

10 May 2024

The Chairman
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6000

Attention: Mr David Caddy (Chairman – WAPC)
c/o: tourism@dplh.wa.gov.au

Dear David,

SHORT-TERM RENTAL ACCOMMODATION – PROPOSED AMENDMENTS TO THE PLANNING & DEVELOPMENT (LOCAL PLANNING SCHEME REGULATIONS) 2015

The Local Government Planners' Association (LGPA) is a professional association comprising local government planners and related consultants, public servants, and others, interested in the promotion of sound local planning. The LGPA has significant exposure to a range of industry issues through our members, comprising a significant local government representation.

Thank you for the opportunity to provide feedback on these amendments, LGPA has reviewed and provides comments in the attached pages.

We appreciate the opportunity to comment on this significant and meaningful change to the Western Australian Planning framework. We would welcome any opportunity to discuss our comments further with the Department and or WAPC.

Should you require any further advice or information, please contact Joslin Colli by email president@planningwa.com

Yours faithfully,



Joslin Colli
LGPA PRESIDENT

Attachment 1:

LGPA Comments on *Planning and Development (Local Planning Scheme) Amendment (Short-Term Rental Accommodation) Regulations 2024*

<i>Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024</i>	LGPA Comment	Suggested modification
<p>(2) In Schedule 1 clause 37(1) insert in alphabetical order: cabin means a habitable building forming part of a tourist development or caravan park that —</p> <ul style="list-style-type: none"> a) is an individual unit other than a chalet; and b) provides, on a commercial basis, accommodation for guests, either continuously or from time to time, with no guest accommodated for periods totalling more than 3 months in any 12-month period; <p>chalet means a habitable building forming part of a tourist development or caravan park that provides, on a commercial basis, accommodation for guests, either continuously or from time to time, with no guest accommodated for periods totalling more than 3 months in any 12-month period;</p>	<p>cabin means a habitable building forming part of a tourist development or caravan park.. chalet means a habitable building forming part of a tourist development or caravan park...</p> <p>Query the removal of 'dwelling' from the definition and the insertion of 'habitable building'.</p> <p>With reference to a habitable building this only requires the structure to be partly enclosed with 1 wall and a roof. The definition also provides for temporary structures. It is unclear how this would comply with the BCA and the purpose of providing this form of structure in place of a dwelling.</p>	<p>cabin means a dwelling habitable building forming part of a tourist development or caravan park.. chalet means a dwelling habitable building forming part of a tourist development or caravan park...</p>
	<p>cabin means a habitable building forming part of a tourist development or caravan park..</p>	<p>cabin means a habitable building forming part of a tourist development tourist complex or caravan park..</p>

<i>Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024</i>	LGPA Comment	Suggested modification
	<p><i>chalet</i> means a habitable building forming part of a tourist development or caravan park...</p> <p>This definition refers to ‘tourist development’ however schedule 1 clause 38 proposes to delete the definition of ‘tourist development’ and replace with ‘tourist complex’.</p> <p>For consistency the definition should be amended to refer to ‘tourist complex’.</p>	<p><i>chalet</i> means a habitable building forming part of a tourist development tourist complex or caravan park...</p>
	<p><i>cabin</i> means a habitable building forming part of a tourist development or caravan park..</p> <p><i>chalet</i> means a habitable building forming part of a tourist development or caravan park...</p> <p>Caravan park is defined under the existing Model Scheme Text as: caravan park means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995 section 5(1)</i>;</p> <p>Section 5(1) of the <i>Caravan Parks and Camping Grounds Act 1995 section 5(1)</i>; defines Caravan park means an area of land on which caravans, or caravans and camps, are situated for habitation;</p>	

<i>Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024</i>	LGPA Comment	Suggested modification
	<p>The definition of Caravan means a vehicle that is fitted or designed for habitation, and unless the contrary intention appears, includes an annexe;</p> <p>A cabin/chalet being a 'habitable building' does not meet the definition of a caravan as it does not contemplate the requirement for it to be a 'vehicle'. Vehicle means a conveyance (other than a train, vessel or aircraft) capable of being propelled or drawn on wheels;</p> <p>The Cabin/Chalet definitions have always been contrary to the definition of Caravan Park and reference to this should be removed.</p>	
<p><i>short-term rental accommodation</i> —</p> <p>a) means a dwelling provided, on a commercial basis, for occupation under a short-term rental arrangement; but</p> <p>b) does not include —</p> <p>(i) a caravan park; or</p> <p>(ii) visitor accommodation; or</p> <p>(iii) a tourist complex; or</p> <p>(iv) workforce accommodation; or</p> <p>(v) a dwelling designed and used for the purpose of aged care or</p>	<p><i>short-term rental accommodation</i> — means a dwelling provided, on a commercial basis, for occupation under a short-term rental arrangement</p> <p>There is no definition of 'dwelling' in the existing Planning and Development (Local Planning Schemes) Regulation 2015 or proposed in the Amendment Regulations.</p> <p>While there is a definition of 'dwelling' in the Residential Design Codes Volume 1 (R-Codes),</p>	<p>Insert new definition of <i>dwelling</i> into Schedule 1 clause 37(1).</p>

<i>Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024</i>	LGPA Comment	Suggested modification
<p>dependant persons accommodation; or</p> <p>(vi) a retirement village as defined in the Retirement Villages Act 1992 section 3(1); or</p> <p>(vii) a park home park; or</p> <p>a residential building used as a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);</p>	<p>the R-Codes only apply to single houses, grouped dwellings and some multiple dwellings.</p> <p>It is recommended a definition should be provided for 'dwelling'. This would need to be different to the definition in the R-Codes which refers to 'permanent habitation'.</p>	
<p>(2) After Schedule 2 clause 78B(1) insert:</p> <p>(1A) Despite subclause (1), this Part does not apply to development that is the use of a dwelling as -</p> <p>a) hosted short-term rental accommodation; or</p> <p>unhosted short-term rental accommodation.</p>	<p>Presently any single house or ancillary dwelling on a lot greater than 1,100sqm within a bushfire prone area must prepare a bushfire attack level assessment. This control is essential to ensuring that sufficient measures are in place to mitigate against potential bushfire risk.</p> <p>Short-term rental accommodation whether hosted or unhosted in a bushfire prone area is subject of the same level of risk as a single house or ancillary dwelling and should not be exempt from the requirement to prepare a bushfire attack level assessment and implement any required mitigations.</p> <p>Short-term rental accommodation is a housing form catered to tourists and people not familiar with an area. There is greater need to ensure that these dwellings are suitably designed and risk</p>	<p>78B. Application of Part to development (1) This Part does not apply to development unless the development is</p> <p>— (a) the construction or use, or construction and use, of a single house, or ancillary dwelling , hosted short-term rental accommodation or unhosted short-term rental accommodation on a lot or lots with a total area of 1 100 m2 or more;</p>

<i>Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024</i>	LGPA Comment	Suggested modification
	<p>mitigation measures are in place to prevent serious incident in the case of a bushfire emergency.</p> <p>It is recommended that exemptions from Bushfire risk management apply in line with existing clause 78B(1)(a) only to lots up to 1,100sqm.</p>	