

PLANNING & DEVELOPMENT ACT 2005



CITY OF STIRLING

**LOCAL PLANNING SCHEME NO 3 - AMENDMENT NO. 131**

**Resolution to prepare Amendment to Local Planning Scheme No.3**

The Amendment is standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;

Dated this                      day of                      .

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

\_\_\_\_\_  
Local Planning Scheme No.3  
Amendment No.131

**PLANNING & DEVELOPMENT ACT 2005**


CITY OF STIRLING

**LOCAL PLANNING SCHEME NO 3 - AMENDMENT NO. 131**
**Resolution to adopt Amendment to Local Planning Scheme No.3**

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

- a) Deleting the following land uses from Table 1: Zoning Table; Table 6.8.6 Mirrabooka Town Centre Land Use Permissibility Table, Table 6.11.9 - Stirling City Centre Land Use Permissibility Table and Schedule 13, Appendix 3 – Defined Land Uses:
  - a) 'Bed and Breakfast';
  - b) 'Motel'; and
  - c) 'Short Stay Accommodation';
- b) Inserting 'Hosted STRA', 'Unhosted STRA' and 'Tourist and Visitor Accommodation' land uses in Table 1: Zoning Table as follows:

	Zone														
	Land Use	Business	Civic	District Centre	Hotel	Industry	Local Centre	Mixed Business	Mixed Use	Neighbourhood Centre	Private Institution	Regional Centre	Residential	Service Station	Special Use
Land Use	Hosted STRA	P	X	P	P	X	P	X	P	P	X	P	P	X	Refer Schedule 4
	Unhosted STRA	A	X	A	A	X	D	X	D	D	X	D	A	X	
	Tourist and Visitor Accommodation	X	X	D	X	X	X	X	X	X	X	D	X	X	

- c) Inserting 'Hosted STRA', 'Unhosted STRA' and 'Tourist and Visitor Accommodation' land uses in Table 6.8.6 - Table 6.8.6 - Mirrabooka Town Centre Land Use Permissibility Table as follows:

	Land Use	Business	Mixed Business	Mixed Use	Regional Centre	Residential	Civic
Land Use	Hosted STRA	P	P	P	P	P	X
	Unhosted STRA	A	A	D	D	A	X
	Tourist and Visitor Accommodation	X	X	X	D	X	X

- d) Inserting 'Hosted STRA', 'Unhosted STRA' and 'Tourist and Visitor Accommodation' land uses in Table 6.11.9 - Stirling City Centre Land Use Permissibility Table as follows:

	Land Use	Mixed Use	Business	Restricted Business	City Residential	Suburban Residential	Civic
Land Use	Hosted STRA	P	X	X	P	P	X
	Unhosted STRA	D	X	X	A	A	X
	Tourist and Visitor Accommodation	D	X	X	X	X	X

- e) In Schedule 1 – Land Use Definitions, delete the following definitions:
- a) 'Bed and Breakfast';
  - b) 'Motel' ; and
  - c) 'Short Stay Accommodation'

- f) Inserting the following definitions into Schedule 1 – Land Use Definitions and Schedule 13, Appendix 3 – Defined Land Uses

**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;

**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 here 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;

g) delete reference in Table 13.1 – Land Use Categories of Schedule 13 to the following land use types:

- a) Bed and Breakfast;
- b) Motel;
- c) Short Stay Accommodation; and
- d) Serviced Apartments

h) Insert in Table 13.1 – Land Use Categories of Schedule 13 the following land use types in Land Use Type 5A Permanent Residential:

- a) unhosted short-term rental accommodation; and
- b) 'hosted short-term rental accommodation

i) Delete the reference to Hotel, Motel and Short Stay accommodation from section 6.8.8, & 6.8.14 add in and 'hosted short-term rental accommodation' its place to this section

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CITY OF STIRLING

**LOCAL PLANNING SCHEME NO 3 - AMENDMENT NO. 131**

Adopted by resolution of the Council of the City of Stirling at the meeting of the  
Council held on the                      day of                      20   .

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

Adopted for final approval by resolution of the City of Stirling at the Meeting of the  
Council held on the      day of                      20   and the Common Seal of the City of  
Stirling was hereunto affixed by the authority of a resolution of the Council in the  
presence of:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER

Recommended/Submitted for  
Final Approval

\_\_\_\_\_  
Delegated under S.16 of PD Act 2005

Date \_\_\_\_\_

Final Approval granted

\_\_\_\_\_  
MINISTER FOR PLANNING

Date \_\_\_\_\_

Local Planning Scheme No.3  
Amendment No.131

**Local Planning Scheme No 3 definitions to be deleted under STRA Regulations**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.

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 Control Act 1988;

Short Stay Accommodation

means premises used for accommodation that may be occupied by the same person/s for a maximum period of three months within any twelve month period, and are not subject to residential tenancy agreements (residential leases).