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Department of Planning,
Lands and Heritage



Draft Position Statement: Planning for Tourism

December 2021

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1. Policy intent

The intent of this Position Statement is to guide the appropriate location and management of tourism land uses through the planning framework and:

- facilitate acceptable development of new and evolving tourism opportunities
- provide a high-level of amenity in tourism areas
- deliver quality land use planning outcomes.

2. Planning for tourism in Western Australia

Western Australia's many natural and man-made features and attractions provide substantial opportunities for tourism, which is a significant contributor to the State and local economies, particularly in regional areas.

Tourism encompasses an array of development types, sizes and locations, and includes accommodation, attractions, facilities, infrastructure and other ancillary services.

Appropriate planning and management of tourist areas and uses is necessary for their promotion and retention, to prevent encroachment from incompatible land uses, to protect the amenity, environmental and landscape values of tourist areas, and to address potential land use conflict. Planning for tourism must be capable of adapting to changes in the sector and the consideration of value-add opportunities.

Local governments are encouraged to consult with Tourism WA and other relevant State Government agencies, tourism associations, local operators and the local community when undertaking planning for tourism as described within this Position Statement.

3. Application of this Position Statement

This Position Statement applies to all tourism proposals within all regions of Western Australia and should be applied in conjunction with the draft Planning for Tourism Guidelines (the Guidelines), available [online](#).

In this Position Statement the term 'tourist accommodation' refers to all tourist accommodation land uses provided within the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) and this Position Statement (at Table 1). Where a land use definition within this Position Statement differs to that within the LPS Regulations, it is intended to update the LPS Regulations such that the land use definition is consistent with this Position Statement.

Note for consultation:

This Position Statement will supersede and replace *Planning Bulletin 49 Caravan Parks 2014*, *Planning Bulletin 83 Planning for Tourism 2013* and *Planning Bulletin 99 Holiday Home Guidelines 2009*.

Land use definitions for short-term rental accommodation are either new or have been modified (refer to section 6 of this Position Statement). Notably, it is proposed to delete the 'bed and breakfast' land use definition from the model definitions of the LPS Regulations and combine it into a new land use definition for 'hosted accommodation'. Refer to Table 1 of this Position Statement for more information.

3.1 Exclusions

This Position Statement is not intended to capture the following forms of short-term and temporary accommodation, which are often subject to either alternative guidance and legislation or approaches by local government (further information available in section 4 of the Guidelines):

- house swapping and house sitting
- lodgers and boarders
- personal use of a holiday home or the sharing of a holiday home with the owner's family and friends
- student exchange accommodation
- workforce accommodation
- residential parks, park home parks, lifestyle villages.

4. Policy objectives

The policy objectives for planning for tourism are to:

- Provide a strategic approach to the sustainable development and management of tourism land uses by ensuring decision-making is guided by a local planning strategy which reflects the demand for local and regional tourism.
- Identify opportunities and protect locations, tourism precincts and sites (existing and potential) where demand for future tourism land use and development have been identified. The character, landscape, visual amenity, economic, social, cultural and environmental values of natural and/or built features that may have future tourism potential should be protected; any negative impacts minimised; and, where possible, values enhanced.
- Plan appropriate infrastructure and services necessary to support tourism development and ensure new and expanded tourism development has secure access to services/infrastructure.

- Recognise that the commercial sustainability of tourism may require flexibility in product mix, site design and risk mitigation approaches. Promote the co-location of complementary and compatible tourism land uses to create identifiable tourism precincts that benefit tourism amenity.
- Ensure land use impacts between tourism activities and other land uses (including residential areas) are appropriately managed.

5. Policy measures

Local government are best placed to plan for tourism within their communities, with local knowledge of tourism activity, opportunities, constraints, including potential impacts and what requirements, if any, should be placed on tourism proposals.

5.1 General measures

In general, strategic and statutory planning decisions should:

- Encourage a range of tourist accommodation choices and experiences as required.

- Encourage sustainable eco-tourism that recognises and complements Western Australia's unique and sensitive natural environment, heritage and Aboriginal culture.
- Give effect to this Position Statement and Guidelines, and the *State Government Strategy for Tourism in Western Australia 2020* (as amended).
- Be consistent in the use of tourism land use and accommodation definitions contained in this Position Statement, the LPS Regulations and *State Planning Policy 7.3: Residential Design Codes*.
- Promote the location of tourist accommodation in areas with the highest tourism amenity (for example beach access, views, facilities, availability of services) and adequate separation from, or management of, any interface with residential land uses.
- Ensure areas used exclusively for tourism sites and precincts are zoned as Tourism or Special Use.
- Ensure that new and proposed caravan parks are zoned Special Use - Caravan Park to provide long-term security as a caravan park use.

- Maintain and support existing tourism and special use sites. Rezoning should only be supported if it is demonstrated that a tourism site is unfeasible in the long-term because of a lack of tourism demand, sustainable tourism function and a long-term decline of all tourism activities and accommodation types in the region.
- The inclusion of any land uses other than tourism land uses on tourism zoned land should be considered on a case-by-case basis. Consideration should include whether there is appropriate infrastructure and a planning framework that supports uses other than tourism on tourism zoned sites. The inclusion of permanent residential uses requires close consideration to ensure tourism remains the primary use of a site and a quality tourism outcome is achieved in conjunction with any residential component.
- Where permitted, tourism uses on agricultural or rural land should be secondary to agricultural and/or rural uses to protect the primacy of the land for rural uses (for example farm stay, restaurant

at vineyard, farm gate sales) as provided by *State Planning Policy 2.5: Rural Planning*.

- Proposals in areas subject to natural hazards (bushfire, coastal, cyclone and flood prone areas) are to meet the requirements set out in the relevant State planning policies (2.6: *State Coastal Planning*, draft 2.9 *Planning for Water*, 3.4: *Natural Hazards and Disasters* or 3.7: *Planning in Bushfire Prone Areas*). The *Position Statement: Tourism land uses in bushfire prone areas* should also be given consideration in decision-making.
- Where coordination is required (for example across multiple sites, stages or for infrastructure provision), proposals within tourism precincts or sites should be informed by the preparation of a structure plan and/or local development plan as appropriate. These plans should be required prior to subdivision or development approval.

5.2 Local planning strategy considerations

The local planning strategy provides the long-term planning directions and actions to manage the change and

development of a local government area. The local planning strategy also provides the line-of-sight between state-wide strategic planning and policy to the local framework and decision-making.

Local government are encouraged to incorporate a tourism component to ensure strategic tourism needs are addressed. The extent to which tourism is examined within the local planning strategy should be proportionate to the significance of tourism to the community and local economy.

The tourism component of the local planning strategy should:

- Reflect on the existing planning framework (including the local planning scheme and relevant local planning policies) and whether it is fit-for-purpose and achieving the tourism outcomes being sought.
- Discuss current and emerging tourism trends and issues, including the provision of information on existing tourism, aspirations for long-term tourism and existing problems related to tourism.
- Where tourism is significant to the locality or region, it should include substantial detail on tourism such

as an accommodation supply and demand analysis, the rationale for determining future land allocation (site size and location), suitable planning controls and anticipated tourism infrastructure needs.

- Identify suitable tourism sites and precincts in accordance with locational criteria developed by the local government and ensure these are located appropriately to townsites and in proximity to the features and attractions they are intended to serve. Locations identified for tourism should be consistent with other existing policies.
- Outline suitable planning controls to guide and manage tourism uses that will need to be incorporated in the local planning scheme.
- Be consistent with this Position Statement.

5.2.1 Caravan parks

Caravan parks are a fundamental component of the tourism accommodation mix and can experience competing demands from short-term and long-term guests. In addition, the demand for land in tourist locations has

contributed to numerous caravan park closures throughout Western Australia.

Strategic planning for caravan parks should:

- Ensure development and long-term retention of caravan parks as a form of short-stay (affordable) accommodation primarily for leisure tourists.
- Recognise that the commercial sustainability of caravan parks requires some flexibility in product mix, site design and risk mitigation approaches.
- Ensure any new caravan parks are located appropriately for their context and intended market and function.

5.2.2 Short-term rental accommodation

Short-term rental accommodation is the collective name given to holiday homes, units or apartments (usually built for residential purposes) offered for short-term letting, often through an online booking platform or management agent. Short-term rentals are either hosted (where a permanent resident (host) is present) or unhosted (where guests have

exclusive use of an entire house, unit or apartment). Commonly, they can be:

- A family holiday home, periodically offered as a short-term rental.
- A property purchased for the sole intent of operating a short-term rental operation.
- Residents looking to let spare bedrooms on a short-term basis.

The success of online booking platforms offering short-term rental accommodation has seen a rapid increase in short-term rentals, with high concentrations occurring in popular tourist locations. In some cases, the rapid growth in the short-term rental market has placed management and compliance stress on local governments and can have a variety of negative flow on effects.

Local government should consider whether specific attention needs to be given to short-term rental accommodation in the local planning strategy. In areas where short-term rentals are in low demand and do not cause significant community concern, addressing the topic within the local planning strategy may be unnecessary.

Note for consultation:

Concurrent with the release of this draft Position Statement, the State Government is working towards implementation of a registration scheme for hosted and unhosted short-term rental accommodation, which was a key recommendation of the 2019 Economics and Industry Standing Committee's inquiry "Levelling the playing field: Managing the impact of the rapid increase of Short-Term Rentals in Western Australia". Further information on the registration scheme is available from <https://www.dlgsc.wa.gov.au/>.

5.2.2.1 Supply, demand and pressures associated with short-term rental accommodation

To help understand current and emerging trends and issues, local governments are encouraged to undertake a short-term rental accommodation supply and demand analysis. A supply and demand analysis should include consideration of the short-term rental market,

the relationship with permanent housing provisions and the traditional accommodation provision.

Considerations may include:

- Identification of the existing short-term rental accommodation supply.
- Assessment of current and future short-term rental demands informed by Tourism WA and Australian Bureau of Statistics data, local government data and other planning documents.
- Identification of short-term rental accommodation opportunities.

Evidence from other jurisdictions (and increasingly from tourism locations in the South West) indicates that a rapid growth in or high supply of short-term rentals may affect the availability of long-term rentals and housing choice for longer-term residents of a community.

Local governments with areas subject to a high supply of short-term rental accommodation and relatively stable housing growth are encouraged to monitor the situation in their communities and adjust policy settings as appropriate.

5.2.2.2 Location of short-term rental accommodation

Consideration should be given to the appropriate location of short-term rental accommodation; where it should be prioritised, permitted or avoided to further strategic planning objectives, enhance the tourism experience and avoid adverse impacts on surrounding land uses.

It is recognised that there is variation amongst local government in approaches taken, from broad acceptance of short-term rental accommodation in all residential areas, through to consideration in selective locations and/or prohibiting in others.

In seeking to guide the location of short-term rental accommodation, the following considerations may be relevant to the local government:

- Provision of and access to tourist amenity proximity to social, cultural, and leisure attractions, and accessibility to transport routes and public transport services.
- Adequate standard of services and infrastructure necessary, for example reticulated or drinking water supply and service, capacity of on-site solutions.

- Locations to minimise adverse interface issues, particularly amenity impacts on surrounding residential and other land uses (for example rural).
- Risk of natural hazards and the extent of measures which may need to be in place to address the level of risk.
- Any other relevant planning consideration and/or policy instruments within the planning framework.

5.3 Statutory planning considerations

The local planning scheme and supporting local planning instruments (such as local planning policies) give effect to local strategic planning through statutory land use and development control.

Local planning schemes and amendments should:

- Include a range of tourism and mixed-use zonings allowing for tourism development and the permissibility of land uses in each zone, to provide for a diverse tourism industry consistent with the local planning strategy.

- Utilise land use definitions as set out in this Position Statement and LPS Regulations.

To complement local planning scheme provisions and guide the exercise of discretion, local government may utilise local planning policy to inform land use and development decisions.

The Guidelines provide further guidance on statutory planning considerations and approaches.

5.3.1 Caravan parks

To support the policy objectives a local planning scheme should:

- Zone caravan parks as Special Use - Caravan Parks to provide long term security of use of the site as a caravan park.
- Identify caravan parks as a permitted (P) use in the Special Use - Caravan Parks and Tourism zones.
- Encourage the development and redevelopment of caravan parks in a manner that responds appropriately to the environment, economy and context.

The rezoning of Tourism or Special Use - Caravan Park zoned sites to residential, commercial or alike zones is generally considered inconsistent with the objectives of this Position Statement. However, if a rezoning is proposed it should be justified and assessed in context of this Position Statement, the Guidelines, and the relevant local planning strategy. Where it can be demonstrated that a caravan park site is no longer required, and this is supported by the Western Australian Planning Commission (WAPC) in consultation with relevant stakeholders, including long-stay tenants, the WAPC may recommend that the Minister for Planning approve the rezoning subject to all other relevant planning considerations.

5.3.2 Short-term rental accommodation

Short-term rental accommodation is divided into two categories: hosted and unhosted. Local planning schemes can control the desired location of short-term rental accommodation through a combination of zoning and land use permissibility. Development control measures can be set through local planning schemes and local planning policies to manage size, location and potential amenity impacts.

Note for consultation:

The WAPC is considering recommending to Government to exempt the following forms of low-scale short-term rental accommodation from the need to obtain development approval:

Hosted accommodation

Hosted accommodation in a single house (or ancillary dwelling), grouped or multiple dwelling, which does not exceed a maximum of four adult persons (or one family) and a maximum of two guest bedrooms. This form of short-term rental accommodation is considered low-scale because the host resides on site, can manage any issues with guests and the tourism/commercial use of the property is incidental to the permanent residential use.

The cap of a maximum of four adult persons (or one family) and a maximum of two guest bedrooms is the same cap currently provided within the model definition of 'bed and breakfast'. The 'bed and breakfast' land use definition is proposed to be deleted from Schedule 1 (Model Provisions) of the LPS Regulations.

Unhosted accommodation

Unhosted accommodation in a single house, grouped or multiple dwelling where it is let for no more than 60 days per calendar year.

Note: This exemption is for a change of use. Unhosted accommodation in a single house, grouped or multiple dwelling operating for more than 60 days per calendar year would be subject to the requirements of the relevant local government's local planning framework.

Subject to the results of consultation, amendments to the LPS Regulations may be undertaken to make hosted and unhosted accommodation, which meet the conditions outlined above, forms of development for which development approval is not required.

It is proposed that these forms of short-term rental accommodation would still be required to register with the state-wide registration scheme.

5.3.2.1 Hosted accommodation

For new schemes, scheme amendments and scheme reviews, local government should incorporate the land use definition for 'hosted accommodation' (refer to Table 1).

To regulate forms of hosted accommodation through the local planning scheme or local planning policy, the following considerations may be relevant:

- Locational factors which may assist in determining appropriate locations for hosted accommodation within residential areas (refer to the Guidelines for further information).
- Suitability of the premises with regards to building design and form.
- Minimum car parking requirements.
- Servicing requirements, such as access to drinking water and wastewater systems.
- Room and guest caps.
- Preparation and approval of a management plan.
- Time or frequency of use limits.

Other building or health licensing requirements may also apply outside of the planning system, such as provisions relating to swimming pools, the serving of food, the provision of fire safety equipment and evacuation measures.

5.3.2.2 Unhosted short-term rental accommodation

Local government has the flexibility to regulate unhosted short-term rental accommodation through its local planning framework to respond to local conditions (subject to regulatory processes). This Position Statement sets out considerations and approaches to achieve this.

It is acknowledged there are various approaches to the regulation of unhosted short-term rental accommodation currently undertaken across Western Australia. The regulatory and policy response of the local government should be proportional to the significance of the issues arising from unhosted short-term rental accommodation in their municipality. In determining the appropriate way to regulate unhosted short-term rental accommodation the following statutory planning mechanisms can be considered:

- Utilising the zoning table, land use permissibility and other scheme mechanisms to control the locations whereby unhosted short-term rental accommodation proposals may be designated either permitted, discretionary, discretionary with advertising, or prohibited.
- Capping guest numbers permitted within a holiday home, holiday unit or holiday apartment through local planning policy and/or condition of a planning approval, to respond to constraints such as availability of vehicle parking, capacity of infrastructure (such as onsite effluent disposal) or to maintain appropriate levels of amenity in line with expectations (such as concerns regarding party houses).
- Utilising a local planning policy to guide discretionary decision-making, which may include but not be limited to, any of the following matters:
 - locational factors which may assist in determining appropriate locations for unhosted forms of short-term rental accommodation within residential areas (refer to the Guidelines for further information)
 - limits to the number of guests and/or rooms
 - limits to nights the property can be made available for rental in any one year
 - provision of car parking
 - minimum services such as potable water and reticulated sewerage
 - preparation and approval of a Management Plan
 - waste management
 - whether pets of guests (such as dogs) are permitted
 - managing for potential noise nuisance.
- If appropriate, initial development approval can be granted for a limited period (for example 12 months) and renewed on a longer basis (for example three to five years, or permanently) to ensure there is appropriate management of potential impacts on the amenity of neighbouring properties.

5.3.3 Other planning processes including structure plans, subdivisions and development applications

WAPC

Where appropriate, the WAPC will consider the application of this Position Statement in the assessment of structure plans, subdivision, strata, community titles and development applications on sites zoned for tourism purposes or where tourism uses can be considered.

In assessing proposals on land zoned for tourism purposes the WAPC will, among other things (including adopted plans and policies) consider whether the proposal will:

- Facilitate the development of a quality, sustainable tourism facility.
- Incorporate those facilities associated with tourist accommodation developments such as recreation, entertainment and integrated management.
- Provide for current and future tourism demand.
- Have the capacity to accommodate the necessary services, management and

support facilities without compromising the character, development flexibility or tourism amenity of the site.

- Provide for the retention or enhancement of the strategic value of the site for tourism purposes, including the relationship between individual lots and areas of high tourism amenity and the potential to accommodate current and future tourism demand.
- Result in the subdivision of a large tourism lot (for example, to separate the residential component from the tourism). This may result in tourism lots remaining undeveloped and future pressure to approve further residential components to finance development.

In the case of subdivision of an existing caravan park, subdivision is generally not supported. Excising a portion of a caravan park site may be supported if the excised portion is proposed to be developed for a compatible tourism use. Strata or community titling of caravan parks is not permitted as provided by the *Strata Titles Act 1985* and *Community Titles Act 2018*.

Local government

Local government are encouraged to have regard to this Position Statement along with other relevant considerations in the assessment of development applications for tourism land uses and sites zoned for tourism purposes.

6. Definitions

The definitions for forms of tourist accommodation not included in Table 1 of this Position Statement are as per provided in Schedule 1 (Model Provisions) of the LPS Regulations.

Table 1: New and amended definitions

Proposed land use term	Proposed meaning	Dwelling type under the R-Codes
Hosted accommodation (Note: new definition)	<i>means a dwelling or ancillary dwelling, or a portion thereof, used for the purpose of short-term accommodation, with a permanent resident who is present overnight for the duration of the stay either in the dwelling or ancillary dwelling.</i>	Single house, ancillary dwelling, grouped dwelling or multiple dwelling. Note: The WAPC considers the use of an ancillary dwelling for short-term accommodation (where the host resides in the main dwelling and the guest stays in the ancillary dwelling – or vice versa) is a hosted form of short-term rental accommodation.
Holiday house (Note: amended definition)	<i>means a single dwelling used to provide short-term accommodation</i>	Single house
Holiday unit (Note: new definition)	<i>means a grouped dwelling used to provide short-term accommodation</i>	Grouped dwelling
Holiday apartment (Note: new definition)	<i>means a multiple dwelling used to provide short-term accommodation</i>	Multiple dwelling

Land use term	Proposed meaning
Tourist development (Note: amended definition)	<i>means a building, or a group of buildings forming a complex, other than a caravan park, used to provide –</i> (a) <i>short-term accommodation for guests; and</i> (b) <i>onsite facilities for the use of guests; and</i> (c) <i>facilities for the management of the development</i>
Serviced apartment (Note: amended definition)	<i>means a group of units or apartments providing –</i> (a) <i>self-contained short-term accommodation for guests; and</i> (b) <i>any associated reception or recreational facilities</i>
Note: It is intended to delete the land use term 'bed and breakfast' from Schedule 1 (Model Provisions) of the LPS Regulations.	
Note: It is intended to delete the land use term 'holiday accommodation' from Schedule 1 (Model Provisions) of the LPS Regulations.	

General term	Proposed meaning
Short-term accommodation (Note: amended definition)	<i>means temporary accommodation provided 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.</i>



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The Department of Planning, Lands and Heritage acknowledges the traditional owners and custodians of this land. We pay our respect to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.

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PURPOSE OF THESE GUIDELINES

These Guidelines should be read in conjunction with the draft Position Statement: Planning for Tourism (the Position Statement). They provide guidance on its implementation and aim to:

- provide context for planning and decision making on tourism development and land use
- encourage strategic planning that considers local tourism and its wider context
- assist local government in planning for tourism in its local planning strategy and local planning scheme
- encourage a consistent approach to tourism in local planning frameworks
- encourage flexible and adaptive design of tourism and mixed-use development suited to each local government area.

These Guidelines supersede and repeal *Tourism Planning Guidelines* (May 2014) and *Holiday Home Guidelines – short stay use of residential dwellings* (September 2009).

BACKGROUND – PLANNING FOR TOURISM IN WESTERN AUSTRALIA

Tourism is a significant contributor to the national and state economy, particularly in regional areas. Western Australia has a diverse natural and cultural landscape which offers an array of unique experiences. The provision of sustainable facilities and businesses that serve tourists and strengthen and diversify the Western Australian economy are crucial to economic development. The *State Planning Strategy 2050* has additional information about tourism in Western Australia.

The planning system has an important role in facilitating investment in tourism in appropriate locations. Under or over supply of tourism facilities may be detrimental to local communities as well as the attractions and features which draw tourists.

Where tourism is considered significant within a locality or region, detailed tourism planning is advised. Planning should be undertaken in consultation with Tourism WA, State Government agencies, tourism associations, local operators and their local community, and take into consideration issues raised in the *State Planning Strategy 2050*, regional strategies, the Position Statement and these Guidelines.

1. LOCAL PLANNING STRATEGY CONSIDERATIONS

A local planning strategy provides the long-term planning directions and actions to manage the change and development of a local government area and informs the local planning scheme.

The strategy should be based on sound planning principles and provide the:

- rationale for future land allocation;
- planning controls; and
- infrastructure needs.

Where tourism is significant to a locality or region, a detailed tourism component should form part of the local planning strategy.

1.1 TOURISM COMPONENT OF THE LOCAL PLANNING STRATEGY

Further to section 5.2 of the Position Statement, local governments are encouraged to address tourism in the local planning strategy in a manner reflective of the importance of tourism in the municipality. Information that should be provided includes:

- Aims, visions and objectives for tourism development and land uses in the local government area.
- Description of current and potential roles for tourism in the local government area.



- Estimates of current and projected tourism demand for the local government area.
- Consideration, where appropriate, of existing and potential tourist zones, tourism precincts, tourism sites, tourism land requirements and opportunities for introducing new or specific tourism land uses.
- Guidance for assessing tourism proposals, including character and design measures, to achieve aspirational tourism development at particular locations.
- Identification of existing and potential tourism zones, tourism precincts and tourism sites through spatial/strategic mapping.
- Actions and timeframes to achieve the desired level of tourism.

The local planning strategy should be informed by available tourism statistics and may include:

- tourist visitation numbers
- an inventory of existing tourism uses and developments
- an inventory of the attractions and natural assets that draw tourists to an area
- local tourism activities
- actual and potential economic benefits of tourism to the local community
- any impacts and proposed treatment of issues (such as noise and waste) associated with tourism.

The *Local Planning Manual* (as amended) provides guidance on the preparation of local planning strategies and should be read in conjunction with these Guidelines.

1.2 SCOPE AND CONTENT

The tourism component of a local planning strategy should identify:

- tourism sites and assessment based on the capacity for quality, sustainable tourism, addressing current and future demands;
- a scope and process for additional detailed planning that may be required, to inform future local planning scheme amendments;
- criteria and principles to guide development of tourism precincts and sites;
- appropriate planning mechanisms to be introduced into the local planning framework, including the local planning policies, special control areas, specific tourism zones, detailed planning requirements (for example requiring preparation of a structure plan, or local development plan prior to subdivision or development), or incentives (for example a plot ratio bonus to encourage development or an increased scale of tourism within mixed use development); and
- key gaps and opportunities for tourism in a locality may be known or need to be identified in order to identify tourism precincts and sites.

1.2.1 Tourism objectives

Tourism objectives should be consistent with the strategic vision to guide appropriate tourism development throughout the locality. In defining tourism objectives, the following may be addressed:

- The nature and importance of tourism to the local economy in strategic plans/policies.
- Support for tourism through local planning scheme zones and provisions.
- Facilitate a variety of holiday accommodation types including short-term rentals and existing caravan parks and camping grounds in preferred locations.
- Protection of tourism precincts and sites for future tourism development to meet estimated demand, and from incompatible and/or conflicting land uses.
- Innovative tourist accommodation and facilities that respond to market needs.
- Tourism growth and development that reinforces unique and local tourism identity and features.

A tourism objective should be clear, consistent with goals/vision of the local government strategic plan and tourism characteristics of each locality.

1.2.2 State and regional planning context

A local planning strategy responds to the *State Planning Strategy 2050*, the *State Government Strategy for Tourism in Western Australia 2020* (as amended), and relevant regional and local factors. It should describe the role and importance of tourism in the area through analysis of existing State Government policy, assessment of local tourist attractions and features, contribution made to the local economy and any potential for expansion.



1.2.3 Local tourism profile

The local tourism profile should inform any proposed planning and recommendations for tourism in a local planning strategy. The profile may include an analysis of the characteristics of existing and potential tourism and identify the value of tourism to the local community. Existing, proposed and potential tourism development should be reviewed to establish tourist development needs.

This may include:

- Identification of new types of tourism.
- Justification for increasing the number of tourists accommodated overnight.
- The need for new or additional tourism facilities.

Visitor information statistics are helpful in determining the level of tourism that is occurring in a local government area. The following visitor information (where available) is recommended to be included in the background section of the local planning strategy:

- average length of stay (% overnight visitors);
- purpose of visit (holiday, business, specific attraction/event);
- accommodation selected (type, age, standard occupancy rates, peak periods/seasonality);
- mode of transport (to/from and within local area); and
- demographics (age, gender, international/interstate/intrastate).

Tourism WA and the Australian Bureau of Statistics are resources available to local governments for compiling visitor information.

Note for consultation:

Concurrent with the release of these Guidelines, the State Government is working towards implementation of a registration scheme for hosted and unhosted short-term rental accommodation. It is anticipated the registration scheme will be able to provide data on short-term rental accommodation. Further information on the registration scheme is available from <https://www.dlgsc.wa.gov.au/>

1.2.4 Local planning scheme review

As part of preparing a local planning strategy, a review of the existing local planning scheme should occur and consider whether:

- the local planning scheme adequately protects tourism/tourist uses at risk from other land use planning or zoning pressures;
- the existing planning framework influences location, design and type of tourism development;
- existing planning provisions and policies support and encourage the development of tourism facilities;
- growth and/or development of tourist accommodation, attractions, and/or facilities are influenced by the presence or absence of tourism policy and/or zones; and
- the local planning scheme includes tourism zones, and, if so, are non-tourism uses permissible or discretionary within the zone and if this has affected the development of tourism zoned land.

1.3 SITING AND DESIGN OF TOURIST DEVELOPMENT

1.3.1 Siting

Local governments have the opportunity to consider where tourism uses are best located and the amount of land required to service tourism through community consultation and the preparation or review of its local planning strategy, local planning scheme and local planning policies. The primary objective of a local planning strategy for tourism is the identification of tourism precincts and sites.

The tourism component of a local planning strategy may identify the locations which may be subject to future scheme amendments to cater for future tourism.

Tourism precincts and sites should be planned in locations which enhance the tourist experience and avoid or minimise interface/land use conflict with surrounding uses. Selection and justification of potential tourism locations should consider the following:

- the demand for a proposed tourism use, informed by the local tourism profile;
- access for pedestrians, vehicles and/or public transport;
- provision and access to tourist amenity (e.g. landscape, views, proximity to attractions);
- compatibility of tourism development with surrounding land uses;
- land constraints (e.g. steep slopes, coastal setbacks, water courses);
- vulnerability to natural hazards (e.g. bushfire, cyclone, flood, erosion);



- scale of tourism development and location suitability;
- infrastructure availability to service the proposed tourism uses; and
- for eco-tourism proposals, the use of education and conservation measures, construction materials, waste management, and energy efficiency.

1.4 TOURISM PRECINCTS

A tourism precinct is a defined area that has potential for the co-location of tourist accommodation, attractions, activities and/or amenities. Tourism precincts should be vibrant, attractive and inviting, offering a variety of uses within an accessible area. A tourism precinct could be an entire town centre or a street block, however it should be walkable. They can support detailed planning for specific tourist accommodation sites, complementary and supporting land uses, and the integration of tourism infrastructure.

The location and scale of a tourism precinct should be informed by the following factors:

- proximity to tourist attractions and facilities;
- be compatible with existing land uses and infrastructure;
- existing and potential tourist accommodation opportunities;
- desired or existing character and amenity;
- visitation statistics for the locality;
- access including transport opportunities; and
- capacity to accommodate a mix of uses that complement tourism development.

The local planning strategy should identify further detailed planning through the local planning scheme necessary to facilitate an identified tourism precinct.

1.5 TOURISM SITES

A tourism site may include an existing tourist development or non-tourism zoned land that has physical characteristics suited to tourism. Considerations for the selection and identification of tourism sites are provided in Table 1 of these Guidelines.

Future land use and development of tourism infrastructure can be introduced in a local planning strategy by identifying suitable tourism sites and detailing their significance to tourism. This will assist in determining the level of detailed planning to facilitate desired tourism development.

1.6 TOURISM FACILITIES

1.6.1 Tourist attractions, activities and amenities

The local planning strategy should include the following details on key tourist attractions, activities and amenities; including their size and the scale of the local tourism industry:

- details of the existing tourism market (for example is it event, cultural, sport, family, adventure, environmental, eco-tourism, health or agri-tourism based?);
- potential new or extended tourist markets to be explored;
- list the types of attractions and experiences (this may include national parks, coastal environments, winery region, cultural and sporting events);

Table 1: Tourism sites - site selection

Criteria	Considerations
Accessibility	Adequate existing or proposed transport links
Uniqueness	A prominent and/or unique landmark of significance
Setting	The site's views, or outlook that encourages recreational tourism activities and/or tourism character
Tourism activities and amenities	The site has or is within easy access of attractions and amenities that promote tours, fishing, historic sites, walk trails, environmental interpretation, cafes, restaurants, shops etc. or is capable of development for activities
Supply of land	The site represents a limited amount of land suitable for a significant tourism use



- type, capacity and number of tourism businesses and activities by tourism category (for example art galleries, breweries, theme parks);
- emerging tourism development opportunities (for example events and/or activities such as festivals, concerts, sporting events, underutilised areas of natural beauty, and adventure activities); and
- tourist amenity of public areas including town centres, streetscapes and public open space.

1.6.2 Tourism infrastructure and services

A local planning strategy should consider infrastructure and services including:

- Identification of service capacity and infrastructure projects with potential to impact tourism growth or quality of visitor experience including access (for example roads, rail, airports), water, wastewater, telecommunications and power (along with potential impacts to other land uses).
- Consideration of tourist movement between accommodation and activities/attractions.
- Access to and from tourist destinations.
- Identification of infrastructure improvements related to tourism in the local government area (for example improve/expand road networks, increased capacity at a local airport to increase tourism access).

1.7 HERITAGE

1.7.1 Historic (built) heritage

Tourism can play a key role in conserving historic heritage when initiated and managed appropriately. The development of heritage buildings and places for commercial tourism may offer a commercially viable option for securing their future. Heritage tourism can contribute to the rejuvenation of regional and urban areas and spread economic benefits across a wide geographical area, such as through themed trails and driving routes.

1.7.2 Aboriginal heritage

Western Australia's rich and diverse Aboriginal heritage gives the State a unique point of difference over other holiday destinations. Aboriginal heritage includes both site and non-site specific values, experiences and activities in urban and regional areas. Tourism, if managed appropriately, can help preserve Aboriginal heritage by encouraging cultural site protection, environmental conservation, and the transfer of inter-generational cultural knowledge.

Tourism also represents a significant opportunity for Aboriginal people to secure sustainable economic, social and job outcomes. An example is the Camping with Custodians touring experience for travellers, which provides income, employment and training opportunities for Aboriginal communities across the Pilbara and Kimberley.

1.8 INTERIM MEASURES IN THE ABSENCE OF A LOCAL PLANNING STRATEGY

Where a local government does not have an endorsed local planning strategy, the assessment of a scheme amendment or development application which proposes a non-tourism use on an existing tourism site should consider the Position Statement, these Guidelines, the *Local Planning Manual* (as amended) and any relevant State and local policies.

For tourism sites within an existing or potential tourism precinct, assessment should consider issues and objectives relevant to the tourism precinct including the importance of tourism for the locality.

1.9 TOURISM RESOURCES

To inform economic development, environmental protection, resource management, housing provision and infrastructure (physical and social), liaison should be undertaken with relevant State agencies and the tourism industry. Tourism WA offers various resources to assist planning for tourism and should be consulted if preparing a local planning strategy for an area where tourism is important. Appropriate consultation should ensure the local planning strategy is relevant and reflective of the local community, industry expectations and wider Western Australian context.



2. GENERAL STATUTORY PLANNING CONSIDERATIONS

2.1 ZONING FOR TOURISM

A variety of tourism development can be accommodated within tourism, mixed use and special use zones.

Uses permissible in each local planning scheme zone should reflect and be consistent with the intended tourism outcome. The *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regulations) provide provisions for zones and land uses for the use of local government.

The objectives of the Tourism zone in the LPS Regulations are:

- To promote and provide for tourism opportunities.
- To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area.
- To allow limited residential uses where appropriate.
- To encourage the location of tourism facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.

In local government areas where tourism is economically significant, the local planning strategy may identify potential tourism zones for the local planning scheme where they do not already exist. Where a tourism site has different or additional objectives to the standard tourism and mixed-use zone objectives, the site may be considered as a special use zone to enable specific objectives unique to the site or tourism use to be included in the objectives for that zone/site only (for example caravan park).

2.1.1 Land use considerations

The local planning scheme needs to determine appropriate use classes and permissibility of tourist development in each zone. Considerations may include:

- a) Tourist development should be given priority in tourism zones. Local planning schemes that allow residential development in tourism zones need to provide guiding objectives or principles to ensure development is consistent with the tourism purpose of the zone.
- b) In areas of strong or developing tourism industry, a focus on tourism land use and development is necessary in the local planning scheme.

2.2 DESIGN OF TOURIST DEVELOPMENT

The design principles supporting tourism development siting and design include:

- context and character
- landscape quality
- sustainability

- functionality and build quality
- community
- amenity
- legibility
- built form and scale
- safety
- aesthetics.

Key State policies that support design and assessment include:

- *Visual Landscape Planning in Western Australia – a manual for evaluation, assessment, siting and design (Visual Landscape Manual)*
- *State Planning Policy 7 Design of the built environment (SPP7 and SPP7.3).*

Both documents are to be considered, where relevant, for tourism proposals and their assessment.

2.3 TOURISM SITES

Identification of tourism sites in the local planning scheme can facilitate long-term protection of land for tourism purposes.

Specific planning controls are encouraged for each tourism site and precinct to set parameters for future planning, such as a structure plan or objectives for development or redevelopment.



The design principles of tourist development listed in these Guidelines (section 2.2) should be considered during site selection and planning. In prioritising tourism sites and to inform detailed planning, the following specific site values may be considered in Table 2 of these Guidelines.

2.4 TOURIST DEVELOPMENT IN NON-TOURISM ZONES

A local planning scheme Tourism zone is provided for in the LPS Regulations. Prior to the introduction of this zone, tourist accommodation and development may have been approved on land not zoned for tourism, including in residential, mixed use, rural and town centre zones. Where appropriate, the local planning strategy should

identify opportunities to rezone these sites to tourism in the local planning scheme review. Tourism uses can be encouraged in mixed use and town centre zones as this may assist in providing a mix and scale of development attractive to both tourists and residents.

2.5 NON-TOURIST DEVELOPMENT IN TOURISM ZONES

Careful consideration is required for any proposal to develop tourism zoned land for non-tourist development, or to re-zone tourism land to an alternate zone, given this may collectively lead to lost opportunities for quality tourism development in the most appropriate locations.

There is a need to consider applications and sites on an individual basis, taking into account particular locational issues, in addition to their potential strategic tourism value. Local government may consider developing assessment criteria to determine the significance of any proposed loss of tourism.

Some local governments have adopted a variety of approaches when dealing with non-tourist development and subdivision on tourism zoned land. Considerations include:

- Residential development should be secondary to the tourism use. See Appendix 1 for further information.
- Establishment of length of stay occupancy restrictions for residential uses.
- Proposals are to remain incidental to, and support, the proposed tourism use on the site.
- Demonstration that non-tourist development will not compromise or adversely impact the tourism zone objectives or surrounding uses.
- Development to incorporate facilities normally associated with tourist accommodation development such as recreation, entertainment facilities and integrated management facilities.

Table 2: Tourism sites – criteria to inform detailed planning

Criteria	Considerations
Suitability in a land use context	Is the tourism site located where potential tourism activity is likely to be limited by proximity to uses that might detract from the tourism character?
Capability	Is the site capable of being developed or expanded for tourism and associated servicing that will not impact its natural attributes or cause environmental damage (for example sewerage capacity, water supply and waste collection?). Preparing for climate change adaptation is important to the sustainability of many key tourism sites.
Size	Is the site of suitable size to sustain a proposed tourism development in terms of design, operation and function, without limiting future potential for expansion? Will development of the site contribute to the delivery of diversified and balanced tourism?
Function	Is the site suited to a particular type of tourist accommodation, certain tourism market needs or the desired range of tourist accommodation for the locality (e.g. beachfront caravan parks, school holiday camps, and Crown tourism leases?).



3. TOURISM USES

3.1 RURAL TOURISM

There has been a long-term trend of increasing demand for tourist accommodation in rural areas, with significant variation in the preferred type and form throughout the State. For example, in pastoral regions there is higher demand for 'station stays' as well as 'adventure tourism', whilst in the South West the demand is for holiday houses in rural settings.

Tourism uses should be incidental to a primary agricultural use. *State Planning Policy 2.5: Rural Planning* provides guidance on land use planning in rural areas.

3.1.1 Strategic considerations

Rural tourism may be encouraged in areas with attractions, preferably with sealed road access. Opportunities may include small-scale caravan and camping grounds that are unlikely to compete with existing formal caravan parks as they offer a different experience, have minimal facilities, and are located in a rural setting.

Planning for rural tourism should be further informed by *draft State Planning Policy 2.9: Planning for Water*, *State Planning Policy 4.1 State Industrial Buffer Policy*, *Government Sewage Policy 2019*, *Department of Health Guidelines for separation of agricultural and residential land uses*, and *State Planning Policy 3.7 Planning in Bushfire Prone Areas*. The *Position Statement: Tourism in Bushfire Prone Areas* also provides relevant information.

3.1.2 Statutory considerations

Where appropriate, small-scale tourist accommodation should generally be either a discretionary (D) or a discretionary with advertising (A) use in the zoning table of a local planning scheme to minimise potential land use conflicts and maintain the primacy of rural land uses.

3.2 ECO-TOURISM

Western Australia's environment and landscape character creates a unique and attractive holiday destination and ecotourism is one of the State's key tourism markets. Eco-tourism attractions are popular with locals and visitors alike, and include the coastline and waterways, mountain ranges and ancient landforms, unique karri, tingle and jarrah forests and native wildlife, as well as a range of nature-based activities such as hiking, rock climbing, swimming, kite surfing, bushwalking, four-wheel driving and caving.

3.2.1 Strategic considerations

Many of the attractions that encourage tourism are located in regional and remote parts of the State. Some of these areas are prone to natural hazards, such as bushfires, flooding or waterlogging, coastal erosion or cyclones. *State Planning Policy 3.4: Natural Hazards and Disasters* (SPP3.4), *State Planning Policy 3.7: Planning in Bushfire Prone Areas* (SPP3.7) and *State Planning Policy 2.6: State Coastal Planning* (SPP2.6) provide detailed information on planning for vulnerable uses, such as tourist accommodation. The *Position Statement: Tourism in Bushfire Prone Areas* also provides pertinent information.

3.2.2 Statutory considerations

Where relevant, eco-tourism proposals should consider the following:

- bushfire management in accordance with SPP3.7 and State bushfire guidance;
- consistency with relevant zone objectives;
- impact on natural landscape, environment and conservation values;
- appropriate servicing and infrastructure to accommodate the proposed use in an environmentally responsible manner;
- design guidelines and visual impact;
- coastal setbacks in accordance with relevant State planning policy;
- impact on social and cultural values of the area or site; and
- consistency with any relevant National, State and local policy and guidance.



4. TOURIST ACCOMMODATION

There are many different types of tourist accommodation available in Western Australia, and a variety of controls exist to manage their use. As referenced in section 3 of the Position Statement, the term tourist accommodation means short-term accommodation and includes traditional accommodation (for example chalet, serviced apartment, hotel) and short-term rentals (holiday house, holiday unit, holiday apartment, hosted accommodation).

4.1 EXCLUSIONS

Further to section 3.1 of the Position Statement, it is not intended to capture other forms of short-term and temporary accommodation which are:

- not associated with the issues resulting from short-term rental accommodation offered on a commercial basis; and/or
- subject to alternative guidance, legislation and approaches by local government.

The Position Statement and these Guidelines do not apply to the following forms of short-term and temporary accommodation:

1. *House swapping and housesitting*

House swapping is a mutual arrangement made between owners of separate properties to 'swap' homes for a temporary period and is often for holiday accommodation purposes. House swapping is commonly organised through specialised websites.

Housesitting is a mutual arrangement whereby a person stays and cares for a property whilst the owner is away. Housesitting can be a commercial or non-commercial form of accommodation and is commonly arranged through specialised websites.

2. *Lodgers and boarders*

A lodging house is defined under the *Health Act 1911* as any building or structure, permanent or otherwise, and any part thereof, in which provision is made for lodging or boarding more than six persons, exclusive of the reward, not including the family or the keeper of the house. Common boarding arrangements include backpacker hostels, crisis accommodation, and student accommodation services.

The *Health Act 1911* requires boarding or lodging houses to be registered with a local government who may establish additional local laws for premises.

3. *Personal use of a holiday home or the sharing of a holiday home with the owner's family and friends*

Informal and infrequent sharing between family and friends, and the personal use of private holiday homes is considered a non-commercial arrangement.

4. *Student exchange accommodation*

This is temporary accommodation whereby students stay with a host family in their home whilst studying. These arrangements are commonly organised through student hosting organisations or educational establishments.

5. *Workforce accommodation*

Refers to premises, such as modular or relocatable buildings, used for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis, and for any

associated catering, sporting and recreation facilities for the occupants and authorised visitors. Workforce accommodation is regulated by local government, except where the *Mining Act 1978* and State Agreement Acts prevail (refer to the *Position Statement: Workforce accommodation* for more information).

Residential parks, park home parks and lifestyle villages are also excluded from the Position Statement and these Guidelines as they are forms of long-stay accommodation defined as 'park home park', and are dealt with by other policy and legislation.

4.2 GENERAL STRATEGIC CONSIDERATIONS FOR TOURIST ACCOMMODATION

The impact of tourist accommodation varies throughout the State depending on the importance and prevalence of tourism activity in the locality. The local circumstances should therefore guide management and control of the use. Areas that are known tourism 'hot spots' such as coastal locations may need special attention to ensure the location continues to grow in a controlled manner as a tourist destination.

4.2.1 Land supply

If land supply pressures for tourist accommodation are evident or predicted in a local government area, the tourism component of the local planning strategy should be informed by an accommodation demand/supply study and analysis that forecast estimates of future tourism growth, including likely demand for tourist accommodation.



The detail of the accommodation demand/supply analysis should reflect the extent and importance of local tourism and land use/land supply pressures in the locality. Tourism accommodation sites are to be protected to ensure they cannot be developed exclusively as residential development. Refer to section 2.5 of these Guidelines for analysis considerations.

4.2.2 Site assessment

A local planning strategy should include identification of suitable land and an assessment of its availability for future tourist accommodation. It should note private, Crown, and local government land currently used for tourist accommodation, the type of accommodation, lease/management arrangements, and future development opportunities.

The following questions should inform the consideration of sites suitable for tourist accommodation:

- Is the site identified in a report/study as having potential for tourism?
- Does the site contain existing tourist accommodation development?
- Is the site located in an area of high tourist amenity and of adequate size to develop tourism facilities?

For short-term rental accommodation, the local planning strategy may identify localities/suburbs where this form of tourist accommodation may be suitable.

4.3 TRADITIONAL ACCOMMODATION

Traditional Accommodation refers to the following land uses:

- cabin
- chalet
- caravan park
- hotel
- motel
- serviced apartment
- tourist development.

4.3.1 Caravan parks

These Guidelines support sections 5.2.1 and 5.3.1 of the Position Statement to provide direction on matters to be taken into consideration when planning for caravan parks, including the development of new, or redevelopment of existing parks.

Caravan parks provide a range of accommodation and facilities that contribute to the diversity of Western Australia's tourist accommodation, particularly in regional areas. Caravan parks provide a comparatively affordable form of short-term accommodation serving caravanning and camping recreation and leisure needs.

Camping grounds, transit and informal camping sites are more likely to be in remote regional areas. Typically, these areas consist of cleared land with no or few facilities (for example toilets or bins). Transit sites may form part of a roadhouse or service station.

Separate to these Guidelines, the requirements of the *Caravan Parks and Camping Grounds Act 1995* and associated regulations, as administered by the Department of Local Government, Sport and Cultural Industries must be met.

Long term residential occupancy of a caravan park (for example residential parks, park home parks, lifestyle villages, transient workforce accommodation parks, and transit parks) is not addressed in these Guidelines.

4.3.1.1 Strategic considerations

4.3.1.1.1 Existing situation

The local planning strategy should identify existing and potential transit and informal camping sites and provide local governments with a sound rationale for determining the future land allocation, planning controls and infrastructure needs for caravan parks. The retention and development of caravan parks as affordable tourist accommodation is encouraged and subject to the following strategic considerations:

- the commercial sustainability of caravan parks and flexibility in product mix;
- facilitation of growth in the caravan park industry;
- the suitable separation of short and long-stay uses within a caravan park;
- development and redevelopment of caravan parks that responds to the site context, environment and economy; and
- caravan park locations and function based on market analysis.



Caravan parks experience competing demands and face many challenges including short-stay and long-stay demands, redevelopment pressures, regulatory requirements, ageing infrastructure and changing market demands. These demands and challenges have contributed to closures throughout the State.

4.3.1.1.2 Considerations for the location and siting of caravan parks

The purpose and design of the caravan park should be justified in relation to its location and context. The purpose for a caravan park may include a stop-over/transit caravan park, and/or a destination caravan park for tourists. Details of land tenure and lease agreements should inform any high-level planning.

The local planning strategy should identify potential future caravan park sites in tourism areas where high occupancy rates occur throughout the year. Once identified, future caravan park sites are encouraged to be retained in public ownership and zoned Caravan Park as freehold land is at risk of rezoning for other purposes.

Where practical, caravan parks comprising a long-stay component should be located where there is access to urban facilities and amenities.

There is a presumption against caravan parks comprised of long-stay residents being in areas of high tourism value because it is preferable that these sites/locations are secured for tourism purposes.

4.3.1.1.3 Topography, drainage, soils and vegetation

Caravan parks should not be located on flood prone or water-logged land, nor steep slopes unless suitable mitigation measures are demonstrated. Cleared sites are preferred and any clearing of vegetation for a caravan park development should be minimal and retain mature trees and vegetation.

Caravan parks are not supported in Priority 1 and Priority 2 water resource protection areas, however may be considered in Priority 3 areas provided deep sewerage is available.

Acid sulphate soils and other soil types may not be suitable for development as they are susceptible to slipping and slumping.

4.3.1.1.4 Coastal or fire hazard constraints

Proposed new coastal caravan parks or the redevelopment of an existing caravan park adjacent to the coast must consider coastal processes, landform stability, coastal hazards, climate change and biophysical criteria as part of the application. They may require a coastal hazard risk management and adaptation plan and a foreshore management plan. A bushfire hazard assessment and/or bushfire management plan may be required to inform caravan parks at risk from bushfire hazards. Refer to SPP2.6 and SPP3.7.

4.3.1.1.5 Visual impact

A proposed caravan park should consider impacts on the landscape character and visual amenity from scenic points to minimise visual impacts on high value public views (refer to the *Visual Landscape Planning in Western Australia – a manual for evaluation, assessment, siting and design*).

4.3.1.2 Statutory considerations

In addition to section 5.3.1 of the Position Statement, local planning schemes should address the following in relation to caravan parks and camping:

- facilitate the long-term retention, of caravan parks and camping grounds as a form of affordable short-term accommodation primarily for leisure tourists;
- caravan parks should not be located on land at risk from natural hazards, for example steep slopes or coastal land, due to the temporary and vulnerable nature of accommodation typically found in caravan parks (for example tents, caravans, campervans);
- caravan parks should be flexibly designed to provide a range of accommodation options to facilitate long-term viability, however short-term accommodation options should be the predominant use;
- minimise potential for conflict between short-term and long-stay users of caravan parks through appropriate separation including separate facilities and access;
- park home parks should be identified as not permitted (X) in the Tourism or Special Use – Caravan Park zones;
- caravan parks should identify overflow areas for peak periods where additional space is likely to be required;
- suitable access and egress should be provided to ensure safety of pedestrians, vehicles and cyclists;
- caravan parks should be connected to appropriate services, such as electricity and wastewater supplies;
- the local planning strategy should identify existing and potential transit and informal camping sites; and



- green title subdivision of caravan parks is generally not supported to ensure retention of the caravan park use and avoid management issues associated with private park sites.

Appendix 2 provides further design considerations for local government when assessing proposals for new, or redevelopment of existing caravan parks.

4.3.1.2.1 Accommodation products and permanent structures

Caravan parks may provide a range of accommodation products to meet visitor demand such as powered and unpowered camp sites, minimal service recreational vehicle (RV) sites, on-site vans, cabins, chalets and eco/safari tents. Caravan parks may also provide permanent structures including, but not limited to caretaker's dwelling/manager's residence, shop/office, café, games/recreation room, ablution facilities, camp kitchen and camp laundry. It should also be noted that not all of these accommodation types may be permitted under the *Caravan Parks and Camping Grounds Act 1995* administered by the Department of Local Government, Sport and Cultural Industries.

For the purposes of these Guidelines, constrained areas refer to a specific portion of land that may have restrictions in use due to environmental factors (for example flood plains, coastal land, bushfire prone areas).

4.3.1.2.2 Redevelopment and reinvestment in caravan parks

If a caravan park is proposed to be redeveloped to cater for other forms of tourist accommodation, the range of existing facilities on offer should be retained. Converting entire caravan parks into other forms of tourist accommodation is discouraged. The local planning strategy may suggest a local development plan be prepared when caravan parks are proposed for significant changes. Refer to Appendix 2 Design assessment for proposed or redeveloped caravan parks.

4.3.2 Hotels

Hotel developments are one of the more expensive tourist accommodation ventures and take a significant length of time to obtain a return on investment. Therefore, if a local government seeks to encourage development of a hotel in a tourism precinct or a particular tourism site, incentives to attract developers or measures to promote viability of a hotel or reduce costs may assist in drawing interest. Planning incentives may include plot ratio bonuses, facilitation of mixed-use outcomes and floor space and height inducements. Hotel developments also require other statutory approvals in addition to a development approval (for example liquor licence).

4.4 SHORT-TERM RENTAL ACCOMMODATION

Short-term rentals are the common name given to holiday homes, units or apartments (usually built for residential purposes in areas zoned for residential use) offered for short-term letting, usually through an online booking platform. The prevalence of residential properties being let as short-term rentals in residential areas has increased rapidly in Western Australia since the emergence of online e-commerce booking platforms.

Depending on the type and scale of the short-term rental accommodation proposed, a variety of controls may be applicable to manage the use. These Guidelines propose tailoring of local planning schemes and local planning policies to address the specific issues encountered by individual local governments around tourist accommodation.

Local government is best placed to know the needs of its community and what requirements may need to be placed on short-term rental accommodation providers. Local government is responsible for establishing local regulatory frameworks to manage short-term rental accommodation and for carrying out ongoing management and enforcement.

In addition to local government framework considerations addressed in section 5.2.2 of the Position Statement, the following statutory considerations will assist local governments to address short-term rental accommodation in their locality.



4.4.1 Statutory considerations

4.4.1.1 Zoning

Table 3: Short-term rental zoning considerations

Criteria	Considerations
Determine where short-term accommodation is best located within the local government area	Siting considerations may include: <ul style="list-style-type: none"> • areas of high tourism amenity (e.g. beach access, views, facilities and availability of services) • natural hazards (for example bushfire, cyclone and floods).
Determine appropriate use classes and permissibility in each zone	The following zoning options are suggested approaches for local government consideration: <ul style="list-style-type: none"> • hosted accommodation – P use (exempt development 365 days of the year) in the Residential zone and any other zones deemed appropriate by a local government • all other forms of short-term rental accommodation – D use in local planning scheme and requires planning approval <ul style="list-style-type: none"> – This could apply to all forms of short-term rental accommodation, different types of short-term rental accommodation or be differentiated based on scale such as number of individuals to be accommodated. – For accommodation offering sleeping arrangements for 6 or less, could be D use, for 7 or more could be an A use to allow for advertising. • specific types of short-term rental accommodation – X use in local planning scheme.

4.4.1.2 Local planning policies

Local planning policies can be prepared to inform land use and development control. Please refer to section 5.3.2 of the Position Statement for specific guidance on preparing local planning policies to outline local government's approach to short-term rental accommodation.

4.4.2 Management plans

As referenced in section 5.3.2 of the Position Statement, where appropriate, local government may require the applicant to prepare a management plan to address

potential amenity impacts arising from short-term rental accommodation and necessary emergency protocols. A management plan may include, but not be limited to the following:

- Mitigation plan –
 To control anti-social behaviour, noise and any other potential conflicts a mitigation plan may be appropriate. Anti-social behaviour should be dealt with by local governments/police in the same manner as a property being used as a residential dwelling.

- Complaints management procedure –
 The manager of short-term accommodation should be contactable in the event that a complaint is made. The guest should have 24-hour access to the manager via phone, email or an online app. Some local governments may wish to receive from the operator a record of complaints made against short-term rentals and this should be reflected/included in the complaints management procedure.
- Guest check-in and check-out procedures
 Clear check-in and check-out procedures should be outlined in the management plan.
- Health and safety protocols
 Other legislation and standards govern the need to provide and maintain appropriate health and safety requirements in short-term rental accommodation. Local government may wish to advise short-term rental operators of these requirements in the management plan.
- Management and provision of car parking
 On-site parking provision should be considered to accommodate additional vehicles within the property boundary and should align with existing local government parking policies.
- Waste management
 Must specify the requirements of general waste and recycling, bin collection days and location of bins for collection.



4.4.3 Other local government considerations

Local governments may consider it appropriate to provide guidance to short-term rental accommodation operators on the variety of non-planning requirements necessary for the operation of short-term rental accommodation. This section outlines some non-planning requirements which may be relevant.

Note: The Department of Mines, Industry Regulation and Safety and the Real Estate Institute of Western Australia provide information for owners, real estate agents, property managers and purchasers, to address public health and safety, taxation, insurance and amenity requirements, as well as due-diligence processes for short-term rental operations. Further information can be found at www.dmirs.wa.gov.au.

4.4.3.1 National Construction Code requirements

Short-term rental accommodation is provided for in a range of classifications used in the National Construction Code, available at ncc.abcb.gov.au.

4.4.3.2 Insurance and liability

As many residential public liability insurance policies exclude the use of premises for short-term rentals, it is recommended that landowners/managers check this matter with their insurance providers.

4.4.3.3 Health and safety standards

Other health and safety requirements may be applicable to the operation, such as standards for the serving of food and maintenance of aquatic facilities such as pools and spas.

5. LOCAL LAWS

Note for consultation:

Concurrent with the release of the draft Position Statement and Guidelines, the State Government is working towards implementation of a registration scheme for hosted and unhosted short-term rental accommodation, which was a key recommendation of the 2019 Economics and Industry Standing Committee's inquiry "Levelling the playing field: Managing the impact of the rapid increase of Short-Term Rentals in Western Australia".

Some local governments currently have local laws requiring short-term rental accommodation operators register with the local government for an annual licence. How these existing local government registration systems will interact with or be superseded by the State registration scheme is currently under consideration. Further information on the registration scheme is available from <https://www.dlgsc.wa.gov.au/>

Under the *Local Government Act 1995*, a local government may create a local law when considered necessary. As such, local governments may consider introducing a local law where individuals running short-term rental accommodation must meet certain requirements in order to register with the State's mandatory registration scheme. The local government could outline conditions of operation such as parking requirements, emergency evacuation plans, and number of guests. Requirements could apply to all forms of short-term rental accommodation, different types of accommodation or be differentiated based on scale such as the number of individuals to be accommodated.

6. STRATA AND COMMUNITY SCHEME DEVELOPMENT

Under the *Strata Titles Act 1985* and *Community Titles Act 2018* strata and community schemes are comprised of by-laws; the scheme plan (depicting lots); and upon registration, the strata company or community corporation.

The *Strata Titles Act 1985* requires subdivision approval by the WAPC under the *Planning and Development Act 2005* and *Strata Titles Act 1985* prior to the registration of a strata plan to create a strata scheme. Section 6 of the *Strata Titles Act 1985* allows a strata/survey-strata plan to legally restrict uses on strata land.

For strata schemes, the subdivider/developer can supplement the deemed by-laws and add restrictions regarding short-term letting. For community schemes, the community corporation can also apply by-laws to allow or restrict uses within the community scheme as a whole or for schemes within certain tiers. Planning approval for short-term rental accommodation within a strata or community scheme does not override the need for body corporate approval.

The *Community Titles Act 2018* requires WAPC approval of the community development statement, which governs the subdivision and development of land subject to a community scheme, and subdivision. Sections 25 and 43 of the *Community Titles Act 2018* allows a community titles scheme plan to legally restrict uses on community titled land or development.

Note: The applicable strata or community titles scheme plan for grouped and multiple dwellings should be checked for consistency prior to an approval being issued.



6.1 SHORT-TERM RENTAL ACCOMMODATION IN RESIDENTIAL STRATA AND COMMUNITY TITLES SCHEME DEVELOPMENT

The use of a residential strata or community titles scheme property (for example apartment, unit, villa, flat, townhouse) for tourist accommodation has additional obligations to a single house on a freehold lot.

Strata and community titles scheme complexes could be more susceptible to the potential negative impacts of short-term rental accommodation due to:

- the proximity of neighbours
- the reliance on shared facilities
- the high proportion of whole-premise short-term accommodation (i.e. un-hosted).

Where development approval is required and is supported by the strata company or community corporation, one or more units or an entire development may be approved by the strata company or community corporation for short-term rental accommodation, subject to conditional requirements or restrictions. Strata companies and community corporations are suitably positioned to address neighbour concerns rather than individual strata or community titles owners. The strata company or community corporation may also vote to:

- prohibit the use of strata/community titles units for tourist accommodation;
- allow the use of particular properties for short-term rental accommodation;

- apply restrictions and management plans; or
- allow the use of all strata/community titles units for short-term rental accommodation.

Under current strata laws, strata companies can adopt model by-laws which enable them to:

- manage some of the impacts that may arise from uses such as short-term rental accommodation, including management of common property; and
- require that an owner/occupier must notify the strata company of a change of use of that lot including if it is to be used for short-term rental accommodation.

Strata companies and community corporations can also formulate their own by-laws to:

- help manage the behaviour of owners/occupiers and invitees, noise, vehicle parking, the appearance of a lot and waste disposal;
- vary the insurance payable by owner/occupiers who short-term let; and
- restrict the use of tenancies for the purpose of short-stay rental accommodation.

The *Strata Titles Act 1985* and *Community Titles Act 2018* do not include model by-laws to prohibit or restrict short-term rental accommodation. However, a strata company or community corporation may vote to set their own by-laws to prohibit or restrict the use.

The requirements of the *Strata Titles Act 1985* and *Community Titles Act 2018* must be observed in all circumstances. If strata or community scheme by-laws do not permit the use and the strata company has not approved the use, the use remains illegal under the *Strata*

Titles Act 1985 and *Community Titles Act 2018*. A planning approval does not override the need for an approval of the strata company or community corporation. Where it is proposed to use a strata or community titles property for short-term rental accommodation (or other form of tourist accommodation) the onus is on the owner to confirm the permissibility of the use under the relevant by-laws.

Landgate has prepared guidance to assist strata companies in managing short-term rentals in strata schemes. The Guide to Strata Titles can be found at www.landgate.wa.gov.au.



APPENDIX 1: MIXED USE RESIDENTIAL DEVELOPMENT

Factors to consider in determining the proportion of mixed use and/or residential development in areas of primary tourism.

- What are the tourism values of the site?
- What site, precinct and location factors support residential or mixed use of the tourism site?
- Is the site sufficiently large enough to cater for a residential component in addition to the intended sustainable tourism use?
- Is the proposed residential development appropriate and sustainable in the broader planning context?
- Isolated and new residential settlements should not be supported.
- What tourist accommodation facilities exist or are proposed in the area? Has the capacity for new tourism development and the projected demand and range of tourist accommodation been identified for the tourism site, precinct, locality and region?
- Residential development should complement tourism development.
- Tourism uses should be located in areas of greatest tourism amenity within a site (for example beachfront), not proposed residential uses.
- Residential dwellings should be designed and integrated into the tourism use and its management.
- Has a structure plan been prepared (or should it be) to integrate residential and tourism uses ensuring the proposed tourism use is enhanced and avoids potential land use conflict (for example noise from tourist accommodation impacting permanent residential amenity)?
- Do proposed residential lot sizes reflect and enhance the desired tourism use?
- Should length of stay residential occupancy restrictions be implemented?
- Are non-tourism land uses and development, and proposed tourism uses compatible in terms of proposed lot sizes, building heights, scale and character of development?
- Are there potential impacts to surrounding areas from combining tourism and residential uses?
- Relevant State and local government policies and guidelines should be considered in assessment.
- The design of the overall proposal should ensure ease of access in and around the site for tourists.
- Tourism uses should incorporate recreation, entertainment and integrated management traditionally provided in tourist accommodation (for example swimming pool, lookout area, cycle paths, barbecue area).
- Separate staging of tourism and mixed use/residential development is discouraged.
- Strata or community titling of tourist accommodation (including serviced apartments) should include an appropriate management statement to ensure tourist accommodation is restricted to short-term use, prohibit use as permanent accommodation and, preferably include on-site management.
- Proposing the inclusion of permanent residential accommodation into an existing tourism development should only be supported where it is demonstrated as facilitating a quality tourism outcome or benefit (for example major refurbishment of tourism use, increased capacity of tourist accommodation, renovation or development of new public space, new pool and restaurant facilities).



APPENDIX 2: DESIGN ASSESSMENT FOR PROPOSED OR REDEVELOPED CARAVAN PARKS

Caravan parks should separate short-term from long-term accommodation to reduce risk of noise and anti-social behaviour. Separate facilities and access for long and short-term accommodation is encouraged.

Small portions of long-term accommodation may be considered in caravan parks provided that short-term accommodation (tourist accommodation) is located in areas where the highest tourism amenity occurs (for example the beachfront, proximity to shared ablution blocks).

Where relevant, overflow caravan parking locations should be included in caravan park proposals. Local governments endorse the provision of overflow facilities as part of licences required under the *Caravan Parks and Camping Grounds Act 1995*.

Design should consider:

- (a) **Access** – Suitable access and egress must be demonstrated in proposals to ensure traffic, cyclist and pedestrian safety within the caravan park. Secondary or alternative access routes should be included in proposals to cater for emergency evacuation (for example fire or flood). Internal roads should be designed to minimise potential conflict between pedestrians and vehicles and allow manoeuvring space for recreational vehicles and vehicles towing caravans.
- (b) **Amenity** – Vegetation and landscape plans that integrate the proposed caravan park into the surrounding landscape should be included and assessed as part of any application. Design minimising opportunity for crime, the use of complementary structure styles, colours, materials, suitable fencing, and separate recreational areas (for example playgrounds and pools) and quiet activity areas should be considered in proposals and their assessment.
- (c) **Services** – Utility services such as electricity, landline telephone or mobile phone network accessibility, demonstrable water supply and the proposed system for wastewater treatment should form part of any proposal. Written confirmation by service providers of the availability and capacity of services, particularly in peak season, is to be submitted with applications for proposed caravan parks.

If reticulated sewerage is not available, on-site wastewater disposal must be proposed and provided to the satisfaction of the Department of Health.

Caravan parks used for short-term accommodation must have facilities that accept waste from caravans. Known as chemical toilet dump points, they should be located away from accommodation in areas with no tourism amenity. If seeking an exemption from providing a dump point in the proposed caravan park, access to an alternative off-site dump point must be identified as part of the application. Waste from mobile toilet and sanitation fixtures is not permitted in dump points as it will interfere with the efficient operation of conventional onsite water disposal systems. Further information is available from the Department of Health.

If a caravan park is proposed to cater for both long and short-term accommodation consideration should be given to the provision of additional services and infrastructure. Long-term caravan park sites must be fitted with individual meters for electricity and water tap or connection.

OVERVIEW

This template has been prepared to assist local governments and government agencies to provide comment on draft Position Statement: Planning for Tourism and accompanying Guidelines. Use of the template will greatly assist the Commission in analysing submissions.

Information on the draft Position Statement, including proposed development exemptions for short-term rental accommodation, definitions and amendments to the *Planning and Development (Local Planning Schemes) Regulations 2015* can be found on the Department's [website](#).

To provide comments to be considered during the development of the proposed registration scheme, head to Section 6 of this template. Any feedback on the scheme will be forwarded to the Department of Local Government, Sport and Cultural Industries for consideration, as this is not within the scope of the draft Position Statement and cannot be considered by the Western Australian Planning Commission.

SECTION 1 GENERAL INFORMATION
What local government or agency are you responding on behalf of? City of Joondalup
What is your email address? info@joondalup.wa.gov.au
What region are you from? Perth
SECTION 2 EXEMPTING HOSTED ACCOMMODATION
Should hosted accommodation be exempt from development approval where it occurs in a single house (or ancillary dwelling)? Not supported for the following reasons: <ul style="list-style-type: none"> • Hosted accommodation in a bushfire prone area is required to address State Planning Policy 3.7. Exempting short-term rental accommodation from approval and not applying these requirements poses a significant risk to guests who are unfamiliar with an area. • Potential amenity impacts for surrounding residential properties. Whilst hosted accommodation would have the permanent resident on-site, where there is insufficient parking provided on-site for guest parking, in addition to resident bays, it could create an amenity issue for surrounding residents.
Should hosted accommodation be exempt from development approval where it occurs in a grouped dwelling? Not supported for the reasons set out above for single house.

Should hosted accommodation be exempt from development approval where it occurs in a multiple dwelling?

Not supported for the reasons set out above for single house.

Does the room and guest cap for hosted accommodation appropriately capture low-scale hosted accommodation? Are there any other considerations or criteria which may be relevant?

The room and guest cap for the exemption is consistent with the current Bed and Breakfast definition and is considered appropriate.

If the DPLH are of a view to retain this as an exemption, exemption conditions should be imposed to address:

- Hosted accommodation in bushfire prone areas.
- Requiring guest parking on-site (in addition to bays required for residents).

SECTION 2 EXEMPTING UNHOSTED ACCOMMODATION

Should unhosted accommodation be exempt from development approval where it occurs in a single house?

The City does not support unhosted accommodation being exempt from approval:

- Unhosted accommodation in bushfire prone area is required to address State Planning Policy 3.7. Exempting short-term rental accommodation from approval and not applying these requirements poses a significant risk to guests who are unfamiliar with an area.
- Potential issues for surrounding residential property. As part of a development approval, the City would require a management plan to ensure guest use of the property will be in a manner that does not have an amenity impact on adjoining residents. Exempting accommodation for 60 days is not considered acceptable, as there is still the potential for residential amenity to be impacted during this time. There would be no ability for the City to take any action should there be an amenity issue and the unhosted accommodation is operating in accordance with the exemption.
- The ability for the City to monitor compliance would not be not possible. Unless continual monitoring of a property is undertaken (which is not feasible), it would not be possible to identify how long a property has been used as hosted accommodation within a calendar year.

Should unhosted accommodation be exempt from development approval where it occurs in a grouped dwelling?

Not supported for the reasons set out above for single house.

Should unhosted accommodation be exempt from development approval where it occurs in a multiple dwelling?

Not supported for the reasons set out above for single house.

<p>What length of stay timeframe is appropriate for unhosted accommodation to be exempt from development approval?</p> <ul style="list-style-type: none"> • 30 days • 60 days • 90 days • Other (please specify) <p>There is no timeframe considered suitable for unhosted accommodation to be exempt for the reasons set out above for single house.</p>
<p>Do you have any additional comments on the proposed exemptions?</p> <p>N/A</p>
<p>SECTION 3 DEFINING HOSTED ACCOMMODATION AND BED AND BREAKFAST QUESTIONS</p>
<p>Do you support the new land use definition for hosted accommodation?</p> <p>The new land use definition is supported.</p>
<p>Do you support the deletion of the bed and breakfast definition from Schedule 1 (Model Provisions) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>?</p> <p>Supported.</p>
<p>SECTION 4 GENERAL POLICY APPROACH TO SHORT-TERM RENTAL ACCOMMODATION</p>
<p>Do you support criteria outlined in sections 5.2.2. and 5.3.2 of the draft Position Statement to guide local government in determining how to plan for, regulate and manage short-term rental accommodation?</p> <p>Supported.</p>
<p>SECTION 5 GENERAL FEEDBACK</p>
<p>Do you have any additional comments on the Position Statement or Guidelines?</p> <p>The position statement and guidelines are generally supported as they consolidate and update the State Government position on the planning framework for tourism in Western Australia and is more responsive to the current tourism industry.</p>
<p>17. Do you have any additional comments on proposed changes to the Regulations in accordance with section 256 of the <i>Planning and Development Act 2005</i>?</p>

The proposed modification to short-term accommodation to include 'commercial purposes' is not supported. The potential impact of short-term accommodation on the amenity of adjoining properties would be the same irrespective of whether there has been a financial transaction. It is recommended that this wording be deleted or replaced with 'hire or reward', or similar, to recognise that not all short-term accommodation arrangements are commercial or financial in nature.

SECTION 6 REGISTRATION SCHEME FOR SHORT-TERM RENTAL ACCOMMODATION

18. If you have comment to provide on the development of the proposed registration scheme, please supply below and your comments will be forwarded to the Department of Local Government, Sport and Cultural Industries for consideration. You may be contacted by the Department via the provided email address.

The City supports the establishment of a state-wide registration scheme for all short-term rental accommodation. In developing a system the following comments are made:

- The system should be the complete responsibility of the State Government, and the local government will not be responsible for ensuring compliance.
- Details that should be included within a register should include:
 - Location
 - Occupancy numbers
 - Type of accommodation (e.g. hosted or unhosted)
 - Availability (e.g. yearly, bi-annual).
 - Operator details
- The database should be accessible and searchable for local governments, with the ability to search by local government area.
- The database should be regularly reviewed to ensure details are up to date.