

The Shire of Toodyay makes the following submission to the Economics and Industry Standing Committee inquiry into short-stay accommodation.

In reference to the way the Shire of Toodyay currently guides proposed short term accommodation providers, a copy of the Shire of Toodyay's information sheet is provided, attached.

The Shire would also point out to the committee its support of a discussion paper on this subject prepared by the Western Australian Local Government Association (WALGA) produced in 2017 entitled *Short-term Rental Accommodation and the Sharing Economy*, a copy of which is also attached for consideration. This paper, and the summary of the submissions received which can be obtained from WALGA cover many of the points raised by your terms of reference.

In line with the issues outlined by this paper the Shire is concerned by the emergence of short term accommodation options which are very difficult to investigate and then regulate if needed. The technology of the internet based platforms that enable these to be accessed, booked and used through third party providers enable this. There is currently little guidance from the state government on what constitutes short term accommodation of the air b n b and similar newer styles that require regulation. There are often barriers to contacting accommodation owners to investigate concerns raised over such accommodation because the third parties involved claim privacy and will not give out owner details.

The issues that can arise from unregulated short-term accommodation are seen as;

- The potential of food that has not been prepared in compliance with legal requirements to cause harm,
- In larger residences short-term hostel/boarded houses can result if more than 6 unrelated persons use a dwelling with the commensurate increase in vehicles and noise. In some cases it has been pointed out party houses with 12 persons or more result with the use of a building becoming illegal.
- Non-compliance with regulatory requirements such as smoke detectors, construction, safety and other building requirements where they have not been assessed
- The inappropriate use of some buildings as de-facto serviced apartments without appropriate safety controls, especially in relation to multi-storey buildings with a mixture of fully tenanted apartments and short term accommodation options,
- The use of unregulated pools and spas and the dangers involved with the same in conjunction with short term accommodation.
- The unregulated use of non-potable water in areas not provided with scheme water,
- Non-compliance with Shire planning provisions,
- Impacts on neighbours from unregulated behaviour or just the impact of many comings and goings of unfamiliar persons in strata title developments; and
- There has even been allegations of unregulated events round the use of such accommodation.

Attachment 3 - Submission on Short-Stay Accommodation - WA Parliamentary Inquiry

The risk is of course is commensurate with the numbers housed and the frequency of use. It could also be argued in some circumstances where risk and use is considered low the cost and requirements for compliance are seen as not reasonable.

Operators of facilities that are regulated raise the issue of potential for adverse economic impacts on accommodation providers operating within the Local Government approval framework. This is alleged because those seen as operating outside the framework are charging less due to having lower overheads from avoiding compliance costs. This is anecdotal and makes a number of assumptions but is certainly possible.

This is a general dissatisfaction from a number of operators of regulated accommodation over the Shire not effectively regulating those involved in the internet based sharing platforms that they see as avoiding compliance costs.

The Shire is firmly of the view more certainty is needed round definitions of what constitutes short-term accommodation that should be regulated and what does not need to be. As part of this the traditional definition of Bed and Breakfast should be reviewed. Clarification on the use of part of or all of a building and its impact should also be provided.

It is acknowledge that even if more regulation and clarification is provided there will be some cases where it will be neither practical nor reasonable to pursue some forms of short-term accommodation involving low numbers/frequency and risk.

Currently different Councils have different policies in this regards which also brings uncertainty by not having a clear common set of reasonable requirements. Having a common set of requirements based on impact and risk is seen as a reasonable approach.

Given the use of third party providers any regulations should require disclosure of accommodation owners details to enable compliance investigation with it becoming an offence to not disclose such information.

Do you want to open an accommodation business in Toodyay?

Here's how

Toodyay is open for tourism business. Local businesses open when tourists want to shop, and the Toodyay town centre is busy almost every week end. Some people would like to stay longer and there are opportunities for short term accommodation.

What do we mean by Short Term accommodation?

It means accommodation for less than 3 months, and often will be one or two nights. It may also involve providing meals. Some examples are:

- Bed and Breakfast (including Air BnB)
- Holiday Homes (including Stayz)
- Hostels for no more than 6 persons
- Farm Stay

Other types of accommodation like Motels, Hotels, Holiday Chalets, Boarding Houses and larger Hostels also require approval, but have different approval requirements.

Do I Need Approval?

Short-term accommodation will usually require planning approval from the Shire. Often this will involve the Shire consulting with your neighbours. Depending on complexity your application may be decided by staff, or it may have to go to Council for decision. If it goes to Council you will be able to make submission.

Unless determined exempt, any building work for your project will require a Building Permit.

You do not need planning approval to

- Rent out a house for more than 3 months.
- Have house guests that are friends or family, not paying guests
- Share a house with up to 5 unrelated people
- Take on a boarder for longer than 3 months.

What if I am already operating my accommodation business?

You can apply for retrospective approval. A higher fee applies but the process is the same. You are better seeking approval than waiting for something to go wrong, like a complaint from another business or an accident with a guest.

How do I apply?

You may wish to talk to one of our staff first. If your proposal requires development approval you will need to supply:

- A completed application form (available from the shire office or website).
- The application fee (depends on the value of the development, but for a change of use for an existing building it will be \$295.00)
- A Site plan showing the building and the areas to be used by guests
- A simple management plan (see below)
- Car parking details
- Any proposed sign (see below).

Depending on complexity you may have a decision within 2 or 3 weeks, but if the proposal requires advertising and a council it may take up to 90 days.

What is in a Management Plan?

Usually a management plan is a fairly simple document which shows that you have thought through how the business will work. It should include things like:

- How you plan to run the business, maximum number of guests, whether meals may be provided, potable water etc;
- A simple complaints management procedure, including contact telephone numbers available to neighbours;
- Rules for guests to control any potential anti-social behaviour. Your neighbours may not like loud music late at night.

What signs are allowed?

You do not require a separate application for an exempt sign, that is, a sign on your fence or gate not more than 0.2m². So for example 600mm by 300mm would not require approval. If you need something larger than that separate approval is needed.

You may wish to consider applying for directional signs the blue finger signs on roadways or intersections to help direct guests to your business.

<http://www.toodyay.wa.gov.au/files/sharedassets/public/planning/lpp/lpp.24-directional-signage-and-signage-within-thoroughfares.pdf>

Other approvals

The information above all relates to planning approvals. There are also other requirements that may apply to your proposed business. These are public health requirements.

<i>Do you plan to provide meals to your guests?</i>	If you plan to provide meals for guests like a cooked breakfast you will need a food license. The requirements are risk based and requirements increase with the frequency and assessed risk of the food prepared. If you plan to supply food for guests requiring no preparation or that they cook themselves there may be no additional requirements
<i>Can guests access a Swimming Pool or Spa?</i>	If your proposal includes the use of a swimming pool or spa by guests this will require separate approval. Compliance requirements may be lower for low use pools.
<i>The Provision of Safe Water?</i>	Like much of Toodyay you have no public water supply you will need to provide evidence of how you can provide safe water to your guests. This may be as simple as advising you will supply bottled water or by installing a monitored treatment system. This can be included as part of your management plan.

How Can I Find Out More?

To find out more please contact Planning and Development Services at the Shire. This can be done by phone on 9574 9340 or via email records@toodyay.wa.gov.au. Further information and downloadable forms may also be found on the shire's website at www.toodyay.wa.gov.au.

Marketing your business

We strongly recommend that you consider becoming a partner with the Toodyay Visitor Centre. They can keep you up to date with joint marketing strategies and local events. None of these approvals require Visitor Centre partnership.