



24 January 2019

Dr David Worth  
Principal Research Officer  
Economics and Industry Standing Committee

By email -  
[laeisc@parliament.wa.gov.au](mailto:laeisc@parliament.wa.gov.au)

Dear Dr Worth

### **Inquiry into Short-Stay Accommodation**

This submission has its focus on the management of short stay accommodation activities from a local government town planning perspective.

Stakeholders often rely on local government as a first point of call when raising concerns, queries, or suggestions relating to the introduction of new, or the management of existing, short stay accommodation businesses. A sensible and clear suite of policies and controls has the potential to assist operators, clients, and the neighbours of short stay accommodation businesses.

#### **Characteristics of the activity**

From a local government planning perspective, key sensitivities arise where short stay accommodation activities trigger concern from nearby residential neighbours. The key introductory questions arising in this scenario are:

1. How should the activity be defined?
2. Is the activity different to that associated with a residence?
3. Are the differences meaningful or do they bring risks, issues and concerns?
4. Are the characteristics within local government statutory responsibilities?
5. What action should constitute a reasonable response?

The City of Gosnells' observation is that the answers to those issues will be influenced by the practical experience of different stakeholders.

There is a variety of types of accommodation that are offered under the generic descriptor of short stay accommodation. The differences may occur due to the nature of the construction type, or through its intensity of use (occupancy).



There are a range of types of accommodation that could fall within this policy area. Some have more potential risks associated with management and off-site impacts than others. The types of activity pose different levels of risk, by either intensity of use, or management characteristics. In general terms:

1. The use of a portion of a single residence for short stay activity where the principal residents reside on site is relatively similar to traditional residential occupation, and might present the least risk of amenity intrusion, compared to more intensive forms of the activity.
2. Where the maximum occupancy increases, then the potential for intrusive activity increases (eg social activities on site, arrival and departure times to and from the site).
3. Where the activity is not monitored by a resident business operator, management might be less effective, and the risk of intrusive activities increases.

Some activities might be deemed to be totally acceptable (and largely undetectable) when compared with surrounding types of accommodation, whilst others may have a greater risk of being intrusive. On this point, it is noted that many in-home short stay accommodation providers operate without complaint or concerns being lodged with local government. That conclusion suggests a direction as to how such activities could be considered. It is therefore suggested that classification criteria be used to differentiate types of short stay accommodation.

With that in mind, classification of the land use could be based on:

- Physical size of the accommodation (floor area or occupancy).
- Management availability – ie is the principal land owner residing on or off site.
- Reference to other standards relating to dwelling size, use or occupancy (as contained in the R-Codes, or other overlapping legislation).

The observation suggests that different criteria could successfully be applied to unobtrusive “low order” short stay accommodation, compared to larger scale “high order” proposals.

In addition, from a local government planning perspective, there is a substantial amount of planning law and theory around about “incidental land uses”. The consideration of low order short stay proposals in a similar manner to other incidental activities such as home business type uses would demonstrate some consistency in approach, with other small scale home based business.

### **For lower order proposals**

A policy of introducing an exemption to the need for development approval could have benefits for the smaller scale business operators. The exemption could be subject to criteria, so that in cases where a variation to those standards is proposed, then a formal application process would be required. Likely satisfaction criteria for exempted development could include:



1. Activity to be situated within a single residence on its own lot.
2. Business operator to reside on site.
3. Limits on occupancy/floor space available to short stay activity.
4. Compliance with a template management statement (covering operating hours, movement, servicing, etc).

### **For higher order proposals**

There appears to be a good case for requiring planning applications for more intensive proposals, based on:

1. Likelihood of potential impacts caused by activity.
2. Requirements for a different form of development to accommodate expanded accommodation.

The cut off between high and low order proposals requires a subjective judgement, and might be influenced by demand for such activities in particular areas, or other objectives within residential zones of respective local governments

In cases where applications are sought, the planning considerations and criteria could be much the same as for lower order proposals.

New criteria might include consideration of the types of residential development that are considered to be appropriate for the inclusion of short stay accommodation with certain dwelling types. In order to achieve consistency across local governments, the definitions could be included as deemed provisions in the Planning and Development Regulations.

### **Preferred Location for short stay activities**

Higher order activities may be more compatible with land uses in locations that are near tourist attracting features, or district centres. In cases where a high order proposal is located in or near a busy centre, the following assumptions can be made:

1. The prevailing type of residential amenity is likely to be characterised by being busier, potentially noisier, and having activities extending over longer periods of the day and night compared to a quiet suburban neighbourhood.
2. It could be argued that placing a high order establishment in this location provides a better safety net in terms of compatibility with surrounding uses. Sensitivities to increased activity should be lessened compared to a traditional neighbourhood.

Higher order proposals would be less likely to be compatible with mainstream residential neighbourhoods.

Low order activities are likely to be much more compatible with a traditional residential experience. Anecdotally, it is understood that customers of low order short stay businesses are often seeking a non-hotel like accommodation style, where they can blend in with and enjoy a traditional residential experience, including the type of amenity value which is offered in those surroundings.



The experience is that success is dependent on the nature of the actual use of the development, rather than its physical form. Therefore, effective management needs to be ensured with either form of short stay accommodation. Criteria that should be addressed in mandatory provisions includes:

1. Availability of on-site supervision or resident caretaker.
2. Management of behaviours at unsociable hours (arrival and departure times, noise generation, and outdoor activity).
3. Equity in accessibility

### **Suitable types of accommodation**

There are some planning and building regulation reasons why the suitability of building type becomes a relevant consideration.

In the case of short stay accommodation in a traditional single residential setting, the availability of exits, access to ground level egress, adequacy of parking and potential orientation around a development is inherently easier and carries less risk or maintenance burden.

In the case of multiple dwelling developments, the need for familiarity with exit points (in the case of emergency), parking requirements, and ease of access for servicing can be inherently more difficult.

It is noted that clause 47 of the Building Regulations provides for situations where a land owner is required to apply for a re-classification of buildings. It is suggested that this clause could be amended so as to capture situations where the classification of the building (under the Regulations) is changed unlawfully.

### **Summary**

The definition of different types of short-stay accommodation based on intensity of use would assist in developing appropriate regulations to deal with the varying scale of operation of short stay accommodation businesses.

Low order short stay accommodation may be able to be supported without undue red tape at a local government level.

Changes to the deemed provisions of the Planning and Development Regulations would ensure a uniform approach from the local government sector.

Management requirements are critical to the successful inclusion of short stay accommodation in a metropolitan context.

A handwritten signature in black ink, appearing to read 'Chris Terelinck'.

**Chris Terelinck**  
**Director Planning and Development**  
**City of Gosnells**