



Department of Planning,
Lands and Heritage

Your ref: A763693
Our ref: PLH2018P0126
Enquiries: Loretta van Gasselt 6551 9097

Ms J H Shaw, MLA
Chair, Economics and Industry Standing Committee
Parliament House
4 Harvest Terrace
West Perth WA 6005

Dear Ms Shaw

DRAFT TRANSCRIPT OF HEARING

Thank you for your letter dated 28 June 2019 and the opportunity to address the Economics and Industry Standing Committee into Short-Stay Accommodation last week.

Please find attached the draft transcript which has been annotated with suggested alterations. Also attached is the draft Position Statement: Tourism Planning, as requested.

Below the Department of Planning Lands and Heritage (DPLH) has addressed the questions from your letter:

- 1. Has the Department analysed the resource implications, especially its own staffing or for local governments, of the five options presented in its Options Paper? If so, could you please provide the details of what these implications are?**

The controls already exist for local governments to implement some of the options outlined in the Options Paper. Local governments have the power to apply controls as deemed appropriate for the characteristics of their local area and resourcing capabilities.

No formal assessment of DPLH or local government resourcing impacts has been calculated. The review of local planning schemes and the assessment of development applications is existing core business of local governments.

- 2. The Draft Options Paper says that "Once a strata scheme has been established, a planning approval does not override the need for an approval of the body corporate". Is this still true in light of the 2018 amendments to the *Strata Titles Act 1985*?**

Yes. Currently, if enough owners within the strata scheme want to ban short-stay accommodation they can vote (by special resolution) to introduce a by-law either banning or restricting short-stay accommodation in their scheme.

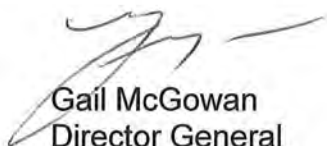
Most significantly, the reforms will make it easier to enforce by-laws, with the State Administrative Tribunal (the Tribunal) being the 'one stop shop' for hearing disputes, including the enforcement of by-laws. Enforcing by-laws is difficult under the current Act. The reforms will give the Tribunal the power to make an order imposing a penalty for the breach of any by-law, as well as order that the person who breached the by-law take action to stop, or fix the breach.

3. We received evidence from the City of Busselton that development approval is not a "suitable trigger for changes to rating levels" for short-term rentals. It suggested a registration program under a local law gave a stronger justification for introducing differential rates. Does the Department have a view about this evidence?

Local laws are made under the *Local Government Act 1995*. The Department of Local Government, Sport and Cultural Industries administer the provisions of the Local Government Act. As such, the DPLH is not able to offer a view on this matter.

If you require any further information or assistance please contact Loretta van Gasselt, on 6551 9097 or by emailing: loretta.vangasselt@dplh.wa.gov.au.

Yours sincerely



Gail McGowan
Director General

2 July 2019

cc: WAPC Chairman