



Town of Cottesloe

**Town of Cottesloe
Local Planning Scheme No. 3**

Amendment No. 15

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

FORM 2A

**Planning and Development Act 2005
RESOLUTION TO ADOPT AMENDMENT
TO LOCAL PLANNING SCHEME**

***Town of Cottesloe Local Planning Scheme No. 3
Amendment No. 15***

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 *Schedule 1 – Dictionary of defined words and expressions, Part 2. Land use definitions*:
 - A. Delete the definitions for:
 - *bed and breakfast*;
 - *motel*;
 - *serviced apartment*; and
 - *short-stay accommodation*.
 - B. Insert the definition for *tourist and visitor accommodation* as per Schedule 1 – Model Provisions for Local Planning Schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. In *Table 1 - Zoning Table*:
 - A. Delete all references to:
 - *Bed and breakfast*;
 - *Motel*;
 - *Serviced apartment*; and
 - *Short-stay accommodation*.
 - B. Insert in alphabetical order the following land uses and permissibility:
 - *Hosted short-term rental accommodation*; and designate as a 'P' use in zones where any type of dwelling is capable of approval (i.e. Residential, Foreshore Centre, Restricted Foreshore Centre, Town Centre, Local Centre, Residential/Office zones) and an 'X' use in all other zones (i.e. Hotel and Place of Public Assembly zones).
 - *Unhosted short-term rental accommodation*; and designate as a 'D' use in the Foreshore Centre, Restricted Foreshore Centre and Town Centre zones, an 'A' use in the Residential, Local Centre, and Residential/Office zones and an 'X' use in all other zones (i.e. Hotel and Place of Public Assembly zones).

- *Tourist and visitor accommodation*; and designate as a ‘D’ use in the Foreshore Centre, Restricted Foreshore Centre, Hotel, and Town Centre zones, and an ‘X’ use in the Residential, Local Centre, Residential/Office and Place of Public Assembly zones.

KEY TO COLUMNS:

1A	RESIDENTIAL R20, R25 and R30	4	HOTEL	8	PLACE OF PUBLIC ASSEMBLY
1B	RESIDENTIAL R35, R40, R50, R60, and R100	5	TOWN CENTRE	9	DEVELOPMENT
2	FORESHORE CENTRE	6	LOCAL CENTRE		
3	RESTRICTED FORESHORE CENTRE	7	RESIDENTIAL OFFICE		

USE CLASSES	1A	1B	2	3	4	5	6	7	8	9
Hosted short-term rental accommodation	P	P	P	P	X	P	P	P	X	*
Unhosted short-term rental accommodation	A	A	D	D	X	D	A	A	X	*
Tourist and visitor accommodation	X	X	D	D	D	D	X	X	X	*

3. In Table 3 – Vehicle Parking Requirements:

- A. Delete all references to, and requirements for:
- *Motel*;
 - *Serviced apartment*; and
 - *Short-stay accommodation*.
- B. Insert in alphabetical order the following use and vehicle parking requirement for *Tourist and visitor accommodation*:

USE	NUMBER OF PARKING SPACES
Tourist and visitor accommodation	0.5 spaces for each accommodation unit, with all such spaces provided being for the exclusive use of the occupiers of the units and key accommodation staff.

4. Undertake additional consequential scheme modifications as follows:

- A. In *Schedule 1 – Dictionary of defined words and expressions, Part 2. Land use definitions* update the definition for *hotel* as per Schedule 1 – Model Provisions for Local Planning Schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- B. In clause 5.2 Residential Design Codes, delete the following note:

Note: The density and development provisions of the Residential Design Codes do not apply to short-stay accommodation (being for holiday or other temporary accommodation purposes), including hotel, motel or other types of non-permanent residential short-stay accommodation use.

- C. Replace *Motel, Serviced apartment and/or Short-stay accommodation* with *Tourist and visitor accommodation* in:
- *Clause 5.8 Vehicle parking requirements – Table 3 (clauses 5.8.3 and 5.8.4);*
 - *Clause 6.4.3.2(e) Additional Provisions Applicable to the Cottesloe Beach Hotel site;*
 - *Clause 6.4.3.3(d) Additional Provisions Applicable to the Ocean Beach Hotel site;*
 - *Clause 6.4.3.4 Additional Provisions Applicable to the Seapines site, Lido site and Lot 51 corner Eileen Street and Marine Parade;*
 - *Clause 6.4.3.5(b) Provisions Applicable to the Foreshore Centre Zone; and*
 - *Schedule 12 – Special Provisions (No. 3).*
- D. Replace *Short-stay accommodation* with *Unhosted short-term rental accommodation* in:
- *Schedule 2 – Additional uses (A11).*

5. Undertake any other administrative and formatting edits as required.

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.

Dated this _____ day of _____ 20____

(Chief Executive Officer)

SCHEME AMENDMENT REPORT

1. INTRODUCTION

The purpose of this amendment is to amend the Town’s local planning scheme to implement the State Government’s planning reforms for short-term rental accommodation.

The 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 Town.

2. BACKGROUND

2.1 State Government

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, such as 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 *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 Town 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.

2.2 Local Government

The Town's draft Local Planning Strategy was endorsed by Council at its meeting held on 17 December 2024 and is currently with the Western Australian Planning Commission for final endorsement.

The Strategy is guided by several themes, including 'Economy and Employment'. Tourism is highlighted as integral to the Town's development, in particular, 'Increasing the quantum of tourist accommodation'. Planning Direction and Action for Tourism states, 'Investigate opportunity for increased short stay accommodation within the Town', particularly within the Foreshore Masterplan area.

3. STATE PLANNING FRAMEWORK

The State Government's planning reforms for short-term rental accommodation (STRA) are being implemented predominantly through the *Planning & Development (Local Planning Schemes) Regulations 2015* (LPS Regulations), which in turn have been informed by policy direction provided through the *Position Statement: Planning for Tourism and Short-Term Rental Accommodation* (Position Statement).

3.1 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 the Position Statement 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.

3.2 LPS Regulations

The LPS Regulations are a key component of Western Australia's planning system and comprise 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, which 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 the deemed provisions and the scheme, the deemed provisions prevail.

3.2.1 Amendments to LPS Regulations

Amendments to both Schedules 1 and 2 of the LPS Regulations have been made to facilitate the necessary planning changes of the State Government’s STRA reform initiatives, as envisaged by the Position Statement.

Land use classes and development approval exemptions

These changes, most notably, include:

- i. 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;
 - *Hosted* – where the host lives in the primary dwelling or ancillary dwelling on the property during the short-term stay. For the Town’s Local Planning Scheme No. 3, this land use will replace the ‘bed and breakfast’ land use.
 - *Unhosted* – where the guest/s have exclusive use of an entire dwelling (which may include a whole house, villa/townhouse or apartment). For the Town’s Local Planning Scheme No. 3, this land use will replace the ‘serviced apartment’ and ‘short-stay accommodation’ land uses.
- ii. 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.
- iii. 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’). For the Town’s Local Planning Scheme No. 3, this land use will replace the ‘motel’, ‘serviced apartment’ and ‘short-stay accommodation’ land uses.
- iv. A state-wide development approval exemption for ‘hosted short-term rental accommodation’ (this includes ancillary dwellings).
- v. A 90-night (cumulative) exemption within a 12-month period for ‘unhosted short-term rental accommodation’ in the Perth metropolitan area. The 90-night exemption caters for property owners who wish to rent out their primary residence for unhosted short-term rental accommodation on a temporary basis (such as when on holidays) without needing development approval for what might be an informal or one-off arrangement.

Land use definitions

The new land uses are defined in the LPS Regulations as follows:

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;*

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;*

Tourist and visitor accommodation —

- (a) *means a building, or a group of buildings forming a complex, that —*
 - (i) *is wholly managed by a single person or body; and*
 - (ii) *is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; and*
 - (iii) *may include on-site services and facilities for use by guests; and*

- (iv) *in the case of a single building — contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night;*
and
- (b) *includes a building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest’s stay by the owner or manager of the apartment or an agent of the owner or manager; but*
- (c) *does not include any of the following —*
 - (i) *an aged care facility as defined in the Land Tax Assessment Act 2002 section 38A(1);*
 - (ii) *a caravan park;*
 - (iii) *hosted short-term rental accommodation;*
 - (iv) *a lodging-house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);*
 - (v) *a park home park;*
 - (vi) *a retirement village as defined in the Retirement Villages Act 1992 section 3(1);*
 - (vii) *a road house;*
 - (viii) *workforce accommodation.*

The implications of these changes to the Town are detailed further in the following sections of this report.

4. LOCAL PLANNING CONTEXT

4.1 Local Planning Strategy

As stated in 2.2 above, *Tourism* is a key issue in the Town’s draft Local Planning Strategy (Parts 1 & 2), and has defined planning directions and actions.

Part 2, 4.3.2 Tourism of the draft Local Planning Strategy (LPS) identifies Cottesloe Beach as a major WA tourist attraction and one of eight “metropolitan attractors” in the Central Metropolitan Sub-Region. A study by Tourism WA indicates that the number of international and national visitors to Cottesloe has been increasing, with over 150,000 external visitors to Cottesloe annually. Given Cottesloe’s role as a premier tourism destination for WA, increasing the provision of soft infrastructure and short-stay accommodation is a potential development priority to accommodate future demand.

The Cottesloe Foreshore Redevelopment Masterplan identifies the car park adjacent to Napier St (Car Park #2) and near Eric Street as possible redevelopment sites that could include short stay accommodation.

In recent community engagement activities, the tourism attraction of Cottesloe for visitors was acknowledged, though this needs to be balanced with local desire for village atmosphere

and scale. Concerns were also raised over the impacts of AirBnB properties on adjacent residential uses.

The background information and analysis in Part 2 supports the following strategic planning directions and actions outlined in Part 1 of the draft LPS, summarised as follows:

ISSUE / OPPORTUNITY	PLANNING DIRECTION	ACTION	RATIONALE	TIMEFRAME
Increasing the quantum of tourist accommodation.	Investigate opportunity for increased short stay accommodation within the Town.	<p>Town to undertake investigations to ensure tourist accommodation is provided in appropriate locations and meets future demand by:</p> <ul style="list-style-type: none"> + A review of the State Government's Planning for Tourism Position Paper and STRA reforms; + Feasibility and potential for dedicated short term accommodation within the Foreshore Masterplan project including Car Park 2. <p>Outcomes including zoning, land use permissibility, development standards and operational / management requirements to be addressed in LPS4 and/or a LPP on STRA.</p>	<p>Section 4.3.2 of Part 2 identifies the potential for an area of dedicated short stay accommodation within the Foreshore Masterplan area.</p> <p>These investigations are necessary to balance the needs and desires of tourists with the understanding that residents are often seeking similar amenity and experiences of the natural attractions of the Town as visitors. With the natural environment, especially coastal areas of the Town, providing an excellent basis for tourism, the potential for this sector is high. This would help drive growth in local employment opportunities, activate centres as well as increase usage of public amenities and public transport in the Town.</p>	<p>Short Term</p> <p>1-5 years</p>

4.2 Local Planning Scheme No. 3

4.2.1. Current land use definitions

Prior to the STRA amendments to the LPS Regulations in September 2024, AirBnB and holiday accommodation were considered under the following land use classes of LPS 3:

“Bed and breakfast” means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;

“Serviced apartment” means an apartment in a building/s or part thereof where such apartments provide for self-contained accommodation for short-stay guests, where integrated reception and recreation facilities may be provided, and where occupation by any person is limited to a maximum of three months in any 12 month period.

“Short-stay accommodation” means a building/s or part thereof, or group of buildings forming a complex or part thereof, designed for the accommodation of short-term guests, which provides on-site facilities for the convenience of the guests and for the management of the accommodation, and where occupation by any person is limited to a maximum of three months in any 12 month period and which excludes those accommodation uses more specifically defined elsewhere.

“Motel” means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the Liquor Licensing Act 1988.

4.2.2. Current land use permissibility (Zoning Table)

The following excerpt from LPS 3’s Zoning Table outlines the permissibility of these land uses within the zones:

KEY TO COLUMNS:

1A RESIDENTIAL R20, R25 and R30	4 HOTEL	8 PLACE OF PUBLIC ASSEMBLY
1B RESIDENTIAL R35, R40, R50, R60, and R100	5 TOWN CENTRE	9 DEVELOPMENT
2 FORESHORE CENTRE	6 LOCAL CENTRE	
3 RESTRICTED FORESHORE CENTRE	7 RESIDENTIAL OFFICE	

USE CLASSES	1A	1B	2	3	4	5	6	7	8	9
Bed and Breakfast	A	A	P	A	X	D	D	D	X	*
Serviced Apartment	X	A	D	D	D	D	X	D	X	D
Short-stay accommodation	X	X	D	D	D	D	X	A	X	*
Motel	X	X	D	D	D	D	X	X	X	*

Note: The symbols used in the zoning table have the following meanings —

- P means that the use is permitted if it complies with any relevant development standards and requirements of this 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 advertising the application in accordance with clause 64 of the deemed provisions;
- X means that the use is not permitted by this Scheme.

Current assessment of STRA development applications

In the interim period, between the introduction of STRA amendments to the LPS Regulations in September 2024 and the gazettal of this Scheme Amendment, the Town is accepting and assessing development applications for unhosted STRA as a 'use not listed'. These applications have been advertised and granted development approval for a period of 12 months:

- a) to ensure they are compatible with the amenity of the locality; and
- b) so the Town can finalise the scheme amendment process and develop any supporting local planning policy that may provide further guidance on how the Town wishes to manage short-term rental accommodation within the locality.

Since September 2024, the Town has granted development approval to 17 unhosted STRA.

According to the STRA Register managed by the Department of Energy, Mines, Industry Regulation and Safety, there are currently 161 properties registered within the Town of Cottesloe, and significantly more unhosted STRA than hosted STRA. Around 60% of unhosted STRA are concentrated west of Broome Street, between Grant Street and Forrest Street.

5. PROPOSED AMENDMENT

This scheme amendment relates to the introduction, modification and deletion of various land uses and general definitions in the Town's Local Planning Scheme No. 3 (LPS 3), to accommodate the introduction of new land use classes associated with STRA.

The new exemptions are also 'deemed' and as such are already operative, however this amendment does include changes to LPS 3's Zoning Table to reflect the hosted STRA exemption as a permitted use.

5.1 Deemed Short-Term Rental Accommodation land use classes

Whilst the new 'deemed' land use classes are automatically read into LPS 3 through the LPS Regulations, along with the previously mentioned exemptions, these uses are being incorporated into LPS 3's Zoning Table to ensure absolute clarity from an interpretation and permissibility perspective, particularly given these uses replace long-standing land use classes within the Town's local planning framework.

To implement the required changes, this amendment requires deletion of all references to LPS 3's land use classes of *bed and breakfast*, *serviced apartment* and *short-stay accommodation*, and replacement 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 LPS 3 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. Planning Bulletin 115 states:

In all schemes, both metropolitan and regional, 'hosted short-term rental accommodation' should be listed as a P use in all zones where any type of dwelling is capable of approval, reflecting the state-wide development approval exemption in the LPS regulations.

For local governments within the boundaries of the Metropolitan Region Scheme (MRS), 'unhosted short-term rental accommodation' should be listed as a D or A use in zones where any type of dwelling is capable of approval, a P use in Tourism zones and an X use within all other zones, reflecting the direction set in the Position Statement.

To align with the State Government's direction, this amendment proposes the following permissibility designations for these new land use classes:

- *'Hosted short-term rental accommodation'* is proposed as a 'P' use (permitted) in all zones where any type of dwelling is capable of approval (i.e. Residential, Foreshore Centre, Restricted Foreshore Centre, Town Centre, Local Centre, Residential/Office zones) and an 'X' use in all other zones (i.e. Hotel and Place of Public Assembly zones).
- *'Unhosted short-term rental accommodation'* is proposed as a 'D' use in the Foreshore Centre, Restricted Foreshore Centre and Town Centre zones, an 'A' use in the Residential, Local Centre, and Residential/Office zones and an 'X' use in all other zones (i.e. Hotel and Place of Public Assembly zones).

Unhosted STRA is proposed as a 'D' use in the Foreshore Centre, Restricted Foreshore Centre and Town Centre zones, for consistency with the current 'D' use designation for both *Serviced apartment* and *short-stay accommodation* within these zones. For unhosted STRA applications within the Residential, Local Centre, and Residential/Office zones, public consultation (advertising) is considered appropriate.

5.2 Model 'Tourist and Visitor Accommodation' land use class

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 Town's LPS 3, land use classes to be deleted through this change are:

- A. *Motel* – this use is consistent with the new land use class definition;

- B. *Serviced apartment (in the case of a purpose-built serviced apartment building with reception and recreation facilities)* – this use is specifically referenced in the new land use class definition;
- C. *Short-stay accommodation (in the case of a purpose built facility for short-term guests)* – this use is consistent with new use class definition.

For further consistency, the amendment proposes the new land use class of *Tourist and visitor accommodation* to have the same permissibility designation as the current *Motel* land use class, i.e.:

- *Tourist and visitor accommodation* is proposed as a ‘D’ use in the Foreshore Centre, Restricted Foreshore Centre, Hotel, and Town Centre zones, and an ‘X’ use in the Residential, Local Centre, Residential/Office and Place of Public Assembly zones.

5.3 Proposed land use permissibility (Zoning Table)

To summarise the above information, the amendment proposes changes to LPS 3’s Zoning Table as follows:

KEY TO COLUMNS:

1A	RESIDENTIAL R20, R25 and R30	4	HOTEL	8	PLACE OF PUBLIC ASSEMBLY
1B	RESIDENTIAL R35, R40, R50, R60, and R100	5	TOWN CENTRE	9	DEVELOPMENT
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USE CLASSES	1A	1B	2	3	4	5	6	7	8	9
Hosted short-term rental accommodation	P	P	P	P	X	P	P	P	X	*
Unhosted short-term rental accommodation	A	A	D	D	X	D	A	A	X	*
Tourist and visitor accommodation	X	X	D	D	D	D	X	X	X	*

Note: The symbols used in the zoning table have the following meanings —

- P means that the use is permitted if it complies with any relevant development standards and requirements of this 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 advertising the application in accordance with clause 64 of the deemed provisions;
- X means that the use is not permitted by this Scheme.

5.4 Consequential scheme text modifications

5.4.1. Table 3 – Vehicle Parking Requirements

Table 3 – Vehicle Parking Requirements of LPS 3 includes requirements for *Motel*, *Serviced Apartment* and *Short-stay accommodation* as follows:

USE	NUMBER OF PARKING SPACES
Motel	0.5 spaces for each motel unit, with all such spaces provided being for the exclusive use of the occupiers of the units and key staff, and being held in common and not permanently allocated to individual accommodation units or any other tenancy.
Serviced Apartment	0.5 spaces for each accommodation unit, with all such spaces provided being for the exclusive use of the occupiers of the units and key accommodation staff, and being held in common and not permanently allocated to individual units or any other tenancy.
Short-stay Accommodation	0.5 spaces to every 8 persons the development is designed to accommodate.

As these use classes are proposed to be deleted, Table 3 – Vehicle Parking Requirements also requires changes, to delete all references to, and requirements for *Motel*, *Serviced Apartment* and *Short-stay accommodation* and include a new parking requirement for *Tourist and visitor accommodation*. This new parking requirement is consistent with current requirements for *Motel* and *Serviced apartment*, but the need for spaces to be located within common property with no permanent allocation has been removed:

USE	NUMBER OF PARKING SPACES
Tourist and visitor accommodation	0.5 spaces for each accommodation unit, with all such spaces provided being for the exclusive use of the occupiers of the units and key accommodation staff.

5.4.2. Schedule 1, Part 2 - Hotel definition

Motel is referenced in LPS 3's *Hotel* definition as follows:

“Hotel” means premises providing accommodation the subject of a hotel licence under the Liquor Control Act 1988, and may include a betting agency on those premises, but does not include a tavern or motel;

Rather than simply deleting the word motel from the hotel definition, it is considered appropriate to update the hotel definition as per Schedule 1 – Model Provisions for Local Planning Schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*, being:

Hotel means premises the subject of a hotel licence other than a small bar or tavern licence granted under the Liquor Control Act 1988 including any betting agency on the premises.

5.4.3. 5.2 Residential Design Codes

Clause 5.2 Residential Design Codes of LPS 3 includes the following note:

Note: The density and development provisions of the Residential Design Codes do not apply to short-stay accommodation (being for holiday or other temporary accommodation purposes), including hotel, motel or other types of non-permanent residential short-stay accommodation use.

In addition to referencing *short-stay accommodation and motel*, the note is not considered necessary and can be deleted, as the Residential Design Codes only apply to single houses, grouped and multiple dwellings.

5.4.4. Additional updates

There are numerous clauses throughout LPS 3 that reference the use classes of *Motel*, *Serviced apartment* and/or *Short-stay accommodation*, being:

- *Clause 5.8 Vehicle parking requirements – Table 3 (clauses 5.8.3 and 5.8.4);*
- *Clause 6.4.3.2(e) Additional Provisions Applicable to the Cottesloe Beach Hotel site;*
- *Clause 6.4.3.3(d) Additional Provisions Applicable to the Ocean Beach Hotel site;*
- *Clause 6.4.3.4 Additional Provisions Applicable to the Seapines site, Lido site and Lot 51 corner Eileen Street and Marine Parade;*
- *Clause 6.4.3.5(b) Provisions Applicable to the Foreshore Centre Zone;*
- *Schedule 12 – Special Provisions (No. 3); and*

Within these clauses, *Motel*, *Serviced apartment* and/or *Short-stay accommodation* will be replaced with *Tourist and visitor accommodation*.

In addition, Schedule 2 – Additional uses of LPS 3 lists an additional use of *Short-stay accommodation* for Lot 400 (No. 24) Jarrad Street, Cottesloe (A11). This use will be replaced with *Unhosted short-term rental accommodation*, to reflect the new terminology.

**Planning and Development Act 2005
RESOLUTION TO AMEND LOCAL PLANNING SCHEME**

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 - B. Insert the definition for *tourist and visitor accommodation* as per Schedule 1 – Model Provisions for Local Planning Schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
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 - *Short-stay accommodation*.
 - B. Insert in alphabetical order the following land uses and permissibility:
 - *Hosted short-term rental accommodation*; and designate as a 'P' use in zones where any type of dwelling is capable of approval (i.e. Residential, Foreshore Centre, Restricted Foreshore Centre, Town Centre, Local Centre, Residential/Office zones) and an 'X' use in all other zones (i.e. Hotel and Place of Public Assembly zones).
 - *Unhosted short-term rental accommodation*; and designate as a 'D' use in the Foreshore Centre, Restricted Foreshore Centre and Town Centre zones, an 'A' use in the Residential, Local Centre, and Residential/Office zones and an 'X' use in all other zones (i.e. Hotel and Place of Public Assembly zones).
 - *Tourist and visitor accommodation*; and designate as a 'D' use in the Foreshore Centre, Restricted Foreshore Centre, Hotel, and Town Centre

zones, and an 'X' use in the Residential, Local Centre, Residential/Office and Place of Public Assembly zones.

KEY TO COLUMNS:

1A	RESIDENTIAL R20, R25 and R30	4	HOTEL	8	PLACE OF PUBLIC ASSEMBLY
1B	RESIDENTIAL R35, R40, R50, R60, and R100	5	TOWN CENTRE	9	DEVELOPMENT
2	FORESHORE CENTRE	6	LOCAL CENTRE		
3	RESTRICTED FORESHORE CENTRE	7	RESIDENTIAL OFFICE		

USE CLASSES	1A	1B	2	3	4	5	6	7	8	9
Hosted short-term rental accommodation	P	P	P	P	X	P	P	P	X	*
Unhosted short-term rental accommodation	A	A	D	D	X	D	A	A	X	*
Tourist and visitor accommodation	X	X	D	D	D	D	X	X	X	*

3. In Table 3 – Vehicle Parking Requirements:

- A. Delete all references to, and requirements for:
 - Motel;
 - Serviced apartment; and
 - Short-stay accommodation.
- B. Insert in alphabetical order the following use and vehicle parking requirement for *Tourist and visitor accommodation*:

USE	NUMBER OF PARKING SPACES
Tourist and visitor accommodation	0.5 spaces for each accommodation unit, with all such spaces provided being for the exclusive use of the occupiers of the units and key accommodation staff.

4. Undertake additional consequential scheme modifications as follows:

- A. In *Schedule 1 – Dictionary of defined words and expressions, Part 2. Land use definitions* update the definition for *hotel* as per Schedule 1 – Model Provisions for Local Planning Schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- B. In clause 5.2 Residential Design Codes, delete the following note:

Note: The density and development provisions of the Residential Design Codes do not apply to short-stay accommodation (being for holiday or other temporary accommodation purposes), including hotel, motel or other types of non-permanent residential short-stay accommodation use.
- C. Replace *Motel, Serviced apartment* and/or *Short-stay accommodation* with *Tourist and visitor accommodation* in:

- *Clause 5.8 Vehicle parking requirements – Table 3 (clauses 5.8.3 and 5.8.4);*
 - *Clause 6.4.3.2(e) Additional Provisions Applicable to the Cottesloe Beach Hotel site;*
 - *Clause 6.4.3.3(d) Additional Provisions Applicable to the Ocean Beach Hotel site;*
 - *Clause 6.4.3.4 Additional Provisions Applicable to the Seapines site, Lido site and Lot 51 corner Eileen Street and Marine Parade;*
 - *Clause 6.4.3.5(b) Provisions Applicable to the Foreshore Centre Zone; and*
 - *Schedule 12 – Special Provisions (No. 3).*
- D. Replace *Short-stay accommodation* with *Unhosted short-term rental accommodation* in:
- *Schedule 2 – Additional uses (A11).*
5. Undertake any other administrative and formatting edits as required.

FORM 6A

COUNCIL ADOPTION

This STANDARD Amendment was adopted by resolution of the Council of the Town of Cottesloe at the Ordinary Meeting of the Council held on the [] day of [], 2025.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the Town of Cottesloe at the Ordinary Meeting of the Council held on the [] day of [], 2025, proceed to advertise this Amendment.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended FOR SUPPORT by resolution of the Town of Cottesloe at the Ordinary Meeting of the Council held on the [] day of [], 2025 and the Common Seal of the Town of Cottesloe was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

FORM 6A - CONTINUED

WAPC ENDORSEMENT (r.63)

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

DATE.....

APPROVAL GRANTED

.....
MINISTER FOR PLANNING

DATE.....