



City of Kalamunda
Local Planning Scheme No. 3

Amendment No. 118

Summary of Amendment Details

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

FORM 2A

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

*City of Kalamunda Local Planning Scheme No. 3
Amendment No. 118*

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 (1), 'General Definitions':

A. Insert a general definition for 'cabin':

means a building that -

- (a) is an individual unit other than a chalet; and*
- (b) forms part of -*
 - (i) tourist and visitor accommodation; or*
 - (ii) a caravan park;*
- and*
- (c) if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period*

B. Insert a general definition for 'chalet':

means a building that —

- (a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and*
- (b) forms part of -*
 - (i) tourist and visitor accommodation; or*
 - (ii) a caravan park;*
- (c) and if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period*

2. In Schedule 1 (2), 'Land Use Definitions':

- A. Delete the definitions for:
- o *bed and breakfast*;
 - o *chalet*;
 - o *motel*; and
 - o *tourist development*.
- B. Insert the definition for *tourist and visitor accommodation* as per Schedule 1 – Model Provisions.
3. In Table 1 – ‘Zoning Table’ insert in alphabetical order the following land uses as follows:

Land Use	Centre	District Centre	Commercial	Mixed Use	Residential	Residential Bushland	Light Industry	General Industry	Service Station	Private Clubs and Institutions	Special Rural	Rural Composite	Rural Agriculture	Rural Landscape Interest	Rural Conservation	Industrial Development
Hosted Short Term Rental Accommodation	P	P	P	P	P	P	X	X	X	X	P	P	P	P	P	X
Unhosted Short Term Rental Accommodation	D	D	D	D	D	D	X	X	X	X	D	D	D	D	D	X
Tourist and Visitor Accommodation	D	D	D	D	A	A	X	X	X	X	A	A	A	A	A	X

4. In Table 1 – ‘Zoning Table’, delete all references to:
- A. *bed and breakfast*;
 - B. *chalet – short term accommodation*; and
 - C. *motel*.
5. In Table 3 – ‘Parking Requirements, delete all references to:
- A. *bed and breakfast*;
 - B. *motel*.

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.
4. The amendment would be consistent with Planning Bulletin 115/2024, which states that if a scheme amendment introduces or changes permissibility for new short-term rental and traditional accommodation uses, it will be generally progressed as a standard amendment.

Dated this _____ day of _____ 20__

(Chief Executive Officer)

Scheme Amendment Report

1. Introduction

The purpose of this amendment is to amend the City of Kalamunda Local Planning Scheme No. 3 (LPS3) to implement the State Government's planning reforms for short-term rental accommodation.

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

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 (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 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 of Kalamunda 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 the City of Kalamunda's LPS3.

The City of Kalamunda's Local Planning Strategy (Strategy) was endorsed by the WAPC in February 2013. In relation to tourism, the Strategy seeks to encourage the development of tourist accommodation and additional short stay accommodation in Kalamunda to lengthen the tourist stay in the City. As outlined in the Strategy, planning for sustainable tourist development is one of the key goals of the City of Kalamunda as it can make a significant contribution to the local economy of the City and the well-being of the community.

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 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 of Kalamunda are detailed further in the following sections of this report.

4. Local Planning Context

Local Planning Strategy

The City's Strategy was endorsed by the WAPC in February 2013. Tourism and Visitors are addressed in section 2.4.6 and 3.4.7. The City has a number of tourism development opportunities which include the access to the start of Bibbulmun Walk Track, Mundaring Weir lookout, the Hills wine and orchard areas and State Forrest and National Parks for passive and active recreation pursuits.

The strategic actions are outlined below:

1. Promote the unique characteristics, attractions and events in the Shire.
2. Provide for the diversification of rural land use to support tourism in rural areas subject to environmental sustainability.
3. Provide appropriate Scheme zones and provisions at recognised tourist destinations to meet tourist requirements.

Tourism Development Strategy 2019-2025

The Tourism Development Strategy summarises key outcomes from a series of community engagement workshops and incorporates them into five key Tourism Strategies that are supported by individual Action Plans designed to achieve those Strategies.

Strategy	Action
Strategy 1: Create and maintain welcoming, inclusive and accessible facilities for visitors to enjoy the natural and built environment	1.1 Improve visitor access to and navigation between key attractions, precincts and services. 1.2 Provide accessible and robust tourism support services that exceed visitor expectations. 1.3 Develop diverse and unique accommodation offerings that encourage visitors to stay longer
Strategy 2: Leverage and protect Kalamunda's natural beauty and award winning attractions to grow	2.1 Enhance Kalamunda townsite to create a vibrant and engaging "rural village" atmosphere.

destination appeal and recognition	<p>2.2 Promote key attractions that secure Kalamunda's reputation as a premier tourist destination.</p> <p>2.3 Preserve and celebrate the natural environment through eco-sensitive outdoor adventures</p>
Strategy 3: Develop arts, heritage and culture opportunities that engage creative investment, participation and community pride	<p>3.1 Promote Kalamunda as a thriving arts, heritage and cultural hub within the Perth Hills.</p> <p>3.2 Lead authentic and culturally-aware Aboriginal tourism experiences.</p> <p>3.3 Expand Special Events to offer diverse, stimulating and globally recognised programs</p>
Strategy 4: Further develop the Kalamunda tourism brand and destination marketing to raise awareness and inspire visitor interest	<p>4.1 Foster strong awareness and recognition of the Kalamunda brand.</p> <p>4.2 Work towards cohesive and connected regional Perth Hills branding and marketing.</p> <p>4.3 Increase Kalamunda's share of local, intrastate, interstate and international tourism markets</p>
Strategy 5: Encourage an innovative and collaborative tourism industry that supports local business and drives economic growth	<p>5.1 Provide dedicated and industry-specific support services for local tourism operators.</p> <p>5.2 Foster strong partnerships with key stakeholders, industry bodies and local community.</p> <p>5.3 Lead innovation through creative collaboration and progressive forward thinking ethos</p>

Local Planning Scheme

LPS3 was gazetted on 22 March 2007 and STRA is currently considered under LPS3 as follows:

Land Use	Definition
Bed and Breakfast	means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a commercial basis and includes the provision of breakfast, but does not include a lodging house.
Chalets – short term accommodation	means an individual self-contained unit usually comprising cooking facilities, ensuite, living area and one or more bedrooms designed to accommodate short-stay guests, forming part of a tourism facility and where occupation by any person is limited to a maximum of three months in any 12-month period.
Motel	means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the

	accommodation of patrons with motor vehicles and may comprise premises licensed under the Liquor Licensing Act 1988
Tourist development	means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide – <ul style="list-style-type: none"> (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development;

The following table outlines the current land use permissibility for these land uses under LPS3:

Use Class	Centre	District Centre	Commercial	Mixed Use	Residential	Residential Bushland	Light Industry	General Industry	Service Station	Private Clubs and Institutions	Special Rural	Rural Composite	Rural Agriculture	Rural Landscape Interest	Rural Conservation	Industrial Development
Bed and Breakfast	D	D	X	D	D	A	X	X	X	X	D	D	D	D	D	X
Chalets – short term accommodation	X	X	X	X	X	X	X	X	X	X	X	X	A	A	A	X
Motel	A	A	A	X	X	X	X	X	X	X	X	X	X	X	X	X

Note: although 'Tourist Development' is a defined Land Use under Schedule 1 of LPS3, it is not referenced in the Zoning Table of LPS3.

This Scheme Amendment proposes to delete this definition and replace it with the 'Tourist and Visitor Accommodation' definition, which will also be referenced in the Zoning Table of LPS3.

Local Planning Policy

The City's Local Planning Policy 29 – Unhosted Holiday Houses was adopted by Council at its Ordinary Council Meeting on 22 September 2020.

The policy seeks to provide direction on the assessment of development applications for unhosted holiday houses within the City of Kalamunda without adversely affecting the amenity of neighbouring properties and to support tourism.

The City intends to amend this Policy considering recent amendments to the Regulations.

5. Proposed Amendment

With the introduction of the new deemed land use classes into planning schemes associated with short-term rental accommodation, this scheme amendment relates to the introduction, modification and deletion of various land use and general definitions to LPS3.

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 classes are automatically read into the City of Kalamunda'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. In particular 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 classes of *bed and breakfast* and *holiday house*, replaced with the new 'deemed' definitions of *hosted short-term rental accommodation* and *unhosted short-term rental accommodation*. This includes amending the Zoning Table and Definitions schedules of the scheme text accordingly.

'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. As the definitions for '*hosted short-term rental accommodation*' and '*unhosted short-term rental accommodation*' are found within the 'Deemed' provisions, they are not required to be defined within LPS3.

In addition to the LPS Regulations, the Position Statement and Planning Bulletin 115 provide further direction for how STRA should be dealt with in local planning schemes from a permissibility standpoint.

To reflect these requirements, this amendment proposes the following designations for these new land use classes:

Land Use	Centre	District Centre	Commercial	Mixed Use	Residential	Residential Bushland	Light Industry	General Industry	Service Station	Private Clubs and Institutions	Special Rural	Rural Composite	Rural Agriculture	Rural Landscape Interest	Rural Conservation	Industrial Development
Hosted Short Term Rental Accommodation	P	P	P	P	P	P	X	X	X	X	P	P	P	P	P	X
Unhosted Short Term Rental Accommodation	D	D	D	D	D	D	X	X	X	X	D	D	D	D	D	X
Tourist and Visitor Accommodation	D	D	D	D	A	A	X	X	X	X	A	A	A	A	A	X

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

Model 'Tourist and Visitor Accommodation' Land Use

A new model land use class of 'Tourist and Visitor Accommodation' has been introduced to supersede various traditional accommodation land use types (excluding 'hotel') and provide a clearer delineation between these uses and 'short-term rental accommodation'.

In the context of the City's LPS3, uses to be deleted through this change include:

- *Motel – this land use has definition has been removed from the Regulations; and*
- *Tourist development – directly replaced by the new use class.*

New and Revised Land Use & General Definitions

As part of the changes to the LPS Regulations, amendments to some other model definitions were also introduced so as to not cause confusion or conflict with the new short-term rental accommodation land use terms.

These include deletion of the definition for 'short-term accommodation', which has been removed to avoid confusion with new terms relating to 'short-term rental accommodation'.

This has consequentially resulted in modifications to the general model terms of 'cabin' and 'chalet.' The new model terms are proposed to be introduced into the scheme text through this amendment.

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

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

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

City of Kalamunda Local Planning Scheme No. 3
Amendment No. 118

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 (1), 'General Definitions':

A. Insert a general definition for 'cabin':

means a building that -

(d) is an individual unit other than a chalet; and

(e) forms part of -

(iii) tourist and visitor accommodation; or

(iv) a caravan park;

and

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

B. Insert a general definition for 'chalet':

means a building that —

(c) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and

(d) forms part of -

(iii) tourist and visitor accommodation; or

(iv) a caravan park;

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

2. In Schedule 1 (2), 'Land Use Definitions':

B. Delete the definitions for:

- o *bed and breakfast;*

- o *chalet*;
- o *motel*; and
- o *tourist development*.

C. Insert the definition for *tourist and visitor accommodation* as per Schedule 1 – Model Provisions.

3. In Table 1 – ‘Zoning Table’ insert in alphabetical order the following land uses as follows:

Land Use	Centre	District Centre	Commercial	Mixed Use	Residential	Residential Bushland	Light Industry	General Industry	Service Station	Private Clubs and Institutions	Special Rural	Rural Composite	Rural Agriculture	Rural Landscape Interest	Rural Conservation	Industrial Development
Hosted Short Term Rental Accommodation	P	P	P	P	P	P	X	X	X	X	P	P	P	P	P	X
Unhosted Short Term Rental Accommodation	D	D	D	D	D	D	X	X	X	X	D	D	D	D	D	X
Tourist and Visitor Accommodation	D	D	D	D	A	A	X	X	X	X	A	A	A	A	A	X

4. In Table 1 – ‘Zoning Table’, delete all references to:

- A. *bed and breakfast*;
- B. *chalet – short term accommodation*; and
- C. *motel*.

5. In Table 3 – ‘Parking Requirements, delete all references to:

- A. *bed and breakfast*;
- B. *motel*.

FORM 6A

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the City of Kalamunda at the Ordinary Council Meeting of the Council held on the [day] day of [month], 20[year], proceed to advertise this Amendment.

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended for support by resolution of the City of Kalamunda at the [NAME] Meeting of the Council held on the [number] day of [month], 20[year] and the Common Seal of the City of Kalamunda was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

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

DATE.....

FORM 6A - CONTINUED

APPROVAL GRANTED

.....
MINISTER FOR PLANNING

DATE.....