

14.7.2 Scheme Amendment No. 2 to Local Planning Scheme No. 2 - Short-Term Rental Accommodation

Responsible Director:	Adam Strelein Director City and Community
Disclosure of Interest:	Nil
Application Number:	N/A
Owner's Name:	N/A
Applicant's Name:	N/A
Voting Requirements:	Simple
Nature of Council's Role in Decision-Making:	Legislative
Attachments:	1. Scheme Amendment Report [14.7.2.1 - 15 pages]

SUMMARY STATEMENT

Council is asked to adopt (initiate) Scheme Amendment No. 2 to Local Planning Scheme No. 2 (LPS2) to amend the scheme text to introduce new and revised land use classes and general definitions in line with the State's reforms for short-term rental accommodation (STRA).

The proposed scheme amendment is in response to the State legislation *Short-Term Rental Accommodation Act 2004*, and subsequent changes to the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations).

The 'Scheme Amendment Report', which follows a standard template developed by the Western Australian Planning Commission (WAPC) is attached to provide more detailed information on this matter.

It is recommended that Council adopt (initiate) the proposed scheme amendment.

REPORT

Background

The WA parliamentary enquiry 'leveling the playing field' was undertaken to address severe housing affordability, low vacancy rates, and the need for competitive neutrality between traditional rentals and short-stay rental platforms.

In response to the enquiry outcomes, Parliament enacted the *Short-Term Rental Accommodation Act 2024* (STRA Act) which requires all short-term rental accommodation to be registered with the Department of Local Government, Industry Regulation and Safety.

The *Short-Term Rental Accommodation Regulations 2024* came into force in June 2024. The WAPC released its position statement '*Planning for Tourism and Short-Term Rental Accommodation*' in September 2024, and from this the WAPC Planning Bulletin 115/2024 recommends that all local governments undertake a 'City led'

scheme amendment to implement the recent changes that were made to the Planning Regulations.

The Planning Regulations have been amended to introduce new land use definitions of 'hosted short-term rental accommodation' and 'unhosted short-term rental accommodation' consistent with the terms used in the STRA Act.

A new land use definition of 'tourist and visitor accommodation' is also proposed to replace the current tourism land uses, such as 'motel', 'serviced apartments' and 'tourist development'.

The *Planning and Development (Local Planning Schemes) Regulations 2015* defines short-term rental accommodation as:

- (a) *means a dwelling provided, on a commercial basis, for occupation under a short-term rental arrangement; but*
- (b) *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.*

The STRA Act states: 'short-term rental accommodation means residential premises provided, on a commercial basis, for occupation under a short-term rental arrangement'.

Planning Considerations

Local Planning Strategy 2013-2033

The City of Kalgoorlie-Boulder Local Planning Strategy 2013-2033 establishes the long-term strategic land use direction, guiding land use management to support economic diversification, community development, strategic infrastructure provision and population growth, over a 20-year period. The Strategy has the following strategic goals relating to tourism:

- *Promote our vibrant tourism opportunities and attract more visitors to the City.*

The proposed scheme amendment will facilitate an exemption from development approvals for hosted short term rental accommodation, making it easier for homeowners to provide hosted accommodation options that support local tourism.

Scheme Amendment

Deemed Short-Term Rental Accommodation Land Use Classes

The terms 'Hosted Short-Term Rental Accommodation' and 'Unhosted Short-Term Rental Accommodation' are now included in Schedule 2 (Deemed Provisions) of the Planning Regulations, meaning they are applicable to all local planning schemes regardless of whether they are incorporated into the local planning scheme text. The definitions are provided as follows:

hosted short-term rental accommodation 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.*

unhosted short-term rental accommodation means short term rental accommodation that —

- (a) is not hosted short term rental accommodation; and*
- (b) accommodates a maximum of 12 people per night.*

This amendment requires deletion of all references to the land use classes of bed and breakfast, holiday accommodation and holiday house, replaced with the new 'deemed' definitions of hosted short-term rental accommodation and unhosted short-term rental accommodation. This includes amending the zoning table and definition schedules of the scheme text accordingly.

This amendment proposes the following designations for these new land use classes in the zoning table:

- Hosted short-term rental accommodation is a 'P' use in all zones where a dwelling is capable of approval, to reflect the state-wide exemption in the Planning Regulations;
- Unhosted short-term rental accommodation is a 'D' use in Rural, Rural Townsite and Commercial zones, an 'A' use in Residential and Mixed Use zones, and an 'X' use in all other zones, noting that clause 18(6) of LPS2 applies to the Urban Development and Industrial Development zones.

Aside from the above, where the uses of holiday house, holiday accommodation, and bed and breakfast are referenced in other section of the scheme text, these will be amended accordingly.

Model 'Tourist and Visitor Accommodation' Land Use

A new model land use of 'Tourist and Visitor Accommodation' has been introduced to replace the land use terms of motel, tourist development and serviced apartment; and to provide a clearer delineation between these uses and the use of short-term rental

accommodation. The term 'hotel' has been retained as it is generally associated with a liquor license.

The definition 'Tourist and Visitor Accommodation' is contained in Schedule 1 Model Provisions of the Planning Regulations and is defined as:

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

In the context of the City's scheme, the following land uses are proposed to be deleted:

- Short-term accommodation;
- Motel;
- Serviced apartment; and
- Tourist development.

This amendment proposes the following designations for the new land use of 'Tourist and Visitor Accommodation':

- 'P' use in Tourism zone;
- 'D' use in Rural Townsite zone, Mixed Use zone and Commercial zone; and
- 'X' in all other zones.

The provisions of clause 18(6) of LPS2 apply to the Urban Development zone and Industrial Development zone.

The new land use definition of 'Tourist and Visitor Accommodation' will replace all references to 'tourist development' and 'serviced apartments' in LPS2. The table below demonstrates the zones and associated permissibility for each land use type.

Use and Development Class	Zones											
	Rural	Rural Townsite	Residential	Private Club, Institutions and Place of Worship	Commercial	Mixed Use	Tourism	Service Commercial	Light Industry	General Industry	Urban Development	Industrial Development
Hosted short term rental accommodation ¹	P	P	P	X	P	P	X	X	X	X	Development in accordance with the approved Structure Plan	Development in accordance with the approved Structure Plan
Unhosted short term rental accommodation	D	D	A	X	D	A	X	X	X	X		
Tourist and visitor accommodation ²	X	D	X	X	D	D	P	X	X	X		
Note 1: Under clause 61 of the Planning Regulations, the use of hosted short term rental accommodation is exempt from the need of a development approval. Note 2: It is recommended that the land use incorporates permissibilities for Tourist Development and Motel.												

Table 1 – Proposed amendments to zoning table

New and Revised Land Use & General Definitions

The proposed amendment includes changes to the scheme's land use terms to delete the redundant term(s) and to include the new term(s).

The term 'short term accommodation' has been removed so that it is not confusing with the new term 'short-term rental accommodation'.

The term 'roadhouse' has been amended to ensure that accommodation offered does not exceed three months in any 12-month period.

The terms 'cabin' and 'chalets' are in the State's model scheme provisions and must be included in the scheme amendment unless accepted by the Minister. The terms will be included in the table at clause 53 of LPS2.

In summary the following changes are proposed to the General definitions and Land use terms of LPS2; these will flow through to all relevant content areas of the scheme:

General definitions to be deleted	<ul style="list-style-type: none"> Short-term accommodation
New general definitions	<ul style="list-style-type: none"> Cabin Chalet
Land use terms to be deleted	<ul style="list-style-type: none"> Bed and breakfast Holiday accommodation Holiday house Motel Serviced apartment

	<ul style="list-style-type: none"> • Tourist development
Land use terms to be altered	<ul style="list-style-type: none"> • Roadhouse
New land use terms	<ul style="list-style-type: none"> • Tourist and Visitor Accommodation • Hosted Short-Term Rental Accommodation • Unhosted Short-Term Rental Accommodation

INTERNAL CONSULTATION

No internal consultation was necessary for this proposed scheme amendment as the requirements are driven by the State Government.

COUNCIL CONSULTATION

Council was briefed through the weekly CEO update process on 7 November 2025.

The scheme amendment was also presented to Council's Concept Forum on 7 April 2026.

PUBLIC CONSULTATION

Should Council adopt (initiate) the proposed scheme amendment, public consultation as a 'standard amendment' is required to be undertaken in accordance with section 84 of the *Planning and Development Act 2005*, and Part 5 Division 3 Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Duration

42 days.

Method

- Notification of the amendment published in the Kalgoorlie Miner newspaper;
- Amendment details placed on the City's website; and
- Hard copies of the amendment documentation being available for inspection at the City's administration building.

Consultation with Other Agencies

Approvals will need to be obtained from the Environmental Protection Authority (EPA) and the WA Planning Commission (WAPC) before advertising the scheme amendment. Relevant public authorities will also be consulted during the public consultation period.

BUDGET IMPLICATIONS

The amended scheme will need to be notified through the Government Gazette. There will be a fee associated with the gazettal. Sufficient funds are available in the budget for these fees.

STATUTORY IMPLICATIONS

The City may amend LPS2 by adopting (initiating) a proposed scheme amendment, and the amendment being approved by the Minister for Planning (the Minister) and published in the Government Gazette under section 75 of the *Planning and Development Act 2005*.

Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* details the process for amending a local planning scheme.

If a proposed amendment is adopted (initiated) by the City, it must be advertised following the WAPC and EPA approval for advertising.

After advertising, the City can provide a recommendation to the Minister to support the amendment without modification; support the amendment with proposed modifications to address issues raised in the submissions; or not support the amendment.

The Minister may approve the adopted (initiated) amendment (even if the City does not wish to proceed with the amendment) or require the amendment to be modified prior to being approved or refused.

The proposed amendment is considered to be a standard amendment in terms of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

POLICY IMPLICATIONS

The proposed amendment is in response to the *Short-Term Rental Accommodation Regulations 2024* that came into force in June 2024. As stated above the WAPC released its position statement '*Planning for Tourism and Short-Term Rental Accommodation*' in September 2024, and furthermore the WAPC Planning Bulletin 115/2024 recommends that all local governments undertake a 'City led' scheme amendment to implement the recent changes to the Planning Regulations.

The proposed scheme amendment will ensure that LPS2 aligns with the State's position paper and the new regulations.

City staff will prepare a draft local planning policy that provides guidance on matters relating to these proposed changes for Council's consideration in due course.

COMMUNITY STRATEGIC PLAN LINKS

This report links to the Strategic Community Plan through the following Guiding Theme/s:

Vibrant local economy and businesses - Position the city for future economic diversification and growth.

Strong organisation empowered to lead - Streamlined systems that enable efficient and effective delivery.

STRATEGIC CONTEXT

The Kalgoorlie-Boulder Tourism Plan 2025-2030 identifies the need to grow accommodation capacity to diversify market demand and support visitor experience developments to grow the length of stay.

The proposed amendment supports the growth and choice of accommodation by exempting hosted short-term rental accommodation from development approvals.

RISK ASSESSMENT

The table below shows:

1. Council's adopted risk tolerance for each category; and
2. City officer's risk assessment of the recommendation to Council, undertaken using the City's Risk Management Framework and taking into account current controls.

	Assessment of consequence	Assessment of likelihood	Comments on Council's tolerance for any related risk, and controls where outside of tolerance
Health/injury	N/A	N/A	N/A
Financial loss	N/A	N/A	The proposed amendment will not result in any financial loss to the City.
Service interruption	N/A	N/A	The proposed amendment will not result in any service interruption to the City.
Legislative breach	Minor	Rare	City officers have and will continue to ensure that the process complies with all relevant legislation and State directions.
Reputational damage	Negligible	Rare	As the recommendations of this report align with WAPC's position statement and the requirements of the Planning Regulations, reputational damage to the City is unlikely.
Property damage	N/A	N/A	N/A
Environmental damage	N/A	N/A	N/A
Project time	N/A	N/A	N/A
Project cost	N/A	N/A	N/A

The overall risk score is minor, and the likelihood of occurrence is rare. The City anticipates minimum risks associated with the proposed Scheme Amendment.

OFFICER RECOMMENDATION/COUNCIL RESOLUTION

Moved By: Cr Wayne Johnson

Seconded By: Cr Carla Viskovich

That Council:

1. Pursuant to section 75 of the *Planning and Development Act 2005*, resolve to amend the Local Planning Scheme No. 2 by:

- 1) In clause 53(1) 'Terms used':

- A. Delete the definition for *short-term accommodation*.

- B. Add the general definition for *cabin* as follows:

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;

(c) and 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

- C. Add the general definition for *chalet* as follows:

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;

(c) and 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

- 2) In clause 54(1) Land use terms used:

- A. Delete the definitions for:

- *bed and breakfast;*
- *holiday accommodation;*
- *holiday house;*
- *motel;*
- *serviced apartment; and*

- *tourist development.*
 - B. Amend the existing land use term for roadhouse by deleting paragraph (d) and inserting:
 - (a) *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.*
 - C. Insert the definition for tourist and visitor accommodation as per Schedule 1 – Model Provisions
- 3) In clause 17 'Zoning Table' insert in alphabetical order the following land uses and permissibility:
- A. *Hosted short-term rental accommodation*; designate as a 'P' use in all zones except Private Club, Institutions and Place of Worship, Tourism, Service Commercial, Light Industry, General Industry, and in accordance with an approved Structure Plan in the 'Urban Development' and 'Industrial Development' zones.
 - B. *Unhosted short-term rental accommodation*; designate as a 'D' uses in Rural, Rural Townsite and Commercial zones, an 'A' in Residential and Mixed Use zones, an 'X' use in all other zones, and in accordance with an approved Structure Plan in the 'Urban Development' and 'Industrial Development' zones.
 - C. *Tourist and Visitor Accommodation*; designate as 'P' use in Tourism zone, 'D' in Rural Townsite, Commercial and Mixed Use zones and 'X' in all other zones, and in accordance with an approved Structure Plan in the 'Urban Development' and 'Industrial Development' zones.
- 4) In clause 17 'Zoning Table' delete all references to:
- A. *Bed and breakfast*;
 - B. *Holiday accommodation*;
 - C. *Holiday house*;
 - D. *Motel*;
 - E. *Services apartment*; and
 - F. *Tourist development*.
- 5) In clause 19, Table 4 Specified additional uses for zoned land in Scheme area replace Serviced Apartment with Tourist and Visitor Accommodation in the Additional Use column of No. A6.
- 6) In Schedule 1 Parking Requirements, delete all references to:
- A. *Bed and breakfast*;
 - B. *Holiday house*;
 - C. *Motel*; and
 - D. *Services apartment*.
- 7) In Schedule No. 1: Parking Requirements, amend the following in the land use column:

	<ul style="list-style-type: none"> • <i>Holiday Accommodation to Unhosted Short-Term Rental Accommodation</i> • <i>Tourist Development to Tourist and Visitor Accommodation.</i>
<ol style="list-style-type: none"> 2. 3. 4. 5. 6. 7. 	<p>2. Considers the scheme amendment is standard under the provisions of Regulation 35(2) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> for the following reasons:</p> <ol style="list-style-type: none"> 1) The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment; 2) The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; 3) The amendment is not considered a complex or basic amendment; and 4) The amendment introduces or changes permissibility for new Short Term Rental Accommodation uses and other scheme provisions, being Table 1: Zoning table, Table 4: specified additional uses for zoned land in Scheme area and Schedule 1 parking requirements. <p>3. Pursuant to section 81 of the <i>Planning and Development Act 2005</i>, refer the proposed Amendment No. 2 to the City of Kalgoorlie Boulder Local Planning Scheme No. 2 to the Environmental Protection Authority.</p> <p>4. Upon the Notice of Assessment from the Environmental Protection Authority being received, the City seeks the approval of the Minister for Planning for the proposed scheme amendment to be advertised pursuant to section 83A of the <i>Planning and Development Act 2005</i>.</p> <p>5. If the Minister for Planning approves the proposed scheme amendment for public advertising, the amendment be advertised for public submissions.</p> <p>6. The proposed scheme amendment to be referred to Council for further consideration having regard to the submissions received during the public advertising period.</p> <p>7. Authorise the Mayor and the Chief Executive Officer, in accordance with Section 9.49a of the <i>Local Government Act 1995</i>, to execute under Common Seal Amendment No. 2 to the City of Kalgoorlie-Boulder Local Planning Scheme No. 2.</p>
	<p style="text-align: right;">CARRIED (6 / 1)</p>

For:	Deputy Mayor Terrence Winner, Cr Kirsty Dellar, Cr Wayne Johnson, Cr Kyran O'Donnell, Cr Carla Viskovich and Cr Vanessa Walker-Dunstan
Against:	Cr Richard Halse



Local Planning Scheme No. 2

Amendment No. 2

Update scheme text to introduce new and revised land use classes and general definitions to facilitate State Government reforms for short-term rental accommodation.

Planning and Development Act 2005

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

City of Kalgoorlie-Boulder Local Planning Scheme No. 2

Amendment No. 2

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

1. In clause 53(1) 'Terms used':

A. Delete the definition for *short-term accommodation*.

B. Add the general definition for *cabin* as follows:

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;*

(c) *and 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*

C. Add the general definition for *chalet* as follows:

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;*

(c) *and 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*

2. In clause 54(1) 'Land use terms used',

A. Delete the definitions for:

- *bed and breakfast;*
- *holiday accommodation;*

- *holiday house;*
 - *motel;*
 - *serviced apartment; and*
 - *tourist development.*
- B. Amend the existing land use term for *roadhouse* by deleting paragraph (d) and inserting:
- (d) *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.*
- C. Insert the definition for *tourist and visitor accommodation* as per Schedule 1 – Model Provisions
3. In clause 17 ‘Zoning Table’ insert in alphabetical order the following land uses and permissibility:
- A. *Hosted short-term rental accommodation*; designate as ‘P’ uses in all zones except Private Club, Institutions and Place of Worship, Tourism, Service Commercial, Light Industry, General Industry and in accordance with an approved Structure Plan in the ‘Urban Development’ and ‘Industrial Development’ zones.
- B. *Unhosted short-term rental accommodation*; designate as ‘D’ uses in Rural, Rural Townsite and Commercial zones, ‘A’ in Residential and Mixed Use zones, ‘X’ in all other zones and in accordance with an approved Structure Plan in the ‘Urban Development’ and ‘Industrial Development’ zones.
- C. *Tourist and Visitor Accommodation*; designate as ‘P’ use in Tourism zone, ‘D’ in Rural Townsite, Commercial and Mixed Use zones and ‘X’ in all other zones and in accordance with an approved Structure Plan in the ‘Urban Development’ and ‘Industrial Development’ zones.
4. In clause 17 ‘Zoning Table’, delete all references to:
- A. *Bed and breakfast;*
- B. *Holiday accommodation;*
- C. *Holiday house;*
- D. *Motel;*
- E. *Serviced apartment; and*
- F. *Tourist development.*
5. In clause 19, ‘Table 4 Specified additional uses for zoned land in Scheme area’ replace *Serviced Apartment* with *Tourist and Visitor Accommodation* in the *Additional Use* column of No. A6.
6. In Schedule 1 Parking Requirements, delete all references to:
- A. *Bed and breakfast;*
- B. *Holiday Accommodation;*
- C. *Holiday house;*
- D. *Motel; and*

E. Serviced apartment.

7. In Schedule 1 Parking Requirements, amend the following in the 'land use' column:

- *Holiday Accommodation to Unhosted Short Term Rental Accommodation*
- *Tourist Development to Tourist and Visitor Accommodation*

The amendment is standard under the provisions of Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

1. The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
2. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
3. The amendment is not considered a complex or basic amendment; and
4. The amendment introduces or changes permissibility for new Short Term Rental Accommodation uses and other scheme provisions, being Table 1: zoning table, Table 4: specified additional uses for zoned land in Scheme area and Schedule 1 parking requirements

Dated this _____ day of _____ 20_____

(Chief Executive Officer)

Scheme Amendment Report

1. Introduction

The purpose of this Amendment is to amend the City of Kalgoorlie-Boulder's local planning scheme to implement the State Government's planning reforms for short-term rental accommodation.

This Amendment is required to ensure alignment with new 'deemed' and 'model' land use classes and general definitions introduced into the state planning framework. Most significantly, it includes amendments to reflect the 'deemed' land use classes for 'hosted short-term rental accommodation' and 'unhosted short-term rental accommodation', along with removal of superseded land uses. The following report provides further detail and background information on these changes, including specific implications for the City.

2. Background

Short-Term Rental Accommodation (STRA) refers to the practice of renting out a property (or part of a property) for a relatively short period of time, usually on a nightly or weekly basis. This type of accommodation is usually booked through online platforms and is popular among travellers and visitors seeking temporary lodging for holidays, business trips or other short stays. The State Government has committed to various initiatives to deliver better regulation of the short-term rental accommodation sector.

In November 2023, the Western Australian Planning Commission released its Position Statement: Planning for Tourism and Short-Term Rental Accommodation (Position Statement) and associated Guidelines. The release of the Position Statement complemented other whole-of-government reforms relating to STRA, responding to recommendations made in the 2019 parliamentary enquiry *Levelling the Playing Field: Managing the impact of the rapid increase of short-term rentals in Western Australia*. This included development of a state-wide registration scheme for STRA, as well as an incentive scheme to encourage transition of properties from the short to long term rental market.

Alongside the registration scheme, which sits separately to the planning system and is mandatory for all STRA, amendments to planning regulations were flagged as a key part of the State Government's goal to ensure a fairer and more consistent treatment of STRA from both a legal and practical standpoint. The planning changes, which have triggered the need for the City to amend its scheme, aim to provide greater consistency across the state in relation to what approvals are needed for STRA proposals as well as how these uses are defined in local planning schemes.

The City's Local Planning Strategy aims at promoting the City's vibrant tourism opportunities and attract more visitors to the City. Low impact tourist facilities are also encouraged on pastoral properties and in townsites such as, Broad Arrow and Ora Banda.

3. State Planning Framework

The State Government's planning reforms for short-term rental accommodation are being implemented predominantly through the *Planning and Development (Local Planning Schemes)*

Regulations 2015 (LPS Regulations), which in turn have been informed by policy direction provided through the Position Statement.

Position Statement

The Position Statement foreshadowed a series of amendments to the LPS Regulations with the overall aim of providing more certainty and consistency across jurisdictions in respect to the treatment of STRA. Key changes flagged in this document included dedicated land use classes for STRA to ensure a clear delineation between this use and traditional accommodation types, as well as a state-wide exemption for hosted STRA and a 90-night exemption for unhosted STRA within the Perth Metropolitan Area. The Position Statement also includes guidance on strategic and statutory planning matters for both tourism and STRA, as well as local planning policy development.

LPS Regulations

The LPS Regulations are a key component of Western Australia's planning system comprising of three major parts:

- Regulations proper, which set out the process for preparing or amending a local planning scheme;
- 'Model' provisions, set out in Schedule 1, which are to be used by local governments in preparing or amending a local planning scheme; and
- 'Deemed' provisions, set out in Schedule 2, read automatically into all local planning schemes, and override any existing Scheme provision to the extent of any inconsistencies. Where there is a conflict between these provisions and the Scheme, the deemed provisions prevail.

Amendments to both Schedules 1 and 2 of these regulations have been made to facilitate the necessary planning changes of the State Government's short-term rental accommodation (STRA) reform initiatives, as envisaged by the Position Statement. These changes, most notably, include:

- New 'deemed' land use classes of 'hosted short-term rental accommodation' and 'unhosted short-term rental accommodation' to ensure these accommodation types are classified as dedicated land use classes in planning schemes;
- New 'deemed' general terms to define 'short-term rental accommodation' and link to the overarching *Short-Term Rental Accommodation Act 2024*, which provides the legal framework for the STRA Register;
- A new 'model' land use class of 'tourist and visitor accommodation' to differentiate these use types from STRA, and consolidate a number of existing land use terms for tourist and visitor accommodation (aside from 'hotel'), as well as other changes to general definitions;
- A state-wide development approval exemption for 'hosted short-term rental accommodation' (this includes ancillary dwellings); and
- A 90-night exemption with a 12-month period for 'unhosted' short-term rental accommodation in the Perth Metropolitan area.

The implications for these changes to the City of Kalgoorlie-Boulder are detailed further in the following sections of this report.

4. Local Planning Context

Local Planning Strategy

Kalgoorlie and the Goldfields region are best recognised for their rich heritage and history as a result of the 1800s gold rush and modern-day mining industry. The City is renowned for hosting national events such as the Kalgoorlie Race Round and Diggers & Dealers conference.

There is a need to provide for the sustainable growth of tourism in the city by identifying and retaining sites for the development of a range of high-quality tourist accommodation facilities, including affordable tourist accommodation, to meet future demand. The LPS recommends the identification of a council owned site for the designation of an overflow caravan park to cater for seasonal demand and where possible retain existing caravan parks and camping grounds.

The City aims to ensure that there is a distinction between land used for tourism and land used for temporary workers accommodation and prevent the encroachment of temporary workers in such tourism facilities, thus removing pressures currently existing on tourist facilities as a result of mining activity.

Local Planning Scheme

The City's LPS2 currently contains the following land uses that are similar to STRA:

Land Use	Definition
Holiday Accommodation	Means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.
Holiday House	Means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.
Bed and Breakfast	Means a dwelling – (a) Used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than four (4) adult persons or one family; and (b) Containing not more than two (2) guest bedrooms.

The following table outlines the current land use permissibility for these land uses under LPS2:

Use and Development Class	Zones											
	Rural	Rural Townsite	Urban Development	Residential	Private Clubs and Place of Worship	Commercial	Mixed Use	Tourism	Service Commercial	Light Industry	General Industry	Industrial Development
Holiday Accommodation	X	D	Refer to a structure plan	D	X	X	A	X	X	X	X	Refer to a structure plan
Holiday House	X	P		D	X	X	A	X	X	X	X	
Bed and Breakfast	D	P		D	X	A	A	X	X	X	X	

Development Applications

Currently, the City processes short-term rental accommodation applications as either holiday house or holiday accommodation or bed and breakfast (if hosted). Often times, they came in as change of use applications from existing permanent residences to short-term rental accommodation. The City has not used 'hosted short-term rental accommodation' or 'unhosted short-term rental accommodation' for planning assessment, as the land use permissibility has not been defined under the LPS2. In 24-25 financial year, 12 development approvals were issued for short-term rental accommodation.

To assist STRA operators obtain the necessary development approval, the City is in the process of preparing a Local Planning Policy, in accordance with the 'WALGA Local Planning Policy Guideline: Unhosted Short-Term Rental Accommodation' and DPLH's 'Position Statement: Planning for Tourism and Short-Term Rental Accommodation', for unhosted STRA that outlines:

- Information required to be submitted with an application, including plans, operation management plan.
- Matters to be considered by the City when assessing applications.
- Potential conditions of an approval.
- Consultation requirements.

5. Proposed Amendment

With the introduction of the new deemed land use classes into planning schemes associated with short-term rental accommodation, this Scheme Amendment relates to the introduction, modification and deletion of various land use and general definitions to the City's planning scheme. The new exemptions are also 'deemed' and as such are already operative, however this Amendment does include changes to the zoning table to reflect the hosted STRA exemption as a permitted use.

Deemed Short-Term Rental Accommodation Land Use Classes

Whilst the new 'deemed' land use classes are automatically read into the City's Scheme through the LPS Regulations, along with the previously mentioned exemptions, these uses are being incorporated into Scheme zoning tables to ensure absolute clarity from an interpretation perspective, particularly given these uses replace long-standing 'model' land use classes within the City's planning framework.

To implement the required changes, this Amendment requires deletion of all references to the land use classes of 'bed and breakfast', 'holiday accommodation' and 'holiday house', replaced with the new 'deemed' definitions of 'hosted short-term rental accommodation' and 'unhosted short-term rental accommodation'. This includes amending the Zoning Table and Definitions schedules of the Scheme text accordingly.

In addition to the LPS Regulations, the Position Statement and Planning Bulletin 115 provide further direction for how STRA should be dealt with in local planning schemes from a permissibility standpoint. To reflect these requirements, this Amendment proposes the following designations for these new land use classes:

- 'Hosted short-term rental accommodation' is proposed as a Permitted use in all zones where any type of 'dwelling' is capable of approval, to reflect the state-wide exemption in the 'deemed provisions';

- 'Unhosted short-term rental accommodation' is proposed to be designated as 'D' uses in Rural, Rural Townsite and Commercial zones, 'A' in Residential and Mixed Use zones, 'X' in all other zones and refer clause 18(6) in the Urban Development and Industrial Development zones.

Aside from the above, where the uses of holiday house, holiday accommodation and bed and breakfast are referenced in other section of the scheme text, these are to be cross-referenced accordingly.

Model 'Tourist and Visitor Accommodation' Land Use

A new model land use class of 'Tourist and Visitor Accommodation' has been introduced to supersede various traditional accommodation land use types (excluding 'hotel') and provide a clearer delineation between these uses and 'short-term rental accommodation'. In the context of the City's scheme, uses to be deleted through this change include:

- *Motel – specifically referenced in the new land use class definition;*
- *Serviced apartment – specifically referenced in the new land use class definition; and*
- *Tourist development – directly replaced by the new use class;*

The new land use definition of 'Tourist and Visitor Accommodation' will replace all references to 'tourist development' and 'serviced apartments' in LPS2. The table below demonstrates the zones and associated permissibility for each land use type.

Use and Development Class	Zones										
	Rural	Rural Townsite	Residential	Private Club, Institutions and Place of Worship	Commercial	Mixed Use	Tourism	Service Commercial	Light Industry	General Industry	Urban Development
Hosted short term rental accommodation ¹	P	P	P	X	P	P	X	X	X	X	Development in accordance with the approved Structure Plan
Unhosted short term rental accommodation	D	D	A	X	D	A	X	X	X	X	Development in accordance with the approved Structure Plan
Tourist and visitor accommodation ²	X	D	X	X	D	D	P	X	X	X	Development in accordance with the approved Structure Plan
Note 1: Under clause 61 of the Planning Regulations, the use of hosted short term rental accommodation is exempt from the need of a development approval.											
Note 2: It is recommended that the land use incorporates permissibilities for Tourist Development and Motel.											

Table 1 – Proposed amendments to zoning table

New and Revised Land Use & General Definitions

The proposed amendment includes changes to the scheme's land use terms to delete the redundant term(s) and to include the new term(s).

The term 'short term accommodation' has been removed so that it is not confusing with the new term 'short-term rental accommodation'.

The term 'roadhouse' has been amended to ensure that accommodation offered does not exceed three months in any 12-month period.

The terms 'cabin' and 'chalets' are in the State's model scheme provisions and must be included in the scheme amendment unless accepted by the Minister. The terms will be included in the table at clause 53 of LPS2.

In summary the following changes are proposed to the 'General definitions' and 'Land use terms' of LPS2; these will flow through to all relevant content areas of the scheme:

General definitions to be deleted	<ul style="list-style-type: none"> • Short-term accommodation
New general definitions	<ul style="list-style-type: none"> • Cabin • Chalet
Land use terms to be deleted	<ul style="list-style-type: none"> • Bed and breakfast • Holiday accommodation • Holiday house • Motel • Serviced apartment • Tourist development
Land use terms to be altered	<ul style="list-style-type: none"> • Roadhouse
New land use terms	<ul style="list-style-type: none"> • Tourist and Visitor Accommodation • Hosted Short-Term Rental Accommodation • Unhosted Short-Term Rental Accommodation

Planning and Development Act 2005

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

City of Kalgoorlie-Boulder Local Planning Scheme No. 2

Amendment No. 2

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

1. In clause 53(1) 'Terms used':

A. Delete the definition for *short-term accommodation*.

B. Add the general definition for *cabin* as follows:

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;

(c) *and 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*

C. Add the general definition for *chalet* as follows:

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;

(c) *and 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*

2. In clause 54(1) 'Land use terms used',

A. Delete the definitions for:

- *bed and breakfast;*

- *holiday accommodation;*
 - *holiday house;*
 - *motel;*
 - *serviced apartment; and*
 - *tourist development.*
- B. Amend the existing land use term for *roadhouse* by deleting paragraph (d) and inserting:
- (d) *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.*
- C. Insert the definition for *tourist and visitor accommodation* as per Schedule 1 – Model Provisions
3. In clause 17 ‘Zoning Table’ insert in alphabetical order the following land uses and permissibility:
- A. *Hosted short-term rental accommodation*; designate as ‘P’ uses in all zones except Private Club, Institutions and Place of Worship, Tourism, Service Commercial, Light Industry, General Industry and in accordance with an approved Structure Plan in the ‘Urban Development’ and ‘Industrial Development’ zones.
- B. *Unhosted short-term rental accommodation*; designate as ‘D’ uses in Rural, Rural Townsite and Commercial zones, ‘A’ in Residential and Mixed Use zones, ‘X’ in all other zones and in accordance with an approved Structure Plan in the ‘Urban Development’ and ‘Industrial Development’ zones.
- C. *Tourist and Visitor Accommodation*; designate as ‘P’ use in Tourism zone, ‘D’ in Rural Townsite, Commercial and Mixed Use zones and ‘X’ in all other zones and in accordance with an approved Structure Plan in the ‘Urban Development’ and ‘Industrial Development’ zones.
4. In clause 17 ‘Zoning Table’, delete all references to:
- A. *Bed and breakfast;*
- B. *Holiday accommodation;*
- C. *Holiday house;*
- D. *Motel;*
- E. *Serviced apartment; and*
- F. *Tourist development.*
5. In clause 19, ‘Table 4 Specified additional uses for zoned land in Scheme area’ replace *Serviced Apartment* with *Tourist and Visitor Accommodation* in the Additional Use column of No. A6.
6. In Schedule 1 Parking Requirements, delete all references to:
- A. *Bed and breakfast;*
- B. *Holiday Accommodation;*
- C. *Holiday house;*

- D. Motel; and
- E. Serviced apartment.

7. In Schedule 1 Parking Requirements, amend the following in the 'land use' column:

- *Holiday Accommodation to Unhosted Short Term Rental Accommodation*
- *Tourist Development to Tourist and Visitor Accommodation*

The amendment is standard under the provisions of Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

1. The amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
2. The amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
3. The amendment is not considered a complex or basic amendment; and
4. The amendment introduces or changes permissibility for new Short Term Rental Accommodation uses and other scheme provisions, being Table 1: zoning table, Table 4: specified additional uses for zoned land in Scheme area and Schedule 1 parking requirements

Dated this _____ day of _____ 20_____

(Chief Executive Officer)

COUNCIL ADOPTION

This standard Amendment was adopted by resolution of the Council of the City of Kalgoorlie-Boulder at the Ordinary Meeting of the Council held on the 20th day of April 2026.

.....

MAYOR

.....

CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the City of Kalgoorlie-Boulder at the Ordinary Meeting of the Council held on the 20th day of April 2026, proceed to advertise this Amendment.

.....

MAYOR

.....

CHIEF EXECUTIVE OFFICER

FORM 6A - CONTINUED

COUNCIL RECOMMENDATION

This Amendment is recommended [for support/ not to be supported] by resolution of the [LOCAL GOVERNMENT] at the [NAME] Meeting of the Council held on the [number] day of [month], 20[year] and the Common Seal of the [LOCAL GOVERNMENT] was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

.....
DELEGATED UNDER S.16 OF
THE P&D ACT 2005

DATE.....

APPROVAL GRANTED

.....
MINISTER FOR PLANNING

DATE.....

