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Department of **Planning, Lands and Heritage**

GOVERNMENT OF WESTERN AUSTRALIA

Western Australian Planning Commission

Position Statement:

Planning for Tourism and Short-term Rental Accommodation

November 2024

The Department of Planning, Lands and Heritage acknowledges the traditional owners and custodians of land and waterways across Western Australia. The Department is committed to reconciliation to improve outcomes for Aboriginal and Torres Strait Islander peoples and to work together to provide a culturally-safe and inclusive environment

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1. Policy intent

The intent of this Position Statement is to guide the appropriate location and management of tourism and short- term rental accommodation 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; and
- 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. In some areas demand for tourism infrastructure, particularly accommodation, can also come from other needs such as medical, business and educational travel.

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 Western Australia 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 and short-term rental accommodation proposals within all regions of Western Australia and should be applied in conjunction with the *Planning for Tourism and Short-term Rental Accommodation Guidelines* (the Guidelines).

In this Position Statement the term 'tourist accommodation' refers to all traditional forms of tourist accommodation land uses provided within the Planning and Development (Local Planning Schemes) Regulations 2015 (LPS Regulations), aside from those broad use types listed under Section 3.1 – Exclusions.

Similarly, the term 'short-term rental accommodation' refers to hosted or unhosted uses of this specific type which will be reflected in new land use definitions under the LPS Regulations.

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 is available in section 4 of the Guidelines):

- lodgers and boarders;
- house swapping and housesitting;
- 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; and
- residential parks, park home parks, lifestyle villages.

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4. Policy objectives

The policy objectives for planning for tourism and short-term rental accommodation are to:

- Provide a strategic approach to the sustainable development and management of tourism and short-term rental accommodation 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 and short- term rental accommodation activities and other land uses (including residential areas) are appropriately managed.
- Manage the effects of tourism and short-term rental accommodation on local housing markets, including:
  - Demand for accommodation for tourism industry workers;
  - Impacts on housing supply; and
  - The availability of dwellings for long-term rental.

5. Policy measures

Local governments are best placed to plan for tourism and short-term rental accommodation within their communities, with local knowledge of tourism activity, opportunities, constraints, including potential impacts and what requirements should be placed on tourism or short-term rental accommodation proposals.

5.1 General measures

In general, strategic and statutory planning decisions should:

- Encourage a range of tourist accommodation, including short- term rental accommodation, choices and experiences as required.
- Encourage sustainable ecotourism 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 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 strategic tourism sites and precincts are zoned as Tourism or Special Use.
- Ensure that new and proposed caravan park sites are zoned to facilitate long-term security for continued use, preferably through a Tourism or Special Use/ Special Use – Caravan Park zone, while providing for a range of appropriate incidental uses and tourism accommodation types.
- 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: Bushfire*).

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 governments are encouraged to address tourism as a planning issue/opportunity to ensure strategic tourism needs are planned for. The extent to which tourism and short-term rental accommodation 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 and short-term rental accommodation 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 and/or short- term rental accommodation is significant to the locality or region, the local planning strategy should include substantial detail on issues such as accommodation supply and demand, 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 and short-term rental accommodation 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 tourists, long-stay tenants, temporary workers and people seeking alternatives to traditional rental accommodation. 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; and
- 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 offered for short-term letting, often through an online booking platform or management agent. Short-term rental accommodation is 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; and
- spare bedrooms and areas within a home, offered to let 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. Demand can also be high in localities attracting non-tourism related travel, such as medical, education and business travel. 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 detailed 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.

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. This analysis could be undertaken as a sub-section of broader population and housing studies conducted as part of the local planning strategy, to ensure all relevant housing supply and demand matters are considered holistically.

Considerations may include:

- identification and assessment of current and future short-term rental demands informed by Tourism Western Australia data, the WA Government's short-term rental accommodation register, Australian Bureau of Statistics data, local government data as well as other planning documents;
- identification of short-term rental accommodation opportunities; and
- interaction between short-term rental accommodation demand and local housing objectives.

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 permanent 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

Short term rental accommodation should generally be a permitted use in tourism zones.

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

In seeking to guide the location of short-term rental accommodation outside Tourism zones, 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.
- Localities where short-term rental accommodation may be particularly in demand for non-tourism needs, such as temporary workers accommodation and medical travel, and how these should be balanced with demand from tourism.
- 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, particularly bushfire, 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 Bushfire planning requirements

There are no requirements within State Planning Policy 3.7 Bushfire (SPP 3.7) and Planning for Bushfire Guidelines (the Guidelines) for hosted or unhosted short-term rental accommodation.

Where a regional local government determines that a development application for short-term rental accommodation is required, and the development site is within a bushfire prone area, then the local government will need to specify any relevant bushfire requirements in a local planning policy.

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5.4 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.

Broadly speaking, local planning schemes and amendments should:

- include a range of tourism, special use 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 direction provided in local planning strategy;
- utilise land use definitions as set out in and LPS Regulations for tourism and short-term accommodation uses, as applicable;
- provide clear guidance as to the permissibility of tourism and short-term rental accommodation land use types in all relevant zones via the zoning table, in accordance with the guidance provided in this Position Statement and accompanying guidelines.

Where planning scheme provisions are inconsistent with this Position Statement, local planning schemes must be updated. To complement local planning scheme provisions and guide the exercise of discretion, local government may utilise local planning policies to inform land use and development decisions.

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

5.4.1 Caravan parks

To support the policy objectives a local planning scheme should:

- zone caravan park sites to secure continuing use of the site for caravan park and appropriate incidental uses, having regard for local context (Tourism and Special Use/Special Use – Caravan Park zones are preferred for this purpose);
- designate caravan parks as a permitted (P) or discretionary (D) use in the Tourism zone or designate sites as Special Use/ Special Use – Caravan Park zones, and provide for a range of complementary incidental uses including additional tourism accommodation types where appropriate;
- consider designating caravan park as an Additional Use for specific sites outside the Tourism and Special Use/Special Use – Caravan Park zones where caravan and camping may be desired as a secondary offering to the primary use; and
- 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 the 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.

5.4.2 Short-term rental accommodation

Short-term rental accommodation is considered a distinct land use class to traditional tourist accommodation and is divided into two categories: hosted and unhosted. Local planning schemes can manage the location of unhosted 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. Short-term rental accommodation providers and decision-makers should also consider any broader legislative requirements that may apply such as smoke alarms, Residual Current Devices (RCDs), compliant barriers for private swimming pool and spas, food service requirements and requirements under the National Construction Code.

5.4.2.1 Hosted short-term rental accommodation

Hosted accommodation is considered a low-scale form of short-term rental accommodation because the host resides on the site and can manage any issues that may arise with respect to amenity, noise and other impacts. It may also be contended that the short-term rental accommodation use of the property is incidental to the permanent residential use.

It is intended that hosted accommodation, where the owner or occupier of the dwelling is present when guests are staying overnight, should not require a development approval, and should be represented as such in the zoning table.

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5.4.2.2 Unhosted short-term rental accommodation

Local government should regulate unhosted short-term rental accommodation through its local planning framework to supplement broader State Government reforms on this matter.

It is acknowledged that there have traditionally been various approaches to the regulation of unhosted short-term rental accommodation currently undertaken across Western Australia. This Position Statement sets out considerations in both metropolitan and regional contexts. For the purposes of this section of the Position Statement, references to 'regional' areas includes the Peel region.

Perth Metropolitan Area

Within the context of the Perth Metropolitan Area, renting of a dwelling for 90 nights or less within a 12-month period, such as when the owner is on holidays from their primary place of residence, is considered to be low scale in impact and incidental to the primary use of the property. Therefore, short-term rental accommodation operators that let out their residence for 90 nights or less within a 12-month period will not need development approval.

This exemption will have effect wherever the Metropolitan Region Scheme applies and will be reflected in all applicable local planning schemes, via Schedule 2 'deemed provisions' of the LPS Regulations. It will also still apply within bushfire prone areas.

Where short-term rental accommodation is occurring as unhosted for more than 90 nights in a 12-month period, the intensity of the use and form of activity changes from a permanent residential dwelling. There is the potential for impacts on the locality, particularly in relation to residential amenity, as well as broader housing supply objectives. Accordingly, use of a dwelling as unhosted short-term rental accommodation for longer periods of time is considered a change of use from a residential dwelling.

For local governments within the Perth Metropolitan Area– zoning table provisions in all local planning schemes shall require development approval (i.e. a D or A use) for unhosted short-term rental accommodation uses outside of tourism zones exceeding 90 nights within a 12-month period.

This single set of rules for Perth will ensure greater consistency across the metropolitan area and will allow the local government to assess individual proposals on a case-by-case basis, allowing consultation to occur where deemed necessary.

Outside Perth Metropolitan Area (including Peel)

For local governments in regional areas (i.e., outside the Metropolitan Region Scheme) – zoning table and scheme provisions for unhosted short term rental accommodation will be at the discretion of the individual local government. This is in recognition of the need to provide greater flexibility for regional local governments, acknowledging that there are various approaches dependent on local community demographics, housing availability and tourism markets.

Local governments in regional areas are encouraged to update their schemes as soon as practicable to provide guidance on where short-term rental accommodation may or may not be acceptable within their municipality, and importantly where it would be beneficial for a development application to be received for these uses. Requiring a development approval will allow the local government to assess the impacts of a specific proposal on both the amenity of a locality and local housing markets, as well as the impacts on the local tourism economy of their area (if applicable). There should also be a focus on the use of a dwelling and how this relates to local planning objectives and amenity impacts.

General Local Planning Considerations

The regulatory and policy response of the local government toward unhosted short term rental accommodation should be proportional to the significance of the issues arising in a municipality, especially in regional areas.

In determining the appropriate way to further tailor unhosted short-term rental accommodation requirements, the following statutory planning mechanisms can be considered:

- Utilising the zoning table, and other scheme mechanisms to control the locations whereby unhosted short-term rental accommodation proposals may be designated. Short-term rental accommodation should only be prohibited (X) in areas with low residential amenity such as industrial zones. Guidance tailored to specific localities or planning considerations where short-term rental accommodation is discretionary can be provided through local planning policies or other appropriate scheme mechanisms.
- Capping guest numbers permitted within a short-term rental accommodation property 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

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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:
  - 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);
  - impact on local housing market, where this has been identified as an issue in the local planning strategy;
  - limits to the number of guests and/ or rooms;
  - provision of car parking;
  - minimum stay or booking requirements (e.g. 2 nights);
  - 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; and
  - bushfire emergency procedures and options for evacuation.

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.

5.4.3 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 or short-term rental accommodation 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 governments shall 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.

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Planning for Tourism and Short-term Rental Accommodation Guidelines

November 2024

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PURPOSE OF THESE GUIDELINES

These Guidelines should be read in conjunction with the *Position Statement: Planning for Tourism and Short-term Rental Accommodation* (the Position Statement). They provide guidance on its implementation and aim to:

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

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 and accommodation (including short-term rental accommodation) 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 Western Australia, 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;
- intended planning controls; and
- infrastructure needs.

Where tourism and/or short-term rental accommodation is significant to a locality or region, a detailed component to address these uses should form part of the local planning strategy.

1.1 TOURISM AND SHORT-TERM RENTAL ACCOMMODATION COMPONENT OF THE LOCAL PLANNING STRATEGY

Further to section 5.2 of the Position Statement, local governments are encouraged to address tourism and short-term rental accommodation in the local planning strategy in a manner reflective of the importance of tourism in the municipality. Generally, tourism and visitor accommodation should be addressed as a planning issue/opportunity within the economy theme in keeping with the Local Planning Strategy Guidelines.

Information that should be provided includes:

- description of current and potential roles for tourism and short-term rental accommodation in the local government area;
- estimates of current and projected tourism and short-term rental accommodation demand for the local government area as well as how these affect local housing supply;
- aims, visions and objectives for tourism development and tourism/short-term rental accommodation land uses in 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 identified strategic locations;
- identification of existing and potential planning areas, tourism zones, tourism precincts and tourism sites through spatial/strategic mapping; and
- Planning Directions and Actions to achieve the desired tourism outcomes.

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

- tourist visitation numbers;
- an inventory of existing tourism and short-term rental accommodation 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;
- local housing and market data; and
- any impacts and proposed treatment of issues (such as noise and waste) associated with tourism.

The Local Planning Strategy Guidelines provide 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 strategic sites;
- appropriate planning mechanisms to be introduced into the local planning framework, including the local planning scheme, to achieve desired tourism and short-term rental accommodation outcomes. This may include 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) - note that these specific matters may also be addressed through the Housing section of a strategy; and
- key gaps and opportunities for tourism in a locality that may be known or need to be identified in order to identify tourism precincts and sites.

Local governments should also consider the relationship between tourism and short-term rental accommodation needs and potentially competing needs, particularly local housing supply and protection of agricultural land. The background analysis should identify any crossover issues within the housing strategy and other planning issues/opportunities of relevance.

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 and short-term rental accommodation through local planning scheme zones and provisions;
- facilitating a variety of holiday accommodation types including short-term rentals, 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;

- encouraging innovative tourism and short-term rental accommodation and facilities that respond to market needs;
- tourism growth and development that reinforces unique and local tourism identity and features; and
- the impact of tourism uses and tourism and short-term rental accommodation on local housing supply.

A tourism objective should be clear, consistent with the goals and vision of the local government strategic plan, and responsive to the 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 and short-term rental accommodation in the area through analysis of existing State Government policy, assessment of local tourist attractions and features, and the 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 and/or short-term rental accommodation 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 tourism 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; and
- challenges facing the local tourism industry.

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 preparing the background analysis (Part 2) of the local planning strategy:

- average length of stay (per cent 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 Western Australia and the Australian Bureau of Statistics are resources available to local governments for compiling visitor information.

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.

1.2.5 Registration of short-term rental accommodation

The State Government is working towards implementing a registration scheme for hosted and unhosted short-term rental accommodation, which is expected to come into effect in 2024. The registration scheme will provide data on short-term rental accommodation. More information about the registration scheme is available on Consumer Protection WA's website.

1.3 SITING AND DESIGN OF TOURIST DEVELOPMENT

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 the 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 (for example landscape, views, proximity to attractions);
- compatibility of tourism development with surrounding land uses;
- land constraints (for example steep slopes, coastal setbacks, water courses);
- vulnerability to natural hazards (for example 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, such as planning areas referred to by the Local Planning Strategy Guidelines, 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 events, cultural, sport, family, adventure, environmental, eco-tourism, health or agri-tourism based);
- potential new or extended tourist markets to be explored;

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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, or is capable of development for activities
Supply of land	The site represents a limited amount of land suitable for a significant tourism use

- list the types of attractions and experiences (this may include national parks, coastal environments, winery region, cultural and sporting events);
- 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, as well as potential impacts to other land uses;
- consideration of tourist movement between accommodation and activities/attractions;
- access to and from tourist destinations; and
- 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 intergenerational 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 - Tourism Western Australia 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 Strategy Guidelines 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 Western Australia 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 Schemes) 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;
- 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;
- allow limited residential uses where appropriate; and
- 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 the below:

- tourist development should be given priority in tourism zones. Local planning schemes that allow residential development or other non-tourism focused uses in tourism zones need to provide guiding objectives or principles to ensure development is consistent with the tourism purpose of the zone;
- in areas with a strong or developing tourism industry, a focus on tourism land use and development is necessary in the local planning scheme; and
- appropriate treatment of tourism uses outside of tourism zones, particularly tourism and short-term rental accommodation in residential areas.

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; and
- 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 7.0 Design of the built environment*;
- *State Planning Policy 7.3 Precinct Design*; and
- *State Planning Policy 7.3 Residential Design Codes.*

These 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.

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)?

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 rezone 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;
- 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; and
- development to incorporate facilities normally associated with tourist accommodation development such as recreation, entertainment facilities and integrated management facilities.

3. TOURISM USES

3.1 RURAL TOURISM

There has been a long-term trend of increasing demand for tourist accommodation and short-term rental 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 nature based parks that are unlikely to compete with existing formal caravan parks as they offer a different experience, have minimal facilities, and are located outside of residential built-out areas.

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 Bushfire* (SPP 3.7). The Planning for Bushfire Guidelines provides relevant information when planning for rural tourism.

3.1.2 Statutory considerations

Where appropriate, small-scale tourist accommodation should 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, SPP 3.7 and *State Planning Policy 2.6: State Coastal Planning* (SPP 2.6) provide detailed information on planning for vulnerable uses, such as tourist accommodation.

3.2.2 Statutory considerations

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

- bushfire management in accordance with SPP 3.7 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 a caravan park, 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:

- *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.

- *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.

- *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.

- *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.

- *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 AND SHORT-TERM RENTAL ACCOMMODATION

The impact of tourist and short-term rental 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 and housing supply

If land and housing supply pressures 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 forecasts future tourism growth, including likely demand for tourist and short term-rental accommodation and long-term (permanent and rental) housing supply.

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; and
- tourist development.

4.3.1 Caravan parks

These Guidelines support sections 5.2.1 and 5.4.1 of the Position Statement and 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. They provide a comparatively affordable form of short-term accommodation serving caravanning and camping recreation and leisure needs. In recent times, demand for affordable local housing, workers accommodation, alternative tourist accommodation types and provision of small-scale services (for example convenience stores, leisure facilities) has seen some caravan parks under pressure to service competing markets.

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 respond 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. High level strategic planning should also consider strategies to encourage sites in public ownership be retained as such, to limit pressure for rezoning and redevelopment.

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

There is a prevailing judgement that caravan parks – comprised of long-stay sites – should not be located 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 SPP 2.6 and SPP 3.7.

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 5.4.1 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 significant changes are proposed for caravan parks. 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 traditional 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 rental accommodation 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, alongside preparation of local planning policies, to address the specific issues encountered by individual local governments in relation to short-term rental accommodation.

Local government is responsible for managing local regulatory frameworks to manage short-term rental accommodation, reflecting these Guidelines where relevant, and for carrying out ongoing management and enforcement from a compliance perspective.

In addition to local government framework considerations for metropolitan and regional local governments, 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 Local planning schemes

Table 3: Short-term rental accommodation planning scheme considerations

Criteria	Considerations
Location	Locational considerations may include: • areas of current or future tourism amenity (e.g. access to facilities, transport and availability of services); • natural hazards (e.g. bushfire, cyclone and floods); and • potential for land use conflict or impact on local housing supply and infrastructure in residential areas.
Land Use Permissions	**Hosted Accommodation (State-wide)** • Permitted (P) use in all zones where residential uses are capable of approval, or otherwise addressed through a local planning scheme exemption. **Unhosted Accommodation (Perth metropolitan area)** • In Tourism zones – designate a permitted (P) use. • In zones which provide for residential development (such as Residential or Mixed Use): – Where unhosted short-term rental accommodation is proposed to be undertaken for more than 90 nights in a 12-month period (ie is not exempt), it should be designated discretionary (D or A) in zones where dwellings are capable of approval, unless the local planning strategy supports the use being not permitted (X). – The same permissibility may apply to all forms of unhosted short-term rental accommodation or be differentiated by scale and potential impact. For example, accommodation offering sleeping arrangements for 6 or less could be D use, while accommodation for 7 or more could be an A use to allow for advertising. – Short-term rental accommodation may be designated not permitted (X) within Residential, Rural Residential or Rural zones where it can be demonstrated that the use is likely to have an undue impact on the amenity or viability of primary uses in the locality, having regard for the direction set in the local planning strategy. • In zones where residential development is designated as not permitted (X), such as many Industry zones, short-term rental accommodation should also be designated as such. • In all other zones – designated discretionary (D or A) or not permitted (X) having regard for the zone objectives and local planning strategy, and for the benefits of requiring a planning assessment and development approval for the use.

4.4.1.2 Local planning policies

Local planning policies can be prepared to inform land use and development control. Please refer to section 5.4.2 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 5.4.2.2 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 could form a condition of development approval and might 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 government/police in the same manner as a property being used as a residential dwelling.

- *Complaints management procedure*

  The manager of short-term rental 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 want the operator to provide 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 is available 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 www.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 provider.

4.4.3.3 Health and safety standards

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

5. 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 Western Australian Planning Commission (WAPC) prior to the registration of a strata plan to create a strata titles scheme. Section 32(2)(a) of the *Strata Titles Act 1985* and section 37(2)(a) of the *Community Titles Act 2018* allow a scheme plan to legally restrict uses on the scheme land.

In strata titles and community titles schemes, the strata company or community corporation for the scheme can make by-laws for its scheme to allow or restrict uses within its scheme. Scheme by-laws are invalid to the extent that they are inconsistent with a restricted use condition on the scheme plan. Scheme by-laws are also invalid to the extent they are inconsistent with the *Strata Titles Act 1985* and the *Community Titles Act 2018* respectively, or any other written law. It is important when drafting any proposed scheme by-laws that the relevant planning scheme (local or regional) is considered.

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* allow a community titles scheme plan to legally restrict uses on community titled land or development.

5.1 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 rental accommodation (unhosted accommodation)..

Strata companies and community corporations have several tools to manage short-term rental accommodation including restrictions on use on plans (requiring approval of the WAPC), appropriate resolutions and by-laws. In the case of resolutions and by-laws these must not be unfairly prejudicial or discriminatory, oppressive or unreasonable otherwise they may be overturned by the State Administrative Tribunal. These tools can be used both at development and during the life of a scheme.

If the standard governance and conduct by-laws set out in Schedule 1 and 2 of the *Strata Titles Act 1985* apply to a strata/survey strata scheme, there is no prohibition or restrictions on short-term rental. Under section 119(1) of the *Strata Titles Act 1985*, the objective of a strata company in performing its statutory functions is to implement processes and achieve outcomes that are not, having regard to the use and enjoyment of lots and common property in the scheme:

- unfairly prejudicial to or discriminatory against a person, or
- oppressive or unreasonable.

A resolution of a strata company may be overturned for failure to meet this objective. Pursuant to section 119(2) of the *Strata Titles Act 1985*, the fact that a person has chosen to become the owner of a lot in a scheme does not prevent that person from challenging the performance of a function for failure to meet this objective. Equivalent provisions are set out in section 105 of the *Community Titles Act 2018*.

Under current strata laws, strata companies can adopt standard 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.

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 a use and the strata company has not approved the use, the use remains illegal under the *Strata*

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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 is available 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 the 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.
- By-laws made by strata companies or community corporations for mixed use residential and tourist accommodation can be 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 stay sites from long-stay sites to reduce risk of noise and anti-social behaviour. Separate facilities and access for long and short-term sites is encouraged.

Small portions of long-term sites may be considered in caravan parks provided that short-term sites (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 sites 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.