



**City of Greater Geraldton
Local Planning Scheme No. 1**

Amendment No. 19

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

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

***Local Planning Scheme No. 1
Amendment No. 19***

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 6.1, 'General definitions used in Scheme' delete the definition for *short-term accommodation*.
2. In clause 6.2, 'Land use terms used in Scheme' delete the definitions for *bed and breakfast and holiday house*.
3. In table 12 'Zoning Table' insert in alphabetical order the following land uses and permissibility:

Land Use	Regional Centre	Commercial	Mixed Use	Service Commercial	Tourism	Residential	General Industry	Light Industry	Rural Residential	Rural	Settlement	Urban Development	Special Use
Hosted Short-Term Rental Accommodation	P	X	P	X	P	P	X	X	P	P	Refer clause 3.12	Refer clause 3.13	Refer clause 3.18
Unhosted Short-Term Rental Accommodation	D	X	A	X	P	A	X	X	A	A			
LEGEND	P		D			A			X				
	No approval required - subject to conditions		Approval required			Approval required with advertising			Not Permitted				

4. In Table 12 'Zoning Table', delete all references to *bed and breakfast and holiday house*.
5. In Schedule 1 'Additional Uses' within A17 remove references to *bed and breakfast and holiday house* and replace with *hosted short-term rental accommodation "P"* and *unhosted short-term rental accommodation "A"*.
6. In Schedule 3 'Special Use zones' within SU3 A17 replace reference to *bed and breakfast* with *hosted short-term rental accommodation "P"* and *holiday house* with *unhosted short-term rental accommodation "A"*.
7. In Schedule 5 'Parking Requirements' under '*Residential Uses*' replace reference to *holiday house* with *unhosted short-term rental accommodation* and *bed and breakfast* with *hosted short-term rental accommodation*.
8. Undertake any other administrative and formatting edits as required

Scheme Amendment Report

1. 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.

This amendment is required to ensure alignment with new 'deemed' 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. Background

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

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

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

3. State Planning Framework

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

Position Statement

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

LPS Regulations

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

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

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

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

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

4. Local Planning Context

The City's Local Planning Scheme includes the land use of 'bed and breakfast' and 'holiday house' which are generally used to support short-term rental accommodation within the municipality. The City also has approved local planning policies relating to 'bed and breakfast' and 'holiday house' which provides policy measures and guides application requirements. This policy framework is currently under review to bring it into line with the planning reforms and ensure consistency with this amendment.

As part of this amendment the City will not pursue the optional changes to the Scheme to bring it into line with the new model land use class of 'tourist and visitor accommodation'. The City is working in accordance with its Strategic Planning Work Program which will see a review of the Scheme and Strategy commence in 2025. It is considered that undertaking these modifications as part of a larger review is more appropriate and will ensure that the land use and permissibility can deliver the communities vision for development and growth within the City.

The City has traditionally approved very few STRA approvals over the years with a sharp increase in 2023 and continuing in 2024 as a result of the commencement of the registration scheme. This is demonstrated in **Figure 1** included below. Anecdotally, increasing interest in STRA land uses has been apparent following COVID-19 with increased interest in local travel movements and accommodation options.

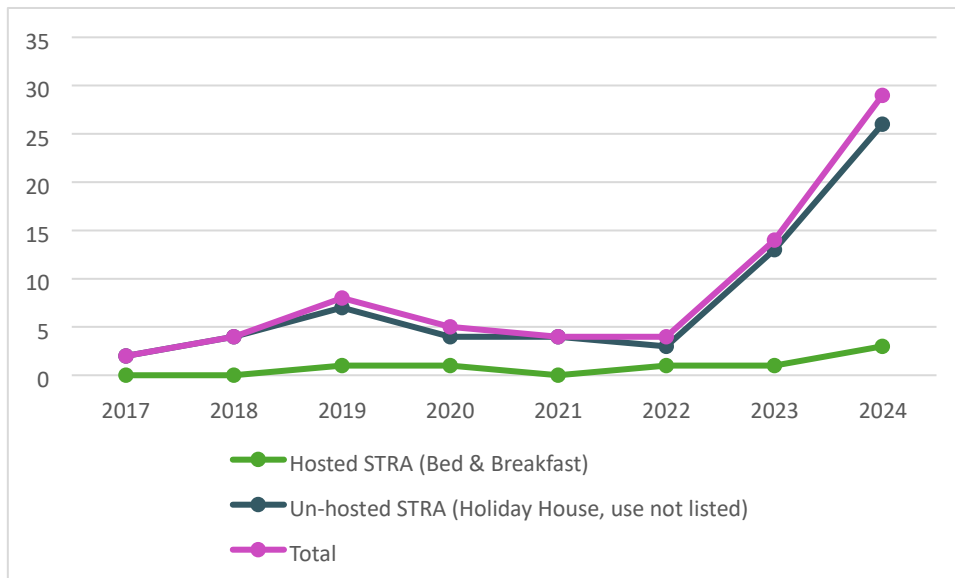


Figure 1 – Short-term Rental Accommodation development approvals, 2017-2024

5. Proposed Amendment

With the introduction of the new deemed land use classes, this scheme amendment relates to the introduction, modification and deletion of 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 zoning table to reflect the hosted STRA exemption as a permitted use.

Deemed Short-Term Rental Accommodation Land Use Classes

Whilst the new ‘deemed’ land use class definitions are automatically read into the City’s scheme through the LPS Regulations, these uses are being incorporated into scheme zoning tables to ensure absolute clarity from an interpretation perspective.

To implement the required changes, this amendment requires the deletion of references to the land use classes of *bed and breakfast* and *holiday house*, replaced with the new ‘deemed’ definitions of *hosted short-term rental accommodation* and *unhosted short-term rental accommodation*.

Existing land use and permissibility:

Land Use	Regional Centre	Commercial	Mixed Use	Service Commercial	Tourism	Residential	General Industry	Light Industry	Rural Residential	Rural	Settlement	Urban Development	Special Use
	Bed and Breakfast	D	X	D	X	D	A	X	X	D	D	Refer clause 3.12	Refer clause 3.13
Holiday House	D	X	A	X	D	A	X	X	A	A			
LEGEND	P		D			A			X				
	No approval required - subject to conditions		Approval required			Approval required with advertising			Not Permitted				

Proposed land use and permissibility:

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The proposed permissibility of hosted STRA is consistent with the deemed provisions in that the land use is permitted within all zones where residential uses are permitted. The permissibility for unhosted STRA consistent with that of ‘Holiday House’.

New and Revised Land Use & General Definitions

As part of the LPS Regulations changes, amendments to some other model definitions were also introduced so as to not cause confusion or conflict with the new short-term rental accommodation land use terms. This includes the deletion of the definition for ‘short-term accommodation’, which has been removed to avoid confusion with new terms relating to ‘short-term rental accommodation’.

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

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

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