



Our Ref: Short Stay Use Committee
Enquiries: Planning Department

25 January 2019

Dr David Worth
Parliament House
4 Harvest Terrace
WEST PERTH WA 6005

Dear Dr Worth

SUBMISSION - COMMITTEE INQUIRY INTO SHORT STAY ACCOMMODATION IN WA

Thank you for providing the Town of Cottesloe with the opportunity to provide a written submission on the Committee's Inquiry into Short Stay Accommodation in Western Australia.

Background

Cottesloe provides commercial short-stay type accommodation concentrated at the main beachfront, which comprises its Foreshore Centre and Restricted Foreshore Centre Zones. These include a number of hotels, beach chalets, motels and serviced apartments. In addition, some blocks of units/apartments on the foreshore or nearby contain residences used for short-stay type accommodation, both professionally and privately managed. These tourist accommodation uses are mostly classified as being permissible or otherwise discretionary under the Town's Local Planning Scheme No. 3.

Beyond the beachfront, numerous residences including units/apartments, villas/townhouses and single dwellings are let for short stay type accommodation, also both professionally and privately managed. A recent search (January 2019) found that there are currently approximately 150 listings on the Airbnb website and 43 listings on the Stayz website marketing bedrooms as well as entire homes exclusively for short stay accommodation around Cottesloe. Most of these are located within the Residential Zone and many do not have the planning approvals in place to be able to operate these short stay accommodation activities. A number of these unauthorised uses have been the cause of complaints (largely within strata complex situations) received by the Town of Cottesloe (the Town).

It is thus apparent that that there exists a long-established practice of residences in the Residential Zone (where short-stay accommodation is not permissible) being used for short stay accommodation, and that it has become part of the character and culture of the district. Until the last few years, this has occurred largely under the radar of the Town, and essentially been condoned, unless problems or complaints have arisen.



In response to the terms of reference as specified within your letter, we have the following comments:

1. The Town is currently solely reliant on its Local Planning Scheme to identify (rather than regulate) non-compliant or unauthorized land-uses within specific zones. The Town's Local Planning Scheme No. 3 provides for 'Bed and Breakfast', 'Residential Building', 'Serviced Apartment' and 'Short-stay accommodation' uses as defined therein, with the permissibility set out within an extract of the Zoning Table as follows:

Use Class	Residential R20 - R30 Zone	Residential R35-R100 Zone	Foreshore Centre Zone	Restricted Foreshore Centre Zone	Hotel Zone	Town Centre Zone	Local Centre Zone	Residential Office Zone	Place of Public Assembly Zone	Development Zone
Bed and Breakfast	A	A	P	A	X	D	D	D	X	-
Residential Building	X	A	D	X	D	D	X	A	X	-
Serviced Apartment	X	A	D	D	D	D	X	D	X	D
Short-stay Accommodation	X	X	D	D	D	D	X	A	X	

Bed and Breakfast is considered to be home-based and private (and treated similarly to Home Based Business). Also, where activity is conducted on a personal basis and is occasional it tends to occur unnoticed and is of little concern.

The rest of the above, however, are of a commercial nature – where residential properties are used frequently or continually for short-stay accommodation, often without a resident owner or managing agent, it can cause conflict with either neighbours or residents within a neighbourhood or strata complex. In such instances, the Town has historically viewed the activity as equivalent to commercial accommodation and intervened to address the situation.

In addition, The Town currently does not rely on specific guidelines in the way of local planning policies or local laws to regulate short stay accommodation generally and Airbnb-type arrangements in particular. Short-stay residential accommodation in the form of a partial/whole house rental or house-swapping



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falls outside of a bed and breakfast operation as per the Scheme definition, is not expressly provided for under the current definition for Short-stay Accommodation within the Scheme and is therefore essentially unregulated.

2. Short-stay accommodation is ingrained in Cottesloe, although the spread of Airbnb letting has drawn more attention to the matter in recent years. As mentioned above, recent research indicates an increase in private residential short stay accommodation types via the online marketplace including Airbnb, Stayz, Villas, Homeaway, Flipkey, etc. These include apartment blocks/multiple dwellings, houses, villas/townhouses, granny flats or bedrooms. They are widely distributed, predominantly on or near the coastal strip and prevalent in South Cottesloe, while several are further afield, clustered around Stirling Highway. Many are within 100m of the beach; however, could be located up to 750m away. Quite a few of these are aimed at the luxury end of the market.
3. With regard to short stay accommodation operations within strata complexes, concerns of neighbours mostly center around noise management, neighbour awareness, privacy complaints, security (safety gates, lifts and other aspects of access), and car parking access and availability. In addition to these, The Town has concerns around fire safety, emergency response procedures and the control of occupancy numbers. Complaints received from neighbours of single residences who operate unauthorised short stay accommodation activities mostly include noise and behavioral complaints.

From a planning/building approval perspective, the design and standards of residential buildings such as single, grouped and multiple dwellings also do not always necessarily satisfy the Building Code of Australia for short stay accommodation.

4. In seeking legal advice in relation to short term accommodation generally and Airbnb type operations specifically; the Town was advised that the regulation of short stay accommodation could occur either through a local law or local planning policy, although either of these would involve a scheme amendment if the Town was to expand or alter the Scheme to enable more scope for short stay permissibility.

Please phone the Town on (08) 9285 5000 with any questions or should you require additional information.

Yours faithfully

Garry Bird
Acting Chief Executive Officer