

PLANNING AND DEVELOPMENT ACT 2005

**RESOLUTION TO ADOPT
AMENDMENT TO LOCAL PLANNING SCHEME**
CITY OF SWAN LOCAL PLANNING SCHEME NO. 17
AMENDMENT NO. 231

Resolved that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. **Deleting** the following Use Classes/definitions from: Section 4.3 - Zoning Table, Schedule 1(B) – Dictionary of Defined Words and Expressions – Land Use Definitions, Schedule 1(C) - Dictionary of Defined Words and Expressions – Land Use Definitions Applicable to Schedules 2, 3 and 4 Only, Schedule 1(D) - Dictionary of Defined Words and Expressions – Land Use Definitions Applicable to Schedule 15 – Midland Strategic Regional Centre Only and Schedule 15(A) – Midland Strategic Regional Centre – Land Use Permissibility Table for the Midland Strategic Regional Centre:
 - i. bed and breakfast
 - ii. cabin or chalet
 - iii. holiday cottages
 - iv. motel
 - v. short-term residential
 - vi. tourist facilities
2. **Inserting** in Schedule 1(A) – Dictionary of Defined Words and Expressions - General Definitions, the following definitions in alphabetical order:

***‘cabin** means a building that –*

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

(b) forms part of -

(i) tourist and visitor accommodation; or

(ii) a caravan park;

and

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

And

***‘chalet** means a building that —*

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

(b) forms part of –

(i) tourist and visitor accommodation; or

(ii) a caravan park;

and

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

3. **Inserting** in Schedule 1(B) - Dictionary of Defined Words and Expressions – Land Use Definitions, the following definitions in alphabetical order:

'tourist and visitor accommodation -

(a) means a building, or a group of buildings forming a complex, that -

(i) is wholly managed by a single person or body; and

(ii) is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; and

(iii) may include on-site services and facilities for use by guests; and

(iv) in the case of a single building — contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night;

and

(b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but

(c) does not include any of the following -

(i) an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);

(ii) a caravan park;

(iii) hosted short-term rental accommodation;

(iv) a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);

(v) a park home park;

(vi) a retirement village as defined in the Retirement Villages Act 1992 section 3(1);

(vii) a road house;

(viii) workforce accommodation.'

4. Inserting in Section 4.3 - Zoning Table the following land uses and permissibility:

	Strategic Regional Centre*	Commercial / Industrial					Residential			Rural							Other
ZONES	Midland Strategic Regional Centre	General Commercial	Highway Service	Light Industrial	General Industrial	Industrial Development*	Residential	Residential Development*	Residential Redevelopment	Rural-Residential*	Special Rural *	Swan Valley Rural	Rural Living	Resource	Landscape*	General Rural	Private Clubs & Institutions
USE CLASSES																	
Hosted short-term rental accommodation	Development and use of land to be in accordance with the Midland Strategic Regional Centre zoning table – refer to Schedule 15"	X	X	X	X	Development and use of land is to be in accordance with an approved Structure Plan	P	Development and use of land is to be in accordance with an approved Structure Plan	P	P	Refer to Schedule 11	P	P	P	P	P	P
Tourist and Visitor Accommodation		A	X	X	X		X		X	A		A	A	X	A	A	A
Unhosted short-term rental accommodation		X	X	X	X		A		A	A		A	A	A	A	A	A

5. Inserting in Schedule 4A – Ellenbrook Town Centre Zoning Table the following land uses and permissibility:

Land Use	Precincts described in the Development Plan					
	Retail	Cultural / Civic	Education	Commercial Enterprise	Mixed Use	Recreation
Hosted short-term rental accommodation	P	P	X	P	P	X
Tourist and Visitor Accommodation	A	A	X	A	A	X
Unhosted Short-Term Rental Accommodation	A	A	X	A	A	X

6. Inserting in Schedule 15(A) - Land Use Permissibility Table for the Midland Strategic Regional Centre, in alphabetical order, the following land uses and permissibility:

MIDLAND STRATEGIC REGIONAL CENTRE						
Land Use	Precincts					
	Morrison Road West		Morrison Road East	Midland Oval	Midland West End	Midland Gate
	Residential	Mixed Use Retail/Commercial	Residential	Mixed Use Residential/Commercial	Mixed Use Retail/Commercial	Retail/Regional Shopping
Hosted short-term rental accommodation	P	P	P	P	P	P
Tourist and Visitor Accommodation	X	X	X	D	D	D
Unhosted Short-Term Rental Accommodation	D	D	D	A	A	A

7. In Schedule 2 – ‘Additional Uses’, delete reference to *Motel* and replace with *Tourist and Visitor Accommodation* in Additional Use 50.
8. In Schedule 2 – ‘Additional Uses’, delete Additional Use No. 64.
9. In Schedule 4 - ‘Special Use Zones’, delete reference of *Motel* and replace with *Tourist and Visitor Accommodation* in Special Use Zone 3 and 7.

10. In Schedule 4 – ‘Special Use Zones’, delete reference to Motel and Tourist Facilities and replace with Tourist and Visitor Accommodation in Special Use Zone 24 and make an ‘A’ use.
11. In Schedule 4 – ‘Special Use Zones’, delete reference to *Bed and Breakfast* and replace with *Hosted Short Term Rental Accommodation* in Special Use Zone 27.
12. In Schedule 11 – ‘Special Rural Zones’, delete reference to *Bed and Breakfast* and replace with *Hosted Short Term Rental Accommodation* in Special Rural Zones 3, 5A and 6.
13. In Schedule 11 – ‘Special Rural Zones’, delete reference to *Cabin* or *Chalet* and replace with *Unhosted Short Term Rental Accommodation* in Special Rural Zones 5A and 6 and delete reference to *Chalet* and replace with *Unhosted Short Term Rental Accommodation* in Special Rural Zone 3.
14. In Schedule 12 – ‘Building Site Acceptability Based on Aircraft Noise Zones, delete reference to *Motel* and replace with *Tourist and Visitor Accommodation*.
15. Undertake any other administrative and formatting edits as required.