



# **DISTRICT PLANNING SCHEME No. 2**

Amendment No. 160

*Planning and Development Act 2005***RESOLUTION TO PREPARE AMENDMENT TO  
LOCAL PLANNING SCHEME****CITY OF WANNEROO****DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 160**

RESOLVED that the local government pursuant to Section 75 of the *Planning and Development Act 2005* amend the above local planning scheme by:

1. Amending "Schedule 1 (Clause 1.9) – Interpretations: 1. General Definitions" to insert the definition of Short-Term Accommodation, as follows:

***"Short-term accommodation means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period."***

2. Amending "Schedule 1 (Clause 1.9) – Interpretations: 2. Land Use Definitions" to insert the definition of Holiday Accommodation and Holiday House, as follows:

***"Holiday accommodation means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot."***

***"Holiday house means a single dwelling on one lot used to provide short term accommodation but does not include a bed and breakfast."***

3. Amending "Table 1 (Clause 3.2) – The Zoning Table" to insert the land use permissibility for Holiday Accommodation and Holiday House, with the following land use permissibility:

| <b>Use Class</b>      | <b>Residential</b> | <b>Mixed Use</b> | <b>Business</b> | <b>Commercial</b> | <b>Civic &amp; Cultural</b> | <b>Private Clubs &amp; Recreation</b> | <b>General Industrial</b> | <b>Service Industrial</b> | <b>General Rural</b> | <b>Rural Resource</b> | <b>Special Rural</b> | <b>Special Residential</b> | <b>Landscape Enhancement</b> |
|-----------------------|--------------------|------------------|-----------------|-------------------|-----------------------------|---------------------------------------|---------------------------|---------------------------|----------------------|-----------------------|----------------------|----------------------------|------------------------------|
| Holiday Accommodation | D                  | D                | D               | D                 | X                           | D                                     | X                         | X                         | D                    | X                     | D                    | D                          | D                            |
| Holiday House         | D                  | D                | D               | D                 | X                           | D                                     | X                         | X                         | D                    | X                     | D                    | D                          | D                            |

The Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- The definitions are consistent with the definitions for "Short-Term Accommodation", "Holiday Accommodation", and "Holiday House" in the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the land use permissibility in the zoning table is consistent with the relevant objectives identified for the zones with the District Planning Scheme No. 2;

- It does not result in any significant environmental, social, economic or governance impact on land in the scheme area; and
- It is not a complex or basic amendment.

Dated this ..... day of ..... 20.....

.....  
(Chief Executive Officer)

PLANNING AND DEVELOPMENT ACT 2005

CITY OF WANNEROO

DISTRICT PLANNING SCHEME NO. 2 - AMENDMENT NO. 160

The City of Wanneroo under and by virtue of the powers conferred upon it in that behalf by the Planning and Development Act 2005 hereby amends the above local planning scheme by:

1. Amending “Schedule 1 (Clause 1.9) – Interpretations: 1. General Definitions” to insert the definition of Short-Term Accommodation, as follows:

*“Short-term accommodation means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period.”*

2. Amending “Schedule 1 (Clause 1.9) – Interpretations: 2. Land Use Definitions” to insert the definition of Holiday Accommodation and Holiday House, as follows:

*“Holiday accommodation means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.”*

*“Holiday house means a single dwelling on one lot used to provide short term accommodation but does not include a bed and breakfast.”*

3. Amending “Table 1 (Clause 3.2) – The Zoning Table” to insert the land use permissibility for Holiday Accommodation and Holiday House as follows:

| Use Class             | Residential | Mixed Use | Business | Commercial | Civic & Cultural | Private Clubs & Recreation | General Industrial | Service Industrial | General Rural | Rural Resource | Special Rural | Special Residential | Landscape Enhancement |
|-----------------------|-------------|-----------|----------|------------|------------------|----------------------------|--------------------|--------------------|---------------|----------------|---------------|---------------------|-----------------------|
| Holiday Accommodation | D           | D         | D        | D          | X                | D                          | X                  | X                  | D             | X              | D             | D                   | D                     |
| Holiday House         | D           | D         | D        | D          | X                | D                          | X                  | X                  | D             | X              | D             | D                   | D                     |

**COUNCIL ADOPTION**

This Standard Amendment was adopted by resolution of the Council of the City of Wanneroo at the Ordinary Meeting of the Council held on the 14th day of November 2017

.....  
MAYOR

.....  
CHIEF EXECUTIVE OFFICER

**COUNCIL RESOLUTION TO ADVERTISE**

By resolution of the Council of the City of Wanneroo at the Ordinary Meeting of the Council held on the 14th day of November 2017, proceed to advertise this amendment.

.....  
MAYOR

.....  
CHIEF EXECUTIVE OFFICER

**COUNCIL RECOMMENDATION**

This Amendment is recommended for [support with/without modification or not support] by resolution of the City of Wanneroo at the Ordinary Meeting of the Council held on the [number] day of [month], 20[year], and the Common Seal of the City of Wanneroo was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....  
MAYOR

.....  
CHIEF EXECUTIVE OFFICER

**WAPC RECOMMENDATION FOR APPROVAL**

.....  
DELEGATED UNDER S.16 OF  
PD ACT 2005

DATE .....

Approval Granted

.....  
MINISTER FOR PLANNING, LANDS AND  
HERITAGE

DATE .....

## CITY OF WANNEROO

### DISTRICT PLANNING SCHEME NO 2 - AMENDMENT NO. 160

#### SCHEME AMENDMENT REPORT

##### Purpose

Amendment No. 160 was prepared in response to a number of enquires and development applications received by the City for short-term accommodation proposals, such as 'Airbnb'.

The City's District Planning Scheme No. 2 (DPS 2) does not currently include a definition for land uses related to short term accommodation. Therefore, current applications are assessed as a Residential Building land use. There is also no policy in place to outline specific development standards applicable to these proposals, and there is considered to be a gap in the statutory planning framework to adequately assess these applications.

To address this, Amendment No. 160 to DPS 2 is proposed to do the following:

- Include a general definition of "Short-Term Accommodation", as per the *Planning and Development (Local Planning Scheme) Regulations 2015*. This will provide greater guidance for the land uses which are related to this definition;
- Include specific short-term accommodation land uses, being Holiday Accommodation and Holiday House. These land uses are consistent with the *Planning and Development (Local Planning Scheme) Regulations 2015*, and will provide a for more uses provides a more specific definitions for proposals for short-term accommodation to be assessed against, rather than the current Residential Building land use; and
- Include the Holiday Accommodation and Holiday House land uses and their respective permissibility within Table 1 (Clause 3.2) – The Zoning Table.

Currently, a Residential Building is a discretionary 'D' use within the Residential, Mixed Use, Business, Commercial and Private Clubs & Recreation zones, and a not permitted 'X' use within the other zones of DPS 2:

| Use Class            | Residential | Mixed Use | Business | Commercial | Civic & Cultural | Private Clubs & Recreation | General Industrial | Service Industrial | General Rural | Rural Resource | Special Rural | Special Residential | Landscape Enhancement |
|----------------------|-------------|-----------|----------|------------|------------------|----------------------------|--------------------|--------------------|---------------|----------------|---------------|---------------------|-----------------------|
| Residential Building | D           | D         | D        | D          | X                | D                          | X                  | X                  | X             | X              | X             | X                   | X                     |

Amendment No. 160 proposes to include Holiday Accommodation and Holiday House land uses as discretionary 'D' uses use within the Residential, Mixed Use, Business, Commercial, Private Clubs & Recreation, General Rural, Special Rural, Special Residential, and Landscape Enhancement zones, and a not permitted 'X' use within the other zones of DPS 2:

| Use Class             | Residential | Mixed Use | Business | Commercial | Civic & Cultural | Private Clubs & Recreation | General Industrial | Service Industrial | General Rural | Rural Resource | Special Rural | Special Residential | Landscape Enhancement |
|-----------------------|-------------|-----------|----------|------------|------------------|----------------------------|--------------------|--------------------|---------------|----------------|---------------|---------------------|-----------------------|
| Holiday Accommodation | D           | D         | D        | D          | X                | D                          | X                  | X                  | D             | X              | D             | D                   | D                     |
| Holiday House         | D           | D         | D        | D          | X                | D                          | X                  | X                  | D             | X              | D             | D                   | D                     |

The proposed land use permissibility for Holiday Accommodation and Holiday House is generally consistent with permissibility of Residential Building and Bed and Breakfast, as well as the relevant objectives of each zone as per DPS 2.

A draft Local Planning Policy 4.21: Short-Term Accommodation (LPP 4.21) is currently being prepared in accordance with Part 2 (Division 2) of the Deemed Provisions of DPS 2. This includes specific provisions and requirements applicable to short-term accommodation which consist of greater than six guests.

The City is also preparing a short-term accommodation local law in accordance with the *Local Government Act 1995*, requiring short-term accommodation proposals of six guests or less to register with the City.

### **Amendment Type**

In accordance with Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Amendment No. 160 has been determined to be a standard amendment due to its compliance with point (a) of the definition of a standard amendment in that the proposed land use permissibility's for Holiday Accommodation and Holiday House are consistent with the objectives of those zones. It is also noted that the definitions are also consistent with the definitions in the *Planning and Development (Local Planning Schemes) Regulations 2015*. In addition, the Amendment does not result in any significant environmental, social, economic or governance impact on land in the scheme area, and is not a complex or basic amendment.