



Western Australia

Planning and Development Act 2005

**Planning and Development (Local Planning
Schemes) Amendment (Short-Term Rental
Accommodation) Regulations 2024**

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Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024

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Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published on the WA legislation website;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Planning and Development (Local Planning Schemes) Regulations 2015*.

4. Schedule 1 clause 37 amended

- (1) In Schedule 1 clause 37(1) delete the definitions of:
cabin
chalet
short-term accommodation

- (2) In Schedule 1 clause 37(1) insert in alphabetical order:

cabin means a building that —

- (a) is an individual unit other than a chalet; and
 - (b) forms part of —
 - (i) tourist and visitor accommodation; or
 - (ii) a caravan park;
- and
- (c) if the unit forms part of a caravan park — is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period;

chalet means a building that —

- (a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
 - (b) forms part of —
 - (i) tourist and visitor accommodation; or
 - (ii) a caravan park;
- and
- (c) if the unit forms part of a caravan park — is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period;

5. Schedule 1 clause 38 amended

- (1) In Schedule 1 clause 38 delete the definitions of:

bed and breakfast

holiday accommodation

holiday house

motel

serviced apartment

tourist development

- (2) In Schedule 1 clause 38 insert in alphabetical order:

tourist and visitor accommodation —

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

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- (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;
- (3) In Schedule 1 clause 38 in the definition of ***road house*** delete paragraph (d) and insert:
- (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;

6. Schedule 2 clause 1 amended

In Schedule 2 clause 1 insert in alphabetical order:

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;

short-term rental accommodation —

- (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;

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;

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7. Schedule 2 clause 61 amended

- (1) After Schedule 2 clause 61(2)(e) insert:
- (ea) the use of a dwelling as hosted short-term rental accommodation;
 - (eb) the use of a dwelling as unhosted short-term rental accommodation if the dwelling is —
 - (i) wholly or partly in the metropolitan region; and
 - (ii) registered under the *Short-Term Rental Accommodation Act 2024* Part 3; and
 - (iii) used as unhosted short-term rental accommodation for no more than 90 nights in a relevant 12-month period; and
 - (iv) not located in a zone in relation to which the use of a dwelling as unhosted short-term rental accommodation is a class X use or a use that is not consistent with the objectives of that zone;
- (2) After Schedule 2 clause 61(8) insert:
- (9) Despite any provision to the contrary in a local planning policy or local development plan referred to in subclause (2)(g), development approval is required for the use of a dwelling as unhosted short-term rental accommodation if —
- (a) the dwelling is wholly or partly in the metropolitan region; and
 - (b) the dwelling is —
 - (i) not registered under the *Short-Term Rental Accommodation Act 2024* Part 3; or

- (ii) used as unhosted short-term rental accommodation for more than 90 nights in a relevant 12-month period; or
 - (iii) located in a zone in relation to which the use of a dwelling as unhosted short-term rental accommodation is a class X use or a use that is not consistent with the objectives of that zone.
- (10) A reference in subclause (2)(eb) or (9)(b) to a ***relevant 12-month period*** in relation to unhosted short-term rental accommodation is a reference to —
- (a) the period of 12 months commencing on the day on which the owner or occupier registered the dwelling under the *Short-Term Rental Accommodation Act 2024* Part 3; or
 - (b) any subsequent 12-month period commencing on the anniversary of that day.

8. Schedule 2 clause 78B amended

- (1) In Schedule 2 clause 78B(1) delete “does not apply to development unless the development” and insert:
- applies to development that
- (2) After Schedule 2 clause 78B(1) insert:
- (1A) Despite subclause (1), this Part does not apply to development that is the use of a dwelling as —
- (a) hosted short-term rental accommodation; or

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- (b) unhosted short-term rental accommodation.

V. MOLAN, Clerk of the Executive Council

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