

Councillor Catherine Lezer disclosed an Impartiality Interest in Item 11.2, as detailed at Item 5.

5:22pm Councillor Catherine Lezer disclosed an Proximity Interest in Item 11.2 (as detailed at Item 5), and departed the meeting accordingly.

Councillor Steven Wellard disclosed an Impartiality Interest in Item 11.2, as detailed at Item 5.

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Deputy Lord Mayor Bruce Reynolds disclosed an Impartiality Interest in Item 11.2, as detailed at Item 5.

Deputy Lord Mayor Bruce Reynolds disclosed a Proximity Interest in Item 11.2 and stated the following:

"I have disclosed a Proximity Interest to the extent that I own a property on Aberdeen Street, Northbridge which is within proximity of the scheme area. I have been granted approval by the Minister to participate and vote on the item under Section 5.69(3)(a) of the Local Government Act 1995."

Councillor Liam Gobbert disclosed a Proximity Interest in Item 11.2 and stated the following:

"I have disclosed a Proximity Interest to the extent that my address is adjacent to area EP25 within Local Planning Scheme 26. I have been granted approval by the Minister to participate and vote on the item under Section 5.69(3)(a) of the Local Government Act 1995."

11.2 Preparation of Planning Scheme Amendments and Policies for Tourist and Visitor Accommodation and Short-Term Rental Accommodation

Responsible Officer	Maria Cooke – General Manager Planning and Sustainability
Voting Requirements	Simple Majority
Attachments	Attachment 11.2A – Amendment No.53 to City Planning Scheme No.2 Attachment 11.2B – Amendment No. 7 to Local Planning Scheme No. 26 Attachment 11.2C – Amendment No. 26 to Town Planning Scheme No. 4 Attachment 11.2D – Draft Revised Planning Policy Section 3.9 - Special Residential (Serviced and Short-Term Accommodation) Policy Attachment 11.2E – Draft Tourist and Visitor Accommodation and Unhosted Short-Term Rental Accommodation Local Planning Policy

Purpose

For Council to consider the preparation of Amendment No. 53 to City Planning Scheme No. 2 (CPS2), Amendment No. 7 to Local Planning Scheme No. 26 (LPS26), Amendment No.26 to Town Planning Scheme No.4 (TPS4) and advertising of draft revised *Planning Policy 3.9 – Special Residential and Short-Term Rental Accommodation* and draft *Tourist and Visitor Accommodation and Unhosted Short-Term Rental Accommodation Local Planning Policy*.

Recommendation

That Council:

1. RESOLVES to prepare:
 - a. Amendment 53 to City Planning Scheme No. 2 as detailed in **Attachment A**,
 - b. Amendment 7 to Local Planning Scheme No. 26 as detailed in **Attachment B**,
 - c. Amendment 26 to Town Planning Scheme No. 4 as detailed in **Attachment C**,
 2. RESOLVES that the above three scheme amendments are standard amendments for the following reasons:
 - a. The scheme amendment will have minimal impact on land within the scheme area that is not the subject of the scheme amendment.
 - b. The scheme amendment will not result in any significant environmental, social, economic or governance impacts on land within the scheme area.
 3. RESOLVES to prepare and advertise:
 - a. Draft revised *Planning Policy Section 3.9 - Special Residential (Serviced and Short-Term Accommodation) Policy* as detailed in **Attachment D**,
 - b. Draft *Tourist and Visitor Accommodation and Unhosted Short-Term Rental Accommodation Local Planning Policy* as detailed in **Attachment E**.
 4. NOTES the scheme amendments will be forwarded to the Western Australian Planning Commission for approval to consult in accordance with Clauses 34 and 35 listed in this report.
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Background

1. In 2024 the State Government introduced the following initiatives relating to short-term rentals in Western Australia:
 - a. A state-wide mandatory register for all short-term rental accommodation (STRA) properties. As of 1 January 2025, all STRA are required to be registered on the Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) website; and
 - b. New planning requirements implemented through *Position Statement: Planning for Tourism and Short-Term Rental Accommodation* and associated guidelines, and amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations).
2. The changes to the LPS Regulations came into effect on 18 September 2024 and have implications for the City's local planning schemes. The changes include:
 - a. Deemed provisions that are automatically applied to all local planning schemes:
 - i. New land use definitions for:
 - 'Hosted STRA': means STRA within a dwelling, where the owner or occupier resides at the same dwelling (e.g. a bed and breakfast).
 - 'Unhosted STRA': means a dwelling used for STRA that accommodates 12 people or fewer per night, where the owner or occupier does not reside at the same dwelling (e.g. a holiday apartment).
 - ii. New exemptions from requiring development approval for all 'Hosted STRA', and 'Unhosted STRA' in the Perth metropolitan area for up to 90 nights within a 12-month period.
 - b. Modifications to the Model land use definitions. These introduce a new land use 'Tourist and Visitor Accommodation' and supersede existing definitions, including bed and breakfast, motel and serviced apartment. These changes do not automatically apply to local planning schemes but are to be used by local governments in preparing or amending a local planning scheme.
3. In September 2024, the Minister for Planning wrote to all local governments to advise that local planning schemes need to be amended to align with the changes to the LPS Regulations for STRA by 1 July 2025.
4. On 30 April 2024, Council resolved to seek approval from the Western Australian Planning Commission (WAPC) to advertise draft Local Planning Scheme (LPS3). Given the status of draft LPS3, the City sought clarification from the Department of Planning, Lands and Heritage whether changes were required to the City's current local planning schemes. The advice provided confirmed that draft LPS3 would not meet the timeframe outlined in the Minister's letter, meaning the current local planning schemes need to be amended.
5. To assist local governments to align local planning frameworks, the WAPC has released *Planning Bulletin 115: Short-Term Rental Accommodation* (Planning Bulletin 115), a scheme report template, and Local Planning Policy guidance, prepared in collaboration with the WA Local Government Association (WALGA).

Current local planning schemes

6. To implement the changes to the LPS Regulations, the following local planning schemes are required to be amended:
 - a. *City Planning Scheme No. 2* (CPS2) - applies to Central Perth, East Perth, and parts of Crawley, Northbridge and West Perth.

- b. *Local Planning Scheme No. 26 (LPS26)* - applies to Normalised Redevelopment Areas in Claisebrook and Northbridge. These areas are former Development WA planning-controlled areas that have now transferred back to the City of Perth.
 - c. *Town Planning Scheme No. 4 (TPS4)* - applies to land in Nedlands-Crawley that was previously within the City of Subiaco.
7. Under CPS2 and LPS26, land uses that have similar characteristics are grouped together as a single 'Land Use Category' for the purposes of land use permissibility. Applications for development approval for STRA and other tourist and visitor accommodation land uses are currently assessed as a 'Special Residential' land use category under CPS2, and 'Transient Residential' land use category under LPS26. These land uses are generally 'Preferred' or 'Contemplated' across these scheme areas.
8. Under TPS4, applications for development approval for STRA would be assessed as 'Bed and Breakfast' for 'Hosted STRA', or a 'use not listed' for 'Unhosted STRA'. 'Tourist and Visitor Accommodation' land uses would be assessed as 'Serviced Apartments', or 'use not listed'.

Local Planning Policies

9. Under CPS2 and LPS26, *Planning Policy Section 3.9 - Special Residential (Serviced and Short-Term Accommodation)* applies to all applications for development approval for 'Special Residential' and 'Transient Residential' uses.
10. There is currently no local planning policy (LPP) under TPS4 to guide the assessment of applications for development approval for short-term rental accommodation or other tourist accommodation land uses.

Discussion

11. Scheme amendments to implement the changes to the LPS Regulations have been prepared for CPS2, LPS26 and TPS4 (refer Attachments A to C).

Hosted and Unhosted Short-Term Rental Accommodation

12. The scheme amendments insert two new land uses:
- a. 'Hosted Short-Term Rental Accommodation' (Hosted STRA) and
 - b. 'Unhosted Short-Term Rental Accommodation' (Unhosted STRA).
 - c. This allows land use permissibilities to be assigned to align and implement the land use exemptions and permissibilities required by the State Government.
13. The following land use permissibilities are proposed:
- a. 'Hosted STRA' is a 'Preferred' use under CPS2 and LPS26, and 'Permitted' under TPS4, where residential can be approved. This is required to align with 'Hosted STRA' being exempt from development approval under the LPS Regulations.
 - b. 'Unhosted STRA' is a 'Contemplated' use under CPS2 and LPS26, and a 'Discretionary' use under TPS4, where residential can be approved. This means an application for development approval is required for the use of a dwelling as 'Unhosted STRA' for more than 90 days within a 12-month period.
14. Under both CPS2 and LPS26, an application for development approval for a 'Preferred' use cannot be refused solely on the appropriateness of the use and does not require community consultation. Having 'Unhosted STRA' as a 'Contemplated' and 'Discretionary' land use means an application for

development approval can be refused based on the appropriateness of the use and may also be advertised for community consultation.

15. A 'Preferred' land use permissibility under CPS2 and LPS26 is not considered appropriate for 'Unhosted STRA' as there may be varying levels of impact depending on its proposed location and scale. These factors need to be considered through the development application process.

Tourist and Visitor Accommodation

16. The scheme amendments propose to introduce the land use 'Tourist and Visitor Accommodation' in accordance with the model provisions of the LPS Regulations. This land use includes accommodation types such as 'motel' and 'serviced apartments'.
17. In CPS2 and LPS26 'Tourist and Visitor Accommodation' is proposed to be inserted into the 'Special Residential' and 'Transient Residential' land use categories, being the appropriate category for short-term or temporary accommodation. There is no change proposed to the current land use permissibility for these land use categories.
18. In TPS4, 'Tourist and Visitor Accommodation' is proposed to be inserted as its own land use category to replace "motel" and "serviced apartments". This new land use category is proposed as 'Discretionary' in all zones, with the exception of the Residential R15 and R20 zone, where it is not permitted.
19. The changes to the Model provisions of the LPS Regulations also modified the land use term for 'Hotel'. This is proposed to be implemented and does not result in any change to the nature of the use and no change to land use permissibility is proposed.
20. Other minor amendments required include:
 - a. Modifications to remove all references to 'Short-Term Accommodation' to avoid confusion with the new 'Short-Term Rental Accommodation' term.
 - b. Removal of redundant land uses such as 'Serviced Apartments', 'Motel' and 'Bed and Breakfast', as these now fall under the definition of 'Tourist and Visitor Accommodation' or 'Unhosted STRA'.

Local Planning Policies

21. Two draft planning policies have been prepared to guide the assessment of applications for development approval for 'Unhosted STRA' and 'Tourist and Visitor Accommodation':
 - a. An updated *Planning Policy 3.9 – Special Residential and Short-Term Rental Accommodation Policy* (Attachment D) under CPS2 and LPS26.
 - b. A new *Tourist and Visitor Accommodation and Unhosted Short-Term Rental Accommodation Local Planning Policy* (Attachment E) under TPS4.
22. Benchmarking has been undertaken of other tourist and visitor accommodation and STRA design and management provisions in other cities and local governments to ensure the draft LPP is aligned with current planning practices.
23. The objectives of the draft LPPs are to ensure the uses:
 - a. Maintain the amenity and character of the area through ensuring the location, scale, design, and operation is appropriate for its location and setting.
 - b. Provide a high level of amenity for occupants.
 - c. Does not adversely affect the significance of heritage places.
 - d. Maintains residential amenity when located near residential uses.

24. 'Special Residential' design provisions ensure that residential amenity is maintained where it is proposed within the same building as 'Residential'. This section also contains management provisions that are an extension of the current policy, formalising existing practice with the intent to ensure appropriate levels of servicing to the use and to mitigate impact on the locality.
25. 'Unhosted STRA' provisions have been introduced to ensure that amenity is maintained for permanent residents and occupants of 'Unhosted STRA' use. Provisions include:
- a. Restricting the number of occupants per dwelling to a maximum of two persons per bedroom and six occupants per dwelling. This is proposed to align with the higher density of residential development in the city, particularly multiple dwellings, which are in close proximity to each other and generally not large enough to comfortably accommodate up to 12 people.
 - b. Where car parking is available it is to be made available for the 'Unhosted STRA' use. This is to prevent extra vehicles parking in visitor bays or elsewhere in the vicinity of the 'Unhosted STRA' use.
 - c. Specific provisions for 'Unhosted STRA' proposed in dwellings located within a strata scheme (such as a grouped or multiple dwellings). These provisions acknowledge that strata schemes can create their own by-laws with regards to 'Unhosted STRA' use.
 - d. Management requirements that are an extension of the current policy, formalising existing practice with the intent to ensure that properties are managed to mitigate impact on the locality and any complaints are responded to appropriately.
 - e. Minimising the use of signage and ensuring it is not visible from the public realm.
 - f. Development approval for 'Unhosted STRA' may be limited to an initial 12-month period. This is to ensure that the impact of the use on the amenity of nearby residents can be reviewed. An application for renewal of the 'Unhosted STRA' use will be considered with regard to any complaints made to the during the initial 12-month period.
26. As the draft revised *Planning Policy 3.9 – Special Residential and Short-Term Rental Accommodation Policy* is markedly different to the current planning policy, a tracked-change version has not been included for reference. In addition to the above, the key changes include:
- a. Revised terminology to align with the scheme amendments and new deemed and model definitions as set in the LPS Regulations, including retitling the Policy.
 - b. Re-ordering of provisions and re-naming headings to provide a clear policy setting.
 - c. Removing redundant and/or duplicate policy provisions across the policy framework.
 - d. Improved text to provide clarity.
 - e. Modified provisions for management plans to formalise existing practice, providing clear guidance to proponents, and to ensure properties are managed to mitigate impact on the locality and complaints are responded to appropriately by operators.

The provisions of the draft local planning policies are consistent with the LPS3 draft *Specialised Accommodation Local Planning Policy* that is the subject of a separate report on this Agenda.

Strategic Alignment

27. Council Policy 3.5 (CP 3.5) provides a framework to assess the appropriateness of initiating a scheme amendment ahead of draft LPS3. The scheme amendments demonstrate alignment with the provisions of CP 3.5 for the following key reasons:

- a. The scheme amendments are required for procedural purposes to align with the Ministers instruction and to implement changes to the LPS Regulations.
 - b. The scheme amendments support the Residential Priority set by the Local Planning Strategy (the Strategy) through introducing a clear framework to regulate 'Unhosted STRA'. Action EE3c of the Strategy discusses the review of land use permissibilities to ensure that land uses which may have a significant amenity impact require development approval. All 'Unhosted STRA' within the city will require an application for development approval. This allows the City an opportunity to protect residential amenity.
 - c. Draft LPS3 was prepared prior to the amendment of LPS Regulations that introduced, replaced, and deleted land use terms into the Deemed and Model Definitions. As a result, the previous model land use terms were used in the draft LPS3. The scheme amendments are consistent with the land use permissibilities proposed in the draft LPS3 zoning table for the equivalent model and deemed land use definitions of the LPS Regulations prior to its amendment.
28. The draft local planning policies have been prepared in coordination with the draft *Specialised Accommodation Local Planning Policy* (LPS3) and do not undermine the approach taken in draft LPS3.
29. The scheme amendment and draft local planning policies provide industry and residents with a modern planning framework to guide decision making on all applications for development approval for any 'Unhosted STRA' and/or 'Tourism and Visitor Accommodation' uses. The LPPs are crucial to guide the determination of applications for development approval for 'Unhosted STRA' and align with the LPS Regulations.

Consultation

30. The scheme amendments are exempt from the requirement to obtain EPA approval to proceed with advertising in accordance with section 48AAA(2) of the *Environmental Protection Act 1986* and 33C(2)(d) of the *Environmental Protection Regulations 1987*.
31. If Council decide to prepare the scheme amendments, the City will refer the scheme amendments to the WAPC for confirmation the scheme amendments are suitable for progressing.
32. If approval is granted from the WAPC, the scheme amendments will be advertised for 42 days. The scheme amendments will be advertised via the Engage Perth webpage, a notice placed in the local newspaper and Council House foyer.
33. The proposed draft LPPs are required to be advertised for 21 days under the LPS Regulations, but given its relationship with the scheme amendments, the draft LPPs will be advertised concurrently for 42 days.

Decision Implications

Scheme Amendments

34. The decision to prepare the scheme amendments rests with Council. The final decision on whether the scheme amendments are approved rests with the Minister of Planning.
35. Should Council choose not to prepare the amendments, this will be contrary to the direction from the Minister for Planning. The Minister for Planning has the ability to order a local government to submit the scheme amendments for Minister approval in accordance with Part 5, Division 2 Section 76 of the *Planning and Development Act 2005*. Local Planning Policy

36. If Council supports the recommendation to advertise the draft local planning policies, the LPPs will proceed to public consultation with the scheme amendments.
37. If Council does not support the recommendation to advertise the draft local planning policies, current *Planning Policy Section 3.9 - Special Residential (Serviced and Short-Term Accommodation) Policy* will remain unchanged, and no guidance will be provided under TPS4.

Strategic, Legislative and Policy Implications

Strategic Community Plan	
Strategic Pillar (Objective)	Liveable
Related Documents (Issue Specific Strategies and Plans):	Local Planning Strategy (2023) The Local Planning Strategy seeks to ensure land use and development positively contributes to the public realm and desired character of the Perth city neighbourhoods. The scheme amendments and local planning policies seek to deliver high quality ‘tourist and visitor accommodation’ and ‘short-term rental accommodation’ that supports local businesses and minimises the impact on the long-term residential population. 2025 Events Strategy The Events Strategy sets a vision to be a destination and includes an action to promote and encourage visitors to stay and enjoy Perth for longer. The provision of a diverse variety of well-designed and managed ‘tourist and visitor accommodation’ and ‘short-term rental accommodation’ supports this vision. Economic Development Strategy 2022 – 2032 The scheme amendments and LPPs provide certainty to the tourism industry, supporting the objective of the strategy to celebrate and leverage Perth’s unique position in the world and strong international connections.

Legislation, Delegation of Authority and Policy	
Legislation:	<i>Planning and Development Act 2005</i> • Section 75 provides legislative power to the Council to prepare changes to its local planning scheme. • Section 83A requires referral of a Standard amendment to a local planning scheme to the Minister for approval to advertise. • Section 84 requires a scheme amendment to be advertised and for submissions to be considered by the local government. <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> • Regulations 34 and 35(2) require an amendment to be classified as basic, standard or complex. • Regulation 47 specifies requirements for advertising a Standard Amendment.

	• Regulation 76A specifies requirements for making documents available to public. • The draft Local Planning Policies have been prepared in accordance with Clauses 3, 4 and 5 of the Deemed Provisions. City of Perth Act 2016 • 8(1)(d) to continuously improve the services and facilities that the City of Perth provides to the community and to local, interstate and international visitors and tourists. • 8(1)(g) to maintain and strengthen the local, national and international reputation of the Perth metropolitan area as an innovative, sustainable and vibrant global city that attracts and welcomes everyone. City Planning Scheme No. 2 • Schedule 2 refers to Use Group Categories and Use Group Tables • Schedule 4 refers to Definitions Local Planning Scheme No. 26 • Clause 1.6 refers to the relationship to the City of Perth Planning Scheme. Town Planning Scheme No. 4 • Schedule 1 refers to Definitions. • Table 1 refers to Zones and Land Uses and their permissibility.
Authority of Council/CEO:	The <i>Planning and Development Act 2005</i> and <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> gives local governments powers in relation to Local Planning Schemes and Local Planning Policies. The above provisions of the <i>Planning and Development Act 2005</i> require a decision to amend a Local Planning Scheme by Council resolution.
Policy:	<i>Planning Policy Section 3.9 - Special Residential (Serviced and Short-Term Accommodation) Policy</i>

Financial Implications

38. An advertising notice of the scheme amendments and local planning policies in the local newspaper will cost approximately \$900.

Further Information

39. A change was made to the draft revised *Planning Policy 3.9 – Special Residential and Short-Term Rental Accommodation* and draft *Tourist and Visitor Accommodation and Unhosted Short-Term Rental Accommodation Local Planning Policy*, following questions at Agenda Briefing Session to clarify the role of the strata company in an application for Unhosted STRA.
40. The change modifies clause 5.4 (a) i. of draft revised *Planning Policy 3.9 – Special Residential and Short-Term Rental Accommodation* and clause 4.2.5.1 (a) i. of draft *Tourist and Visitor Accommodation and Unhosted Short-Term Rental Accommodation Local Planning Policy* as follows:

- i. a letter from the strata company (or strata management company on behalf of the strata company):
 - a. confirming there is no by-law effecting a prohibition on unhosted STRA within individual apartments.
 - b. confirming there is no by-law effecting a prohibition or management controls on the use of common property by the unhosted STRA.

41. Questions and responses forming part of the Agenda Briefing Session held on 20 May 2025 are as follows:

	Question	Response
1.	Pages 36 and 48 include a Note: Clause 1 of the Deemed Provisions..... Is it possible to create another point "c) is not prohibited by strata bylaws (if applicable)"?	This note that refers to the definition of 'Unhosted Short-Term Rental Accommodation' in the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015. The City cannot make changes to legislation.
2.	Pages 83 & 95 - What is meant by the '-' in the Zoning table (Town Centre, Commercial/Residential, Local Centre)?	These are zones in TPS4 which applies to the portion of the City of Subiaco planning scheme that was transferred to the City of Perth as part of the City of Perth Act 2016.

Council Resolution (OCM-25/05-005)

Mover: Councillor Liam Gobbert

Seconded: Councillor Raj Doshi

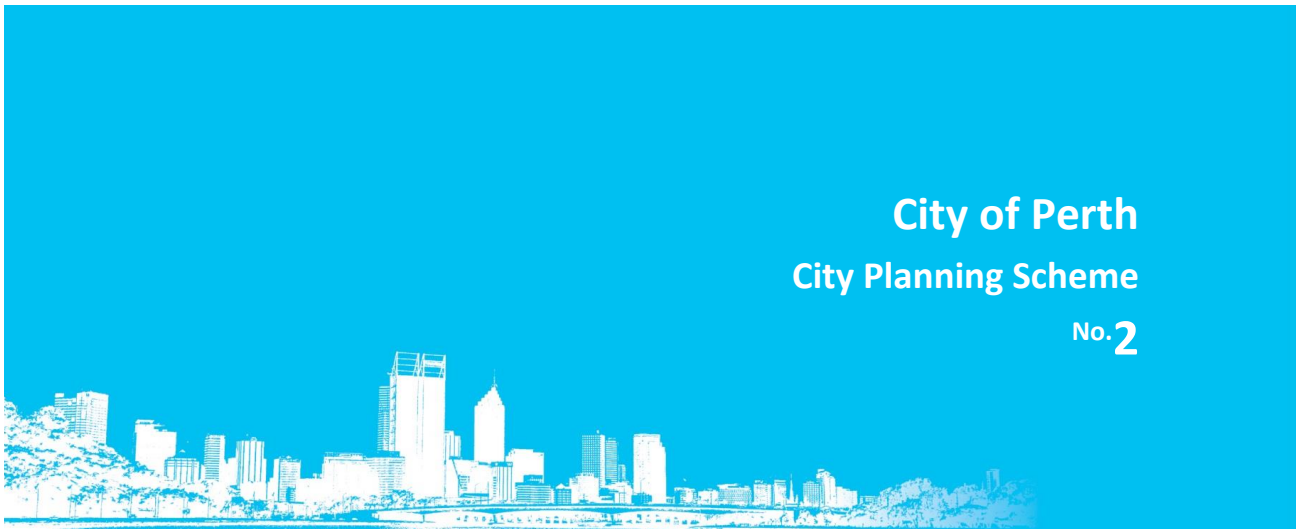
That Council:

1. RESOLVES to prepare:
 - a. Amendment 53 to City Planning Scheme No. 2 as detailed in **Attachment A**,
 - b. Amendment 7 to Local Planning Scheme No. 26 as detailed in **Attachment B**,
 - c. Amendment 26 to Town Planning Scheme No. 4 as detailed in **Attachment C**,
2. RESOLVES that the above three scheme amendments are standard amendments for the following reasons:
 - a. The scheme amendment will have minimal impact on land within the scheme area that is not the subject of the scheme amendment.
 - b. The scheme amendment will not result in any significant environmental, social, economic or governance impacts on land within the scheme area.
3. RESOLVES to prepare and advertise:
 - a. Draft revised *Planning Policy Section 3.9 - Special Residential (Serviced and Short-Term Accommodation) Policy* as detailed in **Attachment D**,
 - b. Draft *Tourist and Visitor Accommodation and Unhosted Short-Term Rental Accommodation Local Planning Policy* as detailed in **Attachment E**.
4. NOTES the scheme amendments will be forwarded to the Western Australian Planning Commission for approval to consult in accordance with Clauses 34 and 35 listed in this report

.CARRIED UNOPPOSED (5/0)

For : Deputy Lord Mayor Bruce Reynolds; Councillors Clyde Bevan, Raj Doshi, Liam Gobbert and Viktor Ko

Against : Nil



Amendment No. 53

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City of Perth
City Planning Scheme No. 2

Amendment No. 53

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 PREPARE AMENDMENT
TO CITY PLANNING SCHEME**

City of Perth

City of Perth City Planning Scheme No. 2

Amendment No. 53

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 15(2):
 - A. Insert the following additional use group categories:
 - (a) 'Hosted Short-Term Rental Accommodation'; and
 - (b) 'Unhosted Short-Term Rental Accommodation'.
2. In Schedule 1, 'Scheme Use Area - Description':
 - A. Amend the description of the City Centre scheme use area by inserting the use groups 'Hosted Short-Term Rental Accommodation' and 'Unhosted Short-Term Rental Accommodation' after 'Special Residential'.
 - B. Amend the description of Residential scheme use area by inserting the use group 'Hosted Short-Term Rental Accommodation' in between the words 'Residential' and 'Home Occupation', and 'Unhosted Short-Term Rental Accommodation' after 'Special Residential'.
 - C. Amend the description of Residential/Commercial scheme use area by inserting the use groups 'Hosted Short-Term Rental Accommodation' in between the words 'Residential' and 'Home Occupation', and 'Unhosted Short-Term Rental Accommodation' after 'Special Residential'.
 - D. Amend the description of Office/Residential scheme use area by inserting the use groups 'Hosted Short-Term Rental Accommodation' and 'Unhosted Short-Term Rental Accommodation' after the words 'preferred use groups are Residential,'.

3. In Schedule 2, 'Use Group Categories':

A. Insert the following additional use group categories:

Hosted Short-Term Rental Accommodation	has the same meaning given to it in clause 1 of the Deemed Provisions. <i>Note: Clause 1 of the Deemed Provisions defines "hosted short-term rental accommodation" as</i> <i>"means any of the following —</i> <i>(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;</i> <i>(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;</i> <i>(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."</i>
Unhosted Short-Term Rental Accommodation	has the same meaning given to it in clause 1 of the Deemed Provisions. <i>Note: Clause 1 of the Deemed Provisions defines "unhosted short-term rental accommodation" as "means short-term rental accommodation that —</i> <i>(a) is not hosted short-term rental accommodation; and</i> <i>(b) accommodates a maximum of 12 people per night."</i>

B. Amend the description for the Special Residential use group by replacing 'serviced apartment' with 'tourist and visitor accommodation'.

4. In Schedule 4, 'Definitions':

- A. Amend the definition for 'Hotel' as per Schedule 1 – Model provisions for local planning schemes.

Hotel	means premises the subject of a hotel licence other than a small bar or tavern licence granted under the Liquor Control Act 1988 including any betting agency on the premises;
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- B. Delete the definitions for:

- i. 'Serviced Apartment'; and
- ii. 'Short Term Accommodation'.

- C. Insert the definition 'Tourist and Visitor Accommodation' as per Schedule 1 – Model Provisions for Local Planning Schemes.

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;
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	(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;

5. In Schedule 3 'Use Group Tables' insert the following land use categories and permissibilities:

P1 Northbridge (CC)

Use Group	Use Symbol	
	East of Russell Square	West of Russell Square
Hosted short-term rental accommodation	P	P
Unhosted short-term rental accommodation	C	C

P3 Stirling (CC)

Use Group	Use Symbol
Hosted short-term rental accommodation	P
Unhosted short-term rental accommodation	C

P4 Victoria (CC)

Use Group	Use Symbol
Hosted short-term rental accommodation	P
Unhosted short-term rental accommodation	C

P5 Citiplace (CC)

Use Group	Use Symbol	
	King Street Heritage	Rest of Precinct
Hosted short-term rental accommodation	P	P
Unhosted short-term rental accommodation	C	C

P6 St Georges (CC)

Use Group	Use Symbol
Hosted short-term rental accommodation	P
Unhosted short-term rental accommodation	C

P7 Civic (CC)

Use Group	Use Symbol
Hosted short-term rental accommodation	P
Unhosted short-term rental accommodation	C

P9 Matilda Bay

Use Group	Use Symbol
Hosted short-term rental accommodation	P
Unhosted short-term rental accommodation	C

P10 West Perth

Use Group	Use Symbol				
	Residential R160	Residential/Commercial	Office/Residential	Commercial	Town Centre
Hosted short-term rental accommodation	P	P	P	P	P
Unhosted short-term rental accommodation	C	C	C	C	C

P11 Hamilton

Use Group	Use Symbol
Hosted short-term rental accommodation	P
Unhosted short-term rental accommodation	C

P13 Adelaide

Use Group	Use Symbol	
	Office/Residential	Residential R160
Hosted short-term rental accommodation	P	P
Unhosted short-term rental accommodation	C	C

P14 Goderich

Use Group	Use Symbol		
	Residential R160	Residential/Commercial	Town Centre
Hosted short-term rental accommodation	P	P	P
Unhosted short-term rental accommodation	C	C	C

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

Dated this _____ day of _____ 20__

(Chief Executive Officer)

Scheme Amendment Report

1.0 Introduction

The purpose of this amendment is to amend the City's local planning scheme to implement the State Government's planning reforms for Short-Term Rental Accommodation (STRA).

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.

2.0 Background

Short-Term Rental Accommodation 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 (WAPC) 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 the 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 to amend its schemes, 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 Minister for Planning has instructed local governments to amend local planning schemes to incorporate Planning Reform changes related to STRA by 1 July 2025.

At its meeting on 30 April 2024, Council resolved to seek approval from the Western Australian Planning Commission to advertise draft *Local Planning Scheme No. 3* (LPS3). As draft LPS3 will not meet the timeframes set out in the Minister for Planning's letter, officers from the DPLH have advised that the current local planning scheme is required to be amended to implement the STRA changes in accordance with the instructions from the Minister for Planning.

The City's *Local Planning Strategy*, endorsed by the WAPC on 30 May 2023, has set directions to increase the permanent residential population of Perth city, along with housing and household diversity, and to manage land use conflict between tourism and accommodation uses and other land uses. This amendment aligns with the direction of the *Local Planning Strategy*.

3.0 Planning Framework

3.1 State Planning Framework

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

3.1.1 Metropolitan Region Scheme

The subject land is zoned 'Central City Area' and 'Urban' under the Metropolitan Region Scheme (MRS). The subject land also includes several MRS reserves including 'Parks and Recreation', 'Public Purposes' and 'Civic Reserves'. This amendment has no implications on the existing MRS zoning of the subject land.

3.1.2 Position Statement: Planning for Tourism and Short-term Rental Accommodation

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.

3.1.3 Planning and Development (Local Planning Schemes) Regulations 2015

The *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) are a key component of Western Australia's planning system comprising of three major parts:

- The LPS Regulations set out the process for preparing or amending a local planning scheme.
- Schedule 1 – Model provisions for local planning schemes, are to be used by local governments in preparing or amending a local planning scheme.
- Schedule 2 – Deemed provisions for local planning schemes, are to be 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 Schedules 1 and 2 of the LPS 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. The changes are summarised as:

- 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.
- 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.
- A new model land use class of 'tourist and visitor accommodation' to differentiate these use types from STRA and consolidate several existing land use terms for tourist and visitor accommodation (aside from 'hotel'), as well as other changes to general definitions.
- A state-wide development approval exemption for 'hosted short-term rental accommodation' (this includes ancillary dwellings).

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

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

3.2 Local Planning Framework

3.2.1 City of Perth Local Planning Strategy

The City’s Local Planning Strategy (Strategy) was adopted in May 2023 to guide the growth and development of the city to 2036. It is the foundation document for the effective planning, management and delivery of development, infrastructure, facilities, places, and spaces.

Of relevance to this amendment, the Strategy identifies planning directions and actions to:

- Increase the permanent residential population of the city, along with housing and household diversity; and
- Manage land use conflict between tourism and accommodation uses and other land uses.

The State Government’s planning reforms for short-term rental accommodation will assist the City in delivering these planning directions, as they will help to manage the effects of tourism and short-term rental accommodation on the local housing market, including impacts on housing supply and the availability of dwellings for long-term rental.

The amendment will introduce ‘unhosted short-term rental accommodation’ as its own land use group, being classified as a ‘contemplated’ use. This will assist the City in fulfilling the action to better manage land use conflicts between tourism and short-term rental accommodation activities and other land uses, particularly permanent residences.

3.2.2 City Planning Scheme No. 2 (CPS2)

Land Use Categories

Under CPS2, land uses that have similar functional characteristics are grouped together as a single ‘use group category’. The use group categories are set out in Schedule 2 and each use group is assigned a singular land use permissibility in each scheme use area under Schedule 3 – Use Group Tables.

Currently under CPS2, short-term rental accommodation and tourist accommodation are included in the Special Residential use group, described as the following:

Use Group	Current CPS2 Definition
Special Residential	Premises providing short-term, temporary or specialised residential accommodation including: lodging house, hotel, serviced apartment.
Residential	Premises providing for long-term or permanent residential accommodation including: aged persons dwelling, caretaker’s dwelling, grouped dwelling, single house, multiple dwelling.

Land Use Permissibility

Under CPS2, a ‘P’ use is a ‘preferred use’ and a ‘C’ use is a ‘contemplated use’.

Clause 32 and 33 of CPS2 outlines the following provisions for the assessment of ‘preferred’ and ‘contemplated’ land uses:

Preferred	Where, in a precinct, a use group category is classified as a preferred use then, in considering an application involving a use from that category in that precinct, the local government – a) shall refuse the application if it involves a change of use prohibited by clause 35; and b) cannot otherwise refuse the application by reference to the proposal to begin or continue the preferred use. ‘Preferred’ uses do not require advertising and cannot be refused based on the merit of the land use.
Contemplated	The provisions of clause 67 of the Deemed Provisions apply to an application for a contemplated use. The local government may also require an application for a contemplated use to be advertised in accordance with clause 64 of the Deemed Provisions.

Data from the Department of Energy, Mines, Industry Regulation and Safety STRA Register (accessed 30 April 2025), shows there are 434 active STRA registrations within the City of Perth comprising of 376 Unhosted STRA and 58 Hosted STRA.

4.0 Proposed Amendment

With the introduction of the new deemed land use classes into planning schemes associated with short-term rental accommodation, this scheme amendment seeks to introduce, modify and delete various land use and general definitions to the City’s planning scheme.

The new exemptions are also ‘deemed’ and as such are already operative, however this amendment does include changes to the use group tables to reflect:

- The Hosted STRA exemption as a preferred use.
- Unhosted STRA as a contemplated use, requiring an application for development approval if operating longer than the exempt 90 day period.

4.1 Deemed Short-Term Rental Accommodation Land Use Classes

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

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 to insert two new use groups, ‘hosted short-term rental accommodation’ and ‘unhosted short-term rental accommodation’, with the following designations for these new use groups:

- ‘Hosted short-term rental accommodation’ is proposed to be classified as a Preferred use in all scheme use areas where the ‘Residential’ use group is capable of approval, to reflect the state-wide exemption in the ‘deemed provisions’;
- ‘Unhosted short-term rental accommodation’ is proposed to be classified as a Contemplated use in all scheme use areas where the ‘Residential’ use group is capable of approval.

Aside from the above, where use groups are listed in other sections of the scheme text, these are introduced accordingly.

4.2 Model 'Tourist and Visitor Accommodation' Land Use

A new model land use class of 'tourist and visitor accommodation' has been introduced into the LPS Regulations Schedule 1 – Model provisions for local planning schemes. This definition supersedes various traditional accommodation land use types (excluding 'hotel') and provides a clearer delineation between these uses and 'short-term rental accommodation'.

The new land use class of 'tourist and visitor accommodation' is proposed to be inserted into the 'Special Residential' use group category in Schedule 2 – Use Group Categories.

All references to 'serviced apartments' are proposed to be deleted, as 'serviced apartments' are specifically referenced in the new 'tourist and visitor accommodation' definition. This includes amending the Use Group Table and Definitions schedules of the scheme text accordingly.

4.3 New and Revised Land Use & General Definitions

As part of the LPS Regulations changes, amendments to some other model definitions were also introduced 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 from the land use definition for the Special Residential use group to avoid confusion with new terms relating to 'short-term rental accommodation' under the deemed provisions.

The land use term for 'Hotel' is also to be modified to align with the revised definition in the LPS Regulations Schedule 1 – Model provisions for local planning schemes.

Current Definition 'Hotel'	Amendment Definition 'Hotel'
<i>means any land or buildings providing accommodation for the public the subject of a hotel licence granted under the provisions of the Liquor Control Act 1988 and may include a betting agency operated in accordance with the Racing and Wagering Western Australia Act 2009 but does not include a motel, tavern or lodging house the subject of a limited hotel licence or other licence granted under that Act.</i>	<i>means premises the subject of a hotel licence other than a small bar or tavern licence granted under the Liquor Control Act 1988 including any betting agency on the premises.</i>

4.4 Scheme Amendment Classification

The proposed scheme amendment is considered to be a standard scheme amendment under the *Planning and Development (Local Planning Scheme) Regulations 2015* for the following reasons:

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

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Planning and Development Act 2005

**RESOLUTION TO PREPARE AMENDMENT
TO CITY PLANNING SCHEME**

City of Perth

City of Perth City Planning Scheme No. 2

Amendment No. 53

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 15(2):
 - A. Insert the following additional use group categories:
 - (c) 'Hosted Short-Term Rental Accommodation'; and
 - (d) 'Unhosted Short-Term Rental Accommodation'.
2. In Schedule 1, 'Scheme Use Area - Description':
 - A. Amend the description of the City Centre scheme use area by inserting the use groups 'Hosted Short-Term Rental Accommodation' and 'Unhosted Short-Term Rental Accommodation' after 'Special Residential'.
 - B. Amend the description of Residential scheme use area by inserting the use group 'Hosted Short-Term Rental Accommodation' in between the words 'Residential' and 'Home Occupation', and 'Unhosted Short-Term Rental Accommodation' after 'Special Residential'.
 - C. Amend the description of Residential/Commercial scheme use area by inserting the use groups 'Hosted Short-Term Rental Accommodation' in between the words 'Residential' and 'Home Occupation', and 'Unhosted Short-Term Rental Accommodation' after 'Special Residential'.
 - D. Amend the description of Office/Residential scheme use area by inserting the use groups 'Hosted Short-Term Rental Accommodation' and 'Unhosted Short-Term Rental Accommodation' after the words 'preferred use groups are Residential,'.

3. In Schedule 2, 'Use Group Categories':

C. Insert the following additional use group categories:

Hosted Short-Term Rental Accommodation	has the same meaning given to it in clause 1 of the Deemed Provisions. <i>Note: Clause 1 of the Deemed Provisions defines "hosted short-term rental accommodation" as</i> <i>"means any of the following —</i> <i>(d) 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;</i> <i>(e) 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;</i> <i>(f) 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."</i>
Unhosted Short-Term Rental Accommodation	has the same meaning given to it in clause 1 of the Deemed Provisions. <i>Note: Clause 1 of the Deemed Provisions defines "unhosted short-term rental accommodation" as "means short-term rental accommodation that —</i> <i>(a) is not hosted short-term rental accommodation; and</i> <i>(b) accommodates a maximum of 12 people per night."</i>

D. Amend the description for the Special Residential use group by replacing 'serviced apartment' with 'tourist and visitor accommodation'.

4. In Schedule 4, 'Definitions':

- A. Amend the definition for 'Hotel' as per Schedule 1 – Model provisions for local planning schemes.

Hotel	means premises the subject of a hotel licence other than a small bar or tavern licence granted under the Liquor Control Act 1988 including any betting agency on the premises;
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- B. Delete the definitions for:

- i. 'Serviced Apartment'; and
- ii. 'Short Term Accommodation'.

- C. Insert the definition 'Tourist and Visitor Accommodation' as per Schedule 1 – Model Provisions for Local Planning Schemes.

Tourist and Visitor Accommodation	(d) 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 (e) 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 (f) 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;
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	(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;

5. In Schedule 3 'Use Group Tables' insert the following land use categories and permissibilities:

P1 Northbridge (CC)

Use Group	Use Symbol	
	East of Russell Square	West of Russell Square
Hosted short-term rental accommodation	P	P
Unhosted short-term rental accommodation	C	C

P3 Stirling (CC)

Use Group	Use Symbol
Hosted short-term rental accommodation	P
Unhosted short-term rental accommodation	C

P4 Victoria (CC)

Use Group	Use Symbol
Hosted short-term rental accommodation	P
Unhosted short-term rental accommodation	C

P5 Citiplace (CC)

Use Group	Use Symbol	
	King Street Heritage	Rest of Precinct
Hosted short-term rental accommodation	P	P
Unhosted short-term rental accommodation	C	C

P6 St Georges (CC)

Use Group	Use Symbol
Hosted short-term rental accommodation	P
Unhosted short-term rental accommodation	C

P7 Civic (CC)

Use Group	Use Symbol
Hosted short-term rental accommodation	P
Unhosted short-term rental accommodation	C

P9 Matilda Bay

Use Group	Use Symbol
Hosted short-term rental accommodation	P
Unhosted short-term rental accommodation	C

P10 West Perth

Use Group	Use Symbol				
	Residential R160	Residential/Commercial	Office/Residential	Commercial	Town Centre
Hosted short-term rental accommodation	P	P	P	P	P
Unhosted short-term rental accommodation	C	C	C	C	C

P11 Hamilton

Use Group	Use Symbol
Hosted short-term rental accommodation	P
Unhosted short-term rental accommodation	C

P13 Adelaide

Use Group	Use Symbol	
	Office/Residential	Residential R160
Hosted short-term rental accommodation	P	P
Unhosted short-term rental accommodation	C	C

P14 Goderich

Use Group	Use Symbol		
	Residential R160	Residential/Commercial	Town Centre
Hosted short-term rental accommodation	P	P	P
Unhosted short-term rental accommodation	C	C	C

FORM 6A

COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the City of Perth at the Ordinary Meeting of the Council held on the ____ day of _____, 20 ____.

.....
LORD MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the City of Perth at the Ordinary Meeting of the Council held on the ____ day of _____, 20 ____, proceed to advertise this Amendment.

.....
LORD MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended _____ by resolution of the City of Perth at the Ordinary Meeting of the Council held on the ____ day of _____, 20 ____ and the Common Seal of the City of Perth was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
LORD MAYOR

.....
CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

THE P&D ACT 2005

APPROVAL GRANTED

.....
DELEGATED UNDER S.16 OF

DATE.....

.....
MINISTER FOR PLANNING

DATE.....



Amendment No. 7

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City of Perth
Local Planning Scheme No. 26
Amendment No. 7

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 PREPARE AMENDMENT
TO CITY PLANNING SCHEME**

City of Perth

City of Perth Local Planning Scheme No.26

Amendment No. 7

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

1. Amend clause 3.2 'Land Use Categories' by replacing 'seven' with 'eight'.
2. In Table 1: Land Use Categories:
 - A. Amend 'Category 5: Residential Land Uses' to:
 - i. Delete the following land uses under 5B Transient Residential:
 - *Short Term Accommodation*; and
 - *Serviced Apartments*.
 - ii. Insert the land use *Tourist and Visitor Accommodation* under 5B Transient Residential.
 - B. Insert the following new Land Use Category:

CATEGORY 8: SHORT-TERM RENTAL ACCOMMODATION	LAND USES
Description: Short-term Rental Accommodation (STRA) refers to the practice of renting out a dwelling or part of a dwelling to paying guests for stays of up to three months in duration. STRA is either hosted - where the host lives on the property during the short-term stay, or unhosted -	8A Hosted Short-term Rental Accommodation 8B Unhosted Short-term Rental Accommodation

where guests have exclusive use of an entire dwelling, for example a whole house or apartment.	
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3. Amend Part 4: Claisebrook Village Project Area to insert the following Land Use Categories and Use Symbols into the following clauses:

Land Use Category	Use Symbol
Category 8A Hosted Short-term Rental Accommodation	P
Category 8B Unhosted Short-term Rental Accommodation	C

- A. clause 4.2.2, Precinct EP1: Claisebrook Inlet
- B. clause 4.2.5, Lot 70 (No. 75) Haig Park Circle
- C. clause 4.3.2, Precinct EP2: Constitution Street
- D. clause 4.4.2, Precinct EP3: Royal Street Central
- E. clause 4.5.2, Precinct EP4: Silver City
- F. clause 4.6.2, Precinct EP5: Royal Street West
- G. clause 4.7.2, Precinct EP6: Boans
- H. clause 4.8.2, Precinct EP7: East Parade
- I. clause 4.9.2, Precinct EP8: Belvidere
- J. clause 4.10.2, Precinct EP9: Brown Street
- K. clause 4.13.2, Precinct EP12: Waterloo
- L. clause 4.14.2, Precinct EP13: Plain Street

4. Amend Part 4: Claisebrook Village Project Area to insert the following Land Use Categories and Use Symbols into the following clauses:

Land Use Category	Use Symbol
Category 8A Hosted Short-term Rental Accommodation	X
Category 8B Unhosted Short-term Rental Accommodation	X

- A. clause 4.11.2, Precinct EP10: Riverbank

B. clause 4.12.2, Precinct EP11: Cemeteries

5. Amend Part 5: New Northbridge Project Area to insert the following Land Use Categories and Use Symbols into the following clauses:

Land Use Category	Use Symbol
Category 8A Hosted Short-term Rental Accommodation	P
Category 8B Unhosted Short-term Rental Accommodation	C

A. clause 5.4.2, Precinct NB1: Russell Square

B. clause 5.5.2, Precinct NB2: Lake Street

C. clause 5.6.2, Precinct 22: Museum Street

6. Amend Part 6: Perth City Project Area to insert the following Land Use Categories and Use Symbols into the following clauses:

Land Use Category	Use Symbol
Category 8A Hosted Short-term Rental Accommodation	P
Category 8B Unhosted Short-term Rental Accommodation	C

A. clause 6.2.2, Precinct 35: Horseshoe Bridge Plaza (Yagan Square)

7. Amend Part 7: Perth Cultural Centre Project Area to insert the following Land Use Categories and Use Symbols into the following clauses:

Land Use Category	Use Symbol
Category 8A Hosted Short-term Rental Accommodation	P
Category 8B Unhosted Short-term Rental Accommodation	C

A. clause 7.2.2, Precinct 36: James Street

B. clause 7.3.2, Precinct 37: William Street

8. Amend Part 8: Elizabeth Quay Project Area to insert the following Land Use Categories and Use Symbols into the following clauses:

Land Use Category	Use Symbol
Category 8A Hosted Short-term Rental Accommodation	X
Category 8B Unhosted Short-term Rental Accommodation	X

A. clause 8.2.2, Precinct 40: Barrack Street

9. Amend Part 9: Riverside Project Area to insert the following Land Use Categories and Use Symbols into the following clauses:

Land Use Category	Use Symbol
Category 8A Hosted Short-term Rental Accommodation	P
Category 8B Unhosted Short-term Rental Accommodation	C

- A. clause 9.2.2, Precinct EP25: Queens
- B. clause 9.4.2, Precinct EP29: WACA
- C. clause 9.6.2, Precinct EP31: Gloucester Park
- D. clause 9.7.2, Precinct EP32: Hillside

10. Amend Part 9: Riverside Project Area to insert the following Land Use Categories and Use Symbols into the following clauses:

Land Use Category	Use Symbol
Category 8A Hosted Short-term Rental Accommodation	X
Category 8B Unhosted Short-term Rental Accommodation	X

- A. clause 9.5.2, Precinct EP30: Trinity College

11. Amend clauses 4.2.4(e)(i) and 4.4.4(c)(i):

From:

“Serviced Apartments means buildings which include self-contained units used for short stay accommodation together with associated office and service facilities, but the term does not include a hostel, a hotel, a motel or a lodging house; and”

To:

“Serviced Apartments means buildings which include self-contained units used for short-stay accommodation together with associated office and service facilities, but the term does not include hostel, hotel, lodging house, or other types of tourist and visitor accommodation.”

12. In Schedule 1: Interpretations, insert the following land use definitions as per Schedule 1 – Model Provisions for Local Planning Schemes:

Hotel	means premises the subject of a hotel licence other than a small bar or tavern licence granted under the Liquor Control Act 1988 including any betting agency on the premises;
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<i>Tourist and Visitor Accommodation</i>	(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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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;
3. the amendment is not considered a complex or basic amendment.

Dated this _____ day of _____ 20____

(Chief Executive Officer)

Scheme Amendment Report

1.0 Introduction

The purpose of this amendment is to amend the City's local planning scheme to implement the State Government's planning reforms for Short-Term Rental Accommodation (STRA).

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.

2.0 Background

Short-Term Rental Accommodation 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 (WAPC) 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 the 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 to amend its schemes, 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 Minister for Planning has instructed local governments to amend local planning schemes to incorporate Planning Reform changes related to STRA by 1 July 2025.

At its meeting on 30 April 2024, Council resolved to seek approval from the Western Australian Planning Commission to advertise draft *Local Planning Scheme No. 3* (LPS3). As draft LPS3 will not meet the timeframes set out in the Minister for Planning's letter, officers from the DPLH have advised that the current local planning scheme is required to be amended to implement the STRA changes in accordance with the instructions from the Minister for Planning.

The City's *Local Planning Strategy*, endorsed by the WAPC on 30 May 2023, has set directions to increase the permanent residential population of Perth city, along with housing and household diversity, and to manage land use conflict between tourism and accommodation uses and other land uses. This amendment aligns with the direction of the *Local Planning Strategy*.

3.0 Planning Framework

3.1 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.

3.1.1 Metropolitan Region Scheme

The subject land is zoned 'Central City Area' and 'Urban' under the Metropolitan Region Scheme (MRS). The subject land also includes several MRS reserves including 'Parks and Recreation', 'Public Purposes' and 'Civic Reserves'. This amendment has no implications on the existing MRS zoning of the subject land.

3.1.2 Position Statement: Planning for Tourism and Short-term Rental Accommodation

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.

3.1.3 Planning & Development (Local Planning Schemes) Regulations 2015

The *Planning & Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) are a key component of Western Australia's planning system comprising of three major parts:

- The LPS Regulations set out the process for preparing or amending a local planning scheme.
- Schedule 1 – Model provisions for local planning schemes, are to be used by local governments in preparing or amending a local planning scheme.
- Schedule 2 – Deemed provisions for local planning schemes, are to be 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 Schedules 1 and 2 of the LPS 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. The changes are summarised as:

- 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.
- 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.
- A new model land use class of 'tourist and visitor accommodation' to differentiate these use types from STRA and consolidate several existing land use terms for tourist and visitor accommodation (aside from 'hotel'), as well as other changes to general definitions.
- A state-wide development approval exemption for 'hosted short-term rental accommodation' (this includes ancillary dwellings).
- A 90-night (cumulative) exemption within a 12-month period for 'unhosted short-term rental accommodation' in the Perth metropolitan area.

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

3.2 Local Planning Framework

3.2.1 City of Perth Local Planning Strategy

The City's Local Planning Strategy (Strategy) was adopted in May 2023 to guide the growth and development of the city to 2036. It is the foundation document for the effective planning, management and delivery of development, infrastructure, facilities, places, and spaces.

Of relevance to this amendment, the Strategy identifies planning directions and actions to:

- Increase the permanent residential population of the city, along with housing and household diversity; and
- Manage land use conflict between tourism and accommodation uses and other land uses.

The State Government's planning reforms for short-term rental accommodation will assist the City in delivering these planning directions, as they will help to manage the effects of tourism and short-term rental accommodation on the local housing market, including impacts on housing supply and the availability of dwellings for long-term rental.

The amendment will introduce 'unhosted short-term rental accommodation' as its own land use group, being classified as a 'contemplated' use. This will assist the City in fulfilling the action to better manage land use conflicts between tourism and short-term rental accommodation activities and other land uses, particularly permanent residences.

3.2.2 Local Planning Scheme No.26 (LPS26)

Land Use Categories

Under LPS26 land uses that have similar functional characteristics are grouped together as a single 'land use category.' Each land use category is assigned a singular land use permissibility under the scheme in each precinct.

Currently under LPS26, short-term rental accommodation and tourist accommodation are included in the Transient Residential use category, being a sub-category of Residential.

Category 5: Residential	Land Uses
A building or a portion of a building that is designed or adapted for habitation. In determining an application for development approval for a land use within the Residential land use category, in addition to other provisions of the Scheme, the local government shall have regard to the following objectives: - encouragement of a socially diverse inner city population; - the provision of a diversity of housing and accommodation types, size and tenure; - the provision of social and affordable housing; - the provision of universally accessible and adaptive housing; - the compatibility of new residential development with existing land uses; and - the need to separate permanent residential development from transient accommodation or other land uses, where appropriate.	5A Permanent Residential Single House Multiple Dwelling Grouped Dwelling Specific Purpose Housing Home Occupation
	5B Transient Residential Lodging House Short Term Accommodation Serviced Apartments Hotel Hostel

Land Use Permissibility

Under LPS26, a 'P' use is a 'preferred use' and a 'C' use is a 'contemplated use'. The following provisions are provided for the assessment of 'preferred' and 'contemplated' land uses:

Preferred	Where, in a precinct, a use group category is classified as a preferred use then, in considering an application involving a use from that category in that precinct, the local government – a) shall refuse the application if it involves a change of use prohibited by clause 35; and b) cannot otherwise refuse the application by reference to the proposal to begin or continue the preferred use. 'Preferred' uses do not require advertising and cannot be refused based on the merit of the land use.
Contemplated	The provisions of clause 67 of the Deemed Provisions apply to an application for a contemplated use. The local government may also require an application for a contemplated use to be advertised in accordance with clause 64 of the Deemed Provisions.

Data from the Department of Energy, Mines, Industry Regulation and Safety STRA Register (accessed 30 April 2025), shows there are 434 active STRA registrations within the City of Perth comprising of 376 Unhosted STRA and 58 Hosted STRA.

Proposed Amendment

With the introduction of the new deemed land use classes into planning schemes associated with short-term rental accommodation, this scheme amendment seeks to introduce, modify and delete various land use and general definitions to the City's planning scheme.

The new exemptions are also 'deemed' and as such are already operative, however this amendment does include changes to the use group tables to reflect:

- The Hosted STRA exemption as a preferred use.
- Unhosted STRA as a contemplated use, requiring an application for development approval if operating longer than the exempt 90-day period.

4.1 Deemed Short-Term Rental Accommodation Land Use Classes

Whilst the new 'deemed' land use classes are automatically read into the City'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 land use classes within the City's planning framework.

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 to insert two new use categories, 'hosted short-term rental accommodation' and 'unhosted short-term rental accommodation', with the following designations for these new use groups:

- 'Hosted short-term rental accommodation' is proposed to be classified as Preferred use in all precincts where 'Permanent Residential' use category is capable of approval, to reflect the state-wide exemption in the 'deemed provisions'.
- 'Unhosted short-term rental accommodation' is proposed to be classified as Contemplated use in all precincts where 'Permanent Residential' use category is capable of approval.

Aside from the above, where use groups are listed in other sections of the scheme text, these are introduced accordingly.

4.2 Model 'Tourist and Visitor Accommodation' Land Use

A new model land use class of 'tourist and visitor accommodation' has been introduced into the LPS Regulations Schedule 1 – Model provisions for local planning schemes. This definition supersedes various traditional accommodation land use types (excluding 'hotel') and provides a clearer delineation between these uses and 'short-term rental accommodation'.

The new land use class of 'tourist and visitor accommodation' is proposed to be inserted into the 'Transient Residential' land use group category in Table 1 – Land Use Categories.

4.3 New and Revised Land Use & General Definitions

As part of the LPS Regulations changes, amendments to some other model definitions were also introduced to not cause confusion or conflict with the new short-term rental accommodation land use terms. The scheme amendment includes the deletion of the term 'short-term accommodation' from Table 1: Land Use Categories, to avoid confusion with new terms relating to 'short-term rental accommodation'.

The land use term for 'Hotel' is also to be modified to align with the revised definition in the LPS Regulations Schedule 1 – Model provisions for local planning schemes.

Current Definition 'Hotel'	Amendment Definition 'Hotel'
<i>means any land or buildings providing accommodation for the public the subject of a hotel licence granted under the provisions of the Liquor Control Act 1988 and may include a betting agency operated in accordance with the Racing and Wagering Western Australia Act 2009 but does not include a motel, tavern or lodging house the subject of a limited hotel licence or other licence granted under that Act.</i>	<i>means premises the subject of a hotel licence other than a small bar or tavern licence granted under the Liquor Control Act 1988 including any betting agency on the premises.</i>

4.4 Scheme Amendment Classification

The proposed scheme amendment is considered to be a standard scheme amendment under the *Planning and Development (Local Planning Scheme) Regulations 2015* for the following reasons:

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

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Planning and Development Act 2005

**RESOLUTION TO PREPARE AMENDMENT
TO CITY PLANNING SCHEME**

City of Perth

City of Perth Local Planning Scheme No.26

Amendment No. 7

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

1. Amend clause 3.2 'Land Use Categories' by replacing 'seven' with 'eight'.
2. In Table 1: Land Use Categories:
 - A. Amend 'Category 5: Residential Land Uses' to:
 - iii. Delete the following land uses under 5B Transient Residential:
 - o *Short Term Accommodation*; and
 - o *Serviced Apartments*.
 - iv. Insert the land use *Tourist and Visitor Accommodation* under 5B Transient Residential.
 - B. Insert the following new Land Use Category:

CATEGORY 8: SHORT-TERM RENTAL ACCOMMODATION	LAND USES
Description: Short-term Rental Accommodation (STRA) refers to the practice of renting out a dwelling or part of a dwelling to paying guests for stays of up to three months in duration. STRA is either hosted - where the host lives on the property during the short-term stay, or unhosted - where guests have exclusive use of an entire dwelling, for example a whole house or apartment.	8A Hosted Short-term Rental Accommodation 8B Unhosted Short-term Rental Accommodation

3. Amend Part 4: Claisebrook Village Project Area to insert the following Land Use Categories and Use Symbols into the following clauses:

Land Use Category	Use Symbol
Category 8A Hosted Short-term Rental Accommodation	P
Category 8B Unhosted Short-term Rental Accommodation	C

- A. clause 4.2.2, Precinct EP1: Claisebrook Inlet
- B. clause 4.2.5, Lot 70 (No. 75) Haig Park Circle
- C. clause 4.3.2, Precinct EP2: Constitution Street
- D. clause 4.4.2, Precinct EP3: Royal Street Central
- E. clause 4.5.2, Precinct EP4: Silver City
- F. clause 4.6.2, Precinct EP5: Royal Street West
- G. clause 4.7.2, Precinct EP6: Boans
- H. clause 4.8.2, Precinct EP7: East Parade
- I. clause 4.9.2, Precinct EP8: Belvidere
- J. clause 4.10.2, Precinct EP9: Brown Street
- K. clause 4.13.2, Precinct EP12: Waterloo
- L. clause 4.14.2, Precinct EP13: Plain Street

4. Amend Part 4: Claisebrook Village Project Area to insert the following Land Use Categories and Use Symbols into the following clauses:

Land Use Category	Use Symbol
Category 8A Hosted Short-term Rental Accommodation	X
Category 8B Unhosted Short-term Rental Accommodation	X

- A. clause 4.11.2, Precinct EP10: Riverbank
- B. clause 4.12.2, Precinct EP11: Cemeteries

5. Amend Part 5: New Northbridge Project Area to insert the following Land Use Categories and Use Symbols into the following clauses:

Land Use Category	Use Symbol
Category 8A Hosted Short-term Rental Accommodation	P
Category 8B Unhosted Short-term Rental Accommodation	C

A. clause 5.4.2, Precinct NB1: Russell Square

B. clause 5.5.2, Precinct NB2: Lake Street

C. clause 5.6.2, Precinct 22: Museum Street

6. Amend Part 6: Perth City Project Area to insert the following Land Use Categories and Use Symbols into the following clauses:

Land Use Category	Use Symbol
Category 8A Hosted Short-term Rental Accommodation	P
Category 8B Unhosted Short-term Rental Accommodation	C

A. clause 6.2.2, Precinct 35: Horseshoe Bridge Plaza (Yagan Square)

7. Amend Part 7: Perth Cultural Centre Project Area to insert the following Land Use Categories and Use Symbols into the following clauses:

Land Use Category	Use Symbol
Category 8A Hosted Short-term Rental Accommodation	P
Category 8B Unhosted Short-term Rental Accommodation	C

A. clause 7.2.2, Precinct 36: James Street

B. clause 7.3.2, Precinct 37: William Street

8. Amend Part 8: Elizabeth Quay Project Area to insert the following Land Use Categories and Use Symbols into the following clauses:

Land Use Category	Use Symbol
Category 8A Hosted Short-term Rental Accommodation	X
Category 8B Unhosted Short-term Rental Accommodation	X

A. clause 8.2.2, Precinct 40: Barrack Street

9. Amend Part 9: Riverside Project Area to insert the following Land Use Categories and Use Symbols into the following clauses:

Land Use Category	Use Symbol
Category 8A Hosted Short-term Rental Accommodation	P
Category 8B Unhosted Short-term Rental Accommodation	C

- A. clause 9.2.2, Precinct EP25: Queens
- B. clause 9.4.2, Precinct EP29: WACA
- C. clause 9.6.2, Precinct EP31: Gloucester Park
- D. clause 9.7.2, Precinct EP32: Hillside

10. Amend Part 9: Riverside Project Area to insert the following Land Use Categories and Use Symbols into the following clauses:

Land Use Category	Use Symbol
Category 8A Hosted Short-term Rental Accommodation	X
Category 8B Unhosted Short-term Rental Accommodation	X

- A. clause 9.5.2, Precinct EP30: Trinity College

11. Amend clauses 4.2.4(e)(i) and 4.4.4(c)(i):

From:

“Serviced Apartments means buildings which include self-contained units used for short stay accommodation together with associated office and service facilities, but the term does not include a hostel, a hotel, a motel or a lodging house; and”

To:

“Serviced Apartments means buildings which include self-contained units used for short-stay accommodation together with associated office and service facilities, but the term does not include hostel, hotel, lodging house, or other types of tourist and visitor accommodation.”

12. In Schedule 1: Interpretations, insert the following land use definitions as per Schedule 1 – Model Provisions for Local Planning Schemes:

Hotel	means premises the subject of a hotel licence other than a small bar or tavern licence granted under the Liquor Control Act 1988 including any betting agency on the premises;
Tourist and Visitor Accommodation	(d) 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 (e) 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 (f) 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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FORM 6A

COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the City of Perth at the Ordinary Meeting of the Council held on the ____ day of _____, 20____.

.....
LORD MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the City of Perth at the Ordinary Meeting of the Council held on the ____ day of _____, 20 __, proceed to advertise this Amendment.

.....
LORD MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended _____ by resolution of the City of Perth at the Ordinary Meeting of the Council held on the ____ day of _____, 20 ____ and the Common Seal of the City of Perth was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
LORD MAYOR

.....
CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

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

DATE.....

APPROVAL GRANTED

.....
MINISTER FOR PLANNING

DATE.....



Amendment No. 26

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CITY of PERTH

City of Perth Town Planning Scheme No. 4

Amendment No. 26

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 PREPARE AMENDMENT
TO LOCAL PLANNING SCHEME**

City of Perth

Town Planning Scheme No. 4

Amendment No. 26

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 Schedule 1: Definitions:

A. Delete the definitions for:

- (a) Bed and Breakfast
- (b) Motel; and
- (c) Serviced Apartments.

B. Insert the definition 'Tourist and Visitor Accommodation' as per Schedule 1 – Model Provisions for Local Planning Schemes.

Tourist and Visitor Accommodation: means

- (a) *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;*

C. Amend the definition of Floor area of a building by deleting paragraph (b)(ii) and inserting:

(b)(ii) those parts of each of the floors used for residential purposes of a hotel, tourist and visitor accommodation, an educational establishment, an institutional building or a hospital which accommodates members of the staff of the hospital, including the area of passages, lobbies, amenities and accessways, but shall not include the area of lift shafts, stairs, plant rooms, non-habitable floorspace in basements, private car parks and any portion of an open balcony which portion is of not more than 2.4 metres in depth provided that the longest open side of the balcony has no enclosure other than a balustrade of not more than 1.05 metres in height and to which there is no access other than by way of the tenancy of which it forms an exclusive part; and

D. Amend the definition for Hotel as per Schedule 1 – Model provisions for local planning schemes.

Hotel: *means premises the subject of a hotel licence other than a small bar or tavern licence granted under the Liquor Control Act 1988 including any betting agency on the premises;*

2. In Table 1 – Zoning Table, insert the following land uses and permissibility:

USE CLASSES	RESIDENTIAL R15 AND R20	RESIDENTIAL R30, R35, R40, R50 AND R60	RESIDENTIAL R80	TOWN CENTRE	COMMERCIAL/ RESIDENTIAL	NEIGHBOURHOOD MIXED USE	LOCAL CENTRE	TOWN CENTRE DEVELOPMENT ZONE
Hosted Short-Term Rental Accommodation	P	P	P	-	-	P	-	REFER TO SCHEDULE 8
Tourist and Visitor Accommodation	X	D	D	-	-	D	-	
Unhosted Short-Term Rental Accommodation	D	D	D	-	-	D	-	

3. In Table 1 – Zoning Table, delete the following land uses and associated permissibility:
- A. Bed & Breakfast; and
 - B. Serviced Apartments.
4. In Table No. 2 – Car Parking Requirements, insert the following land uses and corresponding number of parking bays:
- A. Unhosted Short-term Rental Accommodation; as per Residential Design Codes.
 - B. Tourist and Visitor Accommodation; 1 per unit of accommodation.
5. In Table No. 2 – Car Parking Requirements, delete the following land uses and associated parking requirements:
- A. Bed and Breakfast Establishment
 - B. Motel; and
 - C. Serviced Apartments.
6. In Schedule 7: End of Trip Facilities for Bicycle Users, insert in alphabetical order the following:

Tourist and Visitor Accommodation	1 per 750m ² net lettable area	1 or 2	Nil	N/A
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7. In Schedule 7: End of Trip Facilities for Bicycle Users, delete the following land uses and associated end of trip facility requirements:
- A. Bed and Breakfast Establishment
 - B. Motel; and
 - C. Serviced Apartments.

The amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

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

1.0 Introduction

The purpose of this amendment is to amend the City's Town Planning Scheme No. 4 (TPS4) to implement the State Government's planning reforms for Short-Term Rental Accommodation (STRA).

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.

2.0 Background

Short-Term Rental Accommodation 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 (WAPC) 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 the 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 to amend its schemes, 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 Minister for Planning has instructed local governments to amend local planning schemes to incorporate Planning Reform changes related to STRA by 1 July 2025.

At its meeting on 30 April 2024, Council resolved to seek approval from the Western Australian Planning Commission to advertise draft Local Planning Scheme No. 3 (LPS3). As draft LPS3 will not be gazetted prior to 1 July 2025, officers from the DPLH have advised that the current local planning scheme is required to be amended to implement the STRA changes in accordance with the instructions from the Minister for Planning.

The City's Local Planning Strategy, endorsed by the WAPC on 30 May 2023, has set directions to increase the permanent residential population of Perth city, along with housing and household diversity, and to manage land use conflict between tourism and accommodation uses and other land uses. This amendment aligns with the direction of the Local Planning Strategy.

3.0 Planning Framework

3.1 State Planning Framework

3.1.1 Position Statement

The Position Statement foreshadowed a series of amendments to the 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.

3.1.2 *Planning and Development (Local Planning Schemes) Regulations 2015*

The *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) are a key component of Western Australia's planning system comprising of three major parts:

- The LPS Regulations set out the process for preparing or amending a local planning scheme.
- Schedule 1 – Model provisions for local planning schemes, are to be used by local governments in preparing or amending a local planning scheme.
- Schedule 2 – Deemed provisions for local planning schemes, are to be 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 Schedules 1 and 2 of the LPS Regulations have been made to facilitate the necessary planning changes of the State Government's STRA reform initiatives, as envisaged by the Position Statement. The changes are summarised as:

- 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.
- 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.
- A new model land use class of 'tourist and visitor accommodation' to differentiate these use types from STRA and consolidate several existing land use terms for tourist and visitor accommodation (aside from 'hotel'), as well as other changes to general definitions.
- A state-wide development approval exemption for 'hosted short-term rental accommodation' (this includes ancillary dwellings).
- A 90-night (cumulative) exemption within a 12-month period for 'unhosted short-term rental accommodation' in the Perth metropolitan area.

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

3.1.3 Improvement Plan No. 63 – UWA QEII (Specialised) Activity Centre

The WAPC's State Planning Framework identifies the University of Western Australia, the QEII Medical Centre, and immediate surrounds, as a specialised activity centre. These types of centres focus on regionally significant economic and institutional activities and the State Planning Framework requires that they are comprehensively planned, with a primary aim being to protect the underlying land use while fostering growth and further clustering.

On 28 June 2024, Improvement Plan No. 63 came into effect, covering TPS4 within the City of Perth district, except for the Derbarl Yerrigan / Swan River foreshore reserves.

Section 122A of the *Planning and Development Act 2005* enables the WAPC to introduce an Improvement Scheme in areas where an improvement plan is in place, with the provisions of an Improvement Scheme prevailing over the applicable local planning scheme. It is anticipated that a UWA QEII (Specialised) Activity Centre Improvement Scheme will be introduced in the near-term and will supersede TPS4.

3.2 Local Planning Framework

3.2.1 City of Perth Local Planning Strategy

The City's Local Planning Strategy (Strategy) was adopted in May 2023 to guide the growth and development of the city to 2036. It is the foundation document for the effective planning, management and delivery of development, infrastructure, facilities, places, and spaces.

Of relevance to this amendment, the Strategy identifies planning directions and actions to:

- Increase the permanent residential population of the city, along with housing and household diversity; and
- Manage land use conflict between tourism and accommodation uses and other land uses.

The State Government's planning reforms for short-term rental accommodation will assist the City in delivering these planning directions, as they will help to manage the effects of tourism and short-term rental accommodation on the local housing market, including impacts on housing supply and the availability of dwellings for long-term rental.

The amendment will introduce 'unhosted short-term rental accommodation' as a 'discretionary' use. This will assist the City in fulfilling the action to better manage land use conflicts between tourism and short-term rental accommodation activities and other land uses, particularly permanent residences.

3.2.3 City of Subiaco Town Planning Scheme No. 4

TPS4 was prepared by the City of Subiaco and gazetted on 23 March 2001 and last updated via an amendment gazetted on 1 April 2016; however, the *City of Perth Act 2016* had received Royal Assent on 3 March 2016 and came into full operation on 4 March 2016, transferring portions of the suburbs of Crawley and Nedlands from the City of Subiaco district to the City of Perth. Since that time, the City of Perth has continued to administer TPS4 within its district, under s.73(2) of the *Planning and Development Act 2005*.

TPS4 contains eight zones; however, within the City of Perth district, only four of those zones are applicable, namely:

- Residential R15 and R20
- Residential R30, R35, R40, R50, R60

- Residential R80; and
- Neighbourhood Mixed Use.

The short-term accommodation land uses include only 'bed and breakfast' and 'serviced apartments'. The short-term rental of individual dwellings (i.e., unhosted STRA) does not fit within the current land use classes and therefore would be treated as a use not listed.

The relevant uses in TPS4 are assigned the following permissibility in each of the applicable zones:

Table 1 – Current short-term accommodation land use permissibility

USE CLASSES	RESIDENTIAL R15 AND R20	RESIDENTIAL R30, R35, R40, R50, R60	RESIDENTIAL R80	NEIGHBOURHOOD MIXED USE
Bed & Breakfast	A	A	A	A
Serviced Apartments	X	D	P	D

There have been no applications made for the use of individual dwellings as short-term rental accommodation during the period in which the City of Perth has administered TPS4. Similarly, no compliance issues surrounding the use of individual dwellings for this purpose have arisen.

4.0 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 in TPS4. 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.

4.1 Deemed Short-Term Rental Accommodation Land Use Classes

Whilst the new deemed land use classes are automatically read into the City'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's planning framework.

To implement the required changes, this amendment requires deletion of all references to the land use class of 'bed and breakfast', replaced with the new deemed definition of 'hosted short-term rental accommodation', and the introduction of the new deemed definition of 'unhosted short-term rental accommodation'. This includes amending the Zoning Table and Definitions schedules of the scheme text accordingly.

In addition to the 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 applicable zones within TPS4, to reflect the state-wide exemption in the deemed provisions.
- 'Unhosted short-term rental accommodation' is proposed to be listed as a D use in the Neighbourhood Mixed Use zone, Residential R15 and R20, Residential R30, R35, R40, R50, R60, and Residential R80 zones.

Where a zone within TPS4 does not exist within the City of Perth district, it is proposed to leave the land use permissibility for 'hosted short-term rental accommodation' and 'unhosted short-term rental accommodation' blank and insert the following explanatory note below the Zoning Table to clarify the situation:

NOTE: Land use classes introduced following the City of Perth Act 2016 coming into operation have not been assigned permissibility in zones that do not occur within the City of Perth district.

4.2 Model 'Tourist and Visitor Accommodation' Land Use

A new model land use class of 'tourist and visitor accommodation' has been introduced into the LPS Regulations Schedule 1 – Model provisions for local planning schemes. This definition supersedes various traditional accommodation land use types (excluding 'hotel') and provides a clearer delineation between these uses and 'short-term rental accommodation'.

It is proposed to insert the new land use class of 'tourist and visitor accommodation' into Table 1 – Zoning Table and delete 'motel' and 'serviced apartments'.

Currently, land use permissibility is assigned to 'motel' and 'serviced apartments' in the applicable zones under TPS4 as follows:

Table 2 – Current land use permissibility of 'motel' and 'serviced apartments'

USE CLASSES	RESIDENTIAL R15 AND R20	RESIDENTIAL R30, R35, R40, R50, R60	RESIDENTIAL R80	NEIGHBOURHOOD MIXED USE
Motel	X	X	X	A
Serviced Apartments	X	D	P	D

Recognising that short-term accommodation should not be precluded in any zone where it would have been previously permissible, whether as a 'motel' or 'serviced apartments', it is proposed to assign land use permissibility to 'tourist and visitor accommodation' as follows:

Table 1 – Proposed land use permissibility for ‘tourist and visitor accommodation’

USE CLASSES	RESIDENTIAL R15 AND R20	RESIDENTIAL R30, R35, R40, R50, R60	RESIDENTIAL R80	NEIGHBOURHOOD MIXED USE
Tourist and Visitor Accommodation	X	D	D	D

It is acknowledged that ‘serviced apartments’ is currently a P use in the Residential R80 zone; however, it is considered that the introduction of a requirement to obtain development approval is not unreasonable, as there is no guarantee that ‘tourist and visitor accommodation’ would have an on-site manager, which could lead to amenity impacts that do not align with the level of residential amenity expected in the zone. By requiring an operator to obtain development approval, the City could apply appropriate planning conditions to ensure a degree of control over how the premises is managed, in the interests of protecting the amenity of surrounding residents.

Although a ‘motel’ is currently designated as an A use in the Neighbourhood Mixed Use zone, it is considered that the designation of ‘tourist and visitor accommodation’ as a D use in the zone, consistent with ‘serviced apartments’, is more appropriate, as the mix of permissible land uses is such that there is less likelihood of any significant amenity impacts occurring. As a D use, advertising can still occur through the development application process.

4.3 New and Revised Land Use and General Definitions

As part of the changes to the Regulations, amendments to some other model definitions were also introduced so as not to 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’.

In addition, the definition of ‘floor area of a building’ in TPS4 references ‘a motel, a private hotel, and a serviced apartment’ in part (b)(ii):

Floor area of a building: means

- (a) for a private residential building : the meaning outlined in the definition of plot ratio in the Codes;
- (b) for a non-private residential building : the gross total area of:
 - (i) each of the floors of a lodging house; or
 - (ii) those parts of each of the floors used for residential purposes of a hotel, a motel, a private hotel, a serviced apartment, an educational establishment, an institutional building or a hospital which accommodates members of the staff of the hospital, including the area of passages, lobbies, amenities and accessways, but shall not include the area of lift shafts, stairs, plant rooms, non-habitable floorspace in basements, private car parks and any portion of an open balcony which portion is of not more than 2.4 metres in depth provided that the longest open side of the balcony has no enclosure other

than a balustrade of not more than 1.05 metres in height and to which there is no access other than by way of the tenancy of which it forms an exclusive part; and

- (c) *for a non-residential building: the gross total area of each of the floors of the building including the area of carparking spaces in public fee-paying car parks but shall not include the area of private car parks, the areas of lift shafts, stairs, toilets, amenities, plant rooms and the thickness of any external walls.*

It is therefore proposed to replace 'a motel, a private hotel, a serviced apartment' with 'tourist and visitor accommodation' for consistency with changes to the model provisions:

- (iii) *those parts of each of the floors used for residential purposes of a hotel, tourist and visitor accommodation, an educational establishment, an institutional building or a hospital which accommodates members of the staff of the hospital, including the area of passages, lobbies, amenities and accessways, but shall not include the area of lift shafts, stairs, plant rooms, non-habitable floorspace in basements, private car parks and any portion of an open balcony which portion is of not more than 2.4 metres in depth provided that the longest open side of the balcony has no enclosure other than a balustrade of not more than 1.05 metres in height and to which there is no access other than by way of the tenancy of which it forms an exclusive part; and*

The definition of 'hotel' in TPS4 also references a 'motel' and is inconsistent with the model definition given in the Regulations:

***Hotel:** means any land or buildings providing accommodation for the public the subject of a hotel licence granted under the provisions of the Liquor Control Act 1988 and may include a betting agency operated in accordance with the Racing and Wagering Western Australia Act 2009 but does not include a motel, tavern or lodging house the subject of a limited hotel licence or other licence granted under that Act.*

It is therefore proposed to replace this definition with the model definition:

***hotel** means premises the subject of a hotel licence other than a small bar or tavern licence granted under the Liquor Control Act 1988 including any betting agency on the premises.*

4.4 Revised Car Parking Requirements and End of Trip Facilities for Bicycle Users

In addition to the changes proposed to land uses and definitions, it is proposed to make corresponding amendments to Table No. 2 – Car Parking Requirements and Schedule 7: End of Trip Facilities for Bicycle Users to ensure that adequate parking and end of trip facilities continue to be provided in new developments. This includes deletion of all references to:

- 'Bed and breakfast establishment'
- 'Motel'; and
- 'Serviced apartments'.

In Table No. 2 – Car Parking Requirements, it is proposed to insert in alphabetical order the following land uses and number of parking bays:

- Tourist and visitor accommodation; 1 per unit of accommodation.
- Unhosted short-term rental accommodation; as per Residential Design Codes.

The proposed requirement for 'tourist and visitor accommodation' is consistent with those of 'serviced apartments' and the accommodation component of a 'motel'. As 'unhosted short-term rental accommodation' is the short-term rental of a single dwelling, it is only considered necessary that the parking requirements of the Residential Design Codes are met.

In Schedule 7: End of Trip Facilities for Bicycle Users, it is proposed to insert in alphabetical order the following:

Tourist and Visitor Accommodation	1 per 750m ² net lettable area	1 or 2	Nil	N/A
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These requirements are consistent with those of 'serviced apartments' and will ensure an adequate level of on-site bicycle parking and the provision of suitable end of trip facilities.

4.5 Scheme Amendment Classification

The proposed scheme amendment is considered to be a standard scheme amendment under the *Planning and Development (Local Planning Scheme) Regulations 2015* for the following reasons:

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

Planning and Development Act 2005

**RESOLUTION TO PREPARE AMENDMENT
TO LOCAL PLANNING SCHEME**

City of Perth

City of Subiaco Town Planning Scheme No. 4

Amendment No. 26

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 Schedule 1: Definitions:

A. Delete the definitions for:

- (a) Bed and Breakfast
- (b) Motel; and
- (c) Serviced Apartments.

B. Insert the definition 'Tourist and Visitor Accommodation' as per Schedule 1 – Model Provisions for Local Planning Schemes.

Tourist and Visitor Accommodation: means

- (a) *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;*

C. Amend the definition of Floor area of a building by deleting paragraph (b)(ii) and inserting:

- (b)(ii) those parts of each of the floors used for residential purposes of a hotel, tourist and visitor accommodation, an educational establishment, an institutional building or a hospital which accommodates members of the staff of the hospital, including the area of passages, lobbies, amenities and accessways, but shall not include the area of lift shafts, stairs, plant rooms, non-habitable floorspace in basements, private car parks and any portion of an open balcony which portion is of not more than 2.4 metres in depth provided that the longest open side of the balcony has no enclosure other than a balustrade of not more than 1.05 metres in height and to which there is no access other than by way of the tenancy of which it forms an exclusive part; and*

D. Amend the definition for Hotel as per Schedule 1 – Model provisions for local planning schemes.

Hotel: *means premises the subject of a hotel licence other than a small bar or tavern licence granted under the Liquor Control Act 1988 including any betting agency on the premises;*

2. In Table 1 – Zoning Table, insert the following land uses and permissibility:

USE CLASSES	RESIDENTIAL R15 AND R20	RESIDENTIAL R30, R35, R40, R50 AND R60	RESIDENTIAL R80	TOWN CENTRE	COMMERCIAL/ RESIDENTIAL	NEIGHBOURHOOD MIXED USE	LOCAL CENTRE	TOWN CENTRE DEVELOPMENT ZONE
Hosted Short-Term Rental Accommodation	P	P	P	-	-	P	-	REFER TO SCHEDULE 8
Tourist and Visitor Accommodation	X	D	D	-	-	D	-	
Unhosted Short-Term Rental Accommodation	D	D	D	-	-	D	-	

3. In Table 1 – Zoning Table, delete the following land uses and associated permissibility:

- A. Bed & Breakfast; and
- B. Serviced Apartments.

4. In Table No. 2 – Car Parking Requirements, insert the following land uses and corresponding number of parking bays:

- A. Unhosted Short-term Rental Accommodation; as per Residential Design Codes.
- B. Tourist and Visitor Accommodation; 1 per unit of accommodation.

5. In Table No. 2 – Car Parking Requirements, delete the following land uses and associated parking requirements:

- A. Bed and Breakfast Establishment
- B. Motel; and
- C. Serviced Apartments.

6. In Schedule 7: End of Trip Facilities for Bicycle Users, insert in alphabetical order the following:

Tourist and Visitor Accommodation	1 per 750m ² net lettable area	1 or 2	Nil	N/A
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7. In Schedule 7: End of Trip Facilities for Bicycle Users, delete the following land uses and associated end of trip facility requirements:

- A. Bed and Breakfast Establishment
- B. Motel; and
- C. Serviced Apartments.

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FORM 6A

COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the City of Perth at the Ordinary Meeting of the Council held on the ____ day of _____, 20__.

.....
LORD MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the City of Perth at the Ordinary Meeting of the Council held on the ____ day of _____, 20__, proceed to advertise this Amendment.

.....
LORD MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended _____ by resolution of the City of Perth at the Ordinary Meeting of the Council held on the ____ day of _____, 20__ and the Common Seal of the City of Perth was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
LORD MAYOR

WAPC ENDORSEMENT (r.63)

CHIEF EXECUTIVE OFFICER

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

APPROVAL GRANTED

DATE.....

.....
MINISTER FOR PLANNING

DATE.....



Planning Policy Manual – Part 1

Section 3.9 Special Residential and Short-Term Rental Accommodation



Planning Policy Manual – Section 3.9

Special Residential and Short-Term Rental Accommodation

Version #	Decision Reference	Synopsis
1.	18 September 2007	Adopted
2.	26 February 2013	Amended
3.	11 April 2017	Amended



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Planning Policy Manual – Section 3.9

Special Residential and Short-Term Rental Accommodation

1.0 CITATION

This is a Local Planning Policy prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*. This Policy may be cited as *Local Planning Policy 3.9 – Special Residential and Short-Term Rental Accommodation* (LPP 3.9).

2.0 PURPOSE AND APPLICATION

As the capital city of Western Australia, the City of Perth plays an important role in the promotion of tourism and business for Perth and Western Australia.

As the long-term residential population increases in line with the City of Perth *Local Planning Strategy*, it is important to balance the amenity of the residential population with the supply of quality tourism accommodation as an international tourism destination.

The Special Residential land use category comprises of different commercial accommodation land uses that support the tourism industry in the city, ranging from hotels to serviced apartments.

Short-Term Rental Accommodation (STRA) is where a residential dwelling, or portion of a residential dwelling, is occupied by guests for periods of three months or less on a commercial basis. This provides an alternative type of accommodation to Special Residential uses.

This Policy provides guidance to support well designed and managed Special Residential and STRA uses that respond to its setting and positively contributes to the city.

2.1 Application

This Policy applies to all applications for development approval for any Special Residential and Unhosted Short-Term Rental Accommodation (Unhosted STRA) under City Planning Scheme No. 2 (CPS2) and Local Planning Scheme No.26 (LPS26).

2.2 Relationship to other Planning Documents

This policy should be read in conjunction with CPS2 and other relevant planning policies.

Where this policy is inconsistent with CPS2, the provisions of CPS2 prevail to the extent of any inconsistency.

Where this policy is inconsistent with another planning policy, the requirements of this planning policy prevail to the extent of inconsistency.

3.0 OBJECTIVES

To ensure Special Residential and Unhosted STRA uses:

- maintain the amenity and character of the area through ensuring the location, scale, design and operation is appropriate for its location and setting.
- provide a high level of amenity for occupants.
- do not adversely affect the significance of heritage places.
- maintain residential amenity when located near residential uses.

4.0 POLICY – SPECIAL RESIDENTIAL

4.1 Design Requirements

- (a) Hotels shall include an entrance foyer with reception desk.



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Special Residential and Short-Term Rental Accommodation

- (b) Where permanent Residential and Special Residential uses are proposed within the same building:
- applications shall demonstrate how the amenity and security of all occupants will be protected through the design and management of the building including separation of these uses;
 - Communal facilities for the exclusive use of permanent residents are to be provided to maintain residential amenity.

Note:

- Under the National Construction Code (Class 3 buildings), a proportion of Special Residential accommodation may be required to be designed to accommodate people with a disability; with adequate on-site disabled car parking and universal access to any facilities in the development.*
- Australian Standard 1670 applies to a change of use to Special Residential for buildings two storeys or higher, which will require a building wide alarm and Fire Indicator Panel to be installed.*

4.2 Management

4.2.1 Management Plan

The most effective method for managing amenity issues is via a Management Plan. The purpose of a Management Plan is to demonstrate the use can operate without undue impact on immediate neighbours and the locality more broadly.

- (a) Applications for development approval for any use within the Special Residential use group shall be accompanied by a Management Plan which details how potential amenity impacts will be addressed. This shall include matters such as:
- details of the property manager;
 - check in and check out hours and booking procedure;
 - type or extent of additional services to be offered (e.g. food, beauty treatments, child care);
 - safety and security arrangements including for the occupants and their guests;
 - management of and access to any shared facilities and communal spaces;
 - cleaning and laundry facility services/arrangements;
 - control of noise and other disturbances;
 - complaints management procedure;
 - Code of Conduct; and
 - an Emergency Response Plan and Evacuation Plan.
- (b) The complaints management procedure shall include:
- property manager's contact details and how these are made available to guests and nearby owners and occupants;
 - details of how the property manager will respond to complaints in a timely manner; and
 - details of how complaints will be recorded. Recorded information shall include:



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Special Residential and Short-Term Rental Accommodation

- name, address, and contact details of complainant;
 - details of complaint;
 - record of response (date, name and contact of responder, response details); and
 - further details of any follow up actions.
- (c) A Code of Conduct is to be provided for guests, including details of the property manager, emergency procedures and any other important information guests may need;
- (d) With any change of operator, the relevant new details are to be provided to the local government and incorporated into an updated revised management plan.

4.2.2 Registration

All applications should include written evidence demonstrating that the operator has valid membership, licence or accreditation to an appropriate professional board or body, which operates within a code of practice or licensing system. This may be the Australian Hotels Association (WA), Tourism Council of WA, or another appropriate organisation.

Where the operator of the use is unknown at the planning application stage, written evidence of membership will be required prior to occupation.

5.0 POLICY – UNHOSTED SHORT-TERM RENTAL ACCOMMODATION (STRA)

The impact of an Unhosted STRA on neighbouring properties is an important consideration when determining an application for development approval. The following provides requirements for an Unhosted STRA to be addressed in an application for development approval.

5.1 Occupancy

- (a) Unhosted STRA shall have a maximum occupancy of two persons per bedroom, up to a maximum of six persons per dwelling.

5.2 Parking

- (a) Where car parking is provided for a dwelling, it shall be available for the Unhosted STRA.

5.3 Signage

- (a) Signage should be minimised. Where signage is proposed, it shall comply with the following:
- i. be affixed to the front/entrance door of the unhosted STRA;
 - ii. not greater than an A4 sheet of paper;
 - iii. not illuminated;
 - iv. be of high quality material;
 - v. include the current telephone number for the property manager; and
 - vi. For multiple and grouped dwelling developments, signage shall not be visible from the public realm.

5.4 Strata Schemes

- (a) For properties located within a strata scheme, applications for development approval are required to provide the following additional information:



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Special Residential and Short-Term Rental Accommodation

- i. a letter from the strata company (or strata management company on behalf of the strata company):
 - a. confirming there is no by-law effecting a prohibition on Unhosted STRA within individual apartments.
 - b. confirming there is no by-law effecting a prohibition or management controls on the use of common property by the Unhosted STRA.
 - ii. a site and floor plan clearly indicating any areas that are proposed to be accessed by guests. This includes the strata lot, and any common property, for example: car parking area, lifts, pool and gym.
- (b) Where a lock box is proposed, the lock box shall not be visible from the public realm. A strata scheme should consider a centralised location to reduce visual clutter.

5.5 Management

5.5.1 Management Plan

The most effective method to managing any possible amenity issues is via Management Plan, which will demonstrate that the Unhosted STRA can operate without undue impact on immediate neighbours and the locality more broadly.

- (a) Applications for development approval are to be accompanied by a Management Plan which details how potential amenity impacts will be addressed. This should include matters such as:
- i. details of the property manager;
 - ii. check in and check out hours and booking procedure;
 - iii. minimum and maximum stay requirements;
 - iv. maximum number of guests;
 - v. management of visitors;
 - vi. confirmation of designated on-site parking bays;
 - vii. alternate transport options to on-site car parking, such as public transport details, and/or nearby paid car parking locations where on-site car parking is not provided;
 - viii. access to any communal facilities (if allowed), and how guest and visitor usage is managed;
 - ix. waste management information;
 - x. cleaning arrangements;
 - xi. complaints management procedure;
 - xii. Code of Conduct; and
 - xiii. an Emergency Response Plan and Evacuation Plan.
- (b) The complaints management procedure is to include:
- i. property manager's contact details and how these are made available to guests and nearby owners and occupants.
 - ii. details of how the property manager will manage and respond to complaints in a timely manner.



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Special Residential and Short-Term Rental Accommodation

iii. details of how complaints will be recorded. Recorded information shall include:

- name, address, and contact details of complainant.
- details of complaint.
- record of response (date, name and contact of responder, response details)
- further details of any follow up actions.

Note: Nuisance behaviour that may trigger a complaint include:

- *Violence or threats.*
- *Loud aggressive behaviour including yelling, screaming, or arguing.*
- *Excessively loud noise nuisance.*
- *Light spill.*
- *Barking dogs.*
- *Smoke or odours.*

(c) A Code of Conduct shall be provided for guests, including details of the Property Manager, emergency procedures and any other important information guests may need.

(d) With any change of operator, the relevant new details should be provided to the local government and should incorporate an updated management plan.

5.5.2 Registration

Whilst it is not a requirement at application stage, all STRA require Registration in accordance with the State Government Short-Term Rental Accommodation (STRA) Register.

5.6 Time Limitation of Development Approvals

(a) Development approval for Unhosted STRA may be conditionally granted for an initial period of twelve months. This will be applied where the appropriateness of the Unhosted STRA land use to its setting is dependent upon the effectiveness of proposed management arrangements.

(b) Where a time limited development approval is granted in accordance with clause 5.6 a), the assessment of a subsequent application for development approval to continue the use will consider the management arrangements during the initial 12-month period, with regard to any complaints received during this period.

Tourist and Visitor Accommodation and Unhosted Short-Term Rental Accommodation Local Planning Policy

TOWN PLANNING SCHEME NO.4

Draft May 2025

Version Control

Version #	Date	Action
1	Date of Adoption (00/00/00)	Adopted

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1. Citation

This is a local planning policy prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. This policy may be cited as the Tourist and Visitor Accommodation and Unhosted Short-Term Rental Accommodation Local Planning Policy.

2. Purpose and Application

2.1 Purpose

The purpose of this policy is to:

- (a) Guide appropriate design outcomes for tourist and visitor accommodation and unhosted short-term rental accommodation.
- (b) Detail the management requirements to balance appropriate standards of amenity for occupants and the long-term residents.

2.2 Application

This policy applies to all applications for development approval for tourist and visitor accommodation and unhosted short-term rental accommodation (unhosted STRA) on land zoned under City of Subiaco Town Planning Scheme No. 4 (TPS4).

3. Objectives

To ensure tourist and visitor accommodation and unhosted STRA:

- (a) maintain the amenity and character of the area through ensuring the location, scale, design and operation is appropriate for its location and setting.
- (b) provide a high level of amenity for occupants.
- (c) do not adversely affect the significance of heritage places.
- (d) maintain residential amenity when located near residential uses.

4. Provisions

4.1 Tourist and Visitor Accommodation

4.1.1 Management

4.1.1.1 Management Plan

- (a) Applications for development approval are to be accompanied by a management plan which details how potential amenity impacts will be addressed. This shall include matters such as:
- i. details of the property manager;
 - ii. check in and check out hours and booking procedure;
 - iii. type or extent of additional services to be offered (e.g. food, beauty treatments, child care);
 - iv. safety and security arrangements including for the occupants and their guests;
 - v. management of and access to any shared facilities and communal spaces;
 - vi. cleaning and laundry facility services/arrangements;
 - vii. control of noise and other disturbances;
 - viii. Code of Conduct;
 - ix. complaints management procedure; and
 - x. an Emergency Response Plan and Evacuation Plan.
- (b) The complaints management procedure shall include:
- i. property manager's contact details and how these are made available to guests and nearby owners and occupants;
 - ii. details of how the property manager will respond to complaints in a timely manner; and
 - iii. details of how complaints will be recorded. Recorded information shall include:
 - name, address, and contact details of complainant;
 - details of complaint;
 - record of response (date, name and contact of responder, response details); and
 - further details of any follow up actions.

- (c) A Code of Conduct shall be provided for guests, including details of the property manager, emergency procedures and any other important information guests may need.
- (d) With any change of operator, the relevant new details must be provided to the local government and incorporated into an updated revised management plan.

4.1.1.2 Registration

- (a) All applications are to include written evidence demonstrating that the operator has valid membership to an appropriate professional board or body, which operates within a code of practice or licensing system. This may be the Tourism Council of WA, or another appropriate organisation.
- (b) Where the operator of the use is unknown when the development application is submitted, written evidence of membership will be required prior to occupation.

4.2 Unhosted Short-Term Rental Accommodation

4.2.1 Occupancy

- (a) Unhosted STRA shall have a maximum occupancy of two persons per bedroom and a maximum of six occupants per dwelling.

4.2.2 Parking

- (a) Where car parking is provided for a dwelling, it shall be available for the unhosted STRA.

4.2.3 Signage

Signage should be minimised. Where signage is proposed, it shall comply with the following:

- (a) be affixed to the front/entrance door of the unhosted STRA;
- (b) not greater than an A4 sheet of paper;
- (c) not illuminated;
- (d) be of high quality material;
- (e) include the current telephone number for the property manager; and
- (f) for multiple and grouped dwelling developments, signage shall not be visible from the public realm.

4.2.4 Strata Properties

- (a) For properties located within a strata scheme, applications for development approval are required to provide the following additional information:
 - i. a letter from the strata company (or strata management company on behalf of the strata company):
 - a. confirming there is no by-law effecting a prohibition on unhosted STRA within individual apartments.
 - b. confirming there is no by-law effecting a prohibition or management controls on the use of common property by the unhosted STRA.
 - ii. a site and floor plan clearly indicating any areas that are proposed to be accessed by guests. This includes the strata lot, and any common property, for example: car parking area, lifts, pool and gym.
- (b) Where a lock box is proposed, the lock box shall not be visible from the public realm. A strata scheme should consider a centralised location to reduce visual clutter.

4.2.5 Management

4.2.5.1 Management Plan

- (a) Applications for development approval are to be accompanied by a Management Plan which details how potential amenity impacts will be addressed. This shall include matters such as:
 - i. details of the property manager;
 - ii. check in and check out hours and booking procedure;
 - iii. minimum and maximum stay requirements;
 - iv. maximum number of guests;
 - v. management of visitors;
 - vi. confirmation of designated on-site parking bays;
 - vii. alternate transport options to on-site car parking, such as public transport details, and/or nearby paid car parking locations where on-site car parking is not provided;
 - viii. access to any communal facilities (if allowed), and how guest and visitor usage is managed;
 - ix. waste management information;
 - x. cleaning arrangements;
 - xi. complaints management procedure; and
 - xii. an Emergency Response Plan and Evacuation Plan.
- (b) The complaints management procedure shall include:

- i. property manager's contact details and how these are made available to guests and nearby owners and occupants;
- ii. details of how the property manager will manage and respond to complaints in a timely manner; and
- iii. details of how complaints will be recorded. Recorded information shall include:
 - name, address, and contact details of complainant;
 - details of complaint;
 - record of response (date, name and contact of responder, response details); and
 - further details of any follow up actions.

Note. Nuisance behaviour that may trigger a complaint include:

- violence or threats.
 - loud aggressive behaviour including yelling, screaming, or arguing.
 - excessively loud noise nuisance.
 - light spill.
 - barking dogs.
 - smoke or odours.
- (c) A Code of Conduct shall be provided for guests, including details of the property manager, emergency procedures and any other important information guests may need.
- (d) With any change of operator, the relevant new details must be provided to the local government and incorporated into an updated revised management plan.

4.2.5.2 Registration

Whilst it is not a requirement at application stage, all STRA require Registration in accordance with the State Government Short-Term Rental Accommodation (STRA) Register.

4.3 Approval Period

- (a) Development approval for unhosted STRA may be granted for an initial period of twelve months. This will be applied where the appropriateness of the unhosted STRA land use is dependent upon the effectiveness of proposed management arrangements.
- (b) Where a time limited development approval is granted in accordance with clause 4.3 (a), the assessment of a subsequent application for development approval to continue the use will consider the management arrangements during the initial 12 month period, with regard to any complaints received during this period.