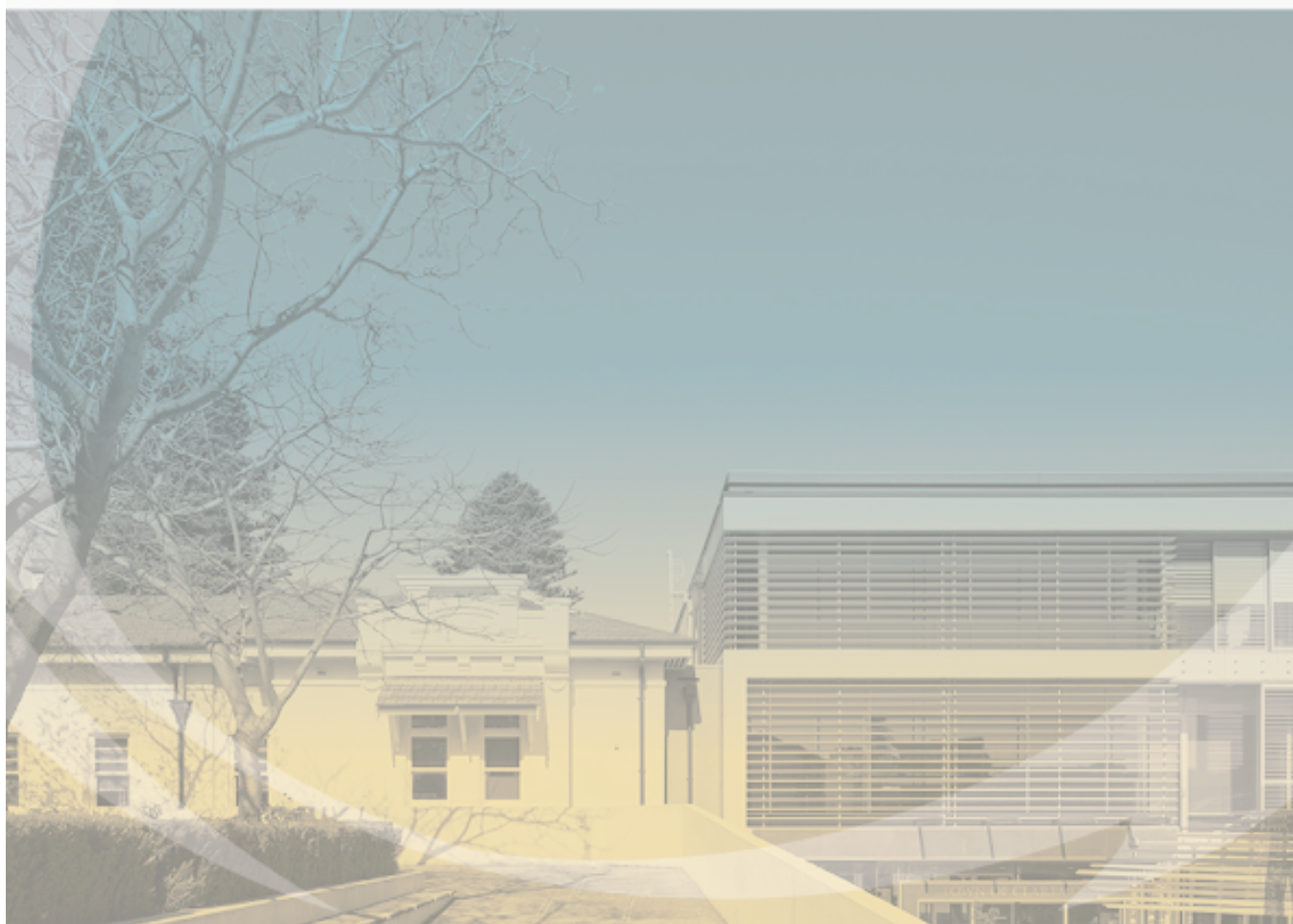


TOWN of CLAREMONT

Scheme Amendment

Local Planning Scheme No.3
– Scheme Amendment No. 143

Date: 24 June 2025



Form 2A

Planning and Development Act 2005

Resolution to Adopt Amendment to Local Planning Scheme

Town of Claremont Local Planning Scheme No. 3

Amendment No. 143

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 10:
 - A. Delete the definition for:
 - *motel*;
 - B. Insert the definition for *tourist and visitor accommodation* as per Schedule 1 – Model Provisions
2. In table 1 ‘Land Use Table’ insert in alphabetical order the following land uses and permissibility:
 - A. *hosted-short term rental accommodation*; designate as ‘X’ in Light Industrial and Educational zones and ‘P’ in all other zones except the Special Zone Restricted Use and Development zones.
 - B. *unhosted short term rental accommodation*; designate as ‘AA’ uses in Local Centre and Town Centre zones; as ‘SA’ uses in Residential and Highway zones, and ‘X’ in all other zones except the Special Zone Restricted Use and Development zones.
 - C. *tourist and visitor accommodation* and designate as ‘SA’ in Town Centre zone and ‘X’ in all other zones except the Special Zone Restricted Use and Development zones.
3. In table 1 ‘Land Use Table’, delete all references to:
 - A. *motel*
4. In table 1 ‘Land Use Table’, amend wording in ‘Special Zone Restricted Use’ to:
 - A. AS PER APPENDIX VII
5. In table 1 ‘Land Use Table’, amend wording of ‘Light Industrial’ zone to:
 - A. Light Industrial

6. In table 2 'Development Table':

A. Replace *motel* with *tourist and visitor accommodation*.

B. Insert a row:

unhosted short term rental accommodation			One for every two persons the building is designed to accommodate.
--	--	--	--

C. Reorder rows alphabetically.

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 land 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. Introduction

The purpose of this amendment is to amend the Town of Claremont 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 Town.

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 Town 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

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.

Planning and Development (Local Planning Schemes) Regulations 2015

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

4. Local Planning Context

Local Planning Scheme No. 3

The Town’s LPS3 does not have a specific use class for STRA, however consideration has been possible under the definition of ‘Residential Building’. Consideration of unhosted STRA has been restricted due to the application of clause 42 – Plot Ratio – Residential Buildings. Applications for unhosted STRA in grouped and multiple dwellings have been withdrawn or unfavourably determined due to the definition of plot ratio referring only to the subject strata lot.

Structure Plans

The Town of Claremont has two structure plans in effect, the Town Centre Precinct Structure Plan (TCPSP) and the North East Precinct Structure Plan (NEP).

The Town of Claremont’s TCPSP recognises the potential role for tourism within the Town. Objectives of the TCPSP note the benefits a hotel could provide the town centre in supporting further entertainment options.

The TCPSP area is divided into 8 precincts, each with a specific land use permissibility table. Precinct 3 includes both hotel and motel as permissible uses and precinct 4 identifies hotel as a permissible use. Use class permissibility for the TCPSP area is in accordance with the Town Centre zone Table 1 – Land Use Table.

Use class permissibility in the NEP is determined through ‘preferred uses’, which do not specifically align with the use classes defined in LPS3. In this regard, the preferred use ‘Residential’ can be construed to incorporate un-hosted short term rental accommodation.

The proposed scheme amendment does not affect any structure plans within the district and therefore no changes under regulation 35A of the LPS Regulations are required.

5. Proposed Amendment

With the introduction of the new deemed land use classes into planning schemes associated with STRA, this scheme amendment relates to the introduction, modification and deletion of various land use and general definitions to the Town’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 classes are automatically read into the Town’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 Town’s planning framework.

To implement the required changes, this amendment requires insertion of the new ‘deemed’ definitions of *hosted short-term rental accommodation* and *unhosted short-term rental accommodation*. This includes amending the Zoning Table and Definitions schedules of the scheme text accordingly.

In addition to the LPS Regulations, the Position Statement and Planning Bulletin 115 provide further direction for how STRA should be dealt with in local planning schemes from a permissibility standpoint. It is intended that hosted STRA be listed as a ‘P’ use in all zones where a dwelling is capable of being approved.

LPS3 includes ‘Dwelling (Self Contained)’ as an ‘IP’ (incidental use) in both the Light Industrial and Educational zones. The use of a ‘Dwelling (Self Contained)’ in these zones is intended to only be ancillary to the predominant use of the site and is not capable of being approved in its own right. In this context, the appropriateness of hosted STRA as a distinctly permitted land use in these zones would be unlikely to support the predominant use on the site and therefore should be a prohibited use.

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 zones where any type of ‘dwelling’ is capable of approval, other than in the Light Industry and Educational zones, to reflect the state-wide exemption in the ‘deemed provisions’.
- ‘Unhosted short-term rental accommodation’ is proposed to be listed as an AA or SA use in zones where any type of ‘dwelling’ is capable of approval, other than the Light Industrial and Educational.
- ‘Tourist and visitor accommodation’ is proposed to be listed as SA in the Town Centre zone and X in all other zones, other than Special Zone Restricted Use and Development zone.

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 Town’s scheme the ‘motel’ land use is to be deleted and replaced through this change. A ‘motel’ is listed as an ‘SA’ use in the Town Centre zone, this permissibility is proposed to be retained for the revised ‘tourist and visitor accommodation’ land use.

6. Conclusion

This Short-term Rental Accommodation Amendment proposes a 'standard' scheme amendment to Local Planning Scheme No.3 following the State Government's planning reforms which sets new 'deemed' and 'model' land use classes and general definitions within *Planning and Development (Local Planning Schemes) Regulations 2015*. The amendment seeks to modify scheme provisions and definitions, including changes to land zone/use permissibility relating to the new STRA planning framework and ensure a consistent approach with State regulations.

Planning and Development Act 2005

Resolution to Adopt Amendment to Local Planning Scheme

Town of Claremont Local Planning Scheme No. 3

Amendment No. 143

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 10:
 - A. Delete the definition for:
 - *motel*;
 - B. Insert the definition for *tourist and visitor accommodation* as per Schedule 1 – Model Provisions
2. In table 1 ‘Land Use Table’ insert in alphabetical order the following land uses and permissibility:
 - A. *hosted-short term rental accommodation*; designate as ‘X’ in Light Industrial and Educational zones and ‘P’ in all other zones except the Special Zone Restricted Use and Development zones.
 - B. *unhosted short term rental accommodation*; designate as ‘AA’ uses in Local Centre and Town Centre zones; as ‘SA’ uses in Residential and Highway zones, and ‘X’ in all other zones except the Special Zone Restricted Use and Development zones.
 - C. *tourist and visitor accommodation* and designate as ‘SA’ in Town Centre zone and ‘X’ in all other zones except the Special Zone Restricted Use and Development zones.
3. In table 1 ‘Land Use Table’, delete all references to:
 - A. *motel*
4. In table 1 ‘Land Use Table’, amend wording in ‘Special Zone Restricted Use’ to:
 - A. AS PER APPENDIX VII
5. In table 1 ‘Land Use Table’, amend wording of ‘Light Industrial’ zone to:
 - A. Light Industrial
6. In table 2 ‘Development Table’:

A. Replace *motel* with *tourist and visitor accommodation*.

B. Insert a row:

unhosted short term rental accommodation			One for every two persons the building is designed to accommodate.
--	--	--	--

C. Reorder rows alphabetically.

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 land 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.

Form 6a

Council Resolution to Advertise

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

.....

MAYOR

.....

CHIEF EXECUTIVE OFFICER

Council Recommendation

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

.....

MAYOR

.....

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.....