

ATTACHMENT 1 TO P21/3945 - SUMMARY OF PUBLIC SUBMISSIONS ON PLANNING SCHEME AMENDMENT FOR SHORT STAY ACCOMMODATION

No.	Status	Submission	COM Comments
1.	Support	The biggest problem with short term accommodation no matter where, is the gathering of the large party crowds, the loud music and antisocial behaviour till the early hours of the morning. In residential areas this is not acceptable and will not be tolerated by families who need to sleep and work and send children to school. The Council should have the power to immediately shut down these loud parties if a report is made by the affected residents.	Noted. The City can seek to control potential impacts such as noise and anti-social behaviour in sensitive locations. These issues however would be more reliant upon the management of impacts through related legislation such as Local Laws regarding parking and noise. Response options may be limited and in some cases may be reliant upon other agencies such as the Police.
2.	Support	We have lived next to a short stay apartment for many years and it was an absolute nightmare due to the noise, parties and disrespect for our block of units where bottles of alcohol were thrown in our gardens and multiple vehicles blocking our unit's driveway access.	Noted. The City can seek to control potential impacts such as noise and anti-social behaviour in sensitive locations. These issues however would be more reliant upon the management of impacts through related legislation such as Local Laws regarding parking and noise. Response options may be limited and in some cases may be reliant upon other agencies such as the Police.
3.	Oppose	Residents should be able to rent their houses / apartments out as they see fit. It is their property not the property of the council.	Noted. The officer recommendation is that the amendment progress with the listing of hosted accommodation and holiday houses for short stay accommodation as a permitted use. The recommendation is to continue to list holiday apartments as an X use in residential zones which would deal with amenity impacts by not allowing the use altogether.
4.	Oppose	If I wanted to use my unit as short stay accommodation this would prohibit me from doing so. My unit is in a small complex of 3 and only attached via a garage wall. Having used short stay accommodations through AirBnb and Stayz myself, I can't understand why anyone would want to prohibit accommodation of this kind. It serves a very useful, convenient and cost effective purpose. Participant behaviour is monitored by both the provider of the accommodation and guest through feedback.	Noted. The amendment proposes to list holiday accommodation / grouped dwellings as an A use in residential zones which would enable likely impacts to be taken into account, including an assessment against the performance criteria of LPP 1.21, when making a decision. The use is not prohibited but a development application would be required to be submitted and assessed against LPP1.21.

5.	Support	<p>Vacation homes encourage local tourism. While cost of accommodation is a primary consideration, it is the desired amenities (kitchen, communal space, private outdoor area) and social aspects (interaction with hosts on useful tips) which hotels & motels do not offer. More importantly, vacation homes boost the local suburban economies when visitors wine, dine, shop and entertain at local businesses. Vacation homes are our preferred choice. Especially in Australia.</p>	<p>Noted.</p> <p>The use of short stay accommodation is still permitted in the residential zone. For grouped dwellings assessment of a planning application will be required. In apartments the amendment proposes to prohibit short stay accommodation.</p>
6.	Oppose	<p>The definitions are too open and should include the maximum number of guests permitted.</p>	<p>Noted.</p> <p>The numbers of guests is generally guided / managed by the booking system for short stay accommodation.</p> <p>In the instances where approval is required, the maximum number of guests will be assessed as part of the development application process.</p>
7.	Oppose	<p>Thank you for inviting us to provide feedback on proposed amendment to Local Planning Scheme No.6 relating to Short Term Accommodation. We are pleased to respond on behalf of individual short stay property owners, managers, and associated service providers.</p> <p>While short stays holidays have provided affordable travel options for families for generations in WA, the increasing preference for short term rental accommodation (STRA) and access afforded by OTA's like Airbnb has seen a growing range of guests from holidaymakers to those visits family and friends to trades, professionals, consultants, medical and academic staff through to students and others relocating for work, in between homes, renovating or in need of emergency accommodation.</p> <p>While the nature of STRA delivers strong economic benefits directly into the local community in the form of jobs for cleaners, tradies and extra income for the local cafes, restaurants and retailers, the growth has also seen unwanted impacts through bad guest behaviour and irresponsible owners, particularly in strata situations where even a smallest issue is amplified by the close proximity.</p> <p>We acknowledge these issues and Council's reasonable concern to address the unwanted impacts are driving the new amendments proposed.</p> <p>With the benefit of working with regulators across Australia to introduce quality regulation and controls to address similar concerns, we submit the introduction of blanket bans is unnecessary.</p> <p>Just as it's not reasonable to ban all cars from the road to stop the handful of speeding drivers, it's not necessary or reasonable to penalise all STRA apartment owners to address the actions of a few.</p> <p>Rather than a simple, 'standard' amendment with little impact, we submit the proposed approach would have far reaching consequences in respect of existing use rights, owners' financial situations and the value of their properties, as well as impacting local jobs and small businesses in Melville.</p> <p>Critically, the approach would see Council retrospectively withdrawing owners' existing use rights.</p> <p>While on one hand we question the legality of selectively removing owners' existing use rights, the approach would also place owners who rely on STRA rents to pay their mortgages and stay afloat in a position of extreme financial hardship while devaluing the price of their property.</p> <p>We suggest that a far more effective and practical approach is to target and address the impacts.</p> <p>Unlike normal residential tenancy, STRA guests stay under a 'License to Occupy' rather than a lease. The License to Occupy is defined by Terms & Conditions which include provisions for the guest use to be terminated as a result of any serious breach.</p>	<p>Noted.</p> <p>The recommendation is that the amendment progress with the listing of hosted accommodation and holiday houses for short stay accommodation as a permitted use. Approval is not required.</p> <p>The recommendation is to list short stay in grouped dwellings as A uses in residential zones which would enable likely impacts to be taken into account, including an assessment against the performance criteria of LPP 1.21, when making a decision. The amendment seeks to list short stay uses in apartments as a prohibited use in response to the additional risk of amenity impacts in this dwelling type.</p>

Just as has been demonstrated in other states, and by professional managers and operators in other strata environments, the most practical and effective way to manage behaviour is by using the Terms and Conditions and require the operator to manage the guests and property professionally.

- Restrict guest numbers to 2 per bedroom - or complying habitable room. (behavioural issues regularly follow excessive numbers in a property)
- Require T&C's to specify responsibilities re guest behaviour
- Include relevant Strata bylaws in T&C's eg parking, lifts, use of shared facilities
- Require STRA managers to take responsibility for their guests and enforce the T&C's

As the owners of STRA properties are everyday WA family mums and dads who've worked hard to save for their property, pay their local rates and assure their guests behave responsibly, it would be wrong to penalise all owners as well as the local cleaners, trades and small businesses who rely on the STRA income when there is a clear, proven path to address the issues at source.

As the peak body representing owners and operators in the STRA industry and professional property managers, we have a strong base of hands on experience in working with regulators to address these unwanted impacts by specifically targeting the issues.

We would welcome the chance to work with Melville Council in introducing effective ways to address the unwanted impacts without imposing unreasonable bans on the majority or owners, limiting the number of visitors to Melville or the important economic contribution those guests make to the local community or con.

Much of that regulation stemmed from the same kind of issues that you are confronted with in Melville and other WA LGA's particularly where STRA operators in higher density complexes. There are two part to this

Behaviour Management

License to Occupy - Terms and Conditions

specifies guest numbers
require practical Terms & Conditions to the License to Occupy
specify relevant by laws as part of the T&C's
- noise, behaviour, waste, shared facilities, parking, pets
(this activates by laws which are not generally effective in short term)

Mandatory Code of Conduct

specifies hosts / operators and participant obligations
require hosts/operators to address impacts
requires hosts/operators to manage property and guests responsibly

Assuring properties are safe, compliant and fit for purpose

Statewide SEP

statewide framework to assure consistency / avoid duplication
flexibly for appropriate controls at local LGA

Property Registration

generally STRA is recognised as a permissible use of residential property
it is also regarded as a 'residential' use rather than a 'commercial' use
(ie like general residential tenancy leases)

Property Registration requires
owner certification that properties are
- safe, compliant and fit for purpose

		<ul style="list-style-type: none"> - specifies max number of guests per property - properties are compliant with FSS - properties comply with Bushfire and other controls - guests are covered by Guest CTP insurance (accident & injury) <p>the registration also provides a common denominator</p> <ul style="list-style-type: none"> - mechanism for recording details owner/ address/ zoning/ Mngr contact - tools for managing irresponsible owners (fines, defects, suspension, cancellation) <p>These measures allow for</p> <ul style="list-style-type: none"> cost effective application on a statewide scale much needed data and statistics for planning purposes <p>Most importantly, the approaches affords effective ways to address the unwanted impacts without</p> <ul style="list-style-type: none"> taking away the valuable amenity STRA provides for visitors target irresponsible guests, owners and operators avoid the imposition of blanket bans & respect existing use rights don't penalise the majority of responsible family STRA owners <p>Ideally this should be driven by statewide planning approaches. This allows for critical mass and volumes to assure cost efficiency. Avoids duplication in independent LGA reviews and dev of hybrid LEP's. The State Government is currently completing its own review.</p> <p>We would be happy to engage with you to explore these matters further. Alternatively we would be happy to work with LGA groups towards quality longer term planning outcomes we would be pleased to collaborate with you further in respect of your plans.</p>	
8.	Support	<p>In our street there is an apartment block where many of the units are used for short stay accommodation. I do not believe that approval for this construction envisaged this type of use. Since being occupied this apartment block has created issues for neighbouring residents including ongoing illegal parking and increased traffic noise, especially late at night. In addition we live next door to a house now used as Air BNB accommodation and have had to report noisy and unruly parties to both the rangers and the police on several occasions. More thought needs to be given to allowing this type of property use in residential areas of the City of Melville.</p>	<p>Noted.</p> <p>The amendment seeks to list short stay uses in apartments as a prohibited use in response to the additional risk of amenity impacts in this dwelling type.</p>
9.	Support	<p>I live in Bragor Place, Ardross - where we have an ongoing problem with short stay (BNB etc) clients. The main issues are the use of apartment of rooms for parties, the random, illegal parking blocking the footpath to the shopping centre, and speeding vehicles arriving and exiting all through the night. Stopping such misuse would help return our street to some form of normality. Please contact me if you want any further verification of any of my comments above.</p>	<p>Noted.</p> <p>The City can control potential impacts such as noise and anti-social behaviour in sensitive locations. These issues would be more reliant upon the management of related legislation such as Local Laws.</p> <p>Under this approach any negative impacts associated with the operation of the use would be responded to through reference to local controls relating to noises, parking etc or referral to other authorities such as the police.</p>
10	Oppose	<p>Firstly how many other LGMs have adopted an overly bureaucratic Local Planning Policy 1.21? Secondly deciding that only landowners can let their property for additional income as opposed to apartment dwellers creates a two-tier system where the rich become richer and the poor are prevented from opportunity to gain wealth. Airbnb and Stayz are self-regulating systems therefore there is no need for LGMs to even get involved. It reeks a revenue driving exercise. What is the average age of apartment dwellers objecting to short stay accommodation? I would say over 60. Come on, City of Melville get with the times!</p>	<p>Noted.</p>

11	Support	I believe that short stay accommodation is well covered and should not be allowed in a residential shared accommodation situation as there is no realistic way for the City to manage these environments created by this style of "hotel accommodation"	Noted. The amendment seeks to list short stay uses in apartments as a prohibited use in response to the additional risk of amenity impacts in this dwelling type.
12	Support	I believe that houses and apartments should be open for short term rentals, providing they are professionally managed by the owners, by means of screening future guests for suitability. I don't understand why apartment owners should be excluded from the vacation rental property market. Bringing short term rentals into the community provides extra revenue for all businesses in the City of Melville, and it should benefit house and apartment owners.	Noted. The amendment seeks to list short stay uses in apartments as a prohibited use in response to the additional risk of amenity impacts in this dwelling type.
13	Oppose	Short stay in single houses should not be permitted in residential areas (I have no objection to hosted accommodation being in a residential area). The City has no practical means of preventing anti-social behaviour in a single house short stay. I am particularly concerned with issues such as noise, parties and parking - by the time one is able to get the landlord or authorities to act, by the nature of short stay, the tenants may have left.	Noted. The City can seek to control potential impacts such as noise and anti-social behaviour in sensitive locations. These issues however would be more reliant upon the management of impacts through related legislation such as Local Laws regarding parking and noise. Response options may be limited and in some cases may be reliant upon other agencies such as the Police.
14	Support	I support the proposed Scheme Amendment	Noted.
15	Oppose	<p>Thanks for the opportunity to comment on proposed Amendment No. 11 to Local Planning Scheme No.6. We confirm our support for the proposed development classes for the Hosted Accommodation and Holiday House categories but do question the usefulness of creating separate definitions. This is particularly pertinent given the treatments for both are the same. For simplicity in understanding, monitoring and compliance we suggest merging these two uses into the one category.</p> <p>We also seek further consideration of the multiple dwelling and apartment categories where it relates to low rise and duplex style arrangements. Given the Preferred and Undesirable Property Characteristics have been established in related planning policy, we can see community and economic benefits by allowing these property types access to short term rental arrangements. We would be pleased to work with Council further on establishing conditions under which this may be facilitated.</p> <p>Finally, we refer to the following statement in the Amendment – "Increased use of residential property for short stay accommodation has flagged concerns such as increased noise, parking issues, anti-social behaviour and strata issues." We are keen to understand the data associated with each of these concerns so we can assist in ensuring the implemented regulatory mechanisms are impactful. Stayz has long been an advocate for statewide regulation that contains a simple register of all short-term rental listings, a code of conduct that is backed by a strikes-based disciplinary regime, and consistent planning rules for the breadth of the industry.</p>	<p>Noted.</p> <p>The definitions are consistent with the draft definitions prepared by the Department of Planning, Lands and Heritage. These definitions are designed to cover all forms of short term accommodation and respond to all dwelling types and short stay under the R-Codes.</p> <p>The recommendation is to list short stay in grouped dwellings as A uses in residential zones which would enable likely impacts to be taken into account, including an assessment against the performance criteria of LPP 1.21, when making a decision. The amendment seeks to list short stay uses in apartments as a prohibited use in response to the additional risk of amenity impacts in this dwelling type.</p>