10.2 Amendment No. 1 to Local Planning Scheme No. 3 - Short-Term Rental Accommodation (00:11:55)

Responsible Officer Natalie Ness, Chief Executive Officer

Reporting Officer Natalie Ness, Chief Executive Officer

Attachments 1. Short-Term Rental Accommodation Scheme Amendment Report ⇩

Voting Requirements Simple Majority

Disclosure of Interest Reporting Officer: Nil

Responsible Officer: Nil

RESOLUTION: OCM 181-24/25

Moved: Cr JR Hippisley
Seconded: Cr JC Hayes

That Council:

1. Resolve, pursuant to Regulation 35(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to adopt Amendment No. 1 to the Shire's Local Planning Scheme No. 3.
2. Resolve, pursuant to Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, that Amendment No. 1 to the Shire's Local Planning Scheme No. 3 is a standard amendment for the following reasons:
    a. the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
    b. the amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
    c. the amendment is not considered a complex or basic amendment.
3. Resolve, pursuant to Regulation 46A(1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, to seek approval to advertise Amendment No. 1 to the Shire's Local Planning Scheme No. 3, without modification, under section 83A of the *Planning and Development Act 2005*.
4. In accordance with Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and subject to any requirements of the Western Australian Planning Commission pursuant to resolution 3, advertise Amendment No. 1 to the Shire's Local Planning Scheme No. 3 for a period of 42 days, including:
    a. A notice in the local newspaper and online via the Shire's social media account; and
    b. A notice and copy of the amendment report (Attachment 1) on the Shire's website, and at the Shire's Administration Office and Quairading Community Resource Centre.

FOR: Crs TJ Stacey, JR Hippisley, BR Cowcill, RC Faltyn, EV Gom and JC Hayes

AGAINST: Nil

CARRIED 6/0

IN BRIEF

The purpose of this Scheme Amendment is to update Local Planning Scheme No. 3 (**LPS3**) to implement the State Government's planning reforms for Short-Term Rental Accommodation (**STRA**). Specifically, the *Planning and Development (Local Planning Schemes) Regulations 2015* (**LPS Regulations**) have introduced new 'deemed' land uses which are automatically read into local planning schemes and supersede some existing land uses within LPS3. The Western Australian Planning Commission (**WAPC**) are requiring local governments to have these amendments in place by no later than 1 January 2026.

The attached Scheme Amendment Report has been prepared following the guidance provided by the WAPC through Planning Bulletin 115/2024 and using the associated report template.

Should Council resolve to adopt the Scheme Amendment, it will then need to be advertised in accordance with the LPS Regulations, with any submissions to be considered by Council at a later meeting, before being put to the WAPC and ultimately the Minister for Planning for final approval.

MATTER FOR CONSIDERATION

Adoption (for the purposes of advertising) of an Amendment to LPS3 to implement the State Government's planning reforms for STRA.

BACKGROUND

In November 2023, the WAPC released its *Position Statement: Planning for Tourism and Short-Term Rental Accommodation* (Position Statement). Along with associated Guidelines, it outlines the WAPC's position for clearer, more consistent regulation of STRA in planning frameworks.

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*.

Information relating to the full suite of reforms, including the state-wide STRA Register and Incentive Scheme administered by the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS), can be accessed via the Short-Term Rental Accommodation (STRA) Initiatives website.

The Position Statement foreshadowed a series of amendments to Schedules 1 and 2 of the LPS Regulations, which as of September 2024 are in force. These include:

- new 'deemed' general and land use definitions to ensure hosted and unhosted short-term rental accommodation are considered as dedicated land use classes in planning schemes;
- new 'model' land use class of 'tourist and visitor accommodation' to supersede and consolidate a number of land use terms for traditional accommodation, as well as other changes to general definitions;
- a state-wide development approval exemption for 'hosted short-term rental accommodation' (includes ancillary dwellings); and
- a 90-night (cumulative) exemption within a 12-month period for 'unhosted short-term rental accommodation' in the Perth metropolitan area.

STATUTORY ENVIRONMENT

Planning and Development (Local Planning Schemes) Regulations 2015

Planning and Development Act 2005

Shire of Quairading Local Planning Scheme No. 3

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POLICY IMPLICATIONS

Local Planning Scheme No.3

FINANCIAL IMPLICATIONS

Nil.

ALIGNMENT WITH STRATEGIC PRIORITIES

1.1 **Community**: Work collaboratively with local and regional service providers to engage the community as active citizens.

2.1 **Economy**: Promote the Economic and Business Growth Strategy for current businesses and the sustainable attraction of new industry (Small Business Friendly Local Government and Action Plan)

2.2 **Economy**: Build upon our "Take a Closer Look" brand with the development of an internal marketing strategy focusing on our community, events and facilities to increase our permanent and transient population

2.3 **Economy**: Shire engages stakeholders and partners to help capture local economic development initiatives

2.4 **Economy**: Encourage local workforce participation

3.3 **Built Environment**: Improvements to building infrastructure including our sport and recreation facilities, residential and service delivery facilities following considered cost benefit analysis models and venue management plans

5.1 **Governance & Leadership**: Shire communication is consistent, engaging and responsive

5.2 **Governance & Leadership**: Forward planning and implementation of plans to determine Strategic Plan and service levels

5.3 **Governance & Leadership**: Provide informed and transparent decision making that, meets our legal obligations, and the needs of our diverse community

5.4 **Governance & Leadership**: Implement systems and processes that meet legislative and audit obligations

CONSULTATION

Should Council resolve to adopt Amendment No. 1, the amendment documentation will be forwarded to WAPC for content to advertise. Thereafter, the amendment will need to be advertised for a period of 42 days, in accordance with the LPS Regulations.

RISK MANAGEMENT PRIORITIES

This report addresses the following identified Strategic Risk Management Priorities:

1.1 Infrastructure and Operational Risks: Workforce Challenges and Skills Shortage

3.1 Governance, Financial and Compliance Risks: Financial Viability and Asset Management

4.1 Strategic, Social and Economic Risks: Housing Availability and Affordability

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RISK ASSESSMENT

	Option 1
Financial	Low *In accordance with Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015, and subject to any requirements of the Western Australian Planning Commission pursuant to resolution 3, advertise Amendment No. 1 to the Shire's Local Planning Scheme No. 3 for a period of 42 days, including:* *A notice in the local newspaper and online via the Shire's social media account*
Health	Low *Not applicable*
Reputation	Low *Should Council resolve to adopt Amendment No. 1, the amendment documentation will be forwarded to the WAPC for consent to advertise. Thereafter. The amendment will need to be advertised for a period of 42 days, in accordance with LPS Regulations.*
Operations	Low *Altus Planning will manage the amendment documentation. Advertising requirements will form part of normal operations for Shire Officers.*
Natural Environment	Low *The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment.*

	Consequence				
Likelihood	Insignificant	Minor	Moderate	Major	Critical
Rare	LOW Accept the risk Routine management	LOW Accept the risk Routine management	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review
Unlikely	LOW Accept the risk Routine management	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review
Possible	LOW Accept the risk Routine management	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	HIGH Quarterly senior management review
Likely	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	HIGH Quarterly senior management review	EXTREME Monthly senior management review
Almost certain	MEDIUM Specific responsibility and treatment	MEDIUM Specific responsibility and treatment	HIGH Quarterly senior management review	EXTREME Monthly senior management review	EXTREME Monthly senior management review

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COMMENT

Deemed Short-Term Rental Accommodation Land Use Classes

Whilst the new 'deemed' land use classes are automatically read into the 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 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 ('P') use in all zones where any type of 'dwelling' is capable of approval, to reflect the state-wide exemption in the 'deemed provisions' (i.e. within the Residential, Rural, Rural Residential, Rural Townsite and Rural Enterprise zones); and
- 'Unhosted short-term rental accommodation' is proposed to be designated as a Discretionary ('D') use in the Rural zone, a Discretionary following advertising ('A') use in the Residential, Rural Residential and Rural Townsite zones and not permitted ('X') in all other zones.

Given that 'Holiday House' was previously included in the Zoning Table, a straight swap is being proposed for the new 'Unhosted short-term rental accommodation' land use. Furthermore, it has been considered that due to the potential close proximity to the more traditional forms of dwellings, it is logical to retain the use as a class 'A' use in the Residential, Rural Residential and Rural Townsite zones so that public advertising/neighbour referral be mandatory. This is likely to be less of an issue within a Rural zone, hence retention of the class 'D' use.

The 'D' and 'A' use classifications also provide the Shire with the ability to prepare a local planning policy that can then guide the decision making for such proposals and can also provide additional considerations or requirements to address any issues or trends, if and when they arise.

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 **c**learer delineation between these uses and 'short-term rental accommodation'. In the context of the Shire's scheme, uses to be deleted through this change include:

- Holiday Accommodation;
- Motel;
- Serviced Apartment; and
- Tourist Development.

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The new land use essentially merges 'Holiday Accommodation', 'Motel', 'Serviced Apartment' and 'Tourist Development' which is the approach being undertaken with assigning the land use permissibility. That is, where one of the superseded land uses was previously permissible in a zone, such permissibility has been retained, with the exception of the 'Private Clubs, Institutions & Places of Worship' zone where 'Serviced Apartment' was previously permissible as an incidental use given that the new definition is so broad that it would alter the intent on the previous limitation.

Specifically, it is proposed that 'Tourist and Visitor Accommodation' becomes:

- A Discretionary following Advertising ('A') use in the Residential, Rural, Rural Townsite and Commercial zones, where one of the superseded land uses was previously permissible; and
- A Not Permitted ('X') use in all other zones.

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 'roadhouse'. The new model terms are proposed to be introduced into the scheme text through this amendment.

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Short Term Rental Accommodation
Scheme Amendment Report Template

COVER PAGE

Shire of Quairading
Local Planning Scheme No. 3

Amendment No. 1

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.

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FORM 2A

Planning and Development Act 2005
RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

Shire of Quairading Local Planning Scheme No. 3
[Amendment Number 1]

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 37:

   A. Delete the definition for *short-term accommodation*.

   B. Replace the general definition for *cabin* with the following:

   means a building that -
   (a) is an individual unit other than a chalet; and
   (b) forms part of -
   (i) tourist and visitor accommodation; or
   (ii) a caravan park;
   and
   (c) 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

   C. Replace the general definition for *chalet* with the following:

   means a building that —
   (a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
   (b) forms part of –
   (i) tourist and visitor accommodation; or
   (ii) a caravan park;
   (c) 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

2. In clause 38:

   A. Delete the land use definitions for:

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- *bed and breakfast*
- *holiday accommodation*
- *holiday house*
- *motel*
- *serviced apartment*
- *tourist development.*

B. Amend the existing definition for *roadhouse* by deleting paragraph (d) and inserting:

(d) 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.

C. Insert the definition for *tourist and visitor accommodation*:

(a) means a building, or a group of buildings forming a complex, that —
(i) is wholly managed by a single person or body; and
(ii) is used to provide 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; and
(iii) may include on-site services and facilities for use by guests; and
(iv) in the case of a single building — contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night;

and

(b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but

(c) does not include any of the following —
(i) an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);
(ii) a caravan park;
(iii) hosted short-term rental accommodation;
(iv) a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);
(v) a park home park;
(vi) a retirement village as defined in the Retirement Villages Act 1992 section 3(1);
(vii) a road house;
(viii) workforce accommodation;

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3. In Table 2 – Additional Use for Local Reserve, replace *Tourist Development* with *Tourist and Visitor Accommodation* for 'AR1'.

4. In Table 4 – Zoning Table, insert in alphabetical order the following land uses and permissibility:

USE AND DEVELOPMENT CLASS	ZONES										
	Residential	Urban Development	Rural	Rural Residential	Rural Townsite	Rural Enterprise	Light Industry	General Industry	Industrial Development	Commercial	Private Clubs, Institutions & Places
Hosted Short-Term Rental Accommodation	P		P	P	P	P	X	X		X	X
Unhosted Short-Term Rental Accommodation	A		D	A	A	X	X	X		X	X
Tourist and Visitor Accommodation	A		A	X	A	X	X	X		A	X

5. In Table 4 – Zoning Table, delete all references to:

   A. *Bed and Breakfast*
   B. *Holiday Accommodation*
   C. *Holiday House*
   D. *Motel*
   E. *Serviced Apartment*
   F. *Tourist Development.*

6. In Table 5 – Special Use, replace *Motel* with *Tourist and Visitor Accommodation* for 'SU1'.

7. In Schedule 3 – Additional Site and Development Requirements, amend clause 4(4) to read as follows:

   The development of tourist activities in the Rural zone including 'Tourist and Visitor Accommodation' and 'Unhosted Short-Term Rental Accommodation' will only be supported by the local government where the use is complementary and does not limit the agricultural use of the land, and is not impacted by surrounding rural land uses.

The amendment is **standard** under the provisions of Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

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;

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3. the amendment is not considered a complex or basic amendment.

Dated this _____ day of _____ 20___

_____
(Chief Executive Officer)

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Scheme Amendment Report

1. Introduction

The purpose of this amendment is to amend the Shire's 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 Shire.

2. 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 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.

The Shires of Cunderdin, Quairading and Tammin Joint Local Planning Strategy acknowledges that it is desirable to reduce reliance on agriculture by encouraging tourism opportunities, including farm stay accommodation and ecotourism, amongst others. The Strategy also acknowledges that tourism is a growing sector of the State's economy and whilst it is a relatively small sector in the Strategy area, it has significant growth potential that could provide opportunities for diversification and provide additional sources of employment.

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3. 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:

i. 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

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dedicated land use classes in planning schemes. The definitions of these land uses are as follows:

hosted short-term rental accommodation *means any of the following —*

(a) short-term rental accommodation where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the same dwelling during the short-term rental arrangement;

(b) short-term rental accommodation that is an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the other dwelling on the same lot, resides at that other dwelling during the short-term rental arrangement;

(c) short-term rental accommodation that is a dwelling on the same lot as an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the ancillary dwelling during the short-term rental arrangement;

unhosted short-term rental accommodation *means short-term rental accommodation that –*

(a) is not hosted short-term rental accommodation; and

(b) accommodates a maximum of 12 people per night;

ii. 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. The definition of this term is as follows:

short-term rental accommodation *—*

(a) means a dwelling provided, on a commercial basis, for occupation under a short-term rental arrangement; but

(b) does not include a dwelling that is, or is part of, any of the following —

(i) an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);

(ii) a caravan park;

(iii) a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);

(iv) a park home park;

(v) a retirement village as defined in the Retirement Villages Act 1992 section 3(1);

(vi) workforce accommodation;

iii. 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;

iv. a state-wide development approval exemption for 'hosted short-term rental accommodation' (this includes ancillary dwellings); and

v. a 90-night (cumulative) exemption within a 12-month period for 'unhosted' short-term rental accommodation in the Perth metropolitan area.

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

4. Local Planning Context

Local Planning Strategy

The Joint Local Planning Strategy for the Shire acknowledges that commerce and industry has developed primarily to serve the agricultural sector and therefore, the profitability of businesses is closely related to the buoyancy of agricultural markets and the prosperity of the local farming community. The Strategy acknowledges that it is desirable to reduce the reliance on agriculture by encouraging, amongst others, tourism opportunities including farm stay accommodation and ecotourism.

Specific to the Quairading Townsite, numerous strategies and actions speak to facilitating tourism uses and development, including Strategic Direction 20:

> *Encourage the growth and retention of tourism opportunities to strengthen the tourism industry.*

Local Planning Scheme

Local Planning Scheme No. 3 was gazetted on 31 January 2022 and is therefore three (3) years old. The Scheme currently provides opportunities for various forms of STRA throughout the municipality, including the following land uses:

- Bed and Breakfast;
- Holiday Accommodation;
- Holiday House;
- Motel;
- Serviced Apartment; and
- Tourist Development.

Since 2024, the Shire has received four (4) applications for change of use to 'Holiday House' in order to allow for the owners/occupiers to list their properties on the 'Airbnb' platform. These applications were for properties located in the Shire's Residential zone, advertised to surrounding properties (3 of which did not receive any submissions in response) and were all subsequently approved.

5. 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 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.

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Deemed Short-Term Rental Accommodation Land Use Classes

Whilst the new 'deemed' land use classes are automatically read into the 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 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 ('P') use in all zones where any type of 'dwelling' is capable of approval, to reflect the state-wide exemption in the 'deemed provisions' (i.e. within the Residential, Rural, Rural Residential, Rural Townsite and Rural Enterprise zones); and

- 'Unhosted short-term rental accommodation' is proposed to be designated as a Discretionary ('D') use in the Rural zone, a Discretionary following advertising ('A') use in the Residential, Rural Residential and Rural Townsite zones and not permitted ('X') in all other zones.

Given that 'Holiday House' was previously included in the Zoning Table, a straight swap is being proposed for the new 'Unhosted short-term rental accommodation' land use. Furthermore, it has been considered that due to the potential close proximity to the more traditional forms of dwellings, it is logical to retain the use as a class 'A' use in the Residential, Rural Residential and Rural Townsite zones so that public advertising/neighbour referral be mandatory. This is likely to be less of an issue within a Rural zone, hence retention of the class 'D' use.

The 'D' and 'A' use classifications also provide the Shire with the ability to prepare a local planning policy that can then guide the decision making for such proposals and can also provide additional considerations or requirements to address any issues or trends, if and when they arise.

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 Shire's scheme, uses to be deleted through this change include:

- Holiday Accommodation;
- Motel;

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- Serviced Apartment; and
- Tourist Development.

The new land use essentially merges 'Holiday Accommodation', 'Motel', 'Serviced Apartment' and 'Tourist Development' which is the approach being undertaken with assigning the land use permissibility. That is, where one of the superseded land uses was previously permissible in a zone, such permissibility has been retained, with the exception of the 'Private Clubs, Institutions & Places of Worship' zone where 'Serviced Apartment' was previously permissible as an incidental use given that the new definition is so broad that it would alter the intent on the previous limitation.

Specifically, it is proposed that 'Tourist and Visitor Accommodation' becomes:

- A Discretionary following Advertising ('A') use in the Residential, Rural, Rural Townsite and Commercial zones, where one of the superseded land uses was previously permissible; and
- A Not Permitted ('X') use in all other zones.

<u>New and Revised Land Use & General Definitions</u>

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 'roadhouse'. The new model terms are proposed to be introduced into the scheme text through this amendment.

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Planning and Development Act 2005
RESOLUTION TO AMEND LOCAL PLANNING SCHEME

Shire of Quairading Local Planning Scheme No. 3
[Amendment Number 1]

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 37:

   A. Delete the definition for *short-term accommodation*.

   B. Replace the general definition for *cabin* with the following:

   means a building that -
   (d) is an individual unit other than a chalet; and
   (e) forms part of -
   (iii) tourist and visitor accommodation; or
   (iv) a caravan park;
   and
   (f) 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

   C. Replace the general definition for *chalet* with the following:

   means a building that —
   (c) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
   (d) forms part of –
   (iii) tourist and visitor accommodation; or
   (iv) a caravan park;
   (d) 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

2. In clause 38:

   A. Delete the land use definitions for:

   - *bed and breakfast*
   - *holiday accommodation*
   - *holiday house*
   - *motel*

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- *serviced apartment*
- *tourist development.*

B. Amend the existing definition for *roadhouse* by deleting paragraph (d) and inserting:

(e) 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.

C. Insert the definition for *tourist and visitor accommodation*:

(a) means a building, or a group of buildings forming a complex, that —
(v) is wholly managed by a single person or body; and
(vi) is used to provide 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; and
(vii) may include on-site services and facilities for use by guests; and
(viii) in the case of a single building — contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night;

and

(b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but

(c) does not include any of the following —
(ix) an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);
(x) a caravan park;
(xi) hosted short-term rental accommodation;
(xii) a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);
(xiii) a park home park;
(xiv) a retirement village as defined in the Retirement Villages Act 1992 section 3(1);
(xv) a road house;
(xvi) workforce accommodation;

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3. In Table 2 – Additional Use for Local Reserve, replace *Tourist Development* with *Tourist and Visitor Accommodation* for 'AR1'.

4. In Table 4 – Zoning Table, insert in alphabetical order the following land uses and permissibility:

USE AND DEVELOPMENT CLASS	ZONES										
	Residential	Urban Development	Rural	Rural Residential	Rural Townsite	Rural Enterprise	Light Industry	General Industry	Industrial Development	Commercial	Private Clubs, Institutions & Places
Hosted Short-Term Rental Accommodation	P		P	P	P	P	X	X		X	X
Unhosted Short-Term Rental Accommodation	A		D	A	A	X	X	X		X	X
Tourist and Visitor Accommodation	A		A	X	A	X	X	X		A	X

5. In Table 4 – Zoning Table, delete all references to:

   A. *Bed and Breakfast*
   B. *Holiday Accommodation*
   C. *Holiday House*
   D. *Motel*
   E. *Serviced Apartment*
   F. *Tourist Development.*

6. In Table 5 – Special Use, replace *Motel* with *Tourist and Visitor Accommodation* for 'SU1'.

7. In Schedule 3 – Additional Site and Development Requirements, amend clause 4(4) to read as follows:

   The development of tourist activities in the Rural zone including 'Tourist and Visitor Accommodation' and 'Unhosted Short-Term Rental Accommodation' will only be supported by the local government where the use is complementary and does not limit the agricultural use of the land, and is not impacted by surrounding rural land uses.

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FORM 6A

COUNCIL ADOPTION

This standard Amendment was adopted by resolution of the Council of the Shire of Quairading 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

by resolution of the Council of the Shire of Quairading 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 Shire of Quairading 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)

.....

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DELEGATED UNDER S.16 OF THE P&D ACT 2005

DATE.....

APPROVAL GRANTED

.....
MINISTER FOR PLANNING

DATE.....

UNCONFIRMED