



TOWN PLANNING SCHEME POLICY NO. 19.5: HOLIDAY HOMES

**Adopted on the 18 August 2015 in accordance with
Clause 8.2 of Town Planning Scheme No. 3.**

15 September 2020 - Attachment 8.1.1a

1. INTRODUCTION

Holiday homes are private residential dwellings that are leased out for short term accommodation for a continuous period not exceeding three (3) months. Holiday homes are an important aspect of the tourism industry in the Shire of Denmark and have long been an important part of local and Western Australian lifestyle and culture. Over time, there has been increased commercialisation of holiday homes which has led to changes in character and amenity of neighbourhoods. Community concerns about holiday homes often relate to the behaviour of tenants, rather than being associated with the use *per se*. In addition there has been concern that some holiday homes are not maintained to a satisfactory standard, which in turn reflects negatively on Denmark's tourism industry.

2. POLICY BASIS

Clause 8.2 of the Shire of Denmark's Town Planning Scheme No. 3 ('the Scheme') provides for the preparation and subsequent adoption of Town Planning Scheme Policies. Town Planning Scheme Policy No. 19.5: Holiday Homes ('Policy No. 19.5') has been prepared in accordance with the Scheme.

As per Clause 8.2.4 of the Scheme, Policy 19.5 does not bind the Shire of Denmark in respect of any application for planning approval but the Shire of Denmark will have due regard to the provisions of Policy 19.5 and the objectives which the policy was designed to achieve before making its determination.

3. OBJECTIVES

- To support a diverse accommodation base within the Shire of Denmark.
- To minimise negative impacts of holiday homes on the amenity of adjoining residents through appropriate planning approval conditions and associated regulations that apply.
- To encourage the provision of good quality, well managed holiday homes.
- To ensure that holiday homes are managed and maintained to a high standard.

4. DEFINITIONS

As per Appendix I – Interpretations of the Scheme, the following definitions are relevant:

Holiday Home (Standard) - means a single house (excluding ancillary accommodation), which may also be used for short stay accommodation for no more than six people (but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit).

Holiday Home (Large) – means premises conforming to the definition of holiday home (standard) with the exception that the premises provide short stay accommodation for more than six people but not more than 12 at any one time.

Document Control

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26 May 2015 (Item 8.1.2) – Resolution No. 130515
18 August 2015 (Item 8.1.2) - Resolution No. 030815
As required
Director of Planning & Sustainability

5. ZONE PERMISSIBILITY

As per the provisions of the Scheme (Table 1 – Zoning Table and Clause 5.38), the following land use permissibility provisions apply to holiday homes:

Residential	SA
Tourist	AA
Commercial	X
Industrial	X
Rural	SA
Special Rural	SA (as per Clause 5.38 of the Scheme)
Rural Multiple Occupancy	SA
Special Residential	SA (as per Clause 5.38 of the Scheme)
Landscape Protection	SA (as per Clause 5.38 of the Scheme)
Professional Office	X

Note:

- AA - means that Council may, at its discretion, permit the use in the zone.
- SA - means that Council may, at its discretion, permit the use in the zone following public advertising thereof.
- X - means the use is not permitted in the zone.

6. POLICY STATEMENT CRITERIA

6.1 Applicable Criteria To Be Met For Holiday Home (Large) Applications

The following development standards should apply to Holiday Home (Large) proposals:

- Have a site area of no less than 1,500m²
- Have no less than four (4) bedrooms and two (2) bathrooms
- Be limited in the number of people (7 – 12) in accordance with the capacity of the septic system on site
- Outdoor living and car parking areas are located and/or screened to protect the visual privacy of surrounding residence

6.2 Public Notice of the Proposal

In accordance with Clause 3.2.2 of the Scheme, all 'SA' applications are required to be advertised for public comment in accordance with Clause 6.4 prior to being determined – noting that whilst comments relating to a proposal are considered in the final determination of an application, there is no obligation from the Shire of Denmark to refuse a proposal based on receiving objections alone.

Having regard to the provisions of Clause 6.4 of the Scheme, as a minimum all 'SA' applications will be referred to the immediate adjoining landowners (generally identified as one (1) x landowners either side of the subject property, including across the road and to the rear of the subject property) seeking comments on the proposal.

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The following is provided as a guide to the purpose of seeking comments from immediate adjoining landowners on holiday home proposals:

- Comments/objections based on speculation (such as behaviour of occupants) will not be considered as grounds for refusal in relation to new applications.
- Comments/objections based on the unique site characteristics will be considered in the application and may result in additional conditions of approval (e.g. increased visual privacy screening associated with a balcony area).

Notwithstanding the above, refusal will be considered should the proposal not achieve minimum standards or upon renewal should valid complaints be received during operation in the initial 1 year approval.

6.3 Car Parking Requirements

- Holiday Homes (Standard) require a minimum of two (2) on-site car parking bays to be provided, noting these may be provided in a tandem configuration.
- Holiday Homes (Large) require a minimum of three (3) on-site car parking bays to be provided, noting two (2) may be provided in a tandem configuration.

6.4 Access and Manoeuvring Requirements

As a minimum the following construction standards shall apply:

Table 3: Vehicle Crossover	
Existing Road Condition	Construction Standard
Where the property fronts an existing gravel road.	<i>The crossover shall be constructed to an all-weather standard (e.g. gravel, crushed rock) to facilitate access to the development by 2 wheel drive vehicles and thereafter maintained.</i>
Where the property fronts an existing sealed (i.e. bitumen/asphalt) road.	<i>The crossover shall be constructed to a sealed standard (asphalt, concrete or brick pavers), drained and thereafter maintained.</i>

Table 4: Accessway, Parking & Manoeuvring Areas	
Zoning of Subject Property	Construction Standard
Residential Special Residential	<i>Vehicle parking, manoeuvring and circulation areas shall be suitably constructed, sealed (asphalt, concrete or brick pavers), drained and thereafter maintained.</i>
Rural Special Rural Rural Multiple Occupancy Landscape Protection	<i>Vehicle parking, manoeuvring and circulation areas shall be suitably constructed to an all-weather standard (e.g. gravel, crushed rock) to facilitate access to the development by 2 wheel drive vehicles and thereafter maintained.</i>
Tourist	<i>Construction standard will depend on the location of the property – i.e. if located in Denmark townsites then the construction standard that will be applied is as per 'Residential/Special Residential' zone requirements.</i>

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6.5 Length of Stay Provisions

The holiday home may only be rented for a maximum period of three (3) months to one person in any twelve (12) month period.

6.6 Building Code of Australia Requirements

In accordance with the Building Code of Australia (BCA), a dwelling that is to be used as a holiday home is classified as a Class 1B building, therefore the following provisions will generally apply:

- Provision of hard wired smoke alarms on every storey in every bedroom and passageway; and
- Evacuation lights required in the paths of exit.

When considering the planning application, Building Services will have regard to issues such as the dwelling configuration and layout to determine what requirements will apply in order to satisfy the BCA requirements.

6.7 Fire and Emergency Requirements

A dwelling that is to be used as a holiday home specifically requires the following minimum fire safety measures to be implemented/installed:

- a fire blanket in the kitchen area; and
- fire extinguishers.

A fire and emergency plan will also need to be prepared and will form part of the Property Management Plan (refer Section 6.10).

6.8 Property Management Plan Requirements/Responsibilities

Prior to the commencement of activities, a Property Management Plan is required to be submitted and approved by Planning Services. Matters that need to be addressed in the Property Management Plan include:

- Details of the appointed property manager;
- Details of how bookings are to be made;
- Duties of the property manager;
- Fire and emergency plan arrangements (i.e. location of smoke alarms, fire blankets, exit lighting, fire extinguishers, external taps/garden hoses, a fire evacuation route leading to the nearest main road and emergency information details); and
- A Code of Conduct for guests.

To ensure consistency in Property Management Plan details, a proforma Property Management Plan is available from Planning Services.

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A condition of Planning Approval for a holiday home proposal will require the applicant to provide a copy of the approved Property Management Plan to the immediate adjoining landowners/occupiers as identified by Planning Services. In relation to the appointment of a 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.

6.9 Signage

On-site holiday home signage is not permitted with the exception of a 0.2 m² nameplate (i.e. identifies the name of holiday home if relevant) (NB: exempt from Planning Approval).

Business Directional Signs (commonly referred to as 'Blue Signs') are not permitted for holiday home premises.

6.10 Approval Period

Planning Approval for a holiday home is initially granted for a 12 month period, with a renewal application required to be lodged, where if approved Planning Approval will generally be issued for a three (3) year period.

This provision seeks to ensure that Property Managers are fully responsible for the holiday home and to ensure there is minimal impact on the amenity of neighbouring properties. This provides a degree of certainty to operators, while also enabling the Shire flexibility to terminate approval of non-compliant operators, particularly where valid complaints are received, conditions of approval are not being complied with and/or there are concerns relating to the holiday home operations.

7. APPLICATION REQUIREMENTS

7.1 New Applications

The following information is required to be submitted to enable an assessment of the Holiday Home proposal:

- Completed 'Application for Planning Consent' form
- Payment of the applicable Planning Application fee as per Council's operative Fees & Charges Schedule
- Two copies of the following:
 - Site plan (to scale) showing the location of the dwelling in relation to the lot boundaries, on-site car parking areas, the driveway(s), crossover and location of effluent disposal systems (where property is not connected to sewer)
 - Floor plan of the dwelling

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- Internal and external photos of the dwelling
- A completed Property Management Plan (NB: proforma template is available from Planning Services)
- Accompanying letter outlining the proposal.

7.2 Renewal Applications

- Completed 'Application for Planning Consent' form
- Payment of the applicable renewal Planning Application fee as per Council's operative Fees & Charges Schedule
- Accompanying letter detailing compliance with the conditions of the original Planning Approval and any arrangements that may have changed since the original Planning Approval was granted.

8. ONGOING RESPONSIBILITIES/ADDITIONAL APPROVALS REQUIRED

- Should initial Planning Approval be granted, prior to the premises commencing operations as a Holiday Home the premises must be registered with the Shire of Denmark (Health Services) as a Holiday Home, with fees payable as per Council's operative Fees & Charges Schedule. A registration certificate will only be issued by the Shire of Denmark (Health Services) once all conditions of Planning Approval have been met.
- Holiday homes require annual registration from the Shire of Denmark (Health Services), with fees applying as per Council's operative Fees & Charges Schedule. Annual registration certificates will only be issued by the Shire of Denmark (Health Services) when all conditions of Planning Approval are being complied with and any valid complaints received have been satisfactorily addressed to the satisfaction of the Shire of Denmark (Planning/Health Services).
- When a property that has a Holiday Home planning approval and associated registration is sold, the new owner(s) are required to undertake one of the following within fourteen (14) days of taking ownership of the property:
 - Advise the Shire of Denmark, in writing, that they no longer intend for the premises to be used as a Holiday Home;

OR

- Submit a new Property Management Plan for approval by Planning Services. A condition of approval of such Property Management Plan may require the owner(s) to provide a copy of the approved Property Management Plan to adjoining landowners/occupiers as identified by Planning Services and modify signage details to include current contact details of the Property Manager where applicable.

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HOLIDAY HOME - PROPERTY MANAGEMENT PLAN

PROPERTY ADDRESS: _____

PROPERTY MANAGER DETAILS:

Name: _____

Address: _____

Telephone Number: _____

Email: _____

The nominated Property Manager will:

- *Have day-to-day management of the holiday home;*
- *Specifically respond to complaints pertaining to guest behaviour made before 1am, within a two hour timeframe;*
- *In relation to any other complaints, respond within a reasonable timeframe but within 24 hours.*

DETAILS OF RESERVATIONS ARRANGEMENTS (please tick all applicable):

Internet (please specify) _____

Denmark Visitor Centre

Property Manager

Other (please specify) _____

DUTIES OF PROPERTY MANAGER

- *Supply, readily visible in the kitchen or living area of the home, the Code of Conduct, the Property Management Plan and the Fire and Emergency Plan (including the Fire Evacuation Route);*
- *Liaise with tenants for the occupancy and vacation of the premises;*
- *Ensure the correct maximum number of people are staying overnight in accordance with planning approval conditions;*
- *Ensure the premises are registered with the Shire of Denmark as a Holiday Home provider;*
- *Ensure guests are aware of the Code of Conduct;*
- *Ensure guests are aware of the Fire and Emergency Plan;*
- *Maintain a register of all people who utilise the premises, available for inspection by the Shire of Denmark upon request;*
- *Ensure the premises are clean and maintained to a high standard;*
- *Ensure bed linen is clean and replaced upon tenant vacation; and*
- *Ensure rubbish and recycling bins are put out and collected as required.*

NOTE: *Should the property not have access to Council waste collection services, please provide details of how waste shall be disposed of:* _____

HOLIDAY HOME - 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.

PREMISE CONDITION AND CLEANLINESS: The tenants agree to leave the premise in a clean and tidy condition upon vacating, with all fittings and chattels in their original condition and position at the beginning of stay. Tenants are to advise the Property Manager of any damage or disrepair within 24 hours of this occurring. Any damage repairs or excessive cleaning that is attributable to the tenants stay will be paid for by the tenants.

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 their stay coincides with collection days.

Your collection day is: _____

KEYS: At the end of the agreed tenancy, tenants agree to lock the premise, close all windows and return the keys to the Property Manager. Any lost or damaged keys will be replaced at the tenant's expense.

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.

HOLIDAY HOME - FIRE AND EMERGENCY PLAN

PROPERTY ADDRESS: _____

EMERGENCY CONTACT DETAILS

FOR ALL EMERGENCIES DIAL 000

Property Manager: _____

Denmark Police: 9848 0500

Shire of Denmark: 9848 0300

Denmark Hospital: 9848 0600

EMERGENCY INFORMATION

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

ABC Radio: 630AM

DFES: www.dfes.wa.gov.au/
132 500 for SES emergency assistance
13 DFES (13 33 37) for emergency information

Shire of Denmark: www.denmark.wa.gov.au

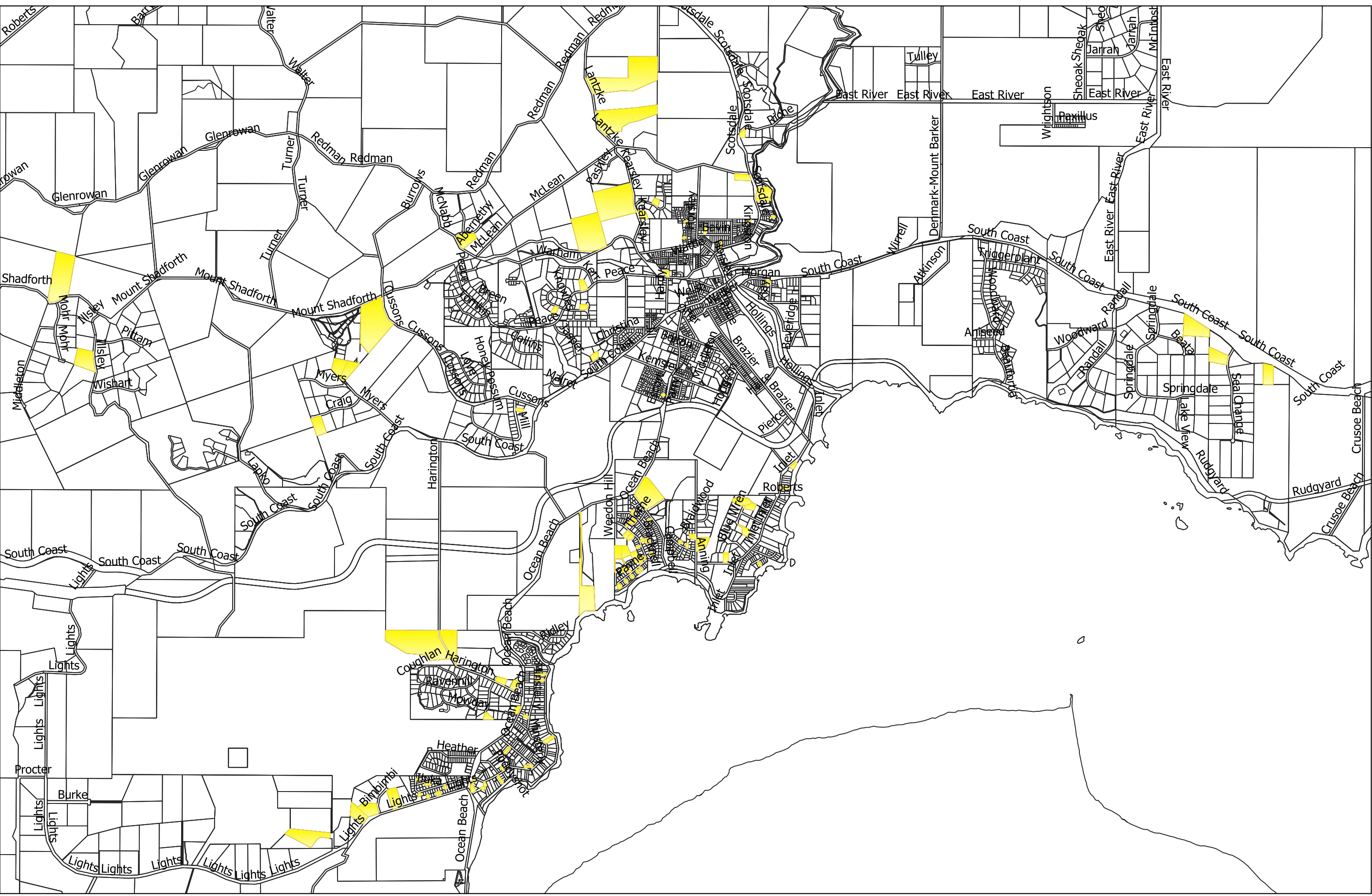
HOLIDAY HOME - FIRE EVACUATION ROUTE

*Attach map of the locality clearly showing the nearest Emergency Evacuation Point for the property and the primary route for evacuating the area – noting that this route must lead to a **main arterial road**.*

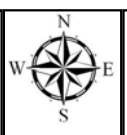
HOLIDAY HOME – FLOOR PLAN OF PREMISES

Attach floor plan of the dwelling showing the following:

- *Hardwired smoke alarms (required in all bedrooms and passageways)*
- *Fire blanket (in kitchen)*
- *Exit lighting in the paths of exit*
- *Fire extinguishers*
- *External taps/garden hose locations*
- *'You Are Here' symbol.*



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Current Holiday Home Approvals, July 2020
Whole property highlighted in yellow

Findings and Recommendations

Finding 1

Page 7

As at early 2019, there were at least 20,000 Short-Term Rental listings in Western Australia, a large majority of them unhosted accommodation. Data indicates that while Airbnb listings in Western Australia are still growing, the rate of growth is slowing.

Finding 2

Page 18

People who let their premises via online platforms benefit from additional income, especially retirees and under or unemployed people.

Finding 3

Page 19

Like holiday homes before them, unhosted Short-Term Rentals available through online platforms are popular with families, particularly those from overseas, as they facilitate consumer choice, offer more flexible forms of accommodation, often have facilities that are not provided by Traditional Accommodation sources and can be more cost-effective, particularly for large groups.

Finding 4

Page 23

Although Western Australia experienced a rapid growth in the supply of Short-Term Rental listings between 2014 and 2019 and a large increase in tourist visitation in 2018, the Committee has found no direct evidence linking these two trends.

Finding 5

Page 25

The increase in Short-Term Rental offerings in Western Australia has assisted in the development of a new business sector to manage and support many of these new premises, especially those that are unhosted.

Finding 6

Page 35

Traditional Accommodation providers generally have greater overhead costs than individuals offering Short-Term Rentals as a direct result of existing State and local government regulations and policy settings.

Finding 7

Page 38

There has been a considerable increase in the supply of hotel beds added to Perth's Central Business District market since 2011. This has coincided with a deterioration in the State's general economic conditions. It would therefore appear that declining revenues and increased vacancy rates in hotels cannot be primarily ascribed to the expansion in Short-Term Rentals.

Finding 8

Page 39

There was no evidence presented to the Committee of 'Airbnb hotels' being developed in Western Australia. There is evidence that some developments in metropolitan Western Australia were approved with an allowance of part of the building to be used for Short-Stay Accommodation.

Finding 9 **Page 46**

There is significant variation across the Western Australian Short-Stay Accommodation market with respect to fire safety standards. The New South Wales Government has chosen to address fire risk for Short-Term Rentals by introducing a *Short-Term Rental Accommodation Fire Safety Standard* pursuant to its *Environmental Planning and Assessment Regulation 2000* (NSW).

Finding 10 **Page 50**

The Committee received evidence from Traditional Accommodation providers in the South West of Western Australia indicating a significant drop in their revenue and occupancy rates. Whilst a number of factors could have contributed to this decline, it has coincided with a considerable increase in Short-Term Rentals in this market.

Finding 11 **Page 55**

Evidence from other jurisdictions, and increasingly from the South West of Western Australia, demonstrates that the growth in Short-Term Rentals affects the availability of long-term rentals and affordable housing. The Department of Communities (Housing) did not provide a submission to this Inquiry; however, it should continue to monitor the effects of Short-Term Rentals on housing sector dynamics and consider appropriate policy approaches.

Finding 12 **Page 56**

Some real estate agents are marketing properties as potential Short-Term Rentals—knowingly or unknowingly—in areas where this land use is prohibited or restricted under the local planning framework.

Finding 13 **Page 56**

Some owners are purchasing properties to use as Short-Term Rentals without first establishing that this land use is permitted under the local planning framework.

Finding 14 **Page 56**

There is currently no way for prospective property owners to easily ascertain whether the property in which they are interested is located near to a Short-Term Rental, increasing the risk that they will find themselves as the unwitting neighbours of Short-Term Rental party houses.

Recommendation 1 **Page 57**

The Minister for Commerce request the Department of Mines, Industry Regulation and Safety develop a public education campaign in association with REIWA to make owners, real estate agents, property managers and purchasers of real estate in Western Australia aware of their obligations in regard to:

- the truthful marketing and presentation of properties as Short-Term Rental prospects;
- the importance of considering Short-Term Rental as part of the pre-purchase due diligence process; and
- other legal obligations surrounding the use of properties as Short-Term Rentals.

Finding 15 **Page 59**

Short-Term Rentals can cause a range of amenity impacts in residential areas, such as parking, the creation and collection of rubbish, the noise and anti-social behaviour of guests, and the behaviour of their pets.

Finding 16 **Page 68**

Local planning schemes, local planning policies and local laws provide the flexibility necessary for local governments to set effective planning controls for Short-Term Rentals appropriate to their local context. While some local governments have designed effective frameworks, there is considerable variation across Western Australia.

Finding 17 **Page 70**

In respect to Short-Term Rentals, many local governments are not adequately enforcing compliance with their local planning schemes, local planning policies and local laws.

Finding 18 **Page 71**

While a number of local governments reported they had received very few complaints relating to the operation of Short-Term Rentals, evidence provided to the Committee showed many local governments place a substantial evidence gathering burden on complainants. This has discouraged the lodgement of formal complaints.

Finding 19 **Page 74**

The land use definitions in *Planning Bulletin 99—Holiday Homes Guidelines* and the model provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015* that relate to Short-Term Rentals are dated and inconsistent, and do not accurately reflect how residential properties are currently being used for short-term letting in Western Australia.

Finding 20 **Page 77**

There are concerns that ‘deeming’ land use definitions in the *Planning and Development (Local Planning Schemes) Regulations 2015* would reduce the ability of local governments to adjust their policy responses to local contexts.

Finding 21 **Page 77**

The inclusion of land use definitions in the model provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015* encourages the consistent treatment of Short-Term Rentals throughout Western Australia while retaining the ability of local governments to adjust their policy responses to local contexts.

Finding 22 **Page 77**

There is a much higher compliance burden on traditional bed and breakfasts, relative to Short-Term Rentals. Any actions taken to harmonise land use definitions must be cognisant of the implications on traditional bed and breakfast businesses.

Recommendation 2**Page 78**

That by June 2020 the Minister for Planning update the model provisions in the *Planning and Development (Local Planning Schemes) Regulations 2015* to amend:

- land use definitions to differentiate between hosted and unhosted Short-Term Rentals;
- land use definitions to include the size and capacity of Short-Term Rentals; and
- the definition of bed and breakfast accommodation.

Finding 23**Page 79**

There is no consensus amongst local governments in Western Australia about the best regulatory mechanism for Short-Term Rentals.

Recommendation 3**Page 80**

That by June 2020 the Minister for Planning direct the Western Australian Planning Commission to update planning guidance so that it aligns with the amended land use definitions in the *Planning and Development (Local Planning Schemes) Regulations 2015* and provides greater guidance to local governments about ways to appropriately regulate Short-Term Rentals.

Finding 24**Page 81**

The maximum fines that local governments can issue to Short-Term Rentals that fail to comply with local planning schemes, local policies or local laws are not substantial enough to deter non-compliance.

Finding 25**Page 83**

Local governments must gather significant evidence to secure a successful prosecution against non-compliant Short-Term Rentals. Currently, evidence that an unapproved premises is being advertised as a Short-Term Rental is insufficient because it shows intent to rent, rather than establish the actual fact of a rental. Local governments must also gather witness statements from neighbours and guests to prove that the premises has, in fact, been let as a Short-Term Rental.

Finding 26**Page 86**

Landgate's strata title Policy and Procedure Guides do not appear to specifically address the short-term letting of lots nor how by-laws can be used by strata companies to better manage Short-Term Rentals in their strata schemes.

Finding 27**Page 87**

The State Government intends to publish online model by-laws for strata companies.

Recommendation 4 **Page 89**

The Minister for Planning direct the relevant government agency to work with stakeholders to develop model by-laws that assist strata companies to better manage Short-Term Rentals in their strata scheme. These model by-laws should include:

- by-laws that, if adopted by a strata company, would prevent owners from letting their lots as Short-Term Rentals; and
- by-laws that, if adopted by a strata company, would enable owners to let their lots as Short-Term Rentals.

Recommendation 5 **Page 89**

The Minister for Planning direct Landgate to update their strata titles guidance to include discussion of the powers and processes open to strata companies to manage Short-Term Rentals in strata schemes.

Finding 28 **Page 94**

There is widespread agreement that Short-Term Rentals in Western Australia should be registered.

Finding 29 **Page 99**

All properties providing Short-Term Rentals—both hosted and unhosted—in Western Australia should be registered. This would enable State and local government policy makers to confirm and monitor the size and scope of the sector, and will better inform any resulting regulatory response, and facilitate consistent and effective enforcement.

Finding 30 **Page 99**

Any property registration system for Short-Term Rentals needs to be simple, low cost and user-friendly.

Finding 31 **Page 99**

Whilst there is no immediate case for extending registration to all forms of Short-Stay Accommodation, State and local governments should consider how to better utilise the information currently gathered under existing registration and licensing schemes for Traditional Accommodation.

Finding 32 **Page 100**

A register, with consistent baseline disclosure requirements, will improve the availability of information about the Short-Stay Accommodation sector, improve policy development, and should improve Short-Term Rental regulation across local government authorities.

Finding 33 **Page 101**

Many stakeholders agreed the State Government should manage a central register but there was little consensus on which authority should have primary responsibility for it.

Finding 34**Page 101**

A number of agencies and ministerial portfolios have an interest in the regulation of Short-Stay Accommodation. It is vital that the Government clearly identify the lead agency and portfolio with primary accountability for industry regulation.

Recommendation 6**Page 101**

The Ministers for Commerce, Local Government, Planning and Tourism establish an interdepartmental working group to coordinate whole-of-government policy responses for Short-Stay Accommodation.

Finding 35**Page 104**

Imposing a requirement that Short-Term Rentals listed by online booking companies include a valid registration number has quickly removed non-compliant Short-Term Rentals in other markets. If introduced in Western Australia, it could also assist local governments to more easily identify unapproved premises.

Finding 36**Page 104**

Online booking platforms are unlikely to voluntarily include registration numbers on their listings in Western Australia.

Finding 37**Page 108**

Short-Term Rental providers may not hold adequate public liability insurance, leaving them personally liable if a guest is injured due to the owner's fault or negligence. This may place consumers at considerable risk.

Recommendation 7**Page 108**

The interdepartmental working group should:

1. Establish the baseline requirements for a state-wide registration scheme, including:
 - a. the minimum information required for both hosted and unhosted premises;
 - b. the cycle of registration;
 - c. registration costs for the State register (separate from any additional local government fees, charges or costs);
 - d. the most appropriate agency to hold the register; and
 - e. the treatment of Traditional Accommodation providers.
2. Determine the legal mechanisms through which the State Government can introduce and enforce a registration scheme, including consequences for non-compliance.
3. Determine the most appropriate mechanism to collect and manage the registration data.

4. Determine the information disclosure requirements for online platforms and appropriate enforcement mechanisms.
5. Determine information sharing mechanisms between State and local government authorities, including information gathered under existing registration and licensing regimes for Traditional Accommodation.
6. Determine what information, if any, should be made publicly available.
7. Ensure that local governments maintain the ability to require the provision of additional information and impose additional licensing or operational requirements, depending on their particular circumstances.

The interdepartmental working group's activities should incorporate appropriate consultation mechanisms with local government authorities and relevant stakeholders.

Finding 38

Page 110

Although online booking platforms have the capacity to validate registration numbers before listing Short-Term Rentals, they have resisted this role in other jurisdictions.

Finding 39

Page 110

Online booking platforms should be required to display a valid registration number issued under the registration scheme.

Recommendation 8

Page 110

The relevant Minister should ensure, through appropriate legislative or regulatory mechanisms, that online platforms are required to display a valid registration number for Short-Term Rentals, issued under the registration scheme.

The interdepartmental working group should consider and provide advice to the Minister on the appropriate requirements for Traditional Accommodation.

Finding 40

Page 113

Major online platforms are complying with requirements to share their Short-Term Rental data with governments in many jurisdictions, including in Tasmania. Where they do not, there are alternate sources for this data but online platforms claim this data is not accurate.

Recommendation 9

Page 114

The relevant Minister prepare regulations requiring online platforms to provide data on all Short-Term Rental properties listed in Western Australia to the government agency with primary responsibility for the state-wide registration system, on a disclosure cycle to be recommended by the interdepartmental working group.

Finding 41**Page 115**

A publicly available register of Short-Term Rentals would enable guests to confirm the compliance of their Short-Term Rentals; local governments to uncover unregistered Short-Term Rentals; prospective property owners to identify Short-Term Rentals in their desired neighbourhood; and aggrieved existing neighbours to lodge complaints and have their amenity impacts addressed.

Finding 42**Page 119**

Local governments should have the ability to determine any additional conditions or licensing requirements for the registration of a Short-Term Rental. This would allow them to retain the flexibility to respond to local conditions.

Recommendation 10**Page 119**

The relevant Minister introduce a state-wide registration scheme for Short-Term Rentals based on the parameters developed by the interdepartmental working group, coupled with data provision requirements for online platforms.

Local government authorities should be responsible for:

- approving additional registration requirements for properties within their boundaries;
- developing additional registration criteria, suited to their particular circumstance;
- enforcing compliance with their local controls;
- managing complaints about Short-Term Rentals; and
- setting and imposing penalties for non-compliance with local requirements.

The process for information collection and disclosure should be developed by the interdepartmental working group, in consultation with local government.

Finding 43**Page 121**

A number of jurisdictions place caps on the number of nights that unhosted Short-Term Rentals can be let.

Finding 44**Page 122**

Caps on Short-Term Rental availability are currently primarily intended to address local conditions. It is appropriate that they be determined at the local government level until such time that the State Government determines that a different approach is warranted.

Finding 45**Page 126**

The imposition of additional registration fees, or compliance costs for local requirements, should be at the discretion of the local government authority, with appropriate accountability mechanisms.

