

Land Use Planning Policy Team  
Policy | Strategy and Engagement  
Department of Planning, Lands and Heritage  
140 William Street, Perth WA 6000

Email: [tourism@dplh.wa.gov.au](mailto:tourism@dplh.wa.gov.au)

15 December 2023

## **SCA (WA) Response to Short-Term Rental Accommodation Position Statement & Guidelines**

Strata Community Association WA (SCA (WA)) was pleased to see the recent release of the *Planning for Tourism and Short-Term Rental Accommodation Position Statement* and associated Guidelines, by the Department of Planning, Lands and Heritage.

The impact of short-term rental accommodation is a relevant and significant consideration for strata communities in WA and across the country. In our previous submission to the March 2022 consultation relating to these resources, we as an organisation exhibited support for the uptake of initiatives that allowed for better accountability and regulation, some of which were included in the statement and guidelines. In particular, the provision of an STRA registration scheme was wholeheartedly endorsed by our organisation and membership.

However, SCA (WA) was disappointed to see that a number of our recommendations were not adopted, and as such residents and owners in strata communities may continue to be exposed to adverse effects arising from the proliferation of STRA.

### **Omitted Recommendations:**

**Management Plans:** SCA (WA) recognises that local governments may require an applicant to prepare a management plan, to address potential amenity impacts arising from STRA.

However, SCA (WA) believes that the implementation of management plans should be *mandated* state-wide (in conjunction with the registration of short-term rental accommodation), to reduce the frequency of behavioural issues from STRA tenants. The plans could be developed through the provision of a standardised template from government, and distributed to each short-stay tenant at the beginning of their residency.

**Complaints Process:** Unfortunately, there is still no mechanism to report complaints relating to the behaviour of short-stay tenants, beyond internal record keeping by strata companies. The institution of a centralised complaints registry is appreciably more feasible when considering the decision by government to implement an STRA registration scheme.

A registry that allowed for documentation of the kind and frequency of complaints would assist in investigating and managing potentially poor practices from landlords/hosts, and may regulate the approval process of STRA renewal in the future.

**Perth Exemptions:** We note the introduction of an exemption from the requirement to gain development approval for un-hosted STRA renting their property for less than 90-nights (in a 12-month period).

We acknowledge that the intention is for owners to be able to let their primary residence on a temporary basis, however SCA (WA) would contest that 90-days is still a considerable amount of time to be letting a property without development approval, and thus the exemption may serve to extend the impact of STRA on rental availability in the area.

### **Governance by-laws**

SCA (WA) would also like to highlight that the by-laws that are being discussed in the Position Statement (as a function to mitigate against disruptive STRA and protect strata schemes) are *Governance by-laws*.

According to the Strata Titles Act 1985 (STA), the resolution to make Governance by-laws must be a resolution without dissent. This means, that one dissenting owner (which will more than likely be the purveyor of the apartment that is being leased in short-stay) can prevent the motion from passing, and thus severely limit the utility of by-laws as a mitigation tool against STRA.

SCA (WA) agrees that whilst technically these types of by-laws are Governance by-laws under the definitions in the STA, the legislation should be amended to reduce the threshold of by-laws pertaining to Short-Term Rental Accommodation.

**SCA (WA) would support reforms to the legislation that ensures that the hurdle to approve a prohibition is set lower, and is made to represent a 50% plus 1 bylaw voting threshold. Alternatively, an opt-in mechanism for short-term rental accommodation may be considered as opposed to a by-law creation output.**

### **Perth Parking Levy**

SCA (WA) would like to highlight the potential for unintended consequences as it relates to the Perth Parking Levy. Currently, the Perth Parking Levy is levied on commercial car spaces only, and residential car spaces are exempt.

**SCA (WA) would like to inquire as to whether or not the act of registering as an STRA would immediately make car space associated with the property in the City of Perth non-residential, and thus exposed to paying the levy.**

Thank you for your consideration of this feedback. If you have any questions, please reach out to SCA Policy and Advocacy Officer Patrick Hughes at [patrick.hughes@strata.community](mailto:patrick.hughes@strata.community)

**Andrew Chambers**

**SCA (WA) President**

**Strata Community Association (WA)**

## **About SCA (WA)**

SCA (WA) is the peak industry body for strata and community titles in Western Australia. As a not for-profit, member-based organisation, SCA (WA) is committed to the ongoing support of its members by providing education, advocacy and promoting professionalism.