

**Local Government Act 1995**  
**Town of Cottesloe**  
**Residential Short-Term Accommodation Local Law 2018**

Under the powers conferred by the *Local Government Act 1995* and by all other powers, the Council of the Town of Cottesloe resolved on \_\_\_\_\_ 2017 to make this local law.

## **Preamble**

The purpose of this local law is to apply controls for the private informal/occasional letting of residential properties for short-term accommodation via the internet or other advertising.

## **Part 1 Preliminary**

### **1.1 Citation**

This local law may be cited as the *Town of Cottesloe Residential Short-Term Accommodation Local Law 2018*.

### **1.2 Commencement**

This local law commences 3 months after the date of its publication in the Government Gazette.

*Note: the local law will take effect on \_\_\_\_\_ 2018.*

### **1.3 Relationship to other laws**

The land use permissibility of short-term accommodation is governed by the current Town of Cottesloe Local Planning Scheme, which prevails over this local law, and this local law does not exempt short-term accommodation from the requirements of the Scheme.

This local law does not override strata title laws in relation to short-term accommodation, or any other relevant laws including with respect to building, health, fire or other requirements, or property and tenancy laws.

### **1.4 Application**

This local law applies to the district of the Town of Cottesloe.

## 1.5 Terms used in this local law

In this local law –

“Act” means the *Local Government Act 1995*.

“applicant” means an applicant for registration of short-term accommodation.

“application fee” or “renewal fee” means the application or renewal fee for registration, imposed by the Town under the Act.

“CEO” means the CEO of the Town and any employee of the Town to whom the CEO has delegated his powers under this local law.

“Town” means the Town of Cottesloe.

“complaint” means a written objection by any person received by the Town or a written record by the Town that this local law has been contravened.

“Council” means the council of the Town.

“district” means the district of the Town.

“month” means calendar month.

“occupant” means a person who occupies a short-term accommodation dwelling for that purpose, at least one of whom must be an adult person over the age of 18 years and who shall be responsible for all occupants of a younger age.

“proprietor” means a person who is a resident owner or a permanent resident of a property containing a short-term accommodation dwelling and who maintains the property and manages the short-term accommodation dwelling.

“relevant law” means a written law, as defined in the *Interpretation Act 1984*, that applies to or is in respect of the use of a short-term accommodation dwelling.

“registered short-term accommodation dwelling” means a short-term accommodation dwelling registered under this local law.

“registration” means registration under and for the purposes of this local law of a short-term accommodation dwelling.

“registration fee” means the fee for registration that is imposed by the Town under the Act.

“residential short-term accommodation” means temporary residence in a short-term accommodation dwelling by no more than 4 occupants for no more than 3 months.

“short-term accommodation dwelling” means a single house, grouped dwelling, multiple dwelling or ancillary dwelling, as these terms are defined in the *Residential Design Codes of Western Australia*, that is used for the purpose of providing short-term accommodation.

## **Part 2 Registration**

### **2.1 Registration required**

Subject to clause 2.2, a proprietor must not use, or allow to be used, the short-term accommodation dwelling for residential short-term accommodation –

- a) unless the dwelling is registered under this local law; and
- b) other than in accordance with –
  - i) the conditions of the registration; and
  - ii) the provisions of this local law.

Registration does not affect the obligations of a proprietor or any other person to comply with a relevant law.

For the avoidance of doubt, registration does not affect the rights and obligations of an owner or occupier under the by-laws of a strata company, including any requirement to obtain approval, or to comply with any restrictions, in connection with the use of residential premises as a short-term accommodation dwelling.

### **2.2 Exemptions**

Clause 2.1 does not apply to –

- a) a dwelling that has a written planning approval by the Town authorising its use for short-stay type accommodation under its local planning scheme; or
- b) where there is only one occupant at a time.

### **2.3 Application for registration**

An application for registration of a short-term accommodation dwelling shall be –

- a) in writing, in the form set out in Schedule 1;
- b) made by a proprietor of that dwelling;
- c) signed by the owner of that dwelling, by way of consent to the application;
- d) contain the details specified in clause 2.4; and
- e) provided, with the application fee, to the Town.

### **2.4 Application details**

The details that must be included in an application for registration of a short-term accommodation dwelling are –

- a) a floor plan of the dwelling including the location and number of bedrooms proposed to be used for that accommodation;
- b) a site plan of the property showing:
  - i) any swimming pool or spa; and

- ii) the on-site parking for the permanent residents of the dwelling and for the occupants of the short-term accommodation, and any proposed verge or on-street parking for the occupants – refer to clause 2.6 of this local law; and
- c) the name of the proprietor of the short-term accommodation dwelling, their contact details at any time of day or night, and an undertaking that they will respond within 2 hours to any contact relating to the short-term accommodation dwelling.

## **2.5 Determining an application**

If an application for registration for a short-term accommodation dwelling complies with the requirements of clauses 2.3 and 2.4 and the applicant pays the registration fee, the Town shall issue to the applicant a certificate of registration in the form prescribed in Schedule 2.

The certificate of registration issued shall be for no more than 2 occupants for a short-term accommodation dwelling having one bedroom for that purpose or for no more than 4 occupants for a short-term accommodation dwelling having 2 or more bedrooms approved for that purpose.

## **2.6 Conditions of registration**

The conditions of registration are that –

- a) each short-term accommodation booking and tariff must be for a minimum stay of 2 consecutive nights;
- b) the proprietor shall keep a log book containing the names, permanent residential addresses and contact details of all occupants, their dates of stay and the tariffs paid;
- c) a copy of the house rules for occupants and evacuation information for the dwelling must be appropriately displayed in each guest room;
- d) fire safety equipment for the dwelling must be provided and the related procedures displayed, in accordance with any relevant law;
- e) a short-term accommodation dwelling registered for two or more occupants must have at least one on-site parking bay for the exclusive use of the occupants;
- f) a short-term accommodation dwelling registered for two or more occupants may allow no more than one vehicle used by the occupants to park on the verge or a street immediately adjacent to the dwelling or on a street in close proximity to the dwelling, in accordance with any parking controls for those streets;
- g) the proprietor of the short-term accommodation dwelling must be contactable, using the contact details given to the Town, at any time of day or night, and the proprietor must respond within 2 hours to any contact relating to the short-term accommodation dwelling;
- h) the proprietor must promptly inform the Town in writing of any change to these contact details; and

- i) the Town shall be satisfied that the short-term accommodation is incidental to the primary permanent residential use of the property and that the proprietor permanently resides at the property.

## **2.7 Registration period**

A registration is valid for 12 months from the date of the certificate of registration, unless it is cancelled under this local law, and may be renewed annually.

## **2.8 Cancellation**

A registration is deemed cancelled when –

- a) the registration period has expired and a prior renewal application has not been received by the Town;
- b) any material change occurs to the application details provided under clause 2.4, on the basis of which the certificate of registration was issued;
- c) non-compliance with the requirements and conditions of registration has occurred; or
- d) cancellation is requested by the proprietor in writing.

Cancellation does not apply where there is a change of proprietor and those details are given in writing to the Town.

In the event of cancellation the Town is not required to refund the registration fee or part thereof paid by the applicant.

## **2.9 Renewal**

A registration may be renewed by the proprietor submitting a letter of request to the Town in advance of its expiration date confirming that the details of the registration remain the same, together with payment of the renewal fee, and the Town being satisfied in order to issue a renewed certificate of registration.

In the event that the registration period has expired and a prior renewal application has not been received by the Town, a fresh application for registration and issuance of a fresh registration certificate is required in order to continue or recommence the short-term accommodation activity.

## **2.10 Transfer**

A registration cannot be transferred to another part of the dwelling or property or to another residential property owned or resided in by the proprietor. Any such proposed change requires a fresh application for registration.

## **2.11 Objection and appeal rights**

A person adversely affected by a decision made under this Part may be entitled to object or appeal against the decision under the Act.

## **Part 3 – Administration and Enforcement**

### **3.1 Application form**

The application form for registration is set out in Schedule 1.

### **3.2 Application Fees**

The fees for registration under this local law are:

- ) Application fee – \$500.00.
- ) Renewal fee – \$250.00.

### **3.3 Offences and penalties**

A person who breaches a provision of this local law commits an offence and is liable for –

- a) a penalty of \$4,000; and
- b) if the offence is of a continuing nature, a further penalty of \$400 for each day or part thereof during which the offence has continued.

### **3.3 Infringement notices**

An offence against any provision of this local law is a prescribed offence for the purposes of clause 9.16(1) of the Act.

For the purposes of this local law –

- a) the form of the notice referred to in clause 9.17 of the Act is set out in Schedule 3;
- b) the form of the notice referred to in section 9.20 of the Act is that set out in Schedule 4; and
- c) the modified penalty for an offence against any provision of this local law is \$400.

## **Schedule 1 – Application for Registration**

TOWN OF COTTESLOE  
RESIDENTIAL SHORT-TERM ACCOMMODATION LOCAL LAW 2018  
APPLICATION FOR REGISTRATION

Date: ..../..../....

Address of dwelling proposed for short-term accommodation:

Owner of property:

Name:

Residential/postal address:

Phone nos:  
Email:

Permanent resident of property:

Name:  
Residential/postal address:  
Phone nos:  
Email:

Attachments required:

1. A floor plan of the dwelling showing the proposed short-term accommodation bedrooms.
2. A site plan of the property showing:
  - a) any swimming pool or spa; and
  - b) the on-site parking for the permanent residents of the dwelling and for the occupants of the short-term accommodation, and any proposed verge or on-street parking for the occupants – refer to clause 2.6 of this local law.

## **Schedule 2 – Certificate of Registration**

TOWN OF COTTESLOE  
RESIDENTIAL SHORT-TERM ACCOMMODATION LOCAL LAW 2018  
REGISTRATION  
Date ..../..../....

This certifies that the residential premises at (address)

\_\_\_\_\_

are registered as a dwelling for short-term accommodation use for no more than [insert number] occupants, at least one of whom is over the age of 18 years, in accordance with –

- a) the provisions of the *Residential Short-Term Accommodation Local Law 2018*;
- b) any other relevant law; and
- c) the conditions set out on the back of this certificate.

Signature of CEO/CEO's delegate

\_\_\_\_\_

*Note: registration does not affect the rights and obligations of an owner or occupier under the by-laws of a strata company, including any requirement to obtain approval, or to comply with any restrictions, in connection with the use of premises as a short-term dwelling.*

## **Schedule 3 – Infringement Notice**

TOWN OF COTTESLOE  
RESIDENTIAL SHORT-TERM ACCOMMODATION LOCAL LAW 2018

**INFRINGEMENT NOTICE**

Date ..../..../....

Infringement Notice No. \_\_\_\_\_

To: \_\_\_\_\_

Of: \_\_\_\_\_

It is alleged that on ..../..../.... at [address] \_\_\_\_\_  
you committed the offence indicated below: [*cite clause and description of breach*]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you do not wish to have a complaint of this offence heard and determined by a court, you may pay the modified penalty of \$400.00 within 28 days after the date of service of this notice.

Payments may be made either by posting this form, together with the amount mentioned above, to the Chief Executive Officer, Town of Cottesloe, or by delivering this form and paying that amount to the Town of Cottesloe, 109 Broome Street, Cottesloe, Western Australia, between 8.30am and 4:30pm Monday to Friday.

Signature of CEO/CEO's delegate

\_\_\_\_\_

**Schedule 4 – Withdrawal of Infringement Notice**

TOWN OF COTTESLOE

RESIDENTIAL SHORT-TERM ACCOMMODATION LOCAL LAW 2018

WITHDRAWAL OF INFRINGEMENT NOTICE

Date ..../..../....

To: \_\_\_\_\_

Of: \_\_\_\_\_

Infringement Notice No. \_\_\_\_\_ dated \_\_\_\_\_ for the alleged offence of

\_\_\_\_\_ having a modified penalty of \_\_\_\_\_ is withdrawn.

The modified penalty of \$400:

- has been paid and a refund is enclosed.
- has not been paid and should not be paid.  
[delete as appropriate]

\_\_\_\_\_  
Signature of CEO/CEO's delegate

**Endorsement**

The Common Seal of the Town of Cottesloe was hereunto affixed by authority of a resolution of the Council in the presence of:

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Mayor Philip Angers

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Chief Executive Officer  
Mat Humfrey

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Date