**Short-Term Rental Accommodation**

**Scheme Amendment Report Template**

|  |
| --- |
| **NOTE TO LOCAL GOVERNMENT:**  *The content in this template may be adapted to suit the particular scheme and amendment classification, which will require reference to correct clause numbers, schedules, table numbers, zones, etc. Specific attention is drawn to the following:*   * *Delete uses and definitions from this template where relevant e.g. cabin, chalet, road house, if these are not appliable to the local government.* * *Where relevant, cross-reference and update any other tables and schedules as required to reflect the above textual amendments, such as:* * *Car parking;* * *Additional uses;* * *Restricted uses;* * *Special use zones;* * *Special control areas;* * *Special rural/rural residential zones; and* * *Any other applicable supplemental/operative schedules.* * *Identify any other administrative amendments as necessary to ensure there are no inconsistencies resulting from the introduction of the new model and deemed definitions.* * *The deemed land use classes for hosted and unhosted short-term rental accommodation are automatically read into the scheme and do not need to be included as land use terms.* * *Where applicable to the particular scheme, it is recommended that textual references to the deleted model term ‘short-term accommodation’ be replaced with:*   accommodation for guests, on a commercial basis, either continuously or from time to time, with no guest accommodated for periods totalling more than 3 months in any 12-month period*.* |

**Short Term Rental Accommodation**

**Scheme Amendment Report Template**

**COVER PAGE**

**[INSERT SHIRE LOGO]**

**City/Town/Shire of [insert LG]**

**Town/Local/District Planning Scheme No. [Insert No.]**

**Amendment No. [Insert No.]**

***Summary of Amendment Details***

***Update scheme text to introduce new and revised land use classes and general definitions to facilitate State Government reforms for short-term rental accommodation.***

**FORM 2A**

**Planning and Development Act 2005**

**RESOLUTION TO ADOPT AMENDMENT**

**TO LOCAL PLANNING SCHEME**

***[Name and Number of Local Planning Scheme]***

***[Amendment Number]***

**Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act* 2005, amend the above Local Planning Scheme by:**

1. In clause/schedule/division *[INSERT NUMBER],* ‘Terms Used’:
   1. Delete the definition for *short-term accommodation.*

* 1. Amend the general definition for *cabin* to:

*means a building that -*

1. *is an individual unit other than a chalet; and*
2. *forms part of -*
3. *tourist and visitor accommodation; or*
4. *a caravan park;*

*and*

1. *if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period*

* 1. Amend the general definition for *chalet* to:

*means a building that —*

1. *is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and*
2. *forms part of –*
3. *tourist and visitor accommodation; or*
4. *a caravan park;*
5. *and if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period*
6. In clause/schedule/division *[INSERT NUMBER], ‘*Land Use Terms Used’:
7. Delete the definitions for:
   * *bed and breakfast*;
   * *holiday accommodation;*
   * *holiday house;*
   * *motel;*
   * *serviced apartment;*
   * *tourist development; and*
   * *[insert any equivalent/similar non-model traditional or short-term accommodation land uses to be deleted e.g. ‘Short Stay Dwelling’]*.
8. Amend the existing land use term for *road house* by deleting paragraph (d) and inserting:
9. *accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period.*
10. Insert the definition for *tourist and visitor accommodation* as per Schedule 1 – Model Provisions
11. In clause/schedule/table *[INSERT NUMBER] ‘*Zoning Table’ insert in alphabetical order the following land uses and permissibility:
12. *hosted-short term rental accommodation;* designate as ‘P’ uses in zones where a dwelling is capable of approval and ‘X’ uses in all other zones.
13. *unhosted short term rental accommodation*; designate as ‘D’ or ‘A’ uses in zones where a dwelling is permissible and ‘X’ in all other zones (Note – this is for Perth Metro i.e. within MRS. For regional local governments, suggest ‘P’ use in tourism, zone ‘D’ or ‘A’ uses in other applicable zones and ‘X’ use in all other zones)
14. *tourist and visitor accommodation* and designate as ‘P’ in (insert relevant zones), ‘D’ in (insert relevant zones) and ‘X’ in all other zones (permissibility to best reflect previous designations for *holiday accommodation, motel, serviced apartment* and *tourist development*)
15. In clause/schedule/table *[INSERT NUMBER] ‘*Zoning Table’, delete all references to:
    1. *bed and breakfast*;
    2. *holiday accommodation;*
    3. *holiday house;*
    4. *motel;*
    5. *serviced apartment;*
    6. *tourist development; and*
    7. *[insert any equivalent/similar non-model traditional or short-term accommodation land uses to be deleted e.g. ‘Short Stay Dwelling’]*.
16. *\*Insert any additional consequential scheme modifications as required\**
17. *Undertake any other administrative and formatting edits as required*

The amendment is **basic/standard** under the provisions of Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons [modify as required]:

If **basic** amendment:

1. the amendment is consistent with the model provisions in Schedule 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;
2. the amendment deletes provisions that have been superseded by the deemed provisions in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;

If **standard** amendment:

1. the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
2. the amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
3. the amendment is not considered a complex or basic amendment.

Dated this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_

*\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*

(Chief Executive Officer)

**Scheme Amendment Report**

**NOTE TO LOCAL GOVERNMENT:**

*Modify text below to suit individual amendment and particulars relevant to local context.*

1. **Introduction**

The purpose of this amendment is to amend the City/Town/ Shire local planning scheme to implement the State Government’s planning reforms for short-term rental accommodation.

This amendment is required to ensure alignment with new ‘deemed’ and ‘model’ land use classes and general definitions introduced into the state planning framework. Most significantly, it includes amendments to reflect the ‘deemed’ land use classes for ‘hosted short-term rental accommodation’ and ‘unhosted short-term rental accommodation’, along with removal of superseded land uses. The following report provides further detail and background information on these changes, including specific implications for the City/Town/Shire.

1. **Background**

Short-Term Rental Accommodation (STRA) refers to the practice of renting out a property (or part of a property) for a relatively short period of time, usually on a nightly or weekly basis. This type of accommodation is usually booked through online platforms and is popular among travellers and visitors seeking temporary lodging for holidays, business trips or other short stays. The State Government has committed to various initiatives to deliver better regulation of the short-term rental accommodation sector.

In November 2023, the Western Australian Planning Commission released its *Position Statement: Planning for Tourism and Short-Term Rental Accommodation* (Position Statement) and associated Guidelines. The release of the Position Statement complemented other whole-of-government reforms relating to STRA, responding to recommendations made in the 2019 parliamentary enquiry *Levelling the Playing Field: Managing the impact of the rapid increase of short-term rentals in Western Australia.* This included development of a state-wide registration scheme for STRA, as well as an incentive scheme to encourage transition of properties from the short to long term rental market.

Alongside the registration scheme, which sits separately to the planning system and is mandatory for all STRA, amendments to planning regulations were flagged as a key part of the State Government’s goal to ensure a fairer and more consistent treatment of STRA from both a legal and practical standpoint. The planning changes, which have triggered the need for the City/Town/Shire to amend its scheme, aim to provide greater consistency across the state in relation to what approvals are needed for STRA proposals as well as how these uses are defined in local planning schemes.

**NOTE TO LOCAL GOVERNMENT:**

*Insert additional high-level background detail as required to describe existing strategic planning and policy considerations from the local government’s perspective, including any relevant matters or actions as per the Local Planning Strategy for tourism, housing and short-term rental accommodation. These can be elaborated in Part 4 of this report.*

1. **State Planning Framework**

The State Government’s planning reforms for short-term rental accommodation are being implemented predominantly through the *Planning & Development (Local Planning Schemes) Regulations 2015* (LPS Regulations), which in turn have been informed by policy direction provided through the Position Statement.

Position Statement

The Position Statement foreshadowed a series of amendments to the LPS Regulations with the overall aim of providing more certainty and consistency across jurisdictions in respect to the treatment of STRA. Key changes flagged in this document included dedicated land use classes for STRA to ensure a clear delineation between this use and traditional accommodation types, as well as a state-wide exemption for hosted STRA and a 90-night exemption for unhosted STRA within the Perth Metropolitan Area. The Position Statement also includes guidance on strategic and statutory planning matters for both tourism and STRA, as well as local planning policy development.

LPS Regulations

The LPS Regulations are a key component of Western Australia’s planning system comprising of three major parts:

* Regulations proper, which set out the process for preparing or amending a local planning scheme;
* ‘Model’ provisions, set out in Schedule 1, which are to be used by local governments in preparing or amending a local planning scheme; and
* ‘Deemed’ provisions, set out in Schedule 2, read automatically into all local planning schemes, and override any existing scheme provision to the extent of any inconsistencies. Where there is a conflict between these provisions and the scheme, the deemed provisions prevail.

Amendments to both Schedules 1 and 2 of these regulations have been made to facilitate the necessary planning changes of the State Government’s short-term rental accommodation (STRA) reform initiatives, as envisaged by the Position Statement. These changes, most notably, include:

1. new ‘deemed’ land use classes of ‘hosted short-term rental accommodation’ and ‘unhosted short-term rental accommodation’ to ensure these accommodation types are classified as dedicated land use classes in planning schemes;
2. new ‘deemed’ general terms to define ‘short-term rental accommodation’ and link to the overarching *Short-Term Rental Accommodation Act 2024*,which provides the legal framework for the STRA Register;
3. a new ‘model’ land use class of ‘tourist and visitor accommodation’ to differentiate these use types from STRA, and consolidate a number of existing land use terms for tourist and visitor accommodation (aside from ‘hotel’), as well as other changes to general definitions;
4. a state-wide development approval exemption for ‘hosted short-term rental accommodation’ (this includes ancillary dwellings); and
5. a 90-night (cumulative) exemption within a 12-month period for ‘unhosted’ short-term rental accommodation in the Perth metropolitan area.

The implications for these changes to the City/Town/Shire are detailed further in the following sections of this report.

1. **Local Planning Context**

**NOTE TO LOCAL GOVERNMENT:**

*Insert detail as required to describe historical treatment of STRA from the local government’s context to elaborate on Part 2 of this scheme amendment report, as well as outline existing planning scheme and policy settings for STRA.*

*Suggested inclusions:*

* *Where the local government has a local planning strategy addressing tourism, housing and/or short-term rental accommodation matters, provide a description of relevant content and actions here;*
* *If known, provide detail on the occurrence of short-term rental accommodation within the municipality, including information on historical development approval numbers as well as instances where compliance issues may have arisen;*
* *Outline how the use has historically been treated under the planning scheme or existing local planning policies, including instances where exemptions or use not listed provisions may have applied.*

1. **Proposed Amendment**

With the introduction of the new deemed land use classes into planning schemes associated with short-term rental accommodation, this scheme amendment relates to the introduction, modification and deletion of various land use and general definitions to the City/Town/Shire’s planning scheme. The new exemptions are also ‘deemed’ and as such are already operative, however this amendment does include changes to the zoning table to reflect the hosted STRA exemption as a permitted use.

**NOTE TO LOCAL GOVERNMENT:**

*Some particulars below are mandatory and/or only applicable to metropolitan local governments as noted in square brackets, modify as required to suit individual planning scheme.*

*Refer to Planning Bulletin 115 for further guidance on new land use classes and designations, as well as development assessment considerations.*

Deemed Short-Term Rental Accommodation Land Use Classes

Whilst the new ‘deemed’ land use classes are automatically read into the City/Town/Shire’s scheme through the LPS Regulations, along with the previously mentioned exemptions, these uses are being incorporated into scheme zoning tables to ensure absolute clarity from an interpretation perspective, particularly given these uses replace long-standing ‘model’ land use classes within the City/Town/Shire’s planning framework.

To implement the required changes, this amendment requires deletion of all references to the land use classes of *bed and breakfast* and *holiday house*, replaced with the new ‘deemed’ definitions of *hosted short-term rental accommodation* and *unhosted short-term rental accommodation.* This includes amending the Zoning Table and Definitions schedules of the scheme text accordingly.

In addition to the LPS Regulations, the Position Statement and Planning Bulletin 115 provide further direction for how STRA should be dealt with in local planning schemes from a permissibility standpoint. To reflect these requirements, this amendment proposes the following designations for these new land use classes:

* ‘Hosted short-term rental accommodation’ is proposed as a Permitted use in all zones where any type of ‘dwelling’ is capable of approval, to reflect the state-wide exemption in the ‘deemed provisions’;
* **[NOTE – PERTH METRO ONLY]** ‘Unhosted short-term rental accommodation’ is proposed to be listed as a D or A use in zones where any type of ‘dwelling’ is capable of approval, that being [INSERT ZONES];
* **[NOTE – REGIONAL LOCAL GOVERNMENTS]** ‘Unhosted short-term rental accommodation’ is proposed to be designated [INSERT PROPOSED DESIGNATIONS];

Aside from the above, where the uses of holiday house and bed and breakfast are referenced in other sections of the scheme text, these are to be cross-referenced accordingly.

Model ‘Tourist and Visitor Accommodation’ Land Use

A new model land use class of ‘Tourist and Visitor Accommodation’ has been introduced to supersede various traditional accommodation land use types (excluding ‘hotel’) and provide a clearer delineation between these uses and ‘short-term rental accommodation’. In the context of the City/Town/Shire’s scheme, uses to be deleted through this change include:

* + *Motel – specifically referenced in the new land use class definition;*
  + *Serviced apartment – specifically referenced in the new land use class definition;*
  + *Tourist development – directly replaced by the new use class; and*
  + *[insert any other equivalent/similar non-model traditional accommodation scheme land uses]*.

**NOTE TO LOCAL GOVERNMENT:**

*Include discussion here as required to justify scheme designations and other necessary textual amendments as applicable to ‘Tourist and Visitor Accommodation’.*

*Justification should also be included here if the local government is seeking to retain existing model land use classes.*

New and Revised Land Use & General Definitions

As part of the LPS Regulations changes, amendments to some other model definitions were also introduced so as to not cause confusion or conflict with the new short-term rental accommodation land use terms. These include deletion of the definition for ‘short-term accommodation’, which has been removed to avoid confusion with new terms relating to ‘short-term rental accommodation’. This has consequentially resulted in modifications to the general model terms of ‘cabin’ and ‘chalet’, as well as the land use term for ‘road house’. The new model terms are proposed to be introduced into the scheme text through this amendment.

Through deletion of the general term ‘short term accommodation’ it is proposed to insert into the scheme text the deleted model definition in-full wherever referenced, to replicate the changes made in the model provisions; this being:

*accommodation for guests, on a commercial basis, either continuously or from time to time, with no guest accommodated for periods totalling more than 3 months in any 12-month period.*

**NOTE TO LOCAL GOVERNMENT:**

*Include discussion here as required to justify other textual modifications and definitions changes.*

*Justification should also be included here if the local government is seeking to retain existing model general definitions or other use classes.*

**Planning and Development Act 2005**

**RESOLUTION TO AMEND LOCAL PLANNING SCHEME**

***[Name and Number of Local Planning Scheme]***

***[Amendment Number]***

**Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act* 2005, amend the above Local Planning Scheme by:**

*Insert details as per Form 2A*

**FORM 6A**

**COUNCIL ADOPTION**

**This [BASIC/STANDARD] Amendment was adopted by resolution of the Council of the [LOCAL GOVERNMENT] at the [NAME] Meeting of the Council held on the [ day ] day of [ month ], 20[ year ].**

**........................................................**

**MAYOR/SHIRE PRESIDENT**

**..............................................................**

**CHIEF EXECUTIVE OFFICER**

**COUNCIL RESOLUTION TO ADVERTISE [DELETE FOR BASIC AMENDMENT]**

**by resolution of the Council of the [LOCAL GOVERNMENT] at the [NAME] Meeting of the Council held on the [ day ] day of [ month ], 20[ year ], proceed to advertise this Amendment.**

**..........................................................**

**MAYOR/SHIRE PRESIDENT**

**..............................................................**

**CHIEF EXECUTIVE OFFICER**

**COUNCIL RECOMMENDATION**

**This Amendment is recommended [for support/ not to be supported] by resolution of the [LOCAL GOVERNMENT] at the [NAME] Meeting of the Council held on the [ number ] day of [ month ], 20[ year ] and the Common Seal of the [LOCAL GOVERNMENT] was hereunto affixed by the authority of a resolution of the Council in the presence of:**

**..........................................................**

**MAYOR/SHIRE PRESIDENT**

**..............................................................**

**CHIEF EXECUTIVE OFFICER**

**WAPC ENDORSEMENT (r.63)**

**........................................................**

**DELEGATED UNDER S.16 OF**

**THE P&D ACT 2005**

**DATE...............................................**

**FORM 6A - CONTINUED**

**APPROVAL GRANTED**

**.........................................................**

**MINISTER FOR PLANNING**

**DATE.................................................**