

Local Government Act 1995

City of Wanneroo

Short Term Accommodation Local Law 2017

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**Local Government Act 1995
City of Wanneroo**

Short Term Accommodation Local Law 2017

Under the powers conferred by the *Local Government Act 1995*, and all other powers enabling it, the Council of the City of Wanneroo resolved on (Date) to make the following local law.

Part 1 – Preliminary

1.1 Title

This is the *City of Wanneroo Short Term Accommodation Local Law 2017*.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Terms used in this local law

In this local law -

Act means the *Local Government Act 1995*;

applicant means an applicant in respect of a registration;

application means an application for a registration;

application fee means the application fee for registration that is imposed by the local government under the Act;

authorised person means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

CEO means the CEO of the local government;

district means the district of the local government;

holiday accommodation means short term temporary holiday accommodation provided at a holiday home for not more than 6 occupants, excluding permanent residents, either continuously or from time to time with no occupant accommodated for periods totalling more than 3 months in any 12 month period;

holiday home means a single house which is used for holiday accommodation (but does not include a bed and breakfast, guesthouse or chalet) registered under this local law;

manager means a person who acts on behalf of the property owner to manage a holiday home for the purposes of holiday accommodation;

month means calendar month;

local government means the City of Wanneroo;

occupant means a person who occupies a holiday home for holiday accommodation purposes excluding permanent residents;

planning approval means an approval given under the relevant and in force District Planning Scheme operating in the district from time to time;

proprietor means a person who is –

- (a) the owner; or
- (b) the occupier.

relevant law means a written law, as defined in the Interpretation Act 1984, that applies to, or in respect of, the provision and/or the use of holiday accommodation;

registration means registration, under and for the purposes of this local law, of a holiday home;

regulations means the *Local Government (Functions and General) Regulations 1996*; and

specified zone means land located in a zone classified as either Civic and Cultural; General Industrial; Service Industrial or Rural Resource.

Part 2 – Registration

2.1 Registration required

- (1) Subject to clause 2.2, a proprietor must not use, or allow to be used, a holiday home of which he or she is a proprietor, for holiday accommodation –
 - (a) unless the holiday home is located in a specified zone;
 - (b) unless the holiday home is registered under this local law; and
 - (c) other than in accordance with the conditions of the registration and the provisions of this local law.
- (2) Registration does not affect the obligations of a proprietor or any other person to comply with a relevant law.
- (3) 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 the holiday home for holiday accommodation.

2.2 Exemptions

Clause 2.1 does not apply in respect of holiday accommodation that requires planning approval by the local government authorising its use as such under the local government's District Planning Scheme.

2.3 Application for registration

- (1) An application for registration in respect of a holiday home for holiday accommodation purposes must –

- (a) be in writing;
 - (b) be made by a proprietor of the holiday accommodation;
 - (c) be signed by the owner of the holiday home; and
 - (d) contain the details specified in clause 2.4.
- (2) The local government will only accept applications for registration with payment of any application fee imposed by the local government under sections 6.16 to 6.19 of the Act.

2.4 Application details

The details, referred to in clause 2.3(1)(d), that must be included in an application for registration in respect of a holiday home are –

- (1) a floor plan of the holiday home;
- (2) the location and number of bedrooms proposed to be used for holiday accommodation;
- (3) one proposed on-site parking bay per two occupants, in addition to the requirements applicable under the Residential Design Codes; and
- (4) the name of the proprietor and the manager (if applicable) of the holiday home, his or her contact details, at any time of the day or night, and an undertaking that he or she will respond, within 12 hours, to any contact relating to the holiday home.

2.5 Determining an application

- (1) If:
 - (a) an application for registration in respect of a holiday home complies with the requirements of clause 2.3; and
 - (b) the applicant pays the application fee,an authorised person must issue, to the applicant, a certificate of registration in the form prescribed in Schedule 1.

The certificate of registration issued under subclause 2.5(1) is to before not more than 6 occupants for the purpose of holiday accommodation.

2.6 Conditions of registration

The conditions of registration are that –

- (1) a holiday home registered to provide holiday accommodation for not more than 6 occupants, excluding the permanent residents, must at all times have a minimum of one on-site parking bay per two occupants for the exclusive use of the occupants. This parking is to be in addition to the requirements applicable under the Residential Design Codes;;
- (2) the proprietor at all times remains responsible for the actions of the occupants of the holiday home and must do all things necessary to ensure that the occupants do not cause a disturbance of the quiet enjoyment of neighbouring properties;
- (3) the proprietor or manager (if applicable) of the holiday home must be contactable, using the contact details provided to the local government in the application, at any

time of the day or night and the proprietor or manager (if applicable) must respond, within 12 hours, to any contact relating to the holiday home; and

- (4) the proprietor must promptly inform the CEO in writing of any change that would affect the currency of the details submitted with the application for the registration.

2.7 Registration period

A registration is valid unless and until it is cancelled under this local law.

2.8 Cancellation

- (1) A registration will be cancelled where the local government establishes that a breach of the application details, provided under Clause 2.4, occurs, on the basis of which the certificate of registration was issued.
- (2) Subclause 2.8(1) does not apply where there is a change of manager (if applicable), the details of which are given to the local government.
- (3) The local government is not required to refund any part of the application fee paid by the applicant in respect of a cancelled registration.

2.9 No assignment or transfer

A registration cannot be assigned or transferred.

2.10 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.

Note: objection and appeal rights are dealt with in Part 9, Division 1 of the Act and in the Local Government (Functions and General) Regulations 1996.

Part 3 – Enforcement

3.1 Offences and penalties

- (1) A person who fails to do anything required or directed to be done under this local law, commits an offence.
- (2) A person who commits an offence under this local law is liable, on conviction, to a penalty not less than \$500 and not exceeding \$5,000 and, if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

3.2 Infringement notices

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of clause 9.16(1) of the Act.
- (2) For the purposes of this local law -
 - (a) The form of the infringement notice given under section 9.16 of the Act is that of Form 2 in Schedule 1 of the Regulations; and
 - (b) The form of the infringement withdrawal notice referred to in section 9.20 of the Act is that of Form 3 in Schedule 1 of the Regulations.

- (3) The amount of the modified penalty for a prescribed offence is that specified adjacent to the clause in the Schedule.
- (4) If this local law expresses a modified penalty as a number of penalty units, the monetary value of the modified penalty is the number of dollars obtained by multiplying the value of the penalty unit by the number of penalty units.

Note: Penalty Units are prescribed in the City of Wanneroo Penalty Units Local Law 2015.

Schedule 1 – Certificate of Registration

CITY OF WANNEROO

Short Term Accommodation Local Law 2017

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

This certifies that the premises at ⁽¹⁾ is/are registered as a holiday home to provide holiday accommodation for not more than (6) six occupants in accordance with –

- (a) the provisions of the Short Term Accommodation Local Law 2017;
- (b) any other relevant law; and
- (c) the conditions set out on the back of this certificate.

Signed:.....
Authorised Person

Dated:

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 holiday home for holiday accommodation.

Conditions of Registration

The conditions of registration are that -

1. a holiday home registered to provide holiday accommodation for not more than 6 occupants, excluding the permanent residents, must at all times have a minimum of one on-site parking bay per two occupants for the exclusive use of the occupants. This parking is to be in addition to the requirements applicable under the Residential Design Codes;
2. the proprietor at all times remains responsible for the actions of the occupants of the holiday home and must do all things necessary to ensure that the occupants do not cause a disturbance of the quiet enjoyment of neighbouring properties;
3. the proprietor or manager (if applicable) of the holiday home must be contactable, using the contact details given to the City of Wanneroo, at any time of the day or night and the proprietor or manager (if applicable) must respond, within 12 hours, to any contact relating to the holiday home or the provision of accommodation; and
4. the proprietor must promptly inform the CEO in writing of any change that would affect the currency of the details submitted with the application for registration.

Note: 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 premises for holiday accommodation.

Schedule 2 – Prescribed Offences

(Clause 3.2)

Item No.	Clause No.	Nature of the Offence	Penalty Unit
1	2.1(1)(a)	Failure to register holiday home	40
2	2.1(1)(b)	Failure to operate holiday home for holiday accommodation in accordance with the conditions of the registration and the provisions of this local law.	40

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

T. ROBERTS, Mayor

D.SIMMS, Chief Executive Officer

Date: _____