

Scheme Amendment 23

Local Planning Scheme No. 15



**RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING
SCHEME**

CITY OF BELMONT

LOCAL PLANNING SCHEME NO. 15

SCHEME AMENDMENT NO. 23

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

- i. Deleting the existing definition of 'Short-Term Accommodation' in Schedule 1 – General Definitions of the Scheme Text.
- ii. Amending the existing definition of Cabin in Schedule 1 – General Definitions of the Scheme Text to:
"means a building that —
 - (a) is an individual unit other than a chalet; and
 - (b) forms part of —
 - (i) tourist and visitor accommodation; or
 - (ii) a caravan park; and
 - (c) if the unit forms part of a caravan park — is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period."
- iii. Amending the existing definition of Chalet in Schedule 1 – General Definitions of the Scheme Text to:
"means a building that —
 - (a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
 - (b) forms part of —
 - (i) tourist and visitor accommodation; or
 - (ii) a caravan park; and

- (c) if the unit forms part of a caravan park — is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.”
- iv. Insert terms ‘Short-term Rental Accommodation’ and ‘Short-term Rental Arrangement’ in Schedule 1 – as follows:
 - “Short-term rental accommodation —
 - (a) means a dwelling provided, on a commercial basis, for occupation under a short-term rental arrangement; but does not include a dwelling that is, or is part of, any of the following —
 - (i) an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);
 - (ii) a caravan park;
 - (iii) a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);
 - (iv) a park home park;
 - (v) a retirement village as defined in the Retirement Villages Act 1992 section 3(1);
 - (vi) workforce accommodation.”
 - “Short-term rental arrangement means an arrangement under which —
 - (a) a dwelling, or part of a dwelling, is provided for occupation by a person; and
 - (b) the person occupies the dwelling, or part of the dwelling, for a period or periods not exceeding a total of 3 months in any 12-month period.”
- v. Deleting the ‘Bed and Breakfast’, ‘Holiday Accommodation’, ‘Holiday House’, ‘Motel’, ‘Serviced Apartment’, ‘Short Stay Accommodation’ and ‘Tourist Development’ definitions in Schedule 1 – Land Use Definitions of the Scheme Text.
- vi. Insert the following definition for Tourist and Visitor Accommodation in Schedule 1 – Land Use Definitions:
 - “(a) means a building, or a group of buildings forming a complex, that —

- (i) is wholly managed by a single person or body; and
 - (ii) is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; and
 - (iii) may include on-site services and facilities for use by guests; and
 - (iv) in the case of a single building — contains more than one separate accommodation unit or is capable of accommodating more than 12 people per night; and
 - (b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but
 - (c) does not include any of the following —
 - (i) an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);
 - (ii) a caravan park;
 - (iii) hosted short-term rental accommodation;
 - (iv) a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);
 - (v) a park home park;
 - (vi) a retirement village as defined in the Retirement Villages Act 1992 section 3(1);
 - (vii) a road house;
 - (viii) workforce accommodation."
- vii. Insert the following definition for Hosted short-term rental accommodation in Schedule 1 – Land Use Definitions:
- "means any of the following —
- (a) short-term rental accommodation where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the same dwelling during the short-term rental arrangement;

- (b) short-term rental accommodation that is an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the other dwelling on the same lot, resides at that other dwelling during the short-term rental arrangement;
- (c) short-term rental accommodation that is a dwelling on the same lot as an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the ancillary dwelling during the short-term rental arrangement."
- viii. Insert the following definition for Unhosted short-term rental accommodation in Schedule 1 – Land Use Definitions:
- "means short-term rental accommodation that –
- (a) is not hosted short-term rental accommodation; and
- (b) accommodates a maximum of 12 people per night."
- ix. Deleting reference to 'Bed and Breakfast', 'Holiday Accommodation', 'Motel' and 'Serviced Apartments' in Table 1 – Zoning Table.
- x. Inserting 'Hosted Short-term Rental Accommodation', 'Unhosted Short-term Rental Accommodation' and 'Tourist and Visitor Accommodation' in Table 1 – Zoning Table with the permissibilities outlined below.

USE CLASSES	ZONES									
	Residential	Town Centre	Commercial	Mixed Use	Mixed Business	Industrial	Service Station	Places of Public Assembly	Residential and Stables	Special Development Precinct
Hosted Short-term Rental Accommodation	P	P	P	P	P	X	X	X	P	P
Unhosted Short-term Rental Accommodation	A	A	A	A	X	X	X	X	A	A
Tourist and Visitor Accommodation	X	X	X	D	A	X	X	X	X	A

- xi. Remove reference to 'Motel' from Table 2 – Car Parking Requirements and Table 3 – Bicycle Parking Requirements.
- xii. Remove all references to 'Serviced Apartments' from Schedule No. 2 – Additional Uses.

Pursuant to Clause 35(2) of the Planning and Development (Local Planning Schemes (Regulations) 2015 (WA), determines that Amendment No. 23 to Local Planning Scheme No. 15 is a 'Standard' amendment, for the following reasons:

- i. The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
- ii. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- iii. The amendment relates to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve.

Dated this 27th day of May 2025.



Chief Executive Officer

MODIFIED AMENDMENT TO LOCAL PLANNING SCHEME

CITY OF BELMONT

LOCAL PLANNING SCHEME NO. 15

SCHEME AMENDMENT NO. 23

The local government as directed by the Department of Planning, Lands and Heritage, pursuant to section 83A of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

- i. Deleting the existing definition of 'Short-Term Accommodation' in Schedule 1 – General Definitions of the Scheme Text.
- ii. Amending the existing definition of Cabin in Schedule 1 – General Definitions of the Scheme Text to:

"means a building that —

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

(b) forms part of —

(i) tourist and visitor accommodation; or

(ii) a caravan park; and

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

- iii. Amending the existing definition of Chalet in Schedule 1 – General Definitions of the Scheme Text to:

"means a building that —

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

(b) forms part of —

(i) tourist and visitor accommodation; or

(ii) a caravan park; and

- (c) if the unit forms part of a caravan park — is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.”
- iv. Insert terms ‘Short-term Rental Accommodation’ and ‘Short-term Rental Arrangement’ in Schedule 1 – as follows:
 - “Short-term rental accommodation —
 - (a) means a dwelling provided, on a commercial basis, for occupation under a short-term rental arrangement; but does not include a dwelling that is, or is part of, any of the following —
 - (i) an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);
 - (ii) a caravan park;
 - (iii) a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);
 - (iv) a park home park;
 - (v) a retirement village as defined in the Retirement Villages Act 1992 section 3(1);
 - (vi) workforce accommodation.”
 - “Short-term rental arrangement means an arrangement under which —
 - (a) a dwelling, or part of a dwelling, is provided for occupation by a person; and
 - (b) the person occupies the dwelling, or part of the dwelling, for a period or periods not exceeding a total of 3 months in any 12-month period.”
- v. Deleting the ‘Bed and Breakfast’, ‘Holiday Accommodation’, ‘Holiday House’, ‘Motel’, ‘Serviced Apartment’, ‘Short Stay Accommodation’ and ‘Tourist Development’ definitions in Schedule 1 – Land Use Definitions of the Scheme Text.
- vi. Insert the following definition for Tourist and Visitor Accommodation in Schedule 1 – Land Use Definitions:
 - “(a) means a building, or a group of buildings forming a complex, that —

- (i) is wholly managed by a single person or body; and
- (ii) is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; and
- (iii) may include on-site services and facilities for use by guests; and
- (iv) in the case of a single building — contains more than one separate accommodation unit or is capable of accommodating more than 12 people per night; and
- (b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but
- (c) does not include any of the following —
 - (i) an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);
 - (ii) a caravan park;
 - (iii) hosted short-term rental accommodation;
 - (iv) a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);
 - (v) a park home park;
 - (vi) a retirement village as defined in the Retirement Villages Act 1992 section 3(1);
 - (vii) a road house;
 - (viii) workforce accommodation."
- vii. Insert the following definition for Hosted short-term rental accommodation in Schedule 1 – Land Use Definitions:

"means any of the following —

 - (a) short-term rental accommodation where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the same dwelling during the short-term rental arrangement;

- (b) short-term rental accommodation that is an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the other dwelling on the same lot, resides at that other dwelling during the short-term rental arrangement;
 - (c) short-term rental accommodation that is a dwelling on the same lot as an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the ancillary dwelling during the short-term rental arrangement."
- viii. Insert the following definition for Unhosted short-term rental accommodation in Schedule 1 – Land Use Definitions:
- "means short-term rental accommodation that —
- (a) is not hosted short-term rental accommodation; and
 - (b) accommodates a maximum of 12 people per night."
- ix. Deleting reference to 'Bed and Breakfast', 'Holiday Accommodation', 'Motel' and 'Serviced Apartments' in Table 1 – Zoning Table.
- x. Inserting 'Hosted Short-term Rental Accommodation', 'Unhosted Short-term Rental Accommodation' and 'Tourist and Visitor Accommodation' in Table 1 – Zoning Table with the permissibilities outlined below.

USE CLASSES	ZONES									
	Residential	Town Centre	Commercial	Mixed Use	Mixed Business	Industrial	Service Station	Places of Public Assembly	Residential and Stables	Special Development Precinct
Hosted Short-term Rental Accommodation	P	P	P	P	P	X	X	X	P	P
Unhosted Short-term Rental Accommodation	A	A	A	A	A	X	X	X	A	A
Tourist and Visitor Accommodation	X	X	X	D	A	X	X	X	X	A

- xi. Remove reference to 'Motel' from Table 2 – Car Parking Requirements and Table 3 – Bicycle Parking Requirements.
- xii. Remove all references to 'Serviced Apartments' from Schedule No. 2 – Additional Uses.

The Amendment endorsed by Council on 27th May 2025 was considered to be standard under the provisions of the *Planning and Development (Local Planning Schemes (Regulations) 2015 (WA)* for the following reasons:

- i. The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
- ii. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- iii. The amendment relates to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve.

Dated this 4th day of July 2025.



Chief Executive Officer

Scheme Amendment Details

Item	Description	Details
1.	Local Authority	City of Belmont
2.	Description of Local Planning Scheme	Local Planning Scheme No. 15
3.	Type of Scheme	Local Zoning Scheme
4.	Scheme Amendment No.	Amendment No. 23
5.	Summary of Proposal	<ol style="list-style-type: none"> Updating the General and Land Use definitions within Schedule No. 1 to be consistent with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. Modifying Table 1 - Zoning Table to reflect the updated land use classifications. Removing reference to 'Motel' from Table 2 – Car Parking Requirements and Table 3 – Bicycle Parking Requirements. Removing reference to 'Serviced Apartments' from Schedule No. 2 – Additional Uses.
6.	Classification	Standard

Planning Report

Introduction

Amendment No. 23 to Local Planning Scheme No. 15 (LPS 15) proposes to:

1. Update the General and Land Use definitions within Schedule No. 1 to be consistent with the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Modify Table 1 - Zoning Table to reflect the updated land use classifications.
3. Remove reference to 'Motel' from Table 2 – Car Parking Requirements and Table 3 – Bicycle Parking Requirements.
4. Remove reference to 'Serviced Apartments' from Schedule No. 2 – Additional Uses.

Background

Location

Amendment No. 23 relates to the entire City of Belmont local government area.

City of Belmont Context

The rise of online booking platforms has significantly increased the number of properties originally approved for residential use, being used for short-term rental accommodation (STRA). Belmont's proximity to Perth Airport, the Perth CBD, Optus Stadium, and the Swan River has made it a desirable location for both traditional tourist accommodation and STRA land uses.

Recognising the need for local guidance, Council adopted Local Planning Policy No. 19 – Short-term Rental Accommodation (LPP 19) to set standards for operators seeking to establish and operate STRA. Since then, the State has amended the Regulations to modify the STRA land use definitions and include exemptions from the requirement for development approval in certain instances. More specifically:

- The land uses of 'hosted short-term rental accommodation', 'unhosted short-term rental accommodation' and 'tourist and visitor accommodation' have been included.
- The 'bed and breakfast', 'holiday accommodation', 'holiday house', 'motel', 'serviced apartment' and 'tourist development' land uses have been deleted.
- Development approval is not required for 'Hosted' STRA. 'Unhosted' STRA also does not require development approval where it is used for no more than 90 nights in a 12-month period.

To align the local planning framework with the State's Regulations, modifications are proposed to LPS 15 and LPP 19. These include updates to definitions, the zoning table, and land use permissibility in LPS 15, as well as concurrent amendments to LPP 19 to ensure consistency.

Proposed Amendment

The purpose of the Amendment is to align the City of Belmont's Local Planning Scheme with recent changes to the *Planning and Development (Local Planning Schemes) Regulations 2015*, relating to STRA.

Planning Context

Planning Bulletin 115/2024 – Short-term Rental Accommodation – Guidance for Local Government

The Bulletin provides guidance for local governments on amending their local planning scheme to address STRA in a manner consistent with the Regulations. It also clarifies how such amendments should be classified as well as providing guidance on land use permissibility.

The Bulletin states that if a scheme amendment only replaces existing land use terms with new short-term rental accommodation terms without changing permissibility, it will generally be a basic amendment. However, if it introduces new land uses or changes the permissibility of existing ones, it will usually be treated as a standard amendment.

Local Planning Scheme No. 15

Schedule 1 of LPS 15 includes both general definitions and land use definitions for each use listed in the Zoning Table. The relevant definitions relating to this Amendment are outlined in Table 1 and Table 2 in the Report section below.

Table 1 (Zoning Table) of LPS 15 sets out the permissibility of uses using the symbols 'P', 'D', 'A' and 'X'. The meaning of the symbols is listed below:

- 'P' Means the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme.
- 'D' Means that the use is not permitted unless the local government has exercised its discretion by granting development approval.
- 'A' Means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with the provisions contained in Clause 64 of the Regulations Schedule 2.
- 'X' Means a use that is not permitted by the Scheme.

Planning and Development (Local Planning Schemes) Regulations 2015 (WA)

Model Provisions

Schedule 1 of the Regulations contains the Model Provisions for local planning schemes. The Model Provisions provide the form and content for all new local planning schemes and apply when a scheme is revised, prepared or amended by a local government.

The Model Provisions, along with any essential local variations approved by the Minister, should be gradually integrated into Local Planning Schemes through the scheme amendment process whenever an opportunity arises. All local governments are required to have their schemes align with the updated Regulations for STRA by the end of 2025

Local Planning Scheme Amendments

Section 75 of the *Planning and Development Act 2005 (WA)* provides for an amendment to be made to a local planning scheme. The procedures for amending a local planning scheme, including public consultation requirements, are set out within Part 5 of the Regulations.

The Regulations specify three different types of Scheme amendments, being 'basic', 'standard' and 'complex'. The main differences between the amendment classifications are the differing advertising requirements. Clause 35(2) of the Regulations requires a resolution of the local government specifying the type of amendment and the reasons for the classification.

When a local government resolves to amend a scheme, the proposed scheme amendment is required to be referred to the Department of Planning, Lands and Heritage to obtain consent to advertise. Where an amendment is deemed to have an environmental impact, it is also required to be referred to the Environmental Protection Authority.

Following consent to advertise, the responsible authority shall advertise the amendment in accordance with the Regulations by:

- Displaying the amendment and associated public notice on the local government's website.
- Publishing the notice in a local newspaper and displaying this on the local government's public notice boards.
- Giving a copy of the notice to each public authority that the local government considers is likely to be affected by the amendment.

After the conclusion of the advertising period, Council is required to consider the submissions and pass a resolution to either support the amendment, with or without modification, or not support the amendment. After passing a resolution, the amendment is to be forwarded to the Western Australian Planning Commission (WAPC) to review and provide a recommendation to the Minister for Planning.

Report

Definitions

General Definitions

Local Planning Scheme No. 15 currently contains general definitions for 'Cabin', 'Chalet' and 'Short-term Accommodation'. To align with the Model Provisions of the Regulations, Amendment No. 23 proposes the following changes:

- Modifying the definitions of 'Cabin' and 'Chalet'.
- Deleting the definition of 'Short-term Accommodation'.

- Introducing definitions for 'Short-term Rental Accommodation' and 'Short-term Rental Arrangement'.

These amendments will ensure LPS 15 is consistent with the Regulations. The changes to the existing definitions and new definitions are shown in Table 1 below.

Current LPS 15 General Definitions to be deleted	New Definition
<p>Cabin</p> <p>means a dwelling forming part of a tourist development or caravan park that is —</p> <p>(a) an individual unit other than a chalet; and</p> <p>(b) designed to provide short-term accommodation for guests.</p>	<p>Cabin</p> <p>means a building that —</p> <p>(a) is an individual unit other than a chalet; and</p> <p>(b) forms part of —</p> <p>(i) tourist and visitor accommodation; or</p> <p>(ii) a caravan park;</p> <p>and</p> <p>(c) if the unit forms part of a caravan park — is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.</p>
<p>Chalet</p> <p>means a dwelling forming part of a tourist development or caravan park that is —</p> <p>(a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and</p>	<p>Chalet</p> <p>means a building that —</p> <p>(a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and</p> <p>(b) forms part of —</p> <p>(i) tourist and visitor accommodation; or</p>

Current LPS 15 General Definitions to be deleted	New Definition
(b) designed to provide short-term accommodation for guests.	(ii) a caravan park; and (c) if the unit forms part of a caravan park — is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.
<p>Short-Term Accommodation</p> <p>means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12-month period.</p>	<p>Short-term Rental Accommodation</p> <p>(a) means a dwelling provided, on a commercial basis, for occupation under a short-term rental arrangement; but</p> <p>(b) does not include a dwelling that is, or is part of, any of the following:</p> <ul style="list-style-type: none"> (i) an aged care facility as defined in the <i>Land Tax Assessment Act 2002</i> section 38A(1); (ii) a caravan park; (iii) a lodging-house as defined in the <i>Health (Miscellaneous Provisions) Act 1911</i> section 3(1); (iv) a park home park; (v) a retirement village as defined in the <i>Retirement Villages Act 1992</i> section 3(1); (vi) workforce accommodation.

Current LPS 15 General Definitions to be deleted	New Definition
	<p>Short-term Rental Arrangement</p> <p>means an arrangement under which:</p> <p>(a) a dwelling, or part of a dwelling, is provided for occupation by a person; and</p> <p>(b) the person occupies the dwelling, or part of the dwelling, for a period or periods not exceeding a total of 3 months in any 12-month period.</p>

Table 1 General Definition Changes

Land Use Definitions

Local Planning Scheme No. 15 currently contains various land use definitions relating to forms of STRA. Amendment No. 23 proposes to delete several of these definitions as they are no longer contained within the Model Provisions of the Regulations. Various new definitions are also proposed to be introduced into LPS 15 to align with the Model Provisions of the Regulations.

Table 2 shows the existing LPS 15 definitions that are proposed to be deleted and the definitions they are proposed to be replaced with as part of Amendment No. 23.

Current LPS 15 Land Use and Definition to be deleted	New Land Use and Definition
<p>Bed and breakfast</p> <p>means a dwelling —</p> <p>(a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not</p>	<p>Hosted short-term rental accommodation</p> <p>means any of the following —</p> <p>(a) short-term rental accommodation where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the same</p>

Current LPS 15 Land Use and Definition to be deleted	New Land Use and Definition
<p>more than 4 adult persons or one family; and</p> <p>(b) containing not more than 2 guest bedrooms.</p>	<p>dwelling during the short-term rental arrangement;</p> <p>(b) short-term rental accommodation that is an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the other dwelling on the same lot, resides at that other dwelling during the short-term rental arrangement;</p> <p>(c) short-term rental accommodation that is a dwelling on the same lot as an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the ancillary dwelling during the short-term rental arrangement.</p>
<p>Holiday accommodation</p> <p>means two or more dwellings on one lot used to provide short-term accommodation for persons other than the owner of the lot.</p>	<p>Tourist and visitor accommodation</p> <p>(a) means a building, or a group of buildings forming a complex, that —</p> <p>(i) is wholly managed by a single person or body; and</p> <p>(ii) is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of</p>

Current LPS 15 Land Use and Definition to be deleted	New Land Use and Definition
	<p>3 months in any 12-month period; and</p> <p>(iii) may include on-site services and facilities for use by guests; and</p> <p>(iv) in the case of a single building — contains more than one separate accommodation unit or is capable of accommodating more than 12 people per night;</p> <p>and</p> <p>(b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but</p> <p>(c) does not include any of the following —</p> <p>(i) an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);</p> <p>(ii) a caravan park;</p> <p>(iii) hosted short-term rental accommodation.</p> <p>or</p> <p>Unhosted short-term rental accommodation</p>

Current LPS 15 Land Use and Definition to be deleted	New Land Use and Definition
	<p>means short-term rental accommodation that — (a) is not hosted short-term rental accommodation; and (b) accommodates a maximum of 12 people per night;</p> <p>Classification dependent on specific details of the proposal.</p>
<p>Holiday House</p> <p>A single dwelling on one lot used to provide means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;</p>	<p>Unhosted short-term rental accommodation</p> <p>As above.</p>
<p>Serviced Apartments</p> <p>means a group of units or apartments providing —</p> <p>(a) self-contained short stay accommodation for guests; and</p> <p>(b) any associated reception or recreational facilities.</p>	<p>Tourist and visitor accommodation</p> <p>As above.</p>
<p>Motel</p> <p>A premises providing hotel-like accommodation with facilities for guests traveling with motor vehicles, and it may be licensed under the <i>Liquor Control Act 1988</i>.</p>	<p>Tourist and visitor accommodation</p> <p>As above.</p>
<p>Tourist Development</p> <p>means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday</p>	<p>Tourist and visitor accommodation</p> <p>As above.</p>

Current LPS 15 Land Use and Definition to be deleted	New Land Use and Definition
accommodation, used to provide — (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development.	
Short Stay Accommodation means the accommodation of short stay guests providing on site facilities for the convenience of guests and, management of the development, where occupation by any person is limited to a maximum of 3 months in any 12-month period, and excludes any other use falling within a use class specifically defined in this scheme.	This land use is proposed to be deleted, as it is a broad term covering accommodation limited to a maximum of three months within a 12-month period. This is now encompassed under the general definition of 'Short-term Rental Accommodation'.

Table 2 Land Use Definition Changes

Zoning Table and Land Use Permissibility Changes

Proposed Changes

The various land use definitions outlined in Table 2 above for deletion will also be removed from the Zoning Table.

The following new land use definitions are required to be included within the Zoning Table as part of the subject amendment:

- Hosted Short-term Rental Accommodation
- Tourist and Visitor Accommodation
- Unhosted Short-term Rental Accommodation.

The permissibility proposed to be assigned to each of these land uses is shown in Table 3.

USE CLASSES	ZONES									
	Residential	Town Centre	Commercial	Mixed Use	Mixed Business	Industrial	Service Station	Places of Public Assembly	Residential and Stables	Special Development Precinct
Hosted Short-term Rental Accommodation	P	P	P	P	P	X	X	X	P	P
Unhosted Short-term Rental Accommodation	A	A	A	A	A	X	X	X	A	A
Tourist and Visitor Accommodation	X	X	X	D	A	X	X	X	X	A

Table 3 Proposed land use permissibility for new land uses

The following justification is provided for the proposed permissibilities.

Hosted Short-term Rental Accommodation

Under the Regulations, this use is exempt from requiring development approval. Accordingly, Planning Bulletin 115/2024 recommends a 'P' permissibility be assigned where residential development is capable of approval. It is therefore proposed to apply this permissibility in the 'Residential,' 'Mixed Use,' 'Commercial,' 'Town Centre,' 'Residential and Stables,' and 'Special Development Precinct' zones.

Conversely, 'Hosted Short-term Rental Accommodation' is not considered appropriate in the 'Industrial,' 'Service Station,' or 'Places of Public Assembly' zones and is therefore proposed to be assigned an 'X' permissibility in these areas.

Unhosted Short-term Rental Accommodation

Planning Bulletin 115/2024 outlines that 'Unhosted Short-term Rental Accommodation' should be assigned the following permissibilities:

- 'A' in zones where any type of dwelling is capable of approval

- 'P' (Permitted) in Tourism zones
- 'X' in all other zones

Consistent with this approach, this use is proposed to be assigned an 'A' designation in the 'Residential', 'Town Centre', 'Commercial', 'Mixed Use', 'Mixed Business', 'Residential and Stables' and 'Special Development Precinct' zones.

This designation would require any proposal to be advertised to surrounding residents and landowners for comment prior to the application being determined.

Tourist and Visitor Accommodation

This use is typically more intensive and operates at a larger scale than both 'hosted' and 'unhosted short-term rental accommodation'. Examples include motel operations and large-scale chalet developments, which generally involve a higher concentration of guests and more commercial-style management.

Given this, it is proposed to restrict the use to the 'Mixed Use', 'Mixed Business' and 'Special Development Precinct' zones, with different permissibility designations to reflect the nature of each area. This approach aligns with the current zones where the previous land uses could be considered.

In the 'Mixed Use' zone, which is predominantly located along Great Eastern Highway and has a stronger commercial focus, a 'D' designation is proposed. Whilst the use could be considered without advertising, this may be required depending on the specific circumstances and location of a proposal. In contrast, the 'Special Development Precinct' zone accommodates a broader mix of land uses. Due to this variability, an 'A' designation is proposed to ensure all proposals undergo public advertising.

An 'A' designation is also proposed for the 'Mixed Business' zone, consistent with the existing ability to consider Motel uses in this zone. This designation also provides the flexibility to assess the appropriateness of this use on a case-by-case basis, recognising that locations closer to Great Eastern Highway are likely to be more suitable due to their higher level of accessibility.

The use is proposed to be assigned an 'X' use in all other zones.

Other Changes

Parking

Tables 2 and 3 of LPS 15 contain car and bicycle parking requirements for the 'Motel' land use. As this land use is being deleted, reference to 'Motel' in the parking provisions will be removed.

Additional Uses

Local Planning Scheme No. 15 currently identifies 'Serviced Apartments' as an 'Additional Use' which can be considered at the following locations:

- 101, 103, 105, 107, 111 and 113 Orrong Road, Rivervale
- 289, 291A, 293 and 295 Orrong Road, Kewdale
- 2, 347 and 351 Orrong Road, Kewdale.

As this land use is proposed to be deleted, its reference as an 'Additional Use' will also be removed. An alternative form of STRA is not proposed as an 'Additional Use' for these sites. Most have already been developed, with the exception of 347 Orrong Road and 293 Orrong Road. 347 Orrong Road is owned by the State Government, who have not indicated any development intentions for the site. . In addition, there are no existing approvals or operations for 'Serviced Apartments' on any of these sites. This change does not preclude consideration of other forms of STRA at these sites, where permitted under the Scheme.

Scheme Amendment Classification

The Regulations define three types of Scheme amendments: 'basic,' 'standard,' and 'complex.' Clause 35(2) of the Regulations requires the local government to pass a resolution specifying the type of amendment and providing justification for its classification.

A Standard amendment is defined by the Regulations as:

- “(a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- (b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;

- (c) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;
- (ca) an amendment to the scheme to — (i) include a provision in the scheme that a specified planning code is to be read as part of the scheme; or (ii) provide for the modification of a planning code that is to be read as part of the scheme;
- (d) an amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan;
- (e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- (g) any other amendment that is not a complex or basic amendment.”

The proposed amendment is considered to be a ‘standard’ amendment for the following reasons:

- The Amendment proposes changes to land use definitions and permissibility which align with the scheme's objectives for each zone.
- The Amendment would have minimal impact on land in the scheme area that is not the subject of the amendment, as it does not result in any significant environmental, social, economic, or governance impacts.
- Additionally, the amendment relates to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve.

Additionally, Planning Bulletin 115/2024, provides further guidance on amendment classifications. The bulletin outlines that if an amendment introduces or changes permissibility for STRA uses, it should generally be progressed as a ‘Standard’ amendment. The scope of Amendment No. 23 is considered to meet these considerations.

Conclusion

The Amendment proposes to update Local Planning Scheme No. 15 to align with the Planning and Development (Local Planning Schemes) Regulations 2015 in relation to short-term rental accommodation. It introduces new land use definitions, modifies existing ones, and updates land use permissibility across various zones, reflecting the guidance set out in Planning Bulletin 115/2024. The Amendment is classified as 'Standard' due to its alignment with strategic planning objectives and minimal impact on the broader scheme area.

**City of Belmont
Local Planning Scheme No. 15
Scheme Amendment No. 23**

The Council of the City of Belmont, under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005*, hereby amends the above Local Planning Scheme by:

- xiii. Deleting the existing definition of 'Short-Term Accommodation' in Schedule 1 – General Definitions of the Scheme Text.
- xiv. Amending the existing definition of Cabin in Schedule 1 – General Definitions of the Scheme Text to:
 - "means a building that —
 - (d) is an individual unit other than a chalet; and
 - (e) forms part of —
 - (i) tourist and visitor accommodation; or
 - (ii) a caravan park; and
 - (f) if the unit forms part of a caravan park — is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period."
- xv. Amending the existing definition of Chalet in Schedule 1 – General Definitions of the Scheme Text to:
 - "means a building that —
 - (a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
 - (b) forms part of —
 - (i) tourist and visitor accommodation; or
 - (ii) a caravan park; and
 - (c) if the unit forms part of a caravan park — is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period."

- xvi. Insert terms 'Short-term Rental Accommodation' and 'Short-term Rental Arrangement' in Schedule 1 – as follows:

"Short-term rental accommodation —

(a) means a dwelling provided, on a commercial basis, for occupation under a short-term rental arrangement; but does not include a dwelling that is, or is part of, any of the following —

- (i) an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);
- (ii) a caravan park;
- (iii) a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);
- (iv) a park home park;
- (v) a retirement village as defined in the Retirement Villages Act 1992 section 3(1);
- (vi) workforce accommodation."

"Short-term rental arrangement means an arrangement under which —

- (a) a dwelling, or part of a dwelling, is provided for occupation by a person; and
- (b) the person occupies the dwelling, or part of the dwelling, for a period or periods not exceeding a total of 3 months in any 12-month period."

- xvii. Deleting the 'Bed and Breakfast', 'Holiday Accommodation', 'Holiday House', 'Motel', 'Serviced Apartment', 'Short Stay Accommodation' and 'Tourist Development' definitions in Schedule 1 – Land Use Definitions of the Scheme Text.

- xviii. Insert the following definition for Tourist and Visitor Accommodation in Schedule 1 – Land Use Definitions:

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

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

- (iii) may include on-site services and facilities for use by guests; and
 - (iv) in the case of a single building — contains more than one separate accommodation unit or is capable of accommodating more than 12 people per night; and
 - (b) includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but
 - (c) does not include any of the following —
 - (i) an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);
 - (ii) a caravan park;
 - (iii) hosted short-term rental accommodation;
 - (iv) a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);
 - (v) a park home park;
 - (vi) a retirement village as defined in the Retirement Villages Act 1992 section 3(1);
 - (vii) a road house;
 - (viii) workforce accommodation."
- xix. Insert the following definition for Hosted short-term rental accommodation in Schedule 1 – Land Use Definitions:
- "means any of the following —
- (a) short-term rental accommodation where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the same dwelling during the short-term rental arrangement;
 - (b) short-term rental accommodation that is an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the other dwelling on the same lot, resides at that other dwelling during the short-term rental arrangement;

(c) short-term rental accommodation that is a dwelling on the same lot as an ancillary dwelling where the owner or occupier, or an agent of the owner or occupier who ordinarily resides at the dwelling, resides at the ancillary dwelling during the short-term rental arrangement.”

xx. Insert the following definition for Unhosted short-term rental accommodation in Schedule 1 – Land Use Definitions:

“means short-term rental accommodation that —

(a) is not hosted short-term rental accommodation; and

(b) accommodates a maximum of 12 people per night.”

xxi. Deleting reference to ‘Bed and Breakfast’, ‘Holiday Accommodation’, ‘Motel’ and ‘Serviced Apartments’ in Table 1 – Zoning Table.

xxii. Inserting ‘Hosted Short-term Rental Accommodation’, ‘Unhosted Short-term Rental Accommodation’ and ‘Tourist and Visitor Accommodation’ in Table 1 – Zoning Table with the permissibilities outlined below.

USE CLASSES	ZONES									
	Residential	Town Centre	Commercial	Mixed Use	Mixed Business	Industrial	Service Station	Places of Public Assembly	Residential and Stables	Special Development Precinct
Hosted Short-term Rental Accommodation	P	P	P	P	P	X	X	X	P	P
Unhosted Short-term Rental Accommodation	A	A	A	A	A	X	X	X	A	A
Tourist and Visitor Accommodation	X	X	X	D	A	X	X	X	X	A

xxiii. Remove reference to ‘Motel’ from Table 2 – Car Parking Requirements and Table 3 – Bicycle Parking Requirements.

xxiv. Remove all references to ‘Serviced Apartments’ from Schedule No. 2 – Additional Uses.

Council adoption for advertising

Adopted for advertising by resolution of the Council of the City of Belmont at the Ordinary Meeting of the Council held on this 27th day of May 2025.



Blair
Mayor

[Signature]
Chief Executive Officer

Council recommended/submitted for approval

Supported for submission to the Minister for Planning for approval by resolution of the City of Belmont at the Ordinary Meeting of the Council held on this day of and the Common Seal of the City of Belmont was hereunto affixed by the authority of a resolution of the Council in the presence of:

Mayor

Chief Executive Officer

WAPC recommended/submitted for approval

Delegated under S.16 of the
Planning and Development Act 2005

Date

Approval granted

Minister for Planning
S.87 of the *Planning and Development Act 2005*

Date