted STRA can continue to operate without detrimental impact on adjoining or nearby landowners, a further three-year renewal approval may be granted. Followed by a further five-year approval for subsequent renewals

7. PUBLIC CONSULTATION

The City will give notice of the proposed development to adjoining and nearby property owners where:

Applications will be advertised accordance with Clause 64(4) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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8. RELATED DOCUMENTATION / LEGISLATION

- 5.1 *City of Busselton Local Planning Scheme No. 21*
- 5.2 *Planning and Development (Local Planning Schemes) Regulations 2015*
- 5.3 *Position Statement – Planning for Tourism and Short-Term Rental Accommodation*
- 5.4 *Planning for Tourism and Short-Term Rental Accommodation Guidelines.*

9. REVIEW DETAILS

| | | | | |
|--------------------------|-------------|------------|---------------------|-----------|
| Review Frequency | | 2 yearly | | |
| Council Adoption | DATE | 11/06/2025 | Resolution # | C2506/156 |
| Previous Adoption | DATE | 11/03/2020 | Resolution # | C2003/084 |

OPERATIONAL MANAGEMENT PLAN AND CODE OF CONDUCT



Unhosted Short Term Rental Accommodation (USTRA) – Operational Management Plan

The Operational Management Plan provides important information to ensure that the operation of the premises maintains safety and amenity for guests and nearby neighbouring properties. The elements of the Operational Management Plan are in accordance with the requirements of the City's Local Planning Policy No.4.1 – Unhosted Short-Term Rental Accommodation

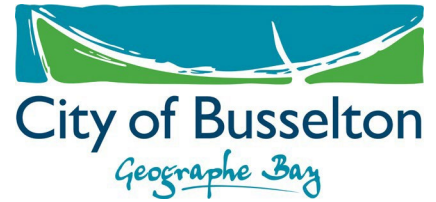
| | | | |
|---|--|-----------------|--|
| PROPERTY ADDRESS: | | | |
| House number: | | Street address: | |
| Suburb: | | Post code: | |
| MANAGERS CONTACT DETAILS: | | | |
| Name: | | | |
| Address: | | | |
| Phone: | | | |
| Email: | | | |
| Signature: | | | |
| PROPERTY ADDRESS: | | | |
| Owner(s) name: | | | |
| Address: | | | |
| Phone: | | | |
| Email: | | | |
| Signature: | | | |
| ACCOMMODATION DETAILS: | | | |
| Maximum numbers of occupants: | | | |
| Provide details of arrival and departure procedure for occupants: | | | |

OPERATIONAL MANAGEMENT PLAN AND CODE OF CONDUCT



| | |
|--|---|
| SIGNAGE: | |
| The location of signage (0.2m2) visible from the street, identifying the premises and manager contact details. | Insert image |
| CAR PARKING: | |
| Location of onsite parking bays (within property boundary): | Also include details on any other transport options available (ie e-scooters, bus etc) |
| NOISE: | |
| Provide details on what measures will be in place to minimise noise impact to neighbouring properties: | Any activity at the property must comply with assigned noise levels within the <i>Environmental Protection (Noise) Regulations 1997</i> |
| COMPLAINTS PROCEDURE: | |
| Provide details on how complaints will be processed: | Including record of complaints |
| PET PERMISSIONS AND REQUIREMENTS: | |
| Maximum number of pets: | |
| <i>** pets should not be left unattended at the property at any time</i> | |
| WASTE MANAGEMENT PROCEDURE: | |
| Provide details of waste management procedure: | The Manager must ensure that each receptacle for rubbish and recycling is placed on the designated collection days, that any excess waste or recycling which will not fit inside the receptacles is promptly removed from the property by alternative means, and that, once emptied by the collection service, all bins are returned to their proper storage locations on the premises without delay. |

OPERATIONAL MANAGEMENT PLAN AND CODE OF CONDUCT



| EMERGENCY EVACUATION PROCEDURE: | |
|--|--|
| Provide details of afterhours emergency evacuation procedure: | <ul style="list-style-type: none"> • Provide basic layout of the property including walls and doors. • Mark location of where diagram is displayed. • Basic compass indicating direction of North with the letter 'N'. • Highlight all exit points and label them as 'Exit'. Exits must be clear and accessible at all times. • Mark Assembly Area: The place where evacuees should meet. It should be a safe distance away from the building. • Mark and label fire extinguishers. Ensure fire extinguishers are mounted to the wall and are regularly serviced. • Location of any first aid kits. |
| CODE OF CONDUCT: | |
| <p>The code of conduct shall be displayed in a prominent position within the dwelling and shall outline the expected behaviour and obligations of the occupants and guests.</p> <p>Please attach a copy. *refer Code of Conduct template</p> | |

OPERATIONAL MANAGEMENT PLAN AND CODE OF CONDUCT



Unhosted Short Term Rental Accommodation (USTRA) – Code of Conduct

PROPERTY ADDRESS: _____

1. Occupants to act lawfully

An occupant must not engage in conduct at the Unhosted STRA that contravenes-

- (a) criminal law; or
- (b) the Certificate of Registration.

2. Number of Occupants and guests

The maximum number of Occupants permitted at this Unhosted STRA is _____. No guests are permitted after 10pm. **please insert number*

3. Vehicles

3.1. The number of vehicles (including all motorised vehicles and trailers) parked at the Holiday Home must not exceed _____. **please insert number*

3.2. Each vehicle used by an occupant of the Unhosted STRA must be parked within the designated parking bays.

4. Obligations to neighbours

Each occupant who enters, uses or occupies the Unhosted STRA, including any outdoor areas, for example an outdoor entertainment area, deck, balcony, swimming pool or spa, must not act in a manner that could reasonably be expected to cause alarm, distress or nuisance to neighbours adjoining or in the vicinity of the Unhosted STRA, including but not limited to-

- (a) violence or threats;
- (b) loud aggressive behaviour including yelling, screaming or arguing;
- (c) excessively loud noise nuisance; and
- (d) overlooking or light spill.

5. Pets

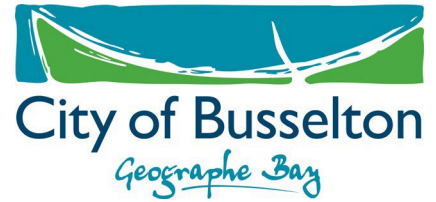
Pets occupying the premises-

- (a) must not be left unattended; and
- (b) must be managed and not cause a nuisance (including a noise nuisance) to neighbours adjoining or in the vicinity of the Unhosted STRA.

6. General obligations

6.1. An Occupant or guest of the Unhosted STRA must not sleep or camp on the site in a tent, caravan, campervan or similar.

OPERATIONAL MANAGEMENT PLAN AND CODE OF CONDUCT



6.2. All rubbish produced by Occupants must be stored in a waste container, and removed weekly.

7. Responsibility to Manager

An Occupant must notify the Manager representative of any dispute or complaint about an occupant's behaviour as soon as possible after the dispute or complaint arises.

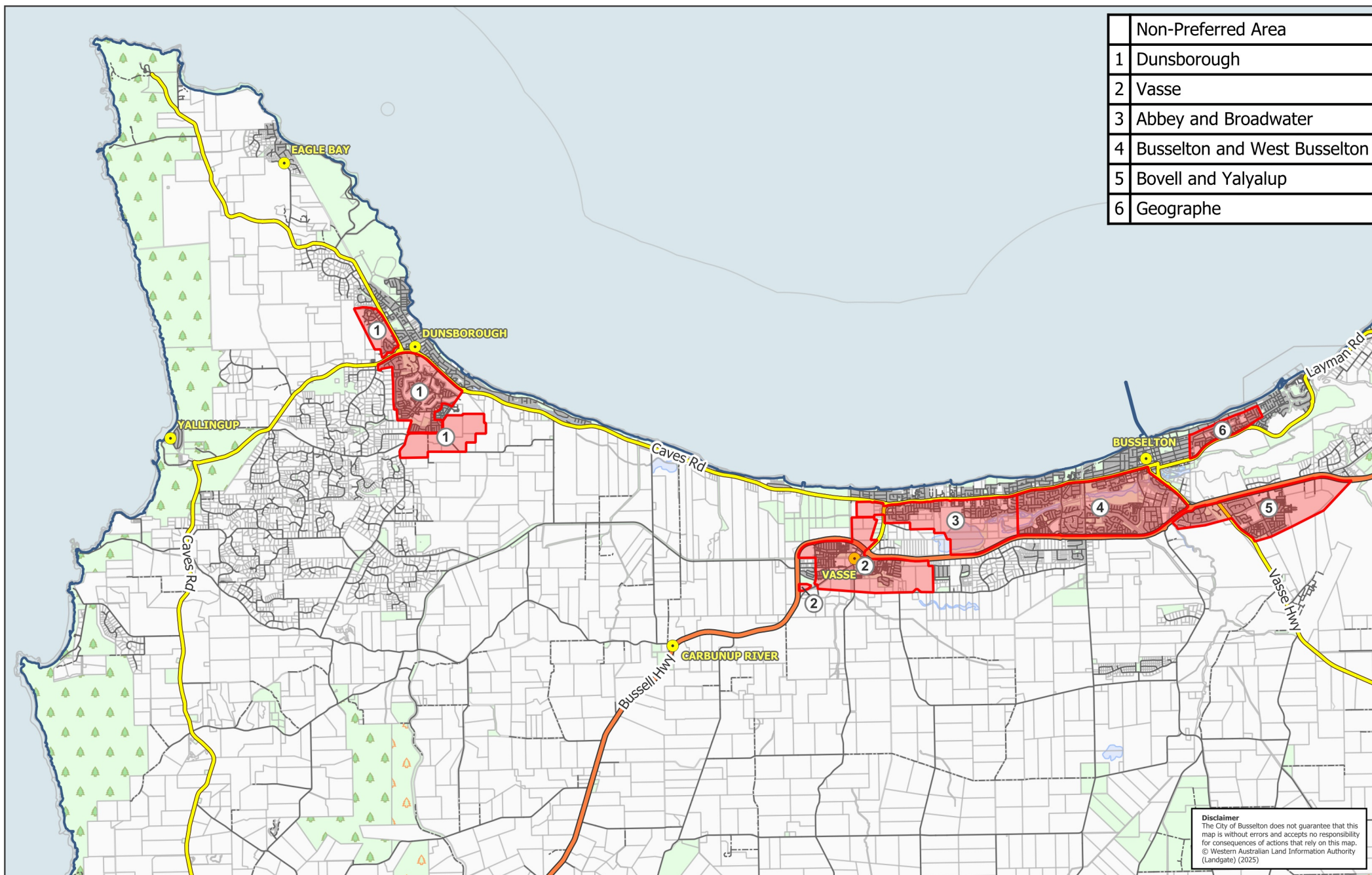
8. Responsibility for conduct of guests

An Occupant is responsible for the actions of all guests they invite onto the premises during the occupancy period and must ensure guests comply with sections 1 - 6 of this code.

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| | Non-Preferred Area |
|---|------------------------------|
| 1 | Dunsborough |
| 2 | Vasse |
| 3 | Abbey and Broadwater |
| 4 | Busselton and West Busselton |
| 5 | Bovell and Yalyalup |
| 6 | Geographe |



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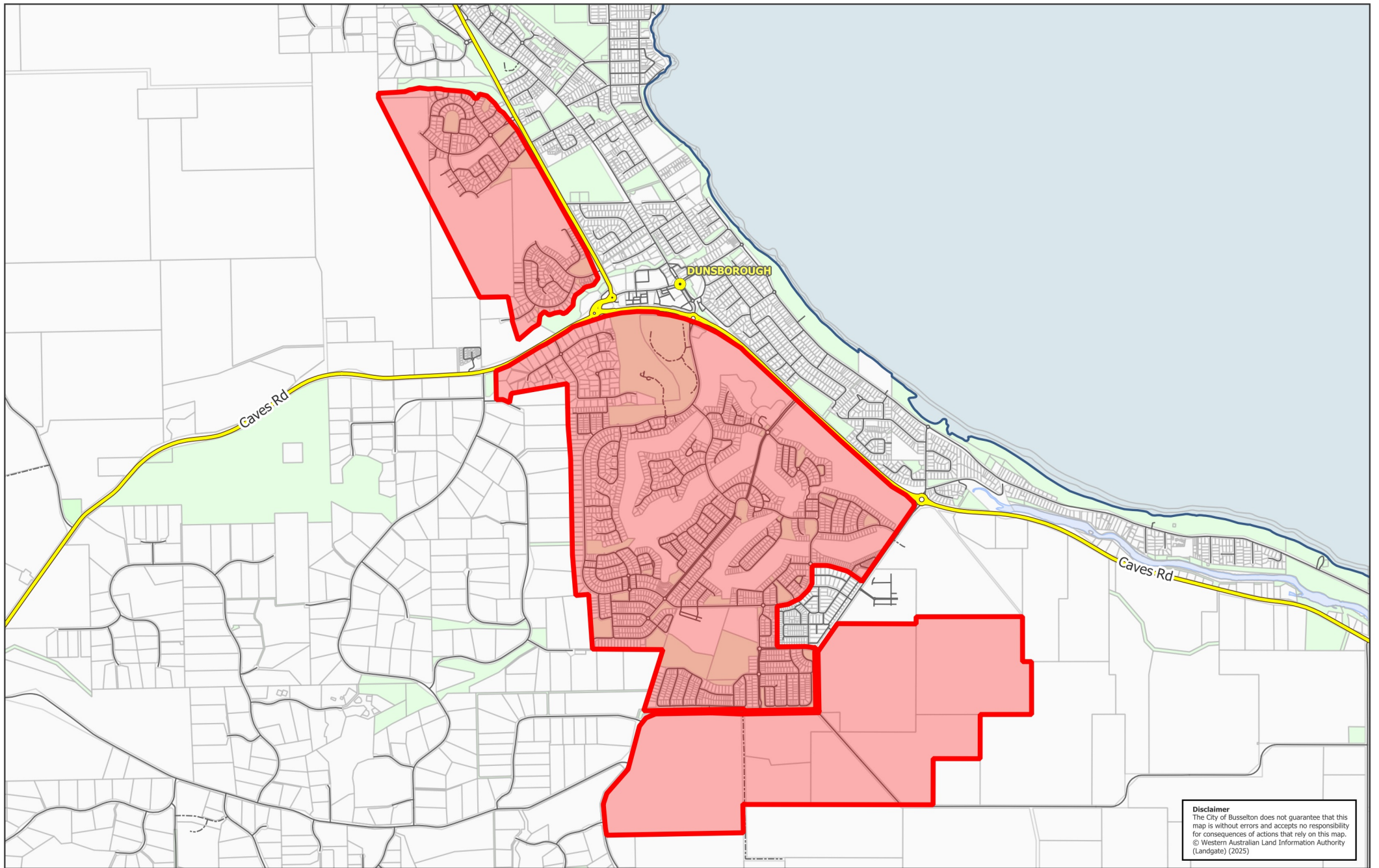
Unhosted STRA - Non-Preferred Areas

Unhosted STRA - Non-Preferred Area

0 2,000 4,000 m

Scale at A4 - 1:150,000







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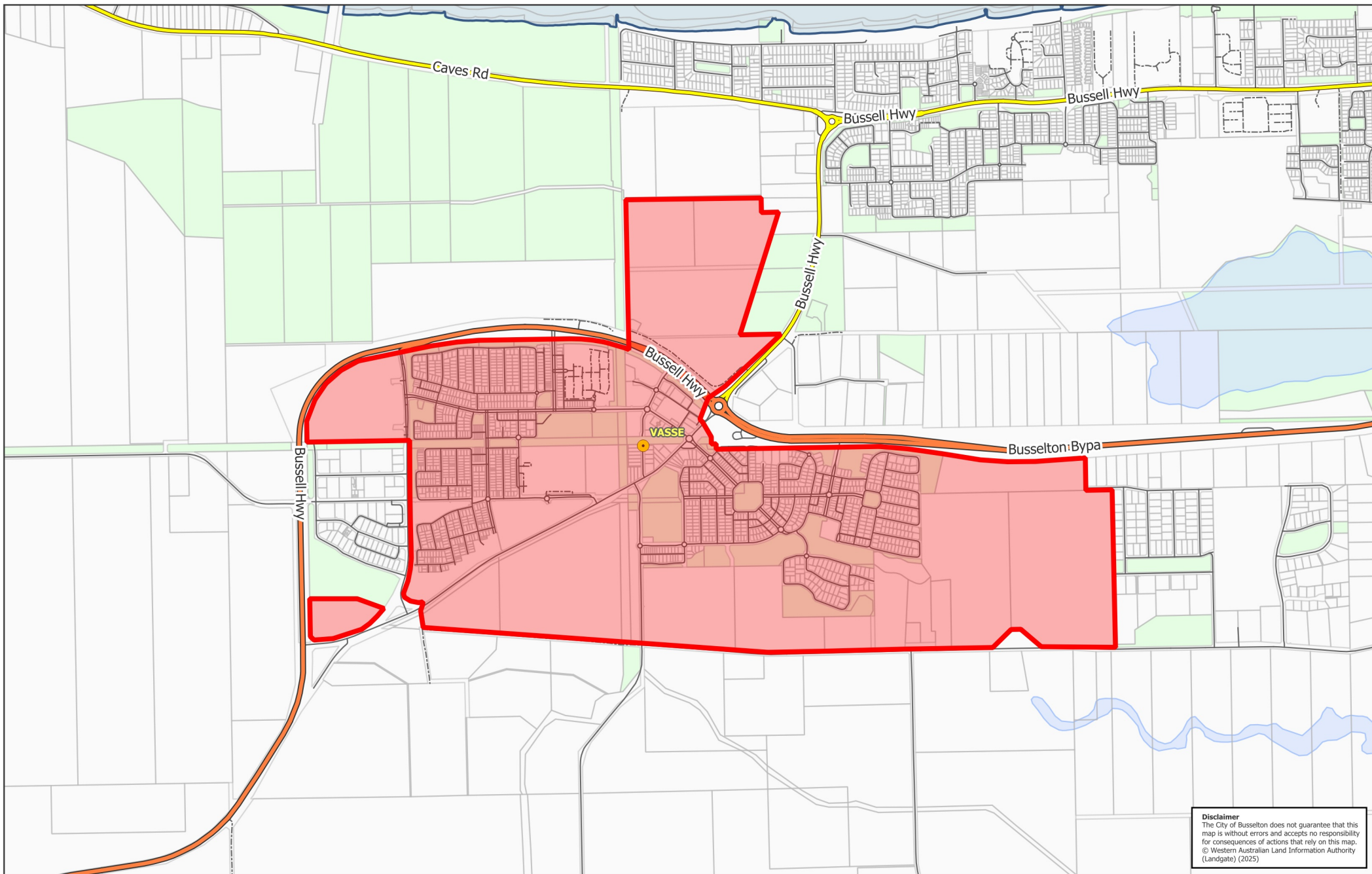
Map 1 - Unhosted STRA - Non-Preferred Areas

 Non-Preferred Area

0 1,000 2,000 m

 Scale at A4 - 1:30,000 





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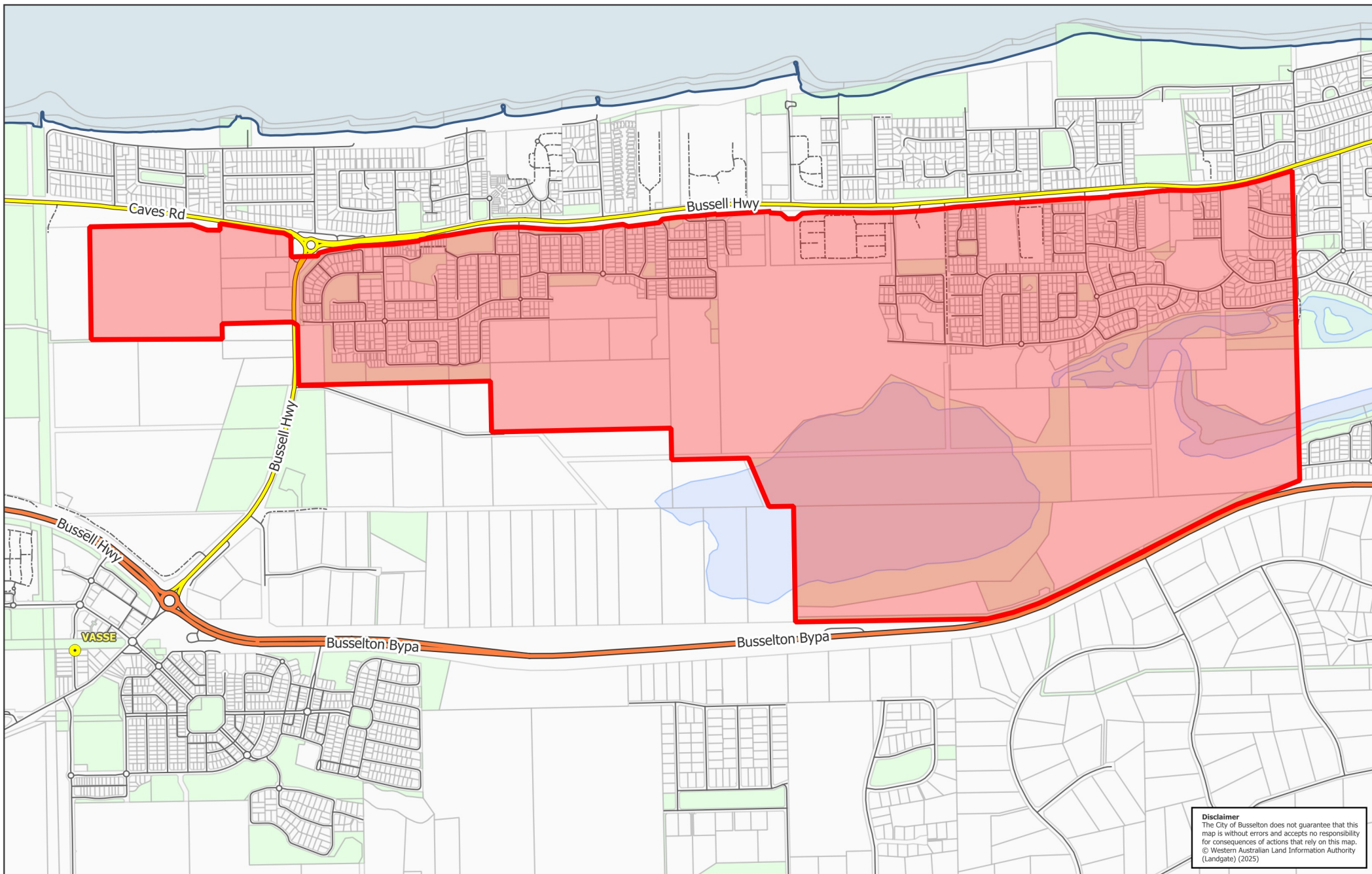
Map 2 - Unhosted STRA - Non-Preferred Areas

 Non-Preferred Area

0 1,000 2,000 m

Scale at A4 - 1:25,000





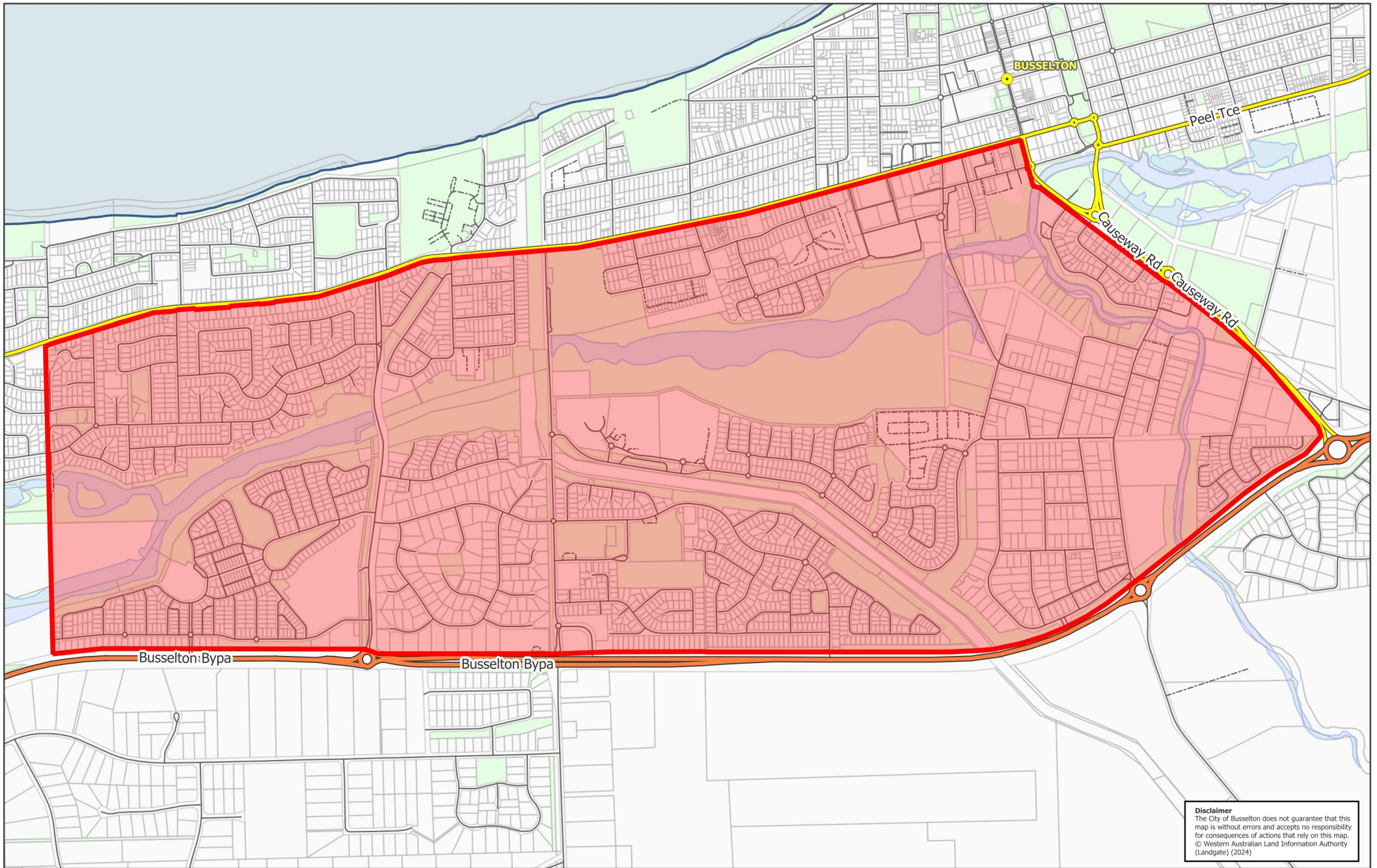
Non-Preferred Area

0 1,000 2,000 m



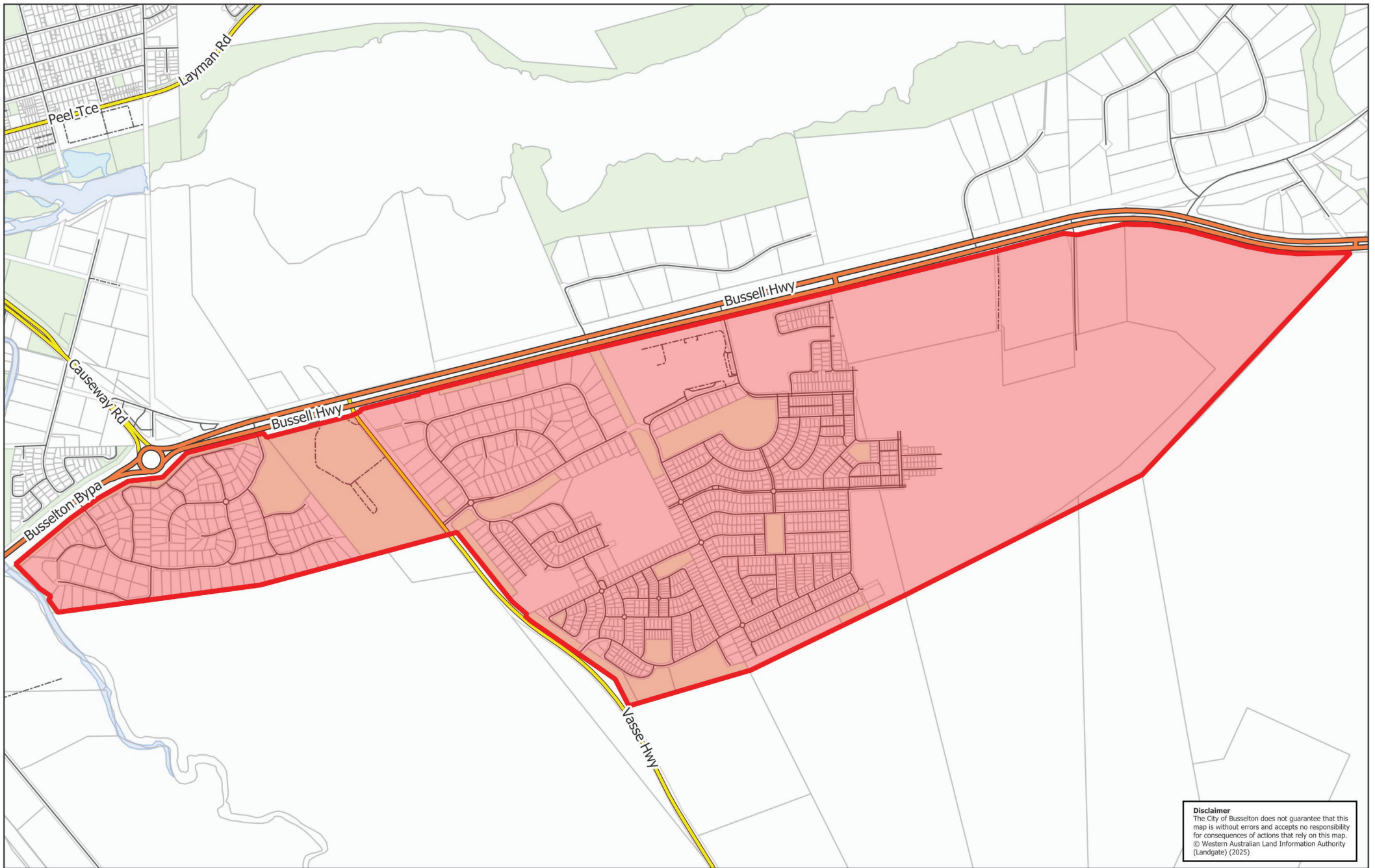
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Map 4 - Unhosted STRA - Non-Preferred Areas





Map 5 - Unhosted STRA - Non-Preferred Areas

Non-Preferred Area

0 1,000 2,000 m

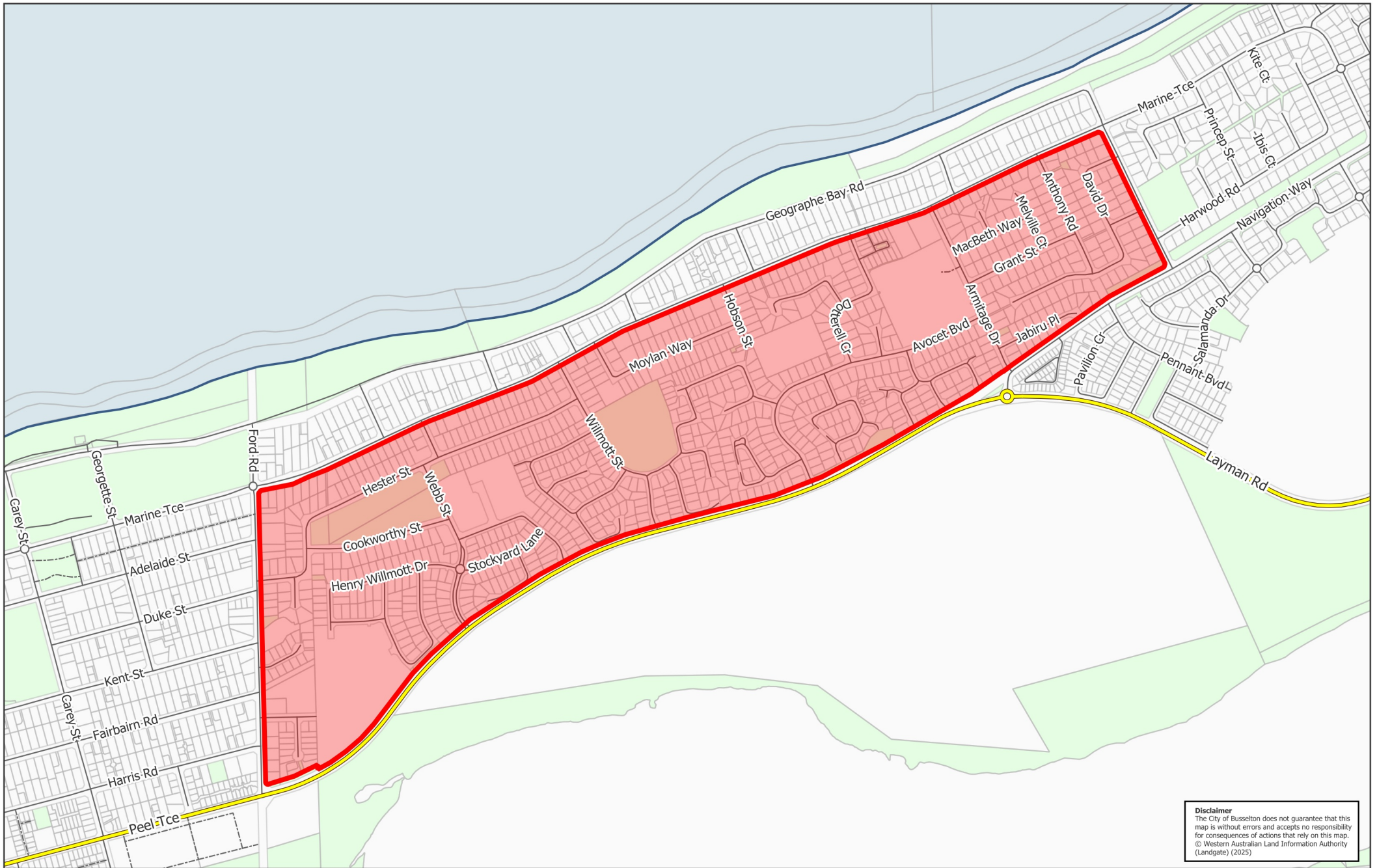


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Map 6 - Unhosted STRA - Non-Preferred Areas

 Non-Preferred Area

0 500 1,000 m



Scale at A4 - 1:12,000



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