



Policy Review and Development Committee

Notice of Meeting and Agenda 29 January 2025

Committee Terms of Reference

- 1** *To review all existing Bunbury City Council policies within a two year period, in line with the local government election cycle and facilitate the development of new policies for consideration by Council on an ongoing basis.*
- 2** *To make recommendations to Council on matters of policy, policy and local law review and policy and local law development.*
- 3** *To explore opportunities that promote policy development in all areas that are within Council's jurisdiction.*
- 4** *To allow any draft policy developed and fully considered by another Advisory Committee of Council to be referred directly to Council for consideration.*
- 5** *To provide Bunbury City Councillors with assistance and support to develop new Council policies.*

City of Bunbury
4 Stephen Street
Bunbury WA 6230
Western Australia
Correspondence to:
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Bunbury WA 6231

Policy Review and Development Committee Notice of Meeting

Dear Committee Members

An ordinary meeting of the Policy Review and Development Committee will be held in the Ocean Room, 2-4 Stephen Street, Bunbury on 29 January 2025 at 10.00am.

Signed:

Alan Ferris
Chief Executive Officer

Agenda

29 January 2025

Members of the public to note that recommendations made by this committee are not final and will be subject to adoption (or otherwise) at a future meeting of the Bunbury City Council.

Committee Members:

Member Name	Representing
Cr Gabi Ghasseb	City of Bunbury
Cr Karen Steele	City of Bunbury
Cr Marina Quain (Presiding Member)	City of Bunbury
Cr Cheryl Kozisek	City of Bunbury
Cr Tresslyn Smith	City of Bunbury

Ex-officio Members (non-voting):

Member Name	Representing
Mr Alan Ferris	Chief Executive Officer
Mrs Karin Strachan	Director Corporate and Community

Support Staff:

Name	Title
Mr Greg Golinski	Manager Governance and Integrated Planning
Mr Liam Murphy	Governance Officer
Mrs Maureen Keegan	Senior Governance Officer

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Acknowledgement of Country

We acknowledge the traditional owners of the land, the Noongar Wardandi people and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal community and their culture; and to Elders past, present and emerging.

Vision

Bunbury: welcoming and full of opportunities.

Organisational Values

#WEARECOB

WE ARE COMMUNITY

We are one team
We keep each other safe
We display empathy and respect
We have fun and celebrate our successes
We work together to achieve great outcomes

WE ARE OPEN

We are open to opportunities
We actively listen and think things through
We are inclusive and treat everyone equally
We are honest and open in our communications
We are open to feedback to improve our performance

WE ARE BRAVE

We lead the change, we own it
We trust and empower each other
We have the difficult conversations early
We hold ourselves to the highest standard
We have the courage to improve and simplify

Nature of Council’s Role in Decision Making

Advocacy: When Council advocates on its own behalf or on behalf of its community to another level of government/body/agency.

Executive/Strategic: The substantial direction setting and oversight role of the Council, e.g. adopting plans and reports, accepting tenders, setting and amending budgets.

Legislative: Includes adopting local laws, town planning schemes and policies.

Quasi-Judicial: When Council determines an application/matter that directly affects a person’s rights and interests. The Judicial character arises from the obligations to abide by the principles of natural justice.

Examples of Quasi-Judicial authority include town planning applications, building licences, applications for other permits/licences (e.g. under Health Act, Dog Act or Local Laws) and other decisions that may be appealable to the State Administrative Tribunal.

Information Purposes: Includes items provided to Council for information purposes only which do not require direction from Council (that is for ‘noting’).

1. Declaration of Opening

2. Disclaimer

Not applicable to this committee.

3. Announcements from the Presiding Member

4. Attendances

4.1 Apologies

4.2 Approved Leave of Absence

5. Declaration of Interest

IMPORTANT: Committee members to complete a “Disclosure of Interest” form for each item on the agenda in which they wish to disclose a financial/proximity/impartiality interest. They should give the form to the Presiding Member <u>before</u> the meeting commences. After the meeting, the form is to be forwarded to the Administration Services Section for inclusion in the Corporate Financial Disclosures Register.
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6. Confirmation of Minutes

Committee Decision: Moved _____ Seconded _____

The minutes of the Policy Review and Development Committee Meeting held on 30 October 2024 are confirmed as a true and accurate record.

CARRIED/LOST

7. Method of Dealing with Agenda Business

8. Reports

8.1 Proposed Local Planning Policy 2.2 – Unhosted Short-Term Rental Accommodation and Unrestricted Length of Stay

File Ref:	COB/6761
Applicant/Proponent:	Internal
Responsible Officer:	Kelvin Storey, Principal Strategic Planning Officer
Responsible Manager:	Barbara Macaulay, Manager Planning and Building
Executive:	Andrew McRobert, Director Sustainable Development
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 8.1-A: Draft Local Planning Policy 2.2 – Unhosted Short-Term Rental Accommodation and Unrestricted Length of Stay Appendix 8.1-B: Operational Management Plan template Appendix 8.1-C Scheme Amendment No.14 report (draft)

Summary

The City is required to undertake an amendment to Local Planning Scheme No. 8 in response to legislative changes introduced by the State that primarily deal with the use and development of premises for short-term rental accommodation (STRA). A draft scheme amendment report (Scheme Amendment No.14) has been prepared by officers and is scheduled to be presented for the purpose of initiation and public advertising at an upcoming Ordinary Meeting of Council.

Draft Local Planning Policy 2.2: Unhosted Short-Term Rental Accommodation and Unrestricted Length of Stay (LPP2.2) has been prepared in conjunction with the proposed amendment to the local planning scheme and is intended to guide and support subsequent decision-making. Subject to approval, the proposed scheme amendment, which requires consent from the Minister for Planning, and supporting draft local planning policy are intended to be publicly advertised concurrently and then returned to Council for their reconsideration.

Executive Recommendation

Subject to Council resolving to adopt Scheme Amendment No.14 for the purpose of public advertising, the Policy Review and Development Committee recommends that Council resolves in accordance with the provisions of Schedule 2, Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015* to proceed to:

1. Advertise draft Local Planning Policy 2.2 – Unhosted Short-Term Rental Accommodation and Unrestricted Length of Stay for public comment for a period of not less than 42 days.

2. Recommend in keeping with the draft Local Planning Policy 2.2 – Unhosted Short-Term Rental Accommodation and Unrestricted Length of Stay that Council establish a discretionary cap that is to apply to the number of unhosted STRA approved within a Residential Zone that is situated outside of the designated Core Tourism Area, and propose that this be set at an initial figure (cap) of 110.
3. Following completion of the public comment period, that Council receive a further report detailing the outcomes of the advertising period, including any submissions received, for consideration.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar: Place
Aspiration: An integrated, vibrant and well planned City
Outcome 7: A community with high quality urban design and housing diversity
Objective 7.1: Promote responsible planning and development

Pillar: Prosperity
Aspiration: A strong and diversified economy
Outcome 12: A unique and desirable destination within the South West region
Objective 12.1: Develop and promote a competitive tourism offer to attract more visitors

Pillar: Performance
Aspiration: Leading with purpose and robust governance
Outcome 13: A leading local government
Objective 13.1: Provide strong, accountable leadership and governance.

Regional Impact Statement

The proposed local planning policy is expected to have negligible regional impact.

Background

The *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) provides the legislative basis for preparing a local planning policy. The primary aim of this local planning policy is to guide and support the future assessment of ‘unhosted short-term rental accommodation’ (unhosted STRA) which, following changes to State planning legislation, is required to be introduced as a new land use classification by way of an amendment to the local planning scheme. In this regard, Scheme Amendment No.14 has been drafted and that report will be presented to Council shortly to seek its adoption for the purpose of public advertising.

The draft local planning policy is attached as Appendix 8.1-A, and the draft scheme amendment report is attached (for information purposes only) as Appendix 8.1-C.

Council Policy Compliance

Not applicable.

Legislative Compliance

Schedule 2, Clause 4 of the Regulations set out the procedural requirements for preparing a local planning policy. The City is required to advertise the proposed policy in accordance with clause 87 of the Regulations for a minimum of 21 days. In this instance as it is intended to publicly advertise the draft local planning policy concurrently with draft Scheme Amendment No.14, the advertising period will be extended to be a minimum of 42 days, in keeping with the statutory advertising period for 'standard' scheme amendments.

Any submissions received are to be reviewed before resolving to proceed with the policy (with or without modification) or not to proceed with the policy. Notwithstanding, the adoption of the policy will be held in abeyance until such time the scheme amendment has been finalised noting that changes to the scheme amendment prior to its Gazettal may result in consequential modifications being necessary to the policy document.

The recommendation of the Policy Review and Development Committee (PRDC) will be included in the agenda item presented to Council for determination.

Officer Comments

To remain consistent with recent changes in State planning legislation that includes the introduction of new deemed land use classes, the City is required to undertake corresponding modifications to its local planning scheme. The City's amendment as drafted necessarily captures the new land use classification of 'Unhosted Short-Term Rental Accommodation' to which the following meaning(s) apply within the Regulations:

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 accommodation means short-term rental accommodation that –

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

Advice provided within the WAPC Position Statement: Planning for Tourism and Short-term Rental Accommodation (November 2023) guides the introduction of unhosted STRA by local government. This encourages the adoption of a local planning policy to support discretionary decision making and identifies consideration be given to:

- locational factors which may assist in determining appropriate locations for unhosted forms of STRA within residential areas, and
- impact on local housing market, where this has been identified as an issue in the local planning strategy.

The City's local planning policy has been specifically tailored to meet the perceived need as relevant to the City of Bunbury and is consistent with strategic direction provided by the City's Local Planning Strategy 2018. Key elements of the proposed policy (in guiding discretionary decision making) extend to:

Location:

Acknowledging and broadly prioritising the recognised Core Tourism Area (CTA) as the being the most suitable and supportive location for unhosted STRA.

Residential amenity:

Standards are employed to ensure that development of unhosted STRA respects the character and amenity of the locality, and that its use and management reasonably meets the expectations of guests and neighbouring residents. These include adherence to an Operational Management Plan (OMP), occupancy controls and on-site considerations (such as bin storage location and screening). The OMP template is attached as Appendix 8.1-B.

Housing supply:

Incorporates measures (a discretionary cap) that provides the ability to limit undesirable outcomes should the roll-out unhosted STRA be seen to negatively impact the local long term rental housing market.

Acknowledging the extremely low long term vacancy rental rate that Bunbury has endured over the course of the last year, the discretionary cap referred to above is intended to apply to areas of Residential Zone located outside the CTA. The discretionary cap will act as a safety-net that is able to be adjusted (up or down) having regard to housing demand and supply conditions at a given time. Information included within Appendix 3 of the draft local planning policy (and the Scheme Amendment No. 14 Report) provides further background rationale for adopting a cap.

Unhosted STRA in locations subject to the cap would be granted development approval on a time limited basis. Renewal (without incurring a fee) then ensures only operating premises will be counted and that the cap does not become unnecessarily clogged with premises no longer offering such accommodation.

Desktop analysis conducted by the City (accessing information held on short stay booking platforms conducted during July 2024) identified a total of approximately 94 unhosted STRA operating within the City of Bunbury, of which 29 were located outside the CTA.

Further information gathered from registration data available from State Department of Energy Mines Industry Regulation and Safety (DEMIRS) indicates 59 properties currently registered as unhosted STRA, of which 37 are located within the CTA, 2 are located within a Tourism zone, and a 20 located within a Residential zone that lies outside the CTA.

In setting a figure to represent the discretionary cap, an initial ceiling of 110 (representing approximately 1% of all private dwellings within the area subject to the cap) comfortably captures those identified as currently operating/registered, while also providing for a generous increase in number over time. Council will set the figure for the cap by way of a Resolution, and will have the ability to apply discretion on individual applications should the threshold of the cap be reached. Council will also have opportunity to adjust the figure used for the cap (up or down) if desired.

In this regard the City will be further informed by outcomes from detailed research and investigation to be undertaken on behalf of the City by Edith Cowan University during the first half of 2025. Undertaking an analysis of local housing need and supply is consistent with advice from the WAPC and moreover offers the City the opportunity to adopt and continue to operate a tailor made strategic approach relevant to the City of Bunbury.

“If land and housing supply pressures are evident or predicted in a local government area, the tourism component of the local planning strategy should be informed by an accommodation demand/supply study and analysis that forecasts future tourism growth, including likely demand for tourist and short term-rental accommodation and long-term (permanent and rental) housing supply. The detail of the accommodation demand/supply analysis should reflect the extent and importance of local tourism and land use/land supply pressures in the locality.”
(extract from WAPC Planning for Tourism and Short-term Rental Accommodation Guidelines 2023)

It is proposed that if the local planning policy is adopted, it is reviewed after a period of 12 months in the light of experience and findings during the first year of operation so that its provisions (and discretionary cap) can be reconsidered. At this point the local planning policy will be returned to PRDC and Council.

LPP 2.2 is also intended to supersede existing local planning policies that have previously offered guidance for short term rental accommodation uses. It is expected that the following will be revoked upon the Gazettal of the scheme amendment and subsequent adoption of the new policy:

- LPP 2.4: Bed & Breakfast Accommodation
- LPP 2.8: Unrestricted Residential Accommodation
- LPP 2.9: Unrestricted Residential Occupation

Analysis of Financial and Budget Implications

No financial or budget implications.

Community Consultation

Should Council resolve to proceed with advertising the draft policy, public advertising will be undertaken concurrently with the scheme amendment proposal for a period of not less than 42 days.

Relevant stakeholders (including government bodies, service/utility providers and agencies representing short-term rental accommodation operators) will be advised of the proposals and invited to comment.

Councillor/Officer Consultation

The draft policy has been the subject of collaboration and development involving representatives from the City’s Planning, Building Services and Environmental Health teams.

Applicant Consultation

Not applicable.

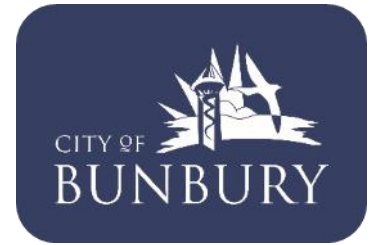
Timeline: Council Decision Implementation

The recommendation of the Policy Review and Development Committee will be included in the agenda item presented to Council.

Pending Council endorsement, the draft local planning policy will be advertised in conjunction with the proposed Scheme Amendment No. 14 and accordance with the Regulations. Submissions on each of the proposals will be returned to Council for further consideration prior to adoption and prior to recommendation of the scheme amendment to the Minister for Planning.

LPP 2.2

Unhosted Short-Term Rental Accommodation and Unrestricted Length of Stay



1.0 Citation

This Local Planning Policy is prepared under Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. The Policy may be cited as Local Planning Policy (LPP) 2.2 – Unhosted Short-Term Rental Accommodation and Unrestricted Length of Stay.

2.0 Introduction

Tourism (in conjunction with business, medical and educational travel) significantly contributes the local economy¹ and the planning system has an important role to play in ensuring that supporting services are appropriately provided, including a range of short stay accommodation options.

This policy provides a framework primarily for the assessment of development applications for unhosted short-term rental accommodation (unhosted STRA) and seeks to guide the responsible management of potential impacts arising from the approval of such development.

3.0 Purpose

To guide the orderly and proper development of unhosted STRA and the facilitation of Unrestricted Length of Stay (ULS) within the City of Bunbury.

4.0 Objectives

To:

- (a) provide a consistent approach to the assessment and discretionary approval of development applications for unhosted STRA and in the consideration of ULS
- (b) encourage the provision of unhosted STRA in locations and settings most supportive to tourists and overnight visitors, and facilitating their development in a manner that respects and remains consistent with the underlying objectives of the parent zone
- (c) maintain the amenity and established character of residential localities/zones through ensuring that the scale and design of unhosted short-term rental accommodation is appropriate to the setting
- (d) ensure that the use and management of an unhosted STRA is considerate to neighbouring properties and reasonably satisfies expectations of the residential community, particularly in terms of safeguarding established local character and protecting residential amenity

¹ Various, including 'Our Visitor Economy', Bunbury-Geographe website:
<https://corporate.visitbunburygeographe.com.au/about-us/our-visitor-economy/>

- (e) promote local housing objectives through facilitating an appropriate balance of residential and unhosted short term rental accommodation uses in the Residential zone and by employing measures that provide the ability to limit undesirable outcomes that could lead to excessive loss of housing available to rent on a long-term basis.

5.0 Applications subject of this Policy

This Policy applies to the assessment and conditional approval of unhosted STRA where the land use is permissible under the Scheme and also provides guidance on the application of Unrestricted Length of Stay (ULS) in accordance with clause 27 of the Scheme.

6.0 Policy Provisions

6.1 Location

- 6.1.1 Where permissible and consistent with relevant Scheme zone objectives, the Core Tourism Area (CTA) as identified within the City's Local Planning Strategy is regarded as the preferred location for the provision of unhosted STRA. This is reproduced as Appendix 2 of this policy.
- 6.1.2 Within residential areas, including the Residential zone, unhosted STRA may be regarded as appropriate subject to safeguards that satisfactorily manage:
 - (a) undesirable impacts upon the local housing market
 - (b) residential amenity, in terms of:
 - i) limiting actions and activities that may give rise to nuisance, and by ensuring that the unhosted STRA operates in a considerate, neighbourly manner
 - ii) regulating the scale of proposed development (individually, and potentially collectively if excessive clustering becomes a concern) to ensure ongoing compatibility with Residential zone objectives.

6.2 Housing Supply

- 6.2.1 Outside the recognised Bunbury CTA, applications for unhosted STRA within the Residential zone will be subject to a discretionary cap established (and adjusted from time to time) by resolution of Council.
- 6.2.2 Any development applications received that would exceed the recognised cap will be reported to Council for their review and determination on a case by case basis having regard to prevailing local housing market conditions.²

6.3 Residential amenity and occupancy

- 6.3.1 In the interest of protecting residential amenity, reasonable design measures (e.g. installing privacy screening or suitable side/rear fencing if not already provided) may be deemed appropriate to address:
 - (a) potential / excessive overlooking - from outdoor areas and at close quarters
 - (b) potential / excessive light spill and noise at unsociable hours (primarily between the

² Utilising available KPIs - for example the Dwelling Rental Vacancy Rate (DRVVR)

hours of 10pm and 7am)

- (c) potential odours from outdoor cooking and bin storage
- (d) the safe movement of pedestrians and vehicles into and out of premises.

6.3.2 To ensure reasonable amenity outcomes are achieved for both guests and neighbouring residents, unhosted STRA will generally be approved subject to a standard condition that limits occupancy to a maximum of six persons³.

6.3.3 Proposals that seek to cater for guest numbers in excess of 6 persons will be assessed on a case-by-case basis having regard to the:

- (a) suitability of premises, including size and number of bedrooms, sleeping arrangements, number of bathrooms and capacity of existing on-site effluent disposal
- (b) type and setting of premises, and interface / level of interaction with neighbouring properties

notably in respect of subclauses 67(2) (k), (l), (m), (n), (s), (t), (u) (x) and (y) of the Deemed Provisions⁴.

6.3.4 Within the Residential zone, where an unhosted STRA catering for more than 6 guests is proposed, the City may, at its discretion, publicly advertise the development application in accordance with clause 64 of the Deemed Provisions.

6.4 Signage

On-site signage is to be provided that is visible from the street where practicable, that readily identifies the unhosted STRA and provides the contact details of the person responsible for managing the premises. The proposed location and form of the signage is to be submitted in conjunction with the development application, and should:

- (a) be non-illuminated
- (b) not exceed 0.2m² in total (face) area
- (c) have regard to City of Bunbury LPP – Signage and Advertisements.

6.5 Operational Management Plan

6.5.1 An Operational Management Plan (OMP) will be required to be submitted as part of any development application and the agreed plan shall form part of subsequent development approval⁵. The OMP shall address, to the satisfaction of the City, the way the unhosted STRA is intended to operate and must include:

- (a) a nominated manager/caretaker with a 24hr contact number, responsible for the day to day smooth running of the premises and for adherence to the approved Operational Management Plan⁶
- (b) details of how house cleaning, garden maintenance, domestic waste disposal and collection are to be managed

³ With respect to occupancy, two children of 10 years or younger are counted as one adult person

⁴ Planning and Development (Local Planning Schemes) Regulations 2015

⁵ An OMP template has been prepared for this purpose

⁶ The nominated person should be in a position to appropriately respond to matters arising in a timely manner

- (c) a copy of the proposed code of conduct / renter agreement that guests will be obliged to abide to, particularly in respect of:
 - (i) maximum number of occupants including young children (aged 10 and under)
 - (ii) gatherings and non-residing guest/visitor number limitations at any one time
 - (iii) noise curfews
 - (iv) use of outdoor areas
 - (v) car parking
 - (vi) trailer/equipment storage
 - (vii) pets
- (d) a copy of the procedure that will be followed should complaints be received, including details of how reports of nuisance will be followed up and dealt with in a timely and appropriate manner
- (e) a copy of the Emergency Response and Fire Management Plan.

6.5.2 The OMP must be kept up to date and the City is to be advised if modifications are proposed and an updated copy provided. Information contained within the OMP may, at the discretion of the City, be made available to members of the public upon request.

6.6 Vehicular Access and Car Parking Requirements

6.6.1 Vehicular access to and from the unhosted STRA should not adversely impact on the movement of local traffic or be detrimental to road safety.

6.6.2 Except where variation may apply (section 9), car parking is to be in accordance with Schedule 4 – Car Parking Table of the Scheme. All car parking is to be provided on site and the design of parking bays, carports and garages shall generally conform with relevant design principles contained within the Residential Design Codes. Road and verge side parking shall not be considered to contribute to meeting the required car parking standard.

6.7 Time Limited Approvals

6.7.1 Where it is desirable to monitor compliance with conditions of approval and potential impacts upon local amenity, proposals for unhosted STRA may be initially granted subject to a time limited approval (generally between 12 - 24 months). Following this period the City may consider granting permanent approval taking into consideration any valid complaints received and modifications to the OMP as appropriate.

6.7.2 Notwithstanding clause 6.7.1, unhosted STRA located both outside the CTA and within a Residential zone are intended to be subject to a rolling time limited approval and renewal of not more than 24 months⁷.

6.8 Body Corporate / Common Property

Where the subject premises involves visitors gaining access over common property the applicant is encouraged to inform their strata company or the individual strata owners that hold a joint interest in the land.

⁷ Initially set to expire at the end of the following financial year.

7.0 Unrestricted Length of Stay (ULS)

- 7.1 ULS provides for the use of accommodation developed primarily for tourism purposes to be occupied either temporarily in keeping with its approved / authorised use class, or permanently as if a dwelling, in accordance with clause 27 of the Scheme.
- 7.2 Where permissible under the Zoning Table, except for the Tourism zone, unhosted STRA seeking ULS should be developed in the form of a single house, grouped dwelling or multiple dwelling in accordance with the R-Codes and the BCA requirements of Class 1a, 2 or 3.
- 7.3 Where ULS is sought within the Tourism Zone approval is at the discretion of the City of Bunbury on a case-by-case basis having regard to Scheme provisions. In instances where ULS is proposed in conjunction with 'tourism and visitor accommodation' use or 'hotel' use, such development should remain subordinate and discrete in character, preferably being located within a separate floor, wing or block. Prospective applicants are advised to contact the City for advice prior to preparing a development proposal in such circumstances.

8.0 Variations to Development Standards / Consultation Requirements

- 8.1 Applications seeking variations to this LPP shall be determined having regard to the objectives of both the Policy and those applicable to the zone objectives of the Scheme.
- 8.2 Where an application does not meet the standards and/or requirements set out in Section 6.0, the City may require public consultation in accordance with clause 64 of the Deemed Provisions prior to determining the development application.
- 8.3 Within the Regional Centre zone, car parking requirements for change of use applications will be considered on a case by case basis. At the discretion of local government, the standard car parking requirement may be waived or varied where outcomes take advantage of previously underutilised space (e.g. vacant shop-top floorspace).
- 8.4 Outside the Tourism Zone, proposals seeking unhosted STRA within premises not already authorised for use as a dwelling and that are unable to conform with design standards that would facilitate their concurrent approval as a dwelling in accordance with the Residential Design Codes of WA will be considered on a case-by-case basis, having regard to the objectives and provisions of this LPP and supporting information satisfactorily demonstrating that:
 - (a) design standards / acceptable outcomes as required by the R-Codes facilitating approval as a dwelling are not practicable or reasonably achievable
 - (b) the setting and design of the proposed unhosted STRA is otherwise appropriate for occupation as short-term rental accommodation and provides/retains a satisfactory level of amenity for prospective guests and occupiers of neighbouring premises.

9.0 Definitions

In accordance with the meanings provided in the Planning and Development (Local Planning Schemes Regulations 2015).

10.0 Other Regulation

Note 1: Building Advice

A building licence may be required to be submitted to and approved by Local Government before the premises is first occupied by guests for the intended commercial purpose. Applicants are advised to contact the City's Building Team to discuss relevant requirements of the Building Code of Australia (BCA).

Note 2: Environmental Health Advice

- i) If your property is connected to an onsite effluent disposal system, you may be required to upgrade the system to ensure adequate capacity.
- ii) Any water body (spa pool, swimming pool, swimming bath, water slide and wave pool) located at unhosted STRA accommodation, operated as a business, is considered an aquatic facility under the Health (Aquatic Facilities) Regulations 2007 and will require written approval from the State Health Department.

iii) Note 3: STRA Registration

Under the *Short-Term Rental Accommodation Act 2024*, all providers of STRA within Western Australia, both hosted and un-hosted, are required to register their property with the Department of Energy, Mines, Industry Regulation and Safety.

LPP Document Control:

Responsible Business Unit	City Planning	
LPP Category	Land Use	
Last Adoption Date	n/a	
Next Review Date	12 months from the date of adoption	
Previous Policy Title (if relevant)	n/a	
Adopted Version Details:	Decision to Adopt/Amend	Brief Summary of Modifications
1.	(meeting date / decision number)	n/a
-	-	-
WAPC Approval (if relevant)	n/a	
Reason for Referral to WAPC	(Schedule 2, Division 2, clause 4(3A) of the Regulations)	
Document Ref: (for internal use)	TBA	

Appendix 1 – Development application requirements

Development applications for unhosted STRA are to be accompanied by the following information to inform the assessment of the application.

(a) City of Bunbury mandatory application requirements

- i) development application form
- ii) application fee
- iii) certificate of title

(b) Scaled site plan clearly showing:

- i) building footprint of all buildings on the lot and areas of common property
- ii) distances to lot boundaries and existing boundary treatments
- iii) the position and use of buildings adjoining the subject site
- iv) vehicle access / egress and car parking layout
- v) bin storage and collection areas
- vi) swimming pool(s) and pool fencing (if provided)

(c) Scaled floor plans indicating:

- i) the internal arrangement of rooms and their use (existing and proposed)
- ii) demarcation of guest areas any reserved (non-accessible) private areas

(d) Proposed signage

a plan showing details of:

- dimensions and materials
- information / wording displayed
- location / positioning of sign

(e) Completed Operational Management Plan

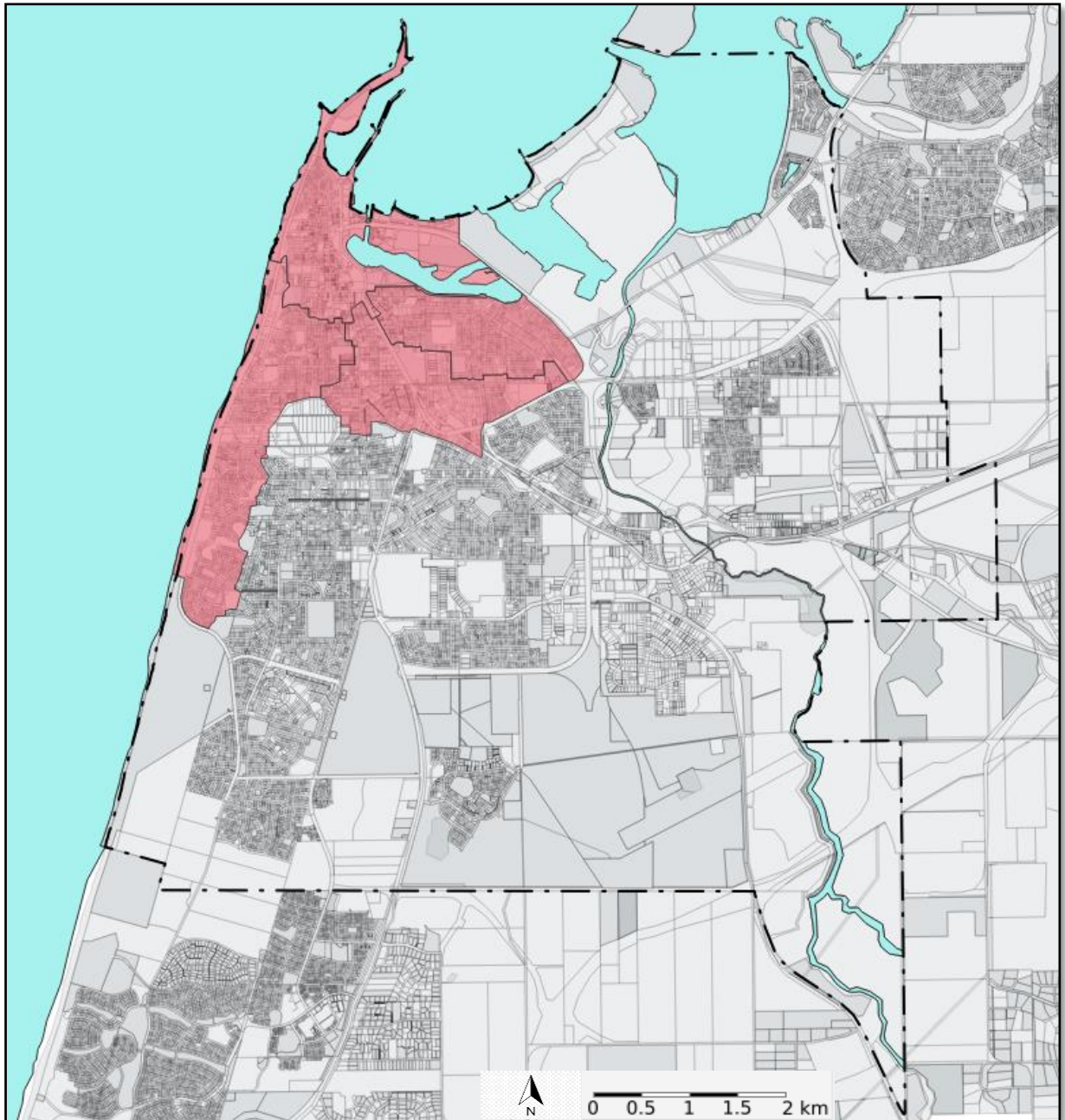
using the template provided and attaching copies of:

- the Code of Conduct / Renter Agreement issued to guests
- a Fire and Emergency Response Plan

(f) Other

- i) details / plans of any building modifications or other works proposed, including those that are intended to mitigate the potential for disturbance to neighbouring properties (e.g. enhanced boundary treatments)
- ii) any other relevant information (including that which may be requested by the City) to assist in the decision-making process.

Appendix 2 – Core Tourism Area



 Core Tourism Area (CTA)



Appendix 3: Policy Provisions - Explanatory Information

Location

The Core Tourism Area is identified within the City's Local Planning Strategy (Tourism Theme):

*"The core tourism area (CTA) is the recognised hub of visitor activity in Bunbury, combining the widest array of activities, attractions, amenities and accommodation opportunities. The extent of the CTA boundary encompasses parts of the city that together combine to provide the core services and infrastructure that support the tourism/visitor market"*⁸

"Within this core area, emphasis is placed upon improving the quality and range of visitor facilities, and strengthening the interaction between them."

Housing Supply

Increasing the availability of unhosted STRA has potential to impact upon the local housing market. The displacement of long term renters, increased housing rents/prices and decreased affordability are common points of debate and concern⁹. Given the significant housing supply difficulties Bunbury continues to experience, it is responsible and reasonable to adopt a measured approach to approving unhosted STRA, and one that can deftly respond to changing conditions.

In order to safeguard the manage and regulate the undesirable impacts of unhosted STRA upon the local housing rental market / housing availability generally, development approvals within Residential zones located outside the CTA, (synonymous with areas of suburban housing in Bunbury) shall be subject to a discretionary cap on their numbers. The cap, set at a figure determined (and adjusted) by resolution of Council will be subject to regular monitoring and review of KPIs derived through outcomes of housing supply and demand analysis.

Residential amenity and occupancy

Short stay accommodation can generate greater activity than that normally associated with a typical residence. In certain settings, particularly where a proposed unhosted STRA forms part of a grouped or multiple dwelling development and/or requires access over common property, it may be necessary to demonstrate how potential impacts and incidence of nuisance are to be appropriately mitigated.

Time Limited Approvals

Not all approved unhosted STRA will ultimately be used for such a purpose, and some operators may choose not to continue into the future. Issuing on-going time limited approvals to properties located in the Residential zone that lie outside the CTA ensures that the regulatory cap over time does not become populated by non-active premises.

Where applicable, unhosted STRA property owners would be reminded by the City for the need to renew their approval should they wish to continue to operate as an authorised unhosted STRA. A renewal form is made available for this purpose; no fee is involved or currently incurred as part of

⁸ Essentially comprising the delineated local planning areas of CBD/Three Waters, Ocean Beach, East Bunbury and Outer Business District).

⁹ Widely reported – for example *Technological disruption in private housing markets: the case of Airbnb*, Australian Housing and Urban Research Institute 2018

the unhosted STRA renewal process. Applications to renew should be received approximately 8 weeks prior to the approval expiry date. It is the responsibility of the unhosted STRA owner to ensure renewal is sought in a timely manner.

Body Corporate / Common Property

Under current strata laws, strata companies can adopt standard by-laws which enable them to:

- *manage some of the impacts that may arise from uses such as short-term rental accommodation, including management of common property; and*
- *require that an owner/occupier must notify the strata company of a change of use of that lot including if it is to be used for short-term rental accommodation.*

Strata companies and community corporations can also formulate their own by-laws to help manage the behaviour of owners/occupiers and invitees, noise, vehicle parking, the appearance of a lot and waste disposal.

The requirements of the Strata Titles Act 1985 and Community Titles Act 2018 must be observed in all circumstances. If strata or community scheme by-laws do not permit a use and the strata company has not approved the use, the use remains illegal under the Strata Titles Act 1985 and Community Titles Act 2018. A planning approval does not override the need for an approval of the strata company or community corporation. Where it is proposed to use a strata or community titles property for short-term rental accommodation (or other form of tourist accommodation) the onus is on the owner to confirm the permissibility of the use under the relevant by-laws.

(Extract for Tourism and Short-term Rental Accommodation Guidelines – November 2023)

Unrestricted Length of Stay (ULS)

Clause 27 (1) of the Scheme requires unhosted STRA to be developed in accordance with the R-Codes and specific requirements of the Building Code of Australia, thereby facilitating occupation either permanently as a dwelling or temporarily for short-term rental accommodation. Whilst ensuring that the design of the premises is then fit for purpose and essentially residential in character and appearance, this approach also importantly supports efforts that seek to significantly enhance the number and diversity of permanent housing stock available within Bunbury. Consequently opportunities arising from development proposals that could reasonably assist in supporting this higher level strategic objective within their lifespan are not squandered. As such the approval of unhosted STRA as a stand-alone use should generally only be considered in exceptional circumstances where significant constraints would be encountered in seeking to achieve conformity with the R-Codes (e.g. in the change of use / conversion of an existing non-residential premises).

In zones where a residential uses class (i.e. single house, grouped dwelling or multiple dwelling) is permissible and the unhosted STRA proposal supported, the resulting development approval notice would:

- a) in the case of a change of use where a single house, grouped dwelling or multiple dwelling is already recognised as the approved / established use on the subject site, comprise a new / separate approval issued for 'unhosted STRA' - that then operates concurrently as an additional permitted use over the site
- b) in the case of new build, in the first instance be issued for the dwelling (unless exempt and only requiring a building permit), and following its construction then follow the change of use arrangement as set out in 'a)' above.

In the Tourism Zone where single house, grouped dwelling or multiple dwelling are not permitted (and do not appear as an Additional Use with Schedule 1 of the Scheme), if supported by the discretionary granting of development approval, the resulting approval notice would indicate that the particular short-stay land use class designation extends to the occupation of all (in the case of an 'unhosted STRA') or portions (in the case of 'Tourism and Visitor Accommodation' or 'Hotel' uses) of the premises for Unrestricted Length of Stay in accordance with clause 27(2) of the Scheme.

Allowing portions of Tourism and Visitor Accommodation use and Hotel use to benefit from ULS (through the discretionary issuing of approval by the City) acknowledges the following:

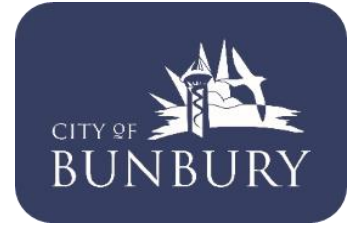
- the potential capacity of such uses to supplement housing available for rent on a long term basis, thus offering an opportunity assist in easing housing demand at a time when acute shortage is being experienced
- provides traditional operators of short stay accommodation the opportunity to diversify and source an alternative stream of income, with the potential of making their overall business model more competitive and financially viable over the longer term, and arguably further levels this side of the playing field¹⁰.

In respecting the primary purpose of the authorised short-stay land use, it is appropriate, especially if located within the Tourism zone, that ULS within a Tourism and Visitor Accommodation use or Hotel use remains 'subordinate' and 'discrete'. In this way:

- (i) the integrity of the authorised land use class is safeguarded, and
 - (ii) the differing amenity expectations / movement patterns of short-stay guests and longer term residents are able to be differentiated and appropriately managed.
-

¹⁰ Reference to '*Levelling the Playing Field; Managing the impact of the rapid increase of Short-Term Rentals in Western Australia*' – Report by Economics and Industry Standing Committee, Government of Western Australia 2019

UNHOSTED STRA OPERATIONAL MANAGEMENT PLAN



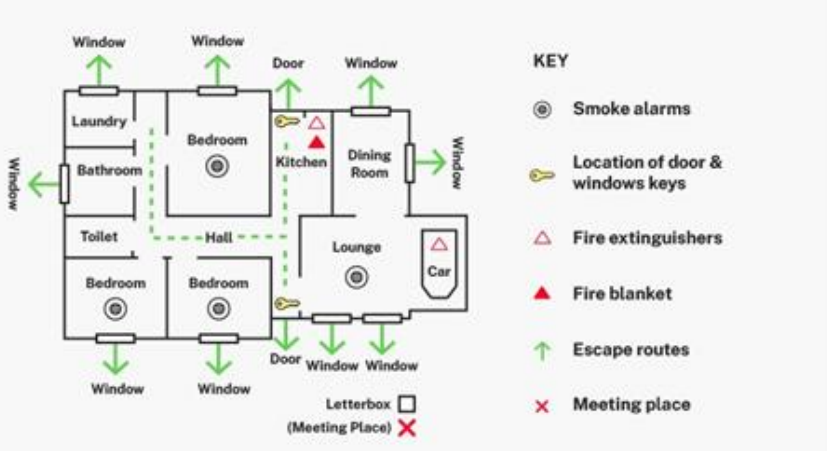
An Operational Management Plan (OMP) will be required to be submitted as part of the development application and the agreed plan shall form part of any subsequent development approval. Relevant at times when the property is being used as unhosted STRA, the OMP must be kept up to date and the City be advised of any changes or intended modifications to the agreed plan.

The OMP is primarily intended mitigate impacts on local residential amenity and minimise incidents of nuisance by committing to operate the unhosted STRA (Short Term Rental Accommodation) premises in a considerate, neighbourly manner. Information contained within the OMP may be made available to members of the public upon request. A standard OMP template is provided for completion below. Additional details /information may be provided within the section at the end of this form. Text appearing in *grey* is for guidance purposes only and should be replaced during completion of the form.

STRA Property	Address:
Nominated Manager (responsible for implementation of the OMP and shall be the point of contact should there be a complaint or in an emergency)	Name: Address: Email: Mobile / phone contact (24 hours): Alternative phone number (if applicable): Signature of Manager: Date:

<p>Property Owner(s) contact details if different from the above</p> <p>(details of any additional owners should be provided in the space available at the end of this form)</p>	<p>Name:</p> <p>Address:</p> <p>Email:</p> <p>Mobile / Phone contact:</p> <p>Signature of Property Owner:</p> <p>Date:</p>
<p>Accommodation Details</p>	<p>Maximum number of residing guests / occupants:</p> <p>Maximum number of non-residing guests / visitors (at gatherings):</p> <p>Check in – Check out arrangements:</p> <p>Arrangements for pets: <i>Information:</i> <ul style="list-style-type: none"> - whether pets are permitted or not permitted - maximum number of pets (if permitted) <i>Expectation:</i> <ul style="list-style-type: none"> - that pets are managed not to cause nuisance. </p> <p>Noise management / curfews: <i>Information:</i> <p>The Noise Regulations sets different permitted noise levels for different times of the day, that should not be exceeded at the property boundary. It is important to note that the permitted noise levels scale down in the evenings to a lower level between 7pm to 10pm, and then further down, to the lowest level between the hours of 10pm to 7am, Monday to Saturday, or 10pm to 9am on Sundays and Public holidays, to allow undisturbed sleep. Although the levels are least restrictive during the day, consideration should be given to neighbours that may be working from home, have young children who need to nap, or those that work nightshift so require sleep during the day.</p> <i>Expectation:</i> <p>Any activity at the property must comply with assigned noise levels within the Environmental Protection (Noise) Regulations 1997 (The Regulations).</p> </p>

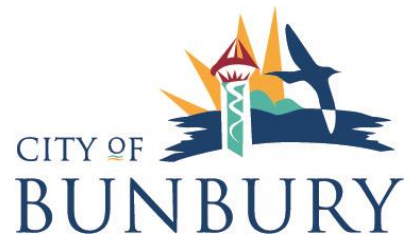
	<p>Use of Outdoor Areas: <i>Expectation:</i> <i>Camping on the premises in a tent, caravan, campervan or similar is not permitted</i></p> <p>Off-street parking arrangements: <i>Expectation:</i> <ul style="list-style-type: none"> - <i>sufficient off street parking is provided for guests</i> - <i>on-street parking of vehicles is not permitted</i> </p> <p>Trailer / equipment storage arrangements: <i>Expectation:</i> <ul style="list-style-type: none"> - <i>details of arrangements if provided</i> - <i>on-street parking of trailers is not permitted</i> </p> <p>Code of Conduct: <i>Attach a copy of the Code of Conduct that will be issued to guests</i></p>
<p>Strata company / joint owners</p>	<p>Has the Strata company / joint strata landowners been informed of the unhosted STRA proposal / application? Please tick as appropriate:</p> <p style="text-align: center;"> NOT APPLICABLE <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> </p> <p><i>(whilst notification is not a planning requirement it is encouraged)</i></p>
<p>Neighbours</p>	<p>Have adjoining landowners been informed of the proposed unhosted STRA application? Please tick as appropriate:</p> <p style="text-align: center;"> YES <input type="checkbox"/> NO <input type="checkbox"/> </p> <p><i>(whilst notification is not a planning requirement it is encouraged)</i></p>
<p>Complaints Procedure</p>	<p>Details of the procedure that will be followed should complaints be received from nearby occupiers / residents, including how reports of nuisance will be followed up and dealt with in a timely manner:</p> <p><i>Expectation:</i> <ul style="list-style-type: none"> - <i>a complaints procedure explaining how complaints will be handled</i> - <i>reasonable timeframe(s) for providing a response (appropriate to the nature of the complaint).</i> </p> <p>Example Complaints Procedure <i>In the event a complaint is received the following steps shall be taken:</i></p> <ul style="list-style-type: none"> - <i>the complaint entered into a register of complaints, outlining details of the issue</i> - <i>identification of the source of the issue and resolving any immediate impact as soon as practical</i> - <i>review of the circumstances which resulted in the issue occurring</i> - <i>determine whether any measures can be put in place to reduce the likelihood of the issue reoccurring</i> - <i>respond to the complainant to advise of the action taken to address the issue and any preventive action taken to ensure likelihood of reoccurrence is minimised</i> <p><i>A register of complaints maintained by the nominated manager of the unhosted STRA, and available for inspection by authorised officer of the local government. The register is to contain the following information for each complaint received:</i></p> <ul style="list-style-type: none"> - <i>the date and time of the complaint</i> - <i>the name and address of the complainant</i> - <i>the nature of the complaint</i> - <i>investigations carried out</i> - <i>action taken; and</i> - <i>response to complainant.</i>

<p>Cleaning and maintenance of premises</p>	<p>Details of arrangements in place for the cleaning and maintenance of internal and external areas (including garden and verge where applicable):</p> <p><i>Expectation:</i> Arrangements in place ensuring such areas do not become overgrown / are otherwise well maintained</p>
<p>Waste Management</p>	<p>Details of arrangements in place for the managed disposal and collection of domestic waste:</p> <p><i>Expectation:</i> The manager to ensure that each receptacle for rubbish and recycling is placed for collection on designated collection days and ensure that any additional rubbish that exceeds the receptacle is removed from the property.</p>
<p>Fire and Emergency Response Plan</p>	<p>Please attach a copy of any Fire and Emergency Plan that has been prepared and will be made available to guests.</p> <p><i>Information:</i> https://www.dfes.wa.gov.au/hazard-information/fire-in-the-home/preventing</p> <p><i>Example:</i></p> 
<p>Bushfire Prone Areas</p>	<p>Is the proposed unhosted STRA located within a bushfire prone area as designated by the Department of Fire and Emergency Services?</p> <p>Please tick as appropriate:</p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p><i>Information:</i> https://www.dfes.wa.gov.au/hazard-information/bushfire/bushfire-prone-areas#map-of-bpa</p> <p><i>Expectation:</i> Operators to advise guests if the unhosted STRA is located within a bushfire prone area, and consider providing additional management plans and evacuation procedures for use by guests in the case of a bushfire emergency.</p>

Other Information

Use this section to include any additional information.

DRAFT



Scheme Amendment No. 14
Local Planning Scheme No. 8



Standard Amendment
Short-Term Rental Accommodation
(Regulatory Reform)

January 2025

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Information pertaining to this document may be subject to change, and should be checked against any modifications or amendments subsequent to the document’s publication.

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Form 2A

Planning and Development Act 2005

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

City of Bunbury Local Planning Scheme No. 8 Scheme Amendment No. 14

1. Resolved that the local government, pursuant to section 75 of the *Planning and Development Act 2005* amend the above local planning scheme by:
 - 1.1 in clause 48, Division 1, Part 6 – ‘Terms Used’:
 - A. delete the general definition for *short-term accommodation*.
 - B. amend the general definition for *cabin* to:

means a building that –

 - (a) *is an individual unit other than a chalet; and*
 - (b) *forms part of -*
 - (i) *tourist and visitor accommodation; or*
 - (ii) *a caravan park;*

and

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

means a building that –

 - (a) *is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and*
 - (b) *forms part of –*
 - (i) *tourist and visitor accommodation; or*
 - (ii) *a caravan park;*

and

 - (c) *if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.*
- D. amend the general definition for Unrestricted Length of Stay to:

means the occupation of accommodation designed for tourists on either a short-term rental accommodation or permanent basis.

- 1.2 in clause 49, Division 2, Part 6 – ‘Land Use Terms Used’:
- A. delete the definitions for:
 - *bed and breakfast*
 - *holiday accommodation*
 - *holiday house*
 - *motel*
 - *serviced apartment*
 - *tourist development*
 - B. amend the existing land use term for road house 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
- 1.3 in clause 17, Table 3 - ‘Zoning Table’, Part 3, insert in alphabetical order the following land uses and permissibility:
- A. *hosted short-term rental accommodation*; designate as ‘**P**’ use in zones where a dwelling is capable of approval (i.e. Regional Centre, District Centre, Neighbourhood Centre, Local Centre, Mixed Use – Commercial, Mixed Use – Residential, Residential and Rural zones); ‘**X**’ use in all other zones (i.e. Private Community Purpose, Service Commercial, Light Industry and General Industry zones) except Tourism zone where it is designated as an ‘**I**’ use.
 - B. *unhosted short-term rental accommodation*; designate as ‘**P**’ use in the Tourism zone, as ‘**D**’ use in zones where a dwelling is permissible (i.e. Regional Centre, District Centre, Neighbourhood Centre, Local Centre, Mixed Use – Commercial, Mixed Use – Residential, Residential and Rural zones) and as ‘**X**’ use in all other zones (i.e. Private Community Purpose, Service Commercial, Light Industry and General Industry zones).
 - C. *tourist and visitor accommodation* and designate as ‘**D**’ use in Regional Centre, District Centre and Tourism zones, as ‘**A**’ use in Mixed Use – Commercial zone, and as ‘**X**’ use in all other zones (i.e. Neighbourhood Centre, Local Centre, Mixed Use - Residential, Residential, Private Community Purpose, Service Commercial, Light Industry, General Industry and Rural zones).
- 1.4 in clause 17, Table 3 - ‘Zoning Table’, Part 3, delete all references to:
- *bed and breakfast*
 - *holiday accommodation*
 - *holiday house*
 - *motel*
 - *serviced apartment*
 - *tourist development*
- 1.5 modify clause 27 ‘Unrestricted Length of Stay’ by replacing the following wording and terms:
- A. subclause (1) “*holiday house, holiday accommodation and serviced apartment*” with ‘*unhosted short-term rental accommodation*’; and “*short-term accommodation*” with ‘*short-term rental accommodation*’.
 - B. subclause (2) “*holiday house, holiday accommodation and serviced apartment uses*” with ‘*unhosted short-term rental accommodation and portions of both tourism and visitor accommodation use and hotel use*’; and “*short-term accommodation*” with ‘*short-term rental accommodation*’.

1.6 in Schedule 1 – Table 4 - Additional Uses Table at:

- A. A.U 14, 'Ocean Drive locality', delete the entry in full
- B. A.U.17, 'Bunbury Turf Club', within column three, delete "Motel" and "Serviced Apartment" land use classes and insert 'Tourism and Visitor Accommodation'
- C. A.U.18, 'Bunbury Trotting Club', within column three, delete "Holiday Accommodation", "Holiday House" and "Serviced Apartment" land use classes, and insert 'Tourism and Visitor Accommodation' and 'Unhosted Short-Term Rental Accommodation'
- D. A.U.19, 'Lot 8 (No.59) Stirling Street, Bunbury, within column three, delete "Holiday Accommodation" land use class and insert 'Unhosted Short-Term Rental Accommodation'; and within column four 'Conditions' at '1' and '4', delete "Holiday Accommodation" and replace with 'Unhosted STRA'.

1.7 in Schedule 2 – Table 5 – Restricted Uses Table at:

- A. R.U.2 Bunbury (Marlston East Precinct), within column three 'Restricted Use', insert 'Unhosted Short-Term Rental Accommodation' within the list of discretionary 'D' uses; and within column four 'Conditions', add a new condition as '4. Unhosted short-term rental accommodation is limited to the occupation of upper floors.'
- B. R.U.4 Bunbury (Koombana North Precinct), within column three 'Restricted Use', delete "Motel", "Tourist Development (e.g. backpackers)" and "Serviced Apartment" and insert 'Unhosted Short-Term Rental Accommodation' as a discretionary 'D' use, and 'Tourism and Visitor Accommodation' as a discretionary A use; and within column four 'Conditions', at '4' delete "Serviced apartment uses" and "short-term accommodation" and replace these with 'unhosted short-term rental accommodation' and 'short-term rental accommodation' respectfully
- C. R.U.6 Pelican Point: Sanctuary Golf Resort Strata Lots 39, 40, 41 and 42 (no.105) Old Coast Road, within column three 'Restricted Use', delete "Holiday Accommodation", "Motel", "Serviced Apartment" and "Tourist Development" and insert 'Tourism and Visitor Accommodation' and 'Unhosted Short-Term Rental Accommodation' as discretionary 'D' uses; and

within column four 'Conditions':
 - i) at '1(g)', delete "short-term accommodation" and replace with 'short-term rental accommodation'
 - ii) at '5', delete "short-term accommodation" and replace with 'unhosted short-term rental accommodation'
 - iii) at '6', delete "short-term accommodation units" and replace with 'tourist and visitor accommodation'
 - iv) at 7(a) delete "For any short-stay lots"; and delete "Tourist Accommodation Unit" replace with 'Tourist and Visitor Accommodation'
- D. R.U.8 Bunbury: Lot 11 (No.123) Ocean Drive; and Lot 2 (No.14) Greensell Street, within column three 'Restricted Use', delete "Motel", "Serviced Apartment" and "Tourist Development" and insert "Tourism and Visitor Accommodation" and 'Unhosted Short-Term Rental Accommodation' as discretionary 'D' uses; and

within column four 'Conditions':

- i) at 2.1, delete "*Serviced apartment*" and replace with '*Unhosted short-term rental accommodation*'
 - ii) at 2.2, delete "*serviced apartment uses*" and replace with '*unhosted short-term rental accommodation*'
 - iii) at 2.3, delete "*Tourist Accommodation Unit*" and replace with "*tourism and visitor accommodation*"
- E. R.U.10 Bunbury: Lot 3 (No. 205) Ocean Drive, delete "*Motel*" and "*Serviced Apartment*" and replace with '*Tourism and Visitor Accommodation*' and '*Unhosted Short-Term Rental Accommodation*' as discretionary 'D' uses
- F. R.U.14 Bunbury: Lot 19 Lyons Cove (on Plan 23106), Lot 19 (U 1-7 No.16) Lyons Cove, Lot 19 (U3-29 No.14) Lyons Cove, Lot 19 (No.14) Lyons Cove, Lot 12 (Nos. 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, and 38) Marabank Loop, within column three 'Restricted Use', delete "*Holiday Accommodation*", "*Motel*", "*Serviced Apartment*" and replace with '*Tourist and Visitor Accommodation*' and '*Unhosted Short-Term Accommodation*'; and delete "*Other incidental uses to a tourist resort*".

1.8 in Schedule 3 – Table 6 – Additional Site and Development Requirements Table at:

- A. No. 3 Bunbury, lots as indicated at Marabank Loop, Avonbank Way and Lyons Cove, within column three 'Requirement' at '7.', delete "*short-term accommodation purposes*" and replace with '*short-term rental accommodation*'.
- B. No. 9 Bunbury (Marlston North Precinct): Lot 505 Jetty Road, within column three at '2.1' delete "*Serviced apartment uses*" and replace with '*Unhosted short-term rental accommodation*'

1.9 in Schedule 4 – Table 7 - Car Parking Table at:

- A. column one 'Land Use Classes' and column two 'Minimum Car Parking Requirements' delete the following entries:
 - *Bed and Breakfast*
 - *Holiday Accommodation*
 - *Holiday House*
 - *Motel*
 - *Serviced Apartment*
 - *Tourism Development*
- B. column one 'Land Use Classes', insert "*Hosted Short-Term Accommodation*", with minimum parking standard (column two) provided as 'In accordance with the Residential Design Codes'-
- C. column one 'Land Use Classes' insert '*Tourism and Visitor Accommodation*', with minimum parking standard (column two) provided as:
 - *1 bay per bedroom or accommodation unit; plus*
 - *1 bay per 15 square metres nla of floorspace other than that used for accommodation purposes*

- D. column one 'Land Use Classes' insert '*Unhosted Short-Term Rental Accommodation*', with minimum parking standard (column two) provided as:
 - *1 bay plus 0.5 bays per additional guest bedroom or equivalent*
 - *with Unrestricted Length of Stay, as above, but not less than the relevant R-Code deemed to comply standard*

1.10 modify the Scheme Map by deleting all annotated references to 'A14'

2. Determine that the amendment is 'standard' under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 for the following reasons:

- A. the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
- B. the amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- C. the amendment is not considered a complex or basic amendment.

3. Submit the Scheme Amendment No. 14 Report to WAPC and:

- A. seek approval from the Minister for Planning to proceed the advertise the proposed amendment.
- B. advise the Department of Planning Lands and Heritage (DPLH) that the proposal is considered to be a prescribed class of local scheme amendment that does not require referral to the Environmental Protection Agency (EPA) in accordance Environmental Protection Amendment Regulations 2024 by reason that it satisfies the following criteria:

33C(2)(a) to correct an administrative or minor error.

33C(2)(c) to make the planning scheme consistent with the model provisions set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 1.

33C(2)(d) to include or alter a definition of a land use category if the Western Australian Planning Commission considers that the amendment would not materially impact the operation of the planning scheme.

Dated this day of2025

.....
(Chief Executive Officer)

1 Background

1.1 Purpose of a Local Planning Scheme

The City of Bunbury's Local Planning Framework is chiefly made up of the following documents which are statutory planning instruments:

- local planning strategy
- local planning scheme
- local planning policies.

A local planning scheme is a legal document that sets out objectives and rules for the use, development and protection of land across a local government, that is, the Scheme area. The aim of a local planning scheme is to ensure orderly and proper planning by regulating the way land is to be used and developed, including the coordination of infrastructure provision, in order to achieve Council's objectives within the local government area.

Local planning schemes are made under the *Planning and Development Act 2005*, which sets out the land use planning and development matters that may be addressed in schemes and the requirements for the regular review of schemes. The Act also provides for regulations governing the procedure for the preparation and amendment of local planning schemes and their general provisions, which have application as if part of a scheme. The Planning and Development (Local Planning Schemes) Regulations 2015 ('the Regulations') prescribe the deemed and model provisions that are to be used for the zoning of land and the regulation of land uses and development control.

Endorsement of the City of Bunbury Local Planning Strategy 2018 (LPS) occurred on 1 March 2018 and gazettal of the City of Bunbury Local Planning Scheme No. 8 (LPS8 or 'the Scheme') followed on 9 March 2018. The City of Bunbury's LPS8 is made up of Scheme text and an accompanying Scheme map. The Scheme divides the local government district into zones to designate areas for particular land uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of land uses and development allowed in different zones and reserves in a way that seeks to promote desired outcomes while avoiding land use conflict.

The Scheme text and map should be read in conjunction with the LPS, which is the overarching strategic planning instrument of the City's Local Planning Framework. The LPS sets out the long-term planning directions for the local government, applies State and regional planning policies and provides the rationale for the zones and other provisions of the Scheme. In addition to the LPS, the Local Planning Framework provides for local planning policies which must be given due regard with respect to standards for guiding land use and development, and may deal with a range of city-wide or site specific matters such as urban design, car parking, landscape and drainage, etc.

1.2 Amending the Local Planning Scheme

Under Part 5, Division 1, regulation 34 of the Regulations, a 'standard' amendment means any of the following types of amendments to a local planning scheme:

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

applies to the scheme area, other than an amendment that is a basic amendment

- (d) *an amendment to the scheme map that is consistent with a structure plan or local development plan that has been approved under the scheme for the land to which the amendment relates if the scheme does not currently include zones of all the types that are outlined in the plan*
- (e) *an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment*
- (f) *an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area*
- (g) *any other amendment that is not a complex or basic amendment.*

1.3 Scheme Amendment Procedure

The proposed scheme amendment has been prepared by the City of Bunbury and is to be progressed in accordance with both the *Planning and Development Act 2005* and the Regulations.

The proposed scheme amendment has not been formally assessed by the Environmental Protection Authority (EPA). The referral of scheme amendments to the EPA is a requirement under section 81 of the *Planning and Development Act 2005* except where the amendment is of a class prescribed by regulations under the *Environmental Protection Act 1986* section 48AAA(2).

The proposal is considered to be a prescribed class of scheme amendment that does not require referral to the EPA - as set out within the Environmental Protection Amendment Regulations 2024. This includes at Section 33C:

33C(2)(a) *to correct an administrative or minor error.*

33C(2)(c) *an amendment to make the planning scheme consistent with the model provisions set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 1.*

33C(2)(d) *an amendment to include or alter a definition of a land use category if the Western Australian Planning Commission considers that the amendment would not materially impact the operation of the planning scheme.*

In accordance with the *Planning and Development Act 2005* section 83A, after resolving to adopt a proposed amendment to a local planning scheme, the local government must submit the proposal to the Minister for Planning who then may:

- (a) *approve the proposed scheme or amendment for advertising under Part 5, Division 4, section 84; or*
- (b) *require the local government to modify the proposed scheme or amendment in such manner as the Minister specifies and to resubmit the proposed scheme or amendment to the Minister under subsection (1); or*
- (c) *refuse approval for the proposed scheme or amendment to be advertised under section 84.*

1.4 Community Consultation

Subject to receiving the Minister's approval to proceed, relevant government authorities and service agencies will be invited to provide their comments, and public advertising would commence in accordance with the Regulations. The statutory advertising period for a standard scheme amendment is not less than 42 days. Following the conclusion of public advertising the amendment proposals shall be returned to Council for its further consideration, together with any submissions received during the advertising period.

Council must consider any submissions received during the public advertising period prior to final adoption of the proposed amendment. The submissions, together with the scheme amending documentation and Council's resolution are then to be forwarded on to the WAPC for its endorsement, and final approval by the Minister for Planning.

Public advertising dates and submission forms can be viewed / downloaded via the 'Community News and Public Notices' pages of the City of Bunbury's website at www.bunbury.wa.gov.au. Submissions can be lodged during the public advertising period in person at Council's administration centre located at 4 Stephen Street, or alternatively posted to:

Chief Executive Officer
City of Bunbury
PO Box 21
Bunbury WA 6231

Submissions can also be emailed to: info@bunbury.wa.gov.au

2 Proposal

2.1 Purpose of the Scheme Amendment

The purpose of this amendment is to update the City's Local Planning Scheme No. 8 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 provides further detail and information on these changes, including specific implications for the City.

2.2 Rationale for the Scheme Amendment

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 (WAPC) released a 'Planning for Tourism and Short-Term Rental Accommodation' Position Statement and 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.

As part of the previous Scheme, Town Planning Scheme No.7 (TPS7) the City developed and implemented a tailored approach to the provision and regulation of STRA in Bunbury, elements of which were then transferred into LPS8 in 2018. The approach, whilst well founded has become somewhat dated over time, with revision and update of supporting planning documents (e.g. local planning policies) held in abeyance pending outcomes following on from the parliamentary enquiry held in 2019.

The raft of changes recently introduced by the State, including the Planning and Development (Local Planning Schemes) Amendment (Short-Term Rental Accommodation) Regulations 2024, now provide a robust platform for the regulation of STRA with greater certainty, and furthermore offers the opportunity for the City to establish a contemporary, locally relevant local planning framework that reflects circumstances and expectations unique to Bunbury.

2.3 Planning Context

2.3.1 State Planning Framework

The State Government's planning reforms for short-term rental accommodation are being implemented predominantly through the Regulations, backed and supported by WAPC's Position Statement.

Position Statement: Planning for Tourism and Short-Term Rental Accommodation

The Position Statement foreshadowed a series of amendments to the Regulations with the overall aim of providing more certainty and consistency across jurisdictions in respect to the treatment of STRA. Key changes flagged in that 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.

Planning and Development (Local Planning Schemes) Regulations

The 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.
- '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:

- (a) 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
- (b) 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
- (c) 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
- (d) a state-wide development approval exemption for 'hosted short-term rental accommodation' (this includes ancillary dwellings)
- (e) a 90-night (cumulative) exemption within a 12-month period for 'unhosted' short-term rental accommodation in the Perth metropolitan area.

The implications for these changes to the City are addressed within the following sections of this report.

2.3.2 Local Planning Context

Local Planning Strategy

The City of Bunbury Local Planning Strategy was endorsed by WAPC in 2018. Underpinning the Strategy are 'land use planning themes', with Part 1 containing individual maps and theme-based strategies, and Part 2 providing explanatory text. 'Tourism' and 'Housing' are incorporated as stand-alone themes.

Tourism Theme

The 'Tourism' theme (Part 1) includes the following of particular relevance to the proposal:

Intention 8A:

"To encourage and facilitate appropriate forms of tourism facilities and development, in appropriate locations, that will assist Bunbury in realising its full potential as a tourism destination for domestic, interstate and international visitors"

Strategy 8A-2

"Tourist-related Scheme land use definitions"

sub-strategy 8A-2.1

"Include additional relevant land use class definitions in the Scheme in order to enable better guidance of provision and regulation of tourist orientated accommodation, access, attractions, activities and amenities"

Strategy 8A-4:

"Facilitate opportunities for flexible tenure whereby, in appropriate circumstances, the term of stay for occupiers of dwellings and compliant forms of short stay accommodation is not time restricted"

sub-strategy 8A-4.1:

"Having regard to suitability of location, setting and design, incorporate provisions within the Scheme that enables R-Code compliant accommodation to be occupied on either a permanent or temporary (short term) basis"

Strategy 8A-5:

"Promotion and enabling of city centre based tourist accommodation"

sub-strategy 8A-5.1:

"Support planning instruments that encourage and enable the development of quality accommodation services (including hotel and serviced apartments) in the Regional Centre Zone which will benefit from established entertainment facilities and public transport links."

Strategy 8A-6

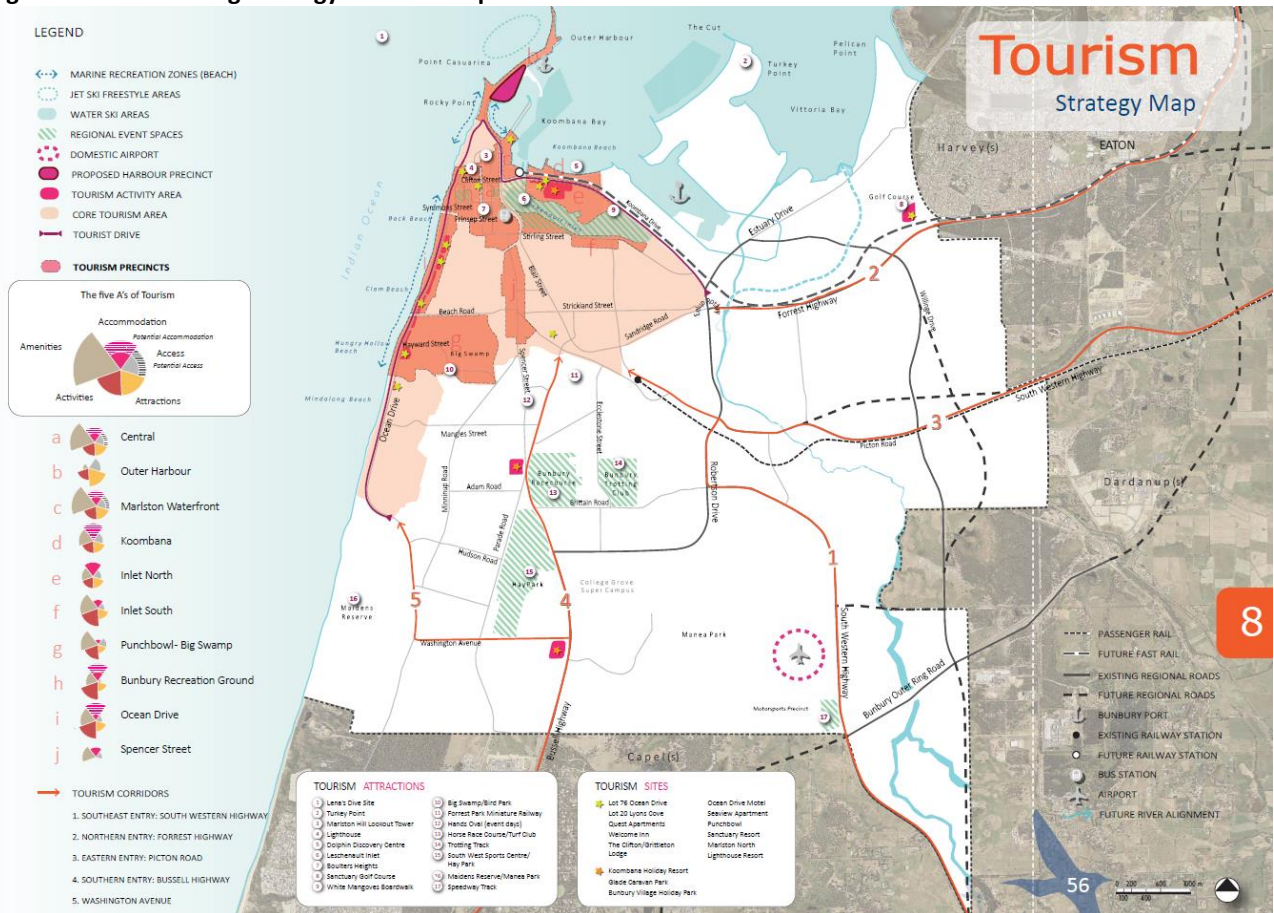
"Promotion of vibrant tourism destinations for both visitors and local residents"

sub-strategy 8A 6.1

"Enable the consolidation and integration of a range of compatible uses with tourism accommodation within activity centres and tourism locations to make them appealing destination for visitors through appropriate land use permissibility and design requirements"

The Tourism theme strategy map identifies a ‘Core Tourism Area’ and ten ‘Tourism Precincts’ (all falling within the boundary of the Core Tourism Area).

Figure 1 Local Planning Strategy Tourism Map



Extract from City of Bunbury Local Planning Strategy 2018

Part 2 of the Strategy (Tourism theme) clarifies the role of the Core Tourism Area:

The core tourism area (CTA) is the recognised hub of visitor activity in Bunbury, combining the widest array of activities, attractions, amenities and accommodation opportunities. The extent of the CTA boundary encompasses parts of the City that together provide the core services and infrastructure that support the tourism/visitor market – nominally the Central Business District, Outer Business District, East Bunbury and Ocean Beach areas.

Within the core area, emphasis is placed upon improving the quality and range of visitor facilities, and strengthening the interaction between them.

The CTA remains imperative to tourism values and strategy outcomes over the long term. Accordingly the Strategy seeks a role for the CTA that:

- consolidates the provision of tourism / visitor services in the vicinity and bolsters the status of Bunbury as a tourist destination
- facilitates improvement in the quality and range of the 5 ‘A’s represented in Bunbury
- provides an accessible network of supporting infrastructure and services to those more isolated sites of accommodation, attractions and activities (i.e. outside the CTA).

Whilst acknowledging that not all parts of the CTA will be suitable for all types of tourism related development, where the Scheme zoning allows discretion in permitting development of such facilities there would be an element of support from the Local Planning Strategy where

they are located within the CTA.

‘Tourism Precincts’ are recognised as follows:

“...contribute to the attractiveness of the tourism product in Bunbury as destination nodes and particular areas of visitor interest within a walkable catchment area. Each of these precincts has a particular profile and distinctiveness within the city, and incorporates – or has the potential to incorporate – the five ‘A’s of tourism destination development.”

Housing Theme and City of Bunbury Local Housing Strategy 2021

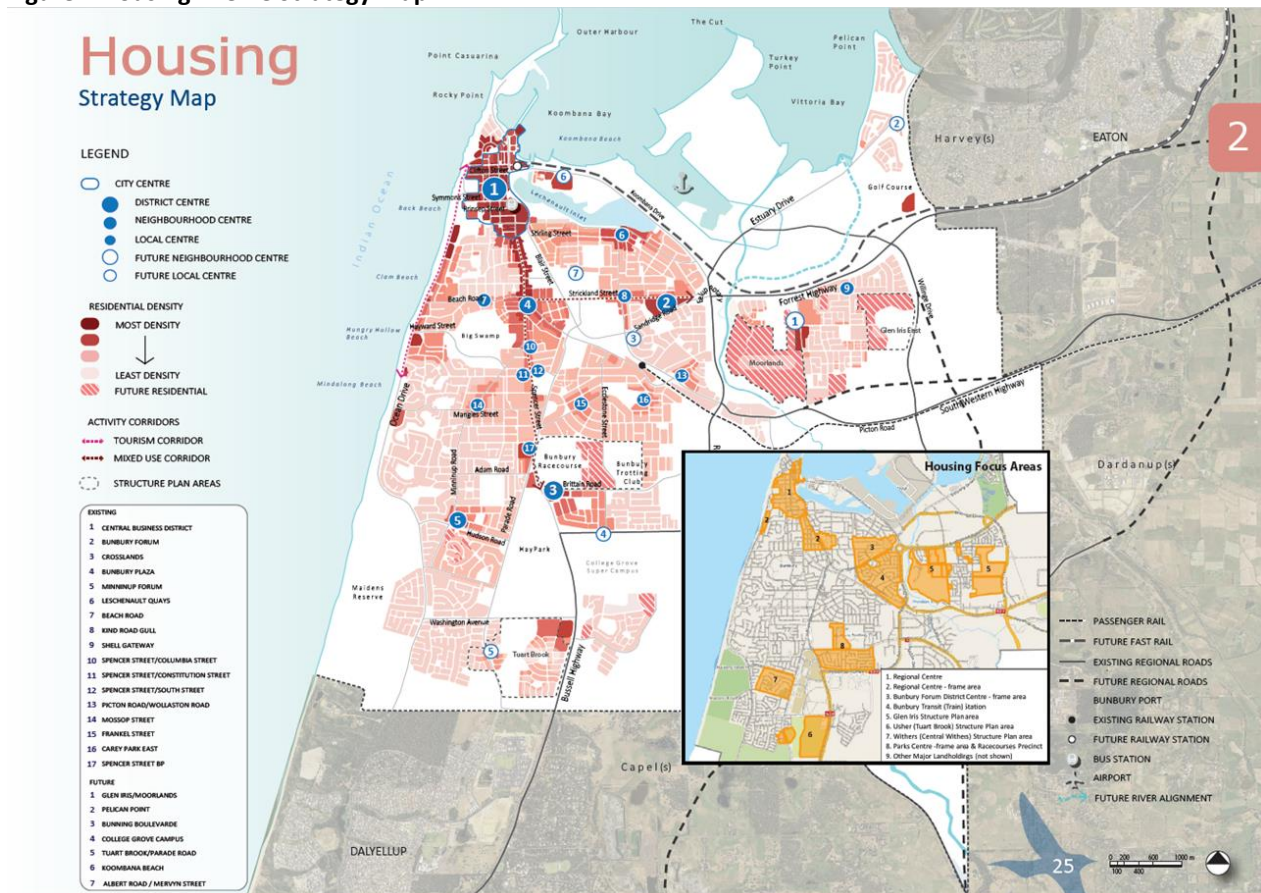
The Housing Theme within Part 1 of the Strategy is currently the subject of an amendment proposal (certified for public advertising by WAPC on 12 November 2024). The basis for the amendment is to capture key recommendations and actions from Bunbury’s Local Housing Strategy adopted by the City in 2021.

Serving to enhance and supplement the strategic direction provided by the Local Planning Strategy 2018, the Local Housing Strategy 2021 considers in depth the housing needs of Bunbury over the next 15 to 20 years. In implementation it seeks to encourage the development of a mix of housing types within suitable locations of the City in a manners that respects local amenity and established character.

The Strategy amendment, as prepared, proposes to introduce the following key elements:

- recognise the ‘Focus Areas’ identified within the Local Housing Strategy
- demonstrate support for a greater diversity of housing types
- facilitate better alignment between housing supply and demand.

Figure 2 Housing Theme Strategy Map



Local Planning Strategy Amendment No.3 – Housing Theme Update report

Local Planning Scheme

City of Bunbury Local Planning Scheme No. 8 (LPS8) is closely aligned with the Regulations model scheme text (MST), including the land use classes and their given meanings.

Levels of permissibility associated with short-term rental accommodation and traditional forms of short stay accommodation land use types varies from zone to zone within the current Scheme.

Figure 3 Existing land use permissibility

Use and Development Class	Zones												
	Regional Centre Zone	District Centre	Neighbourhood Centre Zone	Local Centre Zone	Mixed Use - Commercial Zone	Mixed Use – Residential Zone	Tourism Zone	Residential Zone	Private Community Purpose Zone	Service Commercial Zone	Light Industry Zone	General Industry Zone	Rural Zone
Bed and Breakfast	D	X	X	X	D	D	D	A	X	X	X	X	D
Holiday Accommodation	D	D	X	X	D	X	D	X	X	X	X	X	D
Holiday House	D	X	X	X	D	D	D	X	X	X	X	X	D
Motel	D	D	X	X	A	X	D	X	X	A	X	X	X
Serviced Apartment	P	D	X	X	D	X	D	X	X	X	X	X	X
Tourist Development	D	X	X	X	X	X	D	X	X	X	X	X	X

Extract LPS8 Table 3 – Zoning Table

Supplementing MST, an important inclusion within the City’s Scheme is clause 27 ‘Unrestricted Residential Accommodation’. Consistent with the intent of the Local Planning Strategy 8A-4, clause 27 facilitates the use of accommodation developed primarily for tourism purposes to be occupied either temporarily, or permanently as if a dwelling. The value of this clause remains unchanged by the new STRA Regulations, however references to land use classes within this clause are required to be replaced and updated.

Local Planning Policy

Two current local planning policies of note are ‘LPP: Unrestricted Residential Accommodation’ and ‘LPP: Unrestricted Residential Occupation of Stay’. Adopted in 2011 in accordance with the aims of Town Planning Scheme No.7 (TPS7), each were developed to guide the discretionary approval of short-term rental accommodation in tandem with a residential use. These complimentary policies share the same objectives:

- (a) To broaden the scope and number of short stay accommodation options available to those visiting the City.
- (b) To enhance the depth and variety of the visitor experience within strategically important tourism locations.
- (c) To facilitate the development of dual use permanent residential/short stay accommodation and thus provide landowners and investors with greater flexibility in the use and leasing of residential property>
- (d) To seek to ensure that premises with (URA or URO) use are:
 - located within supportive environments
 - appropriate to their immediate setting
 - suited to the purpose in terms of building form and design
 - managed in an orderly and considerate manner.

Though dated since the Gazettal of LPS8 in 2018, the planning principals employed within these two policies nevertheless have retained aspects of some value and as such have continued to provide a degree

of assistance in appropriate circumstances. Comprehensive review of these policies has been held in abeyance pending anticipated outcomes of the State's planning reforms in this sector. With the roll-out of the reforms these policies will be revoked and replaced.

2.3.3 Twenty years of managing STRA in Bunbury

During 2005 the City became embroiled in a number of planning related disputes whereby it was required to adopt a position regarding the proposed use of residential unit(s) for the purpose of short-term letting.

There were few examples of the City dealing with such requests previously, however on those occasions when such matters had arisen, they were generally dealt with on a case-by-case basis. City of Bunbury TPS7 did not have a specific land use definition for short stay accommodation and such these types of proposals were usually considered as a 'use not listed', and then subsequently judged on their merits having regard to the objectives of the parent zoning.

The ad-hoc approach was considered undesirable noting that Bunbury was keen to promote itself as a major visitor destination. There was a pressing need to bring clarity and consistency to the decision making process and to provide greater certainty to residents and investors alike when developing or purchasing units to let. A comprehensive review was also considered timely given the impending introduction of 'tourism zonings', as recommended by the Ministers Tourism Taskforce in 2006.

During that time Bunbury took the position that STRA should be regarded as a stand-alone land use class that should be regulated in the interests of:

- protecting the established amenity and character of an area
- maintaining the quality of the tourism product
- addressing distortion of the housing market / potential impacts upon housing affordability

In 2006 the City prepared an internal report termed 'Local Planning Approaches to the Occupation of Premises as Short Stay Accommodation'. Findings confirmed inconsistencies in approach across WA and concluded that there was no convenient off-the-shelf model for use in Bunbury. Feeding into review of the local planning framework Bunbury took the step of developing its own strategy, with an approach best suited to the particular challenges and circumstances faced by the city at that time. This culminated in the City adopting a Local Planning Strategy for Tourism in 2009, elements of which were subsequently implemented via amendments to TPS7 and then complementary planning policies.

In establishing a stable and robust land use planning framework for managing all forms of accommodation, the initiative extended to facilitating (in appropriate circumstances), the use of residential dwellings as short-term rental accommodation.

While not intentionally intended to address the emergence and regulation of online booking platforms (such as Airbnb), the City of Bunbury introduced into its local planning framework "Unrestricted Residential Accommodation" (URA) and "Unrestricted Residential Occupation" (URO), each accompanied with a local planning policy (LPP) which have been used to guide (to a greater and lesser extent) forms of unhosted STRA in Bunbury since 2011.

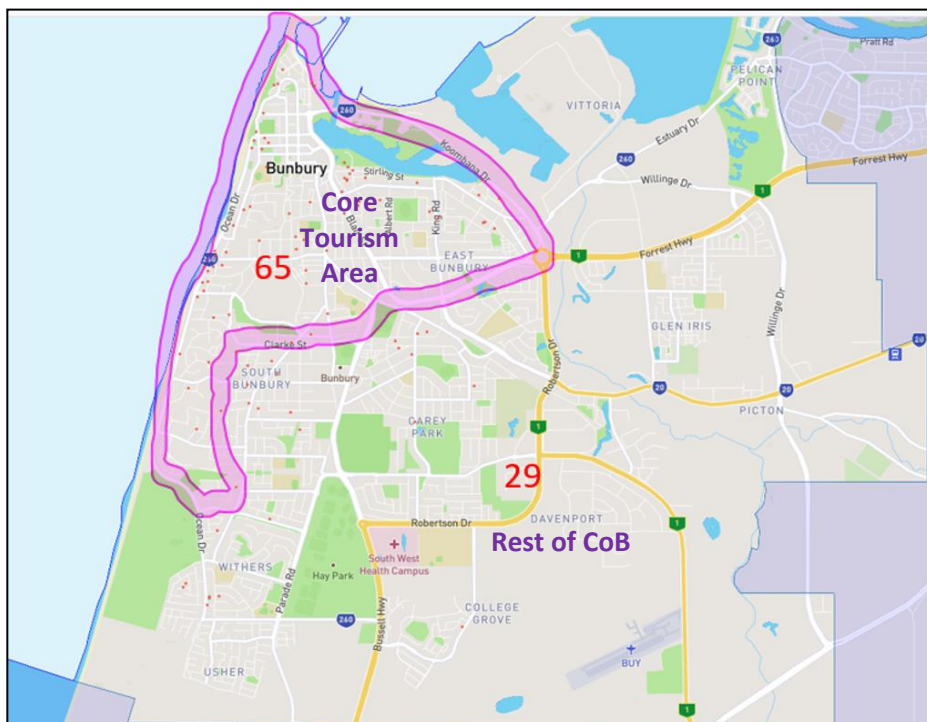
Review and further development of the local planning framework in respect to the management of STRA arena has remained on hold pending outcomes of the EISC Inquiry into Short-Term Rental Accommodation in WA in 2019 (to which the City made a deputation and also provided a submission) and finalisation of WAPC's Position Statement.

2.3.4 Occurrence distribution of unhosted STRA

A recent desktop analysis was conducted by the City to provide an insight into the distribution of occurrence of ‘unhosted STRA’ properties being advertised upon the main online booking platforms (including Airbnb, Stayz, Home to Go and Booking.com). A snapshot of findings is captured below in *Figure 4*, with occurrence within (@65) and outside (@29) the designated CTA being recorded. These findings were comparable to those collated and reported by Inside Airbnb¹ - see *Figure 5*.

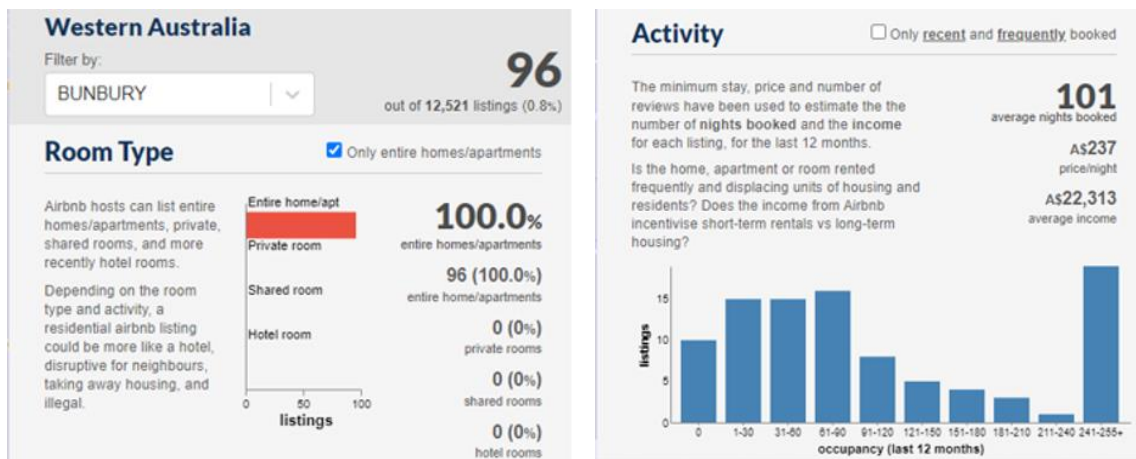
This raw data provides a useful starting point in understanding the extent of unhosted STRA across the City, and also in providing the opportunity to compare numbers with those recorded within other south west jurisdictions. Notably, the 93 (total) unhosted STRA recorded in Bunbury falls well below those figures reported by Inside Airbnb for Busselton (over 1500) and Albany (over 300).

Figure 4 Snapshot of unhosted STRA in Bunbury



By City of Bunbury (webpages accessed July 2024)

Figure 5 Inside Airbnb reporting



Inside Airbnb – accessed September 2024

¹ Reference: <https://insideairbnb.com/western-australia>

2.3.5 Guiding discretionary decision making

Within those zones where unhosted STRA is proposed to become a permissible / discretionary land use, decision-making and implementation will be guided by a new local planning policy – ‘LPP 2.2 Unhosted Short-term Rental Accommodation and Unrestricted Length of Stay’ which has been drafted and is expected to be publicly advertised in tandem with the scheme amendment report. Whilst proposed LPP 2.2 reflects the model template prepared by WALGA for this purpose, approaches captured are somewhat bespoke to Bunbury and intended to directly respond to local issues and circumstance.

As drafted, the proposed LPP2.2 embraces the following objectives:

- To encourage the provision of unhosted STRA in locations and settings most supportive to tourists and overnight visitors, and facilitating their development in a manner that respects and remains consistent with the objectives of the parent zone.
- To maintain the amenity and established character of residential localities/zones through ensuring that the scale and design of unhosted STRA is appropriate to the setting.
- To ensure that the use and management of an unhosted STRA is considerate to neighbouring properties and reasonably satisfies the expectations of the resident community, particularly in terms of safeguarding local character and protecting residential amenity.
- To promote local housing objectives through facilitating an appropriate balance of residential and unhosted short-term rental accommodation uses in the residential zone and by employing measures that provide the ability to limit undesirable outcomes that could lead to excessive loss of housing available to rent on a long-term basis.

Guidance provided by LPP 2.2 is intended to be supplemented by access to locally relevant, up to date information specifically collected and collated for the purpose of facilitating evidence based decision making. This is expected to be particularly useful when considering potential impacts of the development of unhosted STRA upon the long term rental market. In adopting this approach the City acts responsibly in acknowledging the current state of the housing market and in seeking to mitigate any resulting undesirable consequences, noting the historically low long term rental vacancy rates being recorded – see *Figure 6*.

Figure 6 Regions with lowest long term rental vacancy rates in Australia

	Region	Vacancy Rate (Feb 2024)
1	Bunbury, Western Australia	0.45%
2	Sunshine Coast, Queensland	0.58%
3	Melbourne Outer East, Victoria	0.60%
4	Moreton Bay South, Queensland	0.60%
5	Adelaide South, South Australia	0.60%
6	Perth North West, Western Australia	0.60%
7	Barossa, Yorke, Mid North, South Australia	0.60%
8	Moreton Bay North, Queensland	0.61%
9	Perth North East, Western Australia	0.61%
10	Cairns, Queensland	0.63%

“Typically, a healthy vacancy rate is defined as being around 3%. This is one where there is an appropriate balance between the availability of vacant rentals and tenant demand. Just 2% of Australia’s SA4 regions had a vacancy rate sitting above 3% in January. In other words, tenant demand is almost universally outweighing supply across most of the country.”

“Western Australia’s wider Bunbury region recorded the lowest vacancy rate in the country in January, with just 0.45% of rental properties sitting vacant. This was the seventh consecutive month Bunbury has recorded Australia’s lowest vacancy rate.”

Realestate.com.au – reproduced from published online report dated February 2024

Undertaking research and analysis is not only warranted in light of the current housing market conditions being experienced locally, but is also encouraged by the State in such circumstances:

“If land and housing supply pressures are evident or predicted in a local government area, the tourism component of the local planning strategy should be informed by an accommodation demand/supply study and analysis that forecasts future tourism growth, including likely demand for tourist and short term-rental accommodation and long-term (permanent and rental) housing supply. The detail of the accommodation demand/supply analysis should reflect the extent and importance of local tourism and land use/land supply pressures in the locality “

Planning for Tourism and Short-term Rental Accommodation Guidelines, WAPC, 2023

2.3.6 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 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 and holiday house*, replaced with the new ‘deemed’ definitions of *hosted short-term rental accommodation* and *unhosted short-term rental accommodation*². This includes amending the Zoning Table and Definitions schedules of the scheme text accordingly.

In addition to the Regulations, the WAPC Position Statement and WAPC 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 (‘P’) use in all zones where any type of ‘dwelling’ is capable of approval, to reflect the state-wide exemption in the ‘deemed provisions’.
- ‘Hosted short-term rental accommodation’ is proposed as an Incidental (‘I’) use in Tourism zone (to be applicable where relevant, noting that Single House, Grouped Dwelling and Multiple Dwelling are not otherwise permissible land uses in the Zoning Table’s Tourism zone).
- ‘Unhosted short-term rental accommodation’ is proposed to be:
 - designated ‘P’ use in Tourism zone
 - designated ‘D’ use in zones where any type of ‘dwelling’ is capable of approval, that being Regional Centre zone, District Centre zone, Neighbourhood Centre zone, Local Centre zone, Mixed Use – Commercial zone, Mixed Use – Residential zone, Residential zone, and Rural zone, and designated ‘X’ use in all other zones.

² Also extends to *Holiday Accommodation* and where relevant *Serviced Apartment* land use classes

Deemed Provisions

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 accommodation means short-term rental accommodation that —

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

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;

Planning and Development (Local Planning Schemes) Regulations 2015

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 to 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.
- Tourist development – directly replaced by the new use class.

Acknowledging and as far as possible reflecting levels of permissibility currently assigned within LPS8, this amendment proposes the following designations for this new land use classes:

- Tourist and Visitor Accommodation is proposed to be:
 - a discretionary 'D' use in Regional Centre zone, District Centre zone and Tourism zone
 - a discretionary 'A' use in Mixed Use – Commercial Zone, and 'X' in all other zones

Model Provisions

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;

Planning and Development (Local Planning Schemes) Regulations 2015

Figure 7 Proposed land use permissibility

Use and Development Class	Zones												
	Regional Centre Zone	District Centre	Neighbourhood Centre Zone	Local Centre Zone	Mixed Use - Commercial Zone	Mixed Use - Residential Zone	Tourism Zone	Residential Zone	Private Community Purpose Zone	Service Commercial Zone	Light Industry Zone	General Industry Zone	Rural Zone
Hosted STRA	P	P	P	P	P	P	I	P	X	X	X	X	D
Unhosted STRA	D	D	D	D	D	D	P	D	X	X	X	X	D
Tourism and Visitor Accommodation	D	D	X	X	A	X	D	X	X	X	X	X	X

New and Revised Land Use & General Definitions

As part of the Regulations changes, amendments to some other model definitions were also introduced so as to not cause confusion or conflict with the new short-term rental accommodation land use terms. These include deletion of the definition for 'short-term accommodation', which has been removed to avoid confusion with new terms relating to 'short-term rental accommodation'. This has consequentially resulted in modifications to the general model terms of 'cabin' and 'chalet', as well as the land use term for 'road house'. The new model terms are proposed to be introduced into the scheme text through this amendment.

Clause 27 'Unrestricted Length of Stay'

Consequential changes are necessary to LPS8 clause 27(1) as follows:

- References to 'holiday house', 'holiday accommodation' and 'serviced apartment' deleted and

- appropriately replaced with ‘unhosted short-term rental accommodation’ land use class.
- References to ‘short-term accommodation’ to be appropriately replaced with ‘short-term rental accommodation’.

Consequential changes and updates are necessary to clause 27(2) as follows:

- References to ‘holiday house’, ‘holiday accommodation’ and ‘serviced apartment’ deleted and replaced with ‘unhosted short-term rental accommodation’ and ‘portions of tourism and visitor accommodation and hotel’ land use classes.
- References to ‘short-term accommodation’ to be appropriately replaced with ‘short-term rental accommodation’.

Clause 27. Unrestricted Length of Stay (ULS) – background rationale

Clause 27(1) Except in the Tourism zone, in zones where ‘unhosted short term rental accommodation’ is permissible it is intended that their development is in accordance with the R-Codes and specific requirements of the Building Code of Australia in order that they are able to be occupied either temporarily as short-term rental accommodation or permanently as a dwelling.

Whilst ensuring that the resulting design is both fit for purpose and essentially residential in character/character, this approach importantly supports efforts to significantly enhance the number and diversity of the permanent housing stock available in Bunbury. Consequently opportunities arising from development proposals that could reasonably assist in supporting this higher level strategic objective through the duration of their built lifespan are purposefully captured.

Clause 27(2) In the Tourism zone where ‘single house’, ‘grouped dwelling’ and ‘multiple dwelling’ are not permitted (and not an Additional Use with Schedule 1 of the Scheme), in appropriate circumstances, if development is undertaken in accordance with the R-Codes and specific requirements of the Building Code of Australia, ‘unhosted short term rental accommodation’ may be approved with an ‘Unrestricted Length of Stay’ provision, thus allowing the premises to be occupied either temporarily for short-term rental accommodation or permanently as if a dwelling.

This approach also extends to portions of both ‘tourism and visitor accommodation’ and ‘hotel’ land use classes. By continuing to allow portions of ‘tourism and visitor accommodation’ and ‘hotel’ to benefit from ULS (through the discretionary issuing of development approval) the City acknowledges the following benefits:

- the potential/latent capacity of those uses to supplement housing available for rent on a long term basis, thus providing an opportunity to assist in easing housing demand at times when acute shortages are being experienced
- provides traditional operators of short stay accommodation the opportunity to diversify and source supplementary streams of income that will assist in making their overall business model more competitive and potentially more financially viable / sustainable over the longer term (and in this respect is regarded as further “levelling the playing field” *

In respecting the primary ‘short stay’ purpose of the authorised land use, it is appropriate, particularly when located within the Tourism zone, that the ULS component is both subordinate and discrete in character. This ensures that the integrity of the authorised land use class is safeguarded, and differing amenity expectations / activity patterns of short-term and permanent residents are able to be differentiated and appropriately managed.

** Report of the Economics and Industry Standing Committee – Levelling the Playing Field - Managing the impact of the rapid increase of Short-term Rentals in Western Australia, 2019.*

Other consequential changes

Amendments to Scheme text are required as a direct result of changes to land use class terms. These are primarily contained within the Schedules of the Scheme and extend to the following:

Table 1 Consequential modifications to Schedules

Ref.	Address / Locality	Amendment	Reason
Schedule 1, Table 4, Additional Uses (Part 3 cl.19)			
AU14	'Ocean Drive'	<ul style="list-style-type: none"> delete entire entry 	entry no longer required as <i>Holiday House, Holiday Accommodation and Serviced Apartment</i> are deleted and replaced by 'unhosted STRA', which as proposed is a discretionary 'D' use class within the Residential zone per updates to the Zoning Table
AU17	Bunbury Turf Club	<ul style="list-style-type: none"> delete "Motel" and "Serviced Apartment" land use classes and insert 'Tourism and Visitor Accommodation' 	as a result of changes to land use class terms and definitions
AU18	Bunbury Trotting Club	<ul style="list-style-type: none"> delete <i>Holiday Accommodation</i>, "Holiday House" and "Serviced Apartment" land use classes, and insert 'Tourism and Visitor Accommodation' and 'Unhosted Short-Term Rental Accommodation' 	as a result of changes to land use class terms and definitions
AU19	Lot 8 Stirling St	<ul style="list-style-type: none"> delete references to <i>Holiday Accommodation</i> and insert / replace with <i>Unhosted Short-Term Rental Accommodation</i> 	as a result of changes to land use class terms and definitions
Schedule 2, Table 5, Restricted Uses (Part 3, cl.20)			
RU2	Marlston East Precinct	<ul style="list-style-type: none"> insert 'Unhosted Short-Term Rental Accommodation' within the list of discretionary 'D' uses add new condition as No.4, "Unhosted short-term rental accommodation is limited to the occupation of upper floors" 	appropriate to character of location / setting
RU4	Koombana North Precinct	<ul style="list-style-type: none"> delete "Motel", "Tourist Development (e.g. backpackers)" and "Serviced Apartment" and insert 'Unhosted Short-Term Rental Accommodation' as a discretionary 'D' use, and 'Tourism and Visitor Accommodation' as a discretionary A use at Condition 4, delete "Serviced apartment uses" and "short-term 	as a result of changes to land use class terms and definitions

Ref.	Address / Locality	Amendment	Reason
		<i>accommodation</i> " and replace these with ' <i>unhosted short-term rental accommodation</i> ' and ' <i>short-term rental accommodation</i> ' respectfully	
RU6	Sanctuary Golf Resort	<ul style="list-style-type: none"> delete <i>Holiday Accommodation, Motel, Serviced Apartment</i> and <i>Tourist Development</i> and insert '<i>Tourism and Visitor Accommodation</i>' and '<i>Unhosted Short-Term Rental Accommodation</i>' as discretionary 'D' uses and replace land use class references within conditions accordingly 	as a result of changes to land use class terms and definitions
RU7	Back Beach precincts, Ocean Drive	n/a	the Back Beach development precincts will form the subject of a separate scheme amendment proposal in due course
RU8	Lot 11 Ocean Drive and Lot 2 Greensell Street	<ul style="list-style-type: none"> delete <i>Motel, Serviced Apartment</i> and <i>Tourist Development</i> and insert <i>Tourism and Visitor Accommodation</i> and <i>Unhosted Short-term Rental Accommodation</i> as discretionary 'D' uses and replace land use class references within conditions accordingly 	as a result of changes to land use class terms and definitions
RU10	Lot 3 Ocean Drive	<ul style="list-style-type: none"> delete <i>Motel</i> and <i>Serviced Apartment</i> and replace with <i>Tourism and Visitor Accommodation</i> and <i>Unhosted Short-term Rental Accommodation</i> as discretionary 'D' uses 	as a result of changes to land use class terms and definitions
RU14	Lyons Cove, Marabank Loop	<ul style="list-style-type: none"> delete <i>Holiday Accommodation, Motel, Serviced Apartment</i> and replace with <i>Tourist and Visitor Accommodation</i> and <i>Unhosted Short-Term Accommodation</i> and delete "<i>Other incidental uses to a tourist resort</i>" 	as a result of changes to land use class terms and definitions
Schedule 3, Table 6, Additional Site and Development Requirements			
No.3	Marabank Loop, Avonbank Way, Lyons Cove	<ul style="list-style-type: none"> delete "<i>short-term accommodation purposes</i>" and replace with '<i>short-term rental accommodation</i>'. 	as a result of changes to general terms and definitions

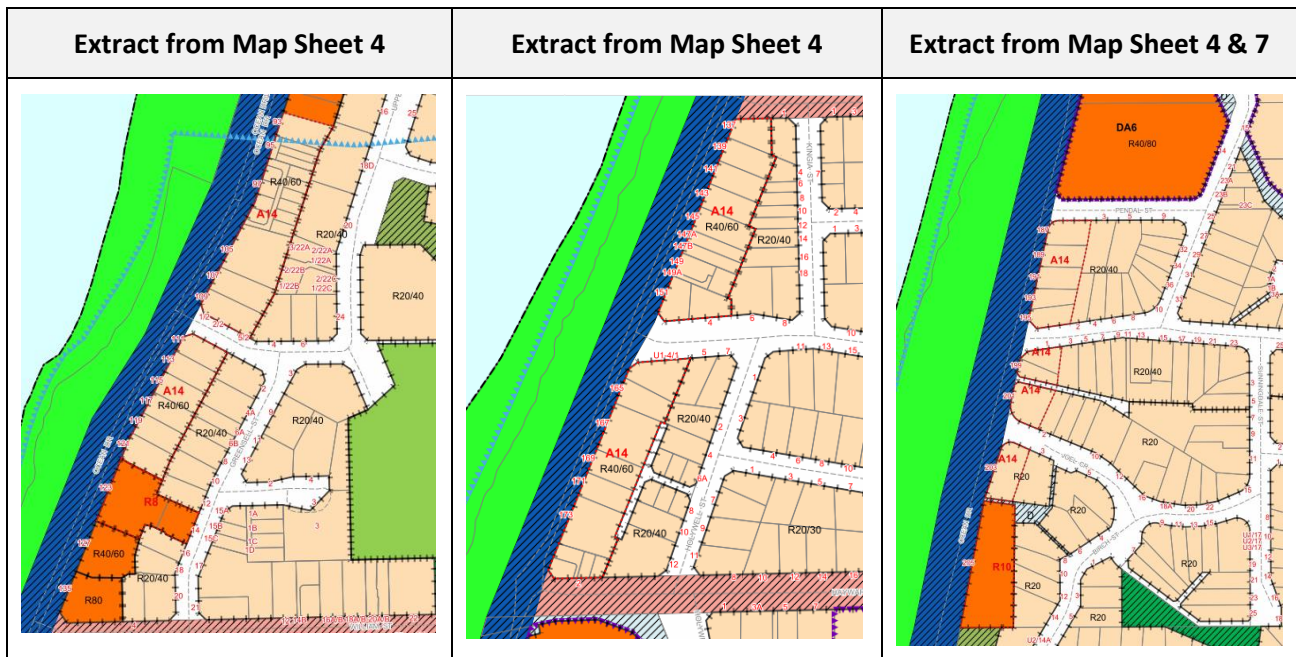
Ref.	Address / Locality	Amendment	Reason
No. 9	Marlston North Precinct	<ul style="list-style-type: none"> delete “<i>Serviced apartment uses</i>” and replace with <i>Unhosted short-term rental accommodation</i> 	as a result of changes to land use class terms and definitions
Schedule 4, Table 7, Car Parking (Part 4 cl.41)			
-	Column One & Column Two	<ul style="list-style-type: none"> delete the following entries: <i>Bed and Breakfast, Holiday Accommodation, Holiday House, Motel, Serviced Apartment, Tourism Development</i> and associated minimum parking standard within column two 	as a result of changes to land use class terms and definitions
-	Column One & Column Two	<ul style="list-style-type: none"> delete <i>Bed and Breakfast</i> entry and associated minimum parking standard within column two 	as a result of changes to land use class terms and definitions
-	Column One & Column Two	<ul style="list-style-type: none"> insert <i>Hosted Short-Term Accommodation</i>, with an associated minimum parking standard of (column two) provided as ‘<i>In accordance with the Residential Design Codes</i>’ 	as a result of changes to land use class terms and definitions
-	Column One & Column Two	<ul style="list-style-type: none"> insert <i>Tourism and Visitor Accommodation</i>, with minimum parking standard (column two) provided as: <ul style="list-style-type: none"> - <i>1 bay per bedroom or accommodation unit; plus</i> - <i>1 bay per 15 square metres n/a of floorspace other than that used for accommodation purposes</i> 	as a result of changes to land use class terms and definitions
-	Column One & Column Two	<ul style="list-style-type: none"> insert ‘<i>Unhosted Short-Term Rental Accommodation</i>’, with minimum parking standard (column two) provided as: <ul style="list-style-type: none"> - <i>1 bay, plus 0.5 bays per additional guest bedroom or equivalent</i> - <i>in conjunction with Unrestricted Length of Stay as above, but not less than the relevant R-Code deemed to comply standard</i> 	a scaled level of off street provision to be made available consistent with the size of the unhosted STRA

Table 2 Summary of proposed car parking requirements

Land Use Classification	Minimum Car Parking Requirements
Unhosted STRA - general	One dedicated parking bay plus 0.5 bay per additional guest bedroom or equivalent: i.e. 1 bedroom/studio unit: = 1 bay 2 bedrooms: 1 plus 0.5 = 2 bays 3 bedrooms 1 plus 2x 0.5 = 2 bays 4 bedrooms 1 plus 3x 0.5 = 3 bays
Unhosted STRA with Unrestricted Length of Stay (ULS)	In accordance with the above, but not less than the relevant Residential Design Code deemed to comply standard.
Hosted STRA	In accordance with the Residential Design Codes
Tourism and Visitor Accommodation	1 bay per bedroom or accommodation unit, plus 1 bay per 15 square metres nla of floorspace other than that used for accommodation purposes

Scheme Map

In conjunction with the proposed deletion of entry **AU14** (Ocean Drive locality) from Schedule 1, a concurrent modification is required to the Scheme map.



3 Conclusion & Recommendations

3.1 Conclusion

The scheme amendment documentation has been prepared consistent with procedural requirements of the Planning and Development (Local Planning Schemes) Regulations 2015 and is regarded to be consistent with State government requirements and expectations following legislative changes recently introduced associated with the Statewide approach to the regulation of short-term rental accommodation.

3.2 Recommendations

It is recommended that Council, in accordance with the provisions of the *Planning and Development Act 2005* and Planning and Development (Local Planning Schemes) Regulations 2015 determine to:

A.	<p>Initiate and adopt for the purposes of public advertising, Scheme Amendment No.14 to the City of Bunbury Local Planning Scheme No. 8 that modifies:</p> <ul style="list-style-type: none"> • Clause 48, Part 6 - 'Terms Used' • Clause 49, Part 6 – 'Land Use Terms Used' • Clause 17, Part 3, Table 3 – 'Zoning Table', • Clause 27, Part 4, 'Unrestricted Length of Stay' • Schedule 1, Table 4 – 'Additional Uses Table' • Schedule 2, Table 5 – 'Restricted Uses Table' • Schedule 3, Table 6 – 'Additional Site and Development Requirements Table' • Schedule 4, Table 7 – 'Car Parking Table' • Scheme Map Sheets 4 and 7 <p>in accordance with the Amending Pages of the Scheme Amendment No.14 report.</p>
B.	<p>Determine that proposed Scheme Amendment No. 14 is a 'standard' amendment for the following reasons:</p> <ul style="list-style-type: none"> • the amendment would have minimal impact on land in the Scheme area that is not the subject of the amendment • the amendment does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area • the amendment is not considered a complex or basic amendment.
C.	<p>Submit the Scheme Amendment No. 14 report to WAPC and:</p> <ul style="list-style-type: none"> • seek approval from the Minister for Planning to proceed the advertise the proposed amendment • advise the Department of Planning Lands and Heritage (DPLH) that the proposal is considered to be a prescribed class of scheme amendment that does not require referral to the Environmental Protection Agency (EPA).
D.	<p>Subject to the approval of the Minister, refer copies of the Scheme Amendment No. 14 report to relevant public agencies for their consideration and comment, and publicly advertise the proposal over a submission period of not less than 42 days.</p>
E.	<p>Reconsider the proposed scheme amendment together with any public submissions lodged with the City of Bunbury following the completion of the statutory public advertising period.</p>

Amending Pages

Planning and Development Act 2005

CITY OF BUNBURY LOCAL PLANNING SCHEME NO. 8 Scheme Amendment No. 14

The City of Bunbury under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act 2005* hereby amends the above local planning scheme by:

Scheme Text Amendment 1: Clause 48, Division 1, Part 6 – ‘Terms Used’:

A. deleting the general definition for:

- *Short-term accommodation*

B. amending the general definition for *Cabin* to:

means a building that –

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

C. amending the general definition for *Chalet* to:

means a building that –

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

D. amending the general definition for *Unrestricted Length of Stay* to:

means the occupation of accommodation designed for tourists on either a short-term rental accommodation or permanent basis.

Scheme Text Amendment 2 Clause 49, Division 2, Part 6 – ‘Land Use Terms Used’:

A. deleting the definitions for:

- *Bed and breakfast*
- *Holiday accommodation*
- *Holiday house*

- Motel
- Serviced apartment
- Tourist development

B. amending the existing land use term for Road house 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

Scheme Text Amendment 3
Clause 17, Table 3 - ‘Zoning Table’, Part 3

insert in alphabetical order the following land uses and permissibility:

A. hosted short-term rental accommodation; designate as ‘P’ use in zones where a dwelling is capable of approval (i.e. Regional Centre, District Centre, Neighbourhood Centre, Local Centre, Mixed Use – Commercial, Mixed Use – Residential, Residential and Rural zones); ‘X’ use in all other zones (i.e. Private Community Purpose, Service Commercial, Light Industry and General Industry zones) except Tourism zone where it is designated as an ‘I’ use.

B. unhosted short-term rental accommodation; designate as ‘P’ use in the Tourism zone, as ‘D’ use in zones where a dwelling is permissible (i.e. Regional Centre, District Centre, Neighbourhood Centre, Local Centre, Mixed Use – Commercial, Mixed Use – Residential, Residential and Rural zones) and as ‘X’ use in all other zones (i.e. Private Community Purpose, Service Commercial, Light Industry and General Industry zones).

C. tourist and visitor accommodation; designate as ‘D’ use in Regional Centre, District Centre and Tourism zones, as ‘A’ use in Mixed Use – Commercial zone, and as ‘X’ use in all other zones (i.e. Neighbourhood Centre, Local Centre, Mixed Use - Residential, Residential, Private Community Purpose, Service Commercial, Light Industry, General Industry and Rural zones).

Such that they appear in the table as follows:

Use and Development Class	Zones												
	Regional Centre Zone	District Centre	Neighbourhood Centre Zone	Local Centre Zone	Mixed Use - Commercial Zone	Mixed Use – Residential Zone	Tourism Zone	Residential Zone	Private Community Purpose Zone	Service Commercial Zone	Light Industry Zone	General Industry Zone	Rural Zone
Hosted Short-Term Rental Accommodation ⁸	P	P	P	P	P	P	I	P	X	X	X	X	D
Unhosted Short-Term Rental Accommodation ⁹	D	D	D	D	D	D	P	D	X	X	X	X	D
Tourism and Visitor Accommodation	D	D	X	X	A	X	D	X	X	X	X	X	X

D. Add a new note as '8' and a new note as '9' below Table 3 – Zoning Table, to read as follows:

Note:

8. *'I' in the Tourism Zone is applicable where a dwelling (single house, grouped dwelling or multiple dwelling) is identified within Schedule 1 as an Additional Use*
9. *refer to clause 27 - Unrestricted Length of Stay*

Scheme Text Amendment 4

Clause 17, Table 3 - 'Zoning Table', Part 3, delete all references to:

- *bed and breakfast*
- *holiday accommodation*
- *holiday house*
- *motel*
- *serviced apartment*
- *tourist development*

Scheme Text Amendment 5

Clause 27 'Unrestricted Length of Stay'

A. replace in subclause (1) "*holiday house, holiday accommodation and serviced apartment uses are*" with '*unhosted short-term rental accommodation is*', and "*short-term accommodation*" with '*short-term rental accommodation*' such that it reads as follows:

- (1) *Where permissible in the Zoning Table (Table 3), except for the Tourism Zone, unhosted short-term rental accommodation is to be developed in the form of a single house, grouped dwelling or multiple dwelling in accordance with the R-Codes and the specific requirements of Building Class 1a, 2 or 3 of the Building Code of Australia, and must be able to be occupied either permanently as a dwelling or temporarily for short-term rental accommodation purposes.*

B. replace in subclause (2) "*holiday house, holiday accommodation and serviced apartment uses*" with '*unhosted short-term rental accommodation and portions of both tourism and visitor accommodation use and hotel use*', and "*short-term accommodation*" with '*short-term rental accommodation*', such that it reads as follows:

- (2) *Within the Tourism Zone, unhosted short-term rental accommodation and portions of both tourism and visitor use and hotel use developed in accordance with the R-Codes and the specific requirements of Building Class 1a, 2 or 3 of the Building Code of Australia may be occupied permanently as a dwelling or temporarily for short-term rental accommodation purposes (unrestricted length of stay) in accordance with any relevant local planning policy and/or structure plan, subject to the local government having exercised its discretion by granting development approval.*

Scheme Text Amendment 6

Schedule 1 – Table 4 - Additional Uses Table:

A. delete the entire entry at A.U. 14

B. at A.U.17 (Bunbury Turf Club) within column three, delete:

- *Motel*
- *Serviced Apartment*

and insert

- *Tourism and Visitor Accommodation*

C. at A.U.18 (Bunbury Trotting Club) within column three, delete:

- *Holiday Accommodation*
- *Holiday House*
- *Serviced Apartment*

and insert

- *Tourism and Visitor Accommodation*
- *Unhosted Short-Term Rental Accommodation*

D. at A.U.19 (Lot 8, No.59 Stirling Street)

i) within column three delete:

- *Holiday Accommodation*

and insert as a discretionary 'A' use

- *Unhosted Short-Term Rental Accommodation*

ii) within column four 'Conditions' at '1' and '4', delete "*Holiday Accommodation*" and replace with '*Unhosted Short-term Rental Accommodation*', and in '4', correct the spelling from "*Standley Street*" to '*Stanley Street*', such that these read as follows:

1. *Except for Unhosted Short-term rental accommodation and Liquor store – small, the additional uses are limited to a maximum net lettable floor area of 180m²*
4. *Unhosted Short-term rental accommodation is limited to one apartment in addition to the existing dwelling, both of which may be accessed from Stanley Street or Stirling Street.*

Scheme Text Amendment 7

Schedule 2 – Table 5 – Restricted Uses Table

A. at R.U.2 Bunbury (Marlston East Precinct):

i) within column three 'Restricted Use', add to the list of discretionary 'D' uses:

- *Unhosted Short-Term Rental Accommodation*

ii) within column four 'Conditions', add a new condition '4' to read:

4. *Unhosted short-term rental accommodation is limited to the occupation of upper floors.*

B. at R.U.4 Bunbury (Koombana North Precinct)

i) within column three 'Restricted Use' delete:

- *Motel*
- *Tourist Development (e.g. backpackers)*
- *Serviced Apartment*

and insert as a discretionary 'D' use

- *Unhosted Short-Term Rental Accommodation*

and insert as a discretionary 'A' use

- *Tourism and Visitor Accommodation*

ii) replace within column four 'Conditions' at '4' "*Serviced apartment uses*" with '*Unhosted short-term rental accommodation*', and "*short-term accommodation*" with '*short-term rental accommodation*', and "*has*" with '*having*' such that it reads as follows:

4. *Unhosted short-term rental accommodation is to be developed in the form of multiple dwellings in accordance with the R-Codes and the specific requirements of Building Class 3 of the Building Codes of Australia may be occupied permanently as a dwelling or temporarily for short-term rental accommodation purposes (unrestricted length of stay) in accordance with any relevant local planning policy and/or structure plan, subject to the local government having exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.*

C. at R.U.6 Pelican Point: Sanctuary Golf Resort Strata Lots 39, 40, 41 and 42 (no.105) Old Coast Road

i) within column three 'Restricted Use' delete:

- *Holiday Accommodation*
- *Motel*
- *Serviced Apartment*
- *Tourist Development*

and insert as discretionary 'D' uses

- *Tourism and Visitor Accommodation*
- *Unhosted Short-Term Rental Accommodation*

ii) modify text within column four 'Conditions' at '2', '(g)' by replacing "*short-term accommodation*" with '*short-term rental accommodation*' such that it reads as follows:

- (g) *A draft strata management statement to the satisfaction of the City of Bunbury and the Western Australian Planning Commission. Such management statement (to be approved by the local government prior to issuance of any development approval) is to address the management of the short-term rental accommodation and the relationship to the unrestricted length of stay occupancy standard.*

iii) modify text within column four 'Conditions' at '5' by replacing "*Short-term accommodation*" with '*Unhosted Short-term Rental Accommodation*' such that the first line reads as follows:

5. *Unhosted Short-term Rental Accommodation and Unrestricted Length of Stay:*

iv) modify text within column four 'Conditions' by replacing at '6' "*short-term accommodation units*" with '*tourism and visitor accommodation*' such that it reads as follows:

6. *All short-stay accommodation units will be subject to a section 6 restriction under the Strata Titles Act 1985, whereby permanent occupancy of tourism and visitor accommodation will be limited to not more than three months in any 12 month period.*

v) modify text within column four 'Conditions' at 7(a) by deleting "*For any 'short-stay' lots -*" and by replacing "*Tourist Accommodation Unit*" with '*tourism and visitor accommodation*' such that it reads as follows:

7. *As a condition of sub-division, the following notifications are to be included on the certificates of title—*

(a) No person shall occupy any tourism and visitor accommodation for more than a total of three months in any one 12-month period. In this regard a register of guests is to be made available for perusal by the City of Bunbury as required.

D. at R.U.8 Bunbury: Lot 11 (No.123) Ocean Drive; and Lot 2 (No.14) Greensell Street

i) within column three 'Restricted Use' delete:

- Motel
- Serviced Apartment
- Tourist Development

and insert as discretionary 'D' uses

- Tourism and Visitor Accommodation
- Unhosted Short-term Rental Accommodation

ii) within column four 'Conditions', at 2.1 and 2.2 replace "*Serviced apartment uses*" with "*Unhosted short-term rental accommodation*", and at 2.3 replace "*Tourism Accommodation Unit*" with '*tourism and visitor accommodation*' such that these read as follows:

2. *Land Use Requirements and Unrestricted Length of Stay:*

2.1 *Unhosted Short-term Rental Accommodation with the unrestricted length of stay occupancy standard shall be designed in accordance with the 'multiple dwelling' type and a residential density code of R80, as prescribed under the R- Codes.*

2.2 *All Unhosted Short-term Rental Accommodation where the unrestricted length of stay occupancy standard has not been approved, will be subject to a 'Section 6' restriction under the Strata Titles Act 1985, whereby permanent occupancy of tourist accommodation*

2.3 *As a condition of subdivision, the following notification is to be included on the certificates of title: 'No person shall occupy any Tourism and Visitor Accommodation for more than a total of three months in any one 12-month period. In this regard a register of guests is to be made available for perusal by the local government as required.'*

E. at R.U.10 Bunbury: Lot 3 (No. 205) Ocean Drive within column three 'Restricted Use', delete:

- Motel
- Serviced Apartment

and insert as discretionary 'D' uses

- Tourism and Visitor Accommodation
- Unhosted Short-term Rental Accommodation

F. at R.U.14 Bunbury: Lot 19 Lyons Cove (on Plan 23106), Lot 19 (U 1-7 No.16) Lyons Cove, Lot 19 (U3-29 No.14) Lyons Cove, Lot 19 (No.14) Lyons Cove, Lot 12 (Nos. 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, and 38) Marabank Loop, within column three ‘Restricted Use’, delete:

- *Holiday Accommodation*
- *Motel*
- *Serviced Apartment*
- *Other incidental uses to a tourist resort*

and insert as ‘P’ uses

- *Tourist and Visitor Accommodation*
- *Unhosted Short-term Accommodation*

Scheme Text Amendment 8

Schedule 3 – Table 6 – Additional Site and Development Requirements Table

A. at No. 3 Bunbury, lots as indicated at Marabank Loop, Avonbank Way and Lyons Cove, within column three ‘Requirement’ at ‘7.’, delete “*short-term accommodation purposes*” and replace with ‘*short-term rental accommodation*’ such that it reads as follows:

7. Subject to zoning and the local government having exercised its discretion by granting development approval, all the single houses and grouped dwellings developed in accordance with the R Codes and specific requirements of Building Class 1a, 2 or 3 of the Building Code of Australia may be occupied permanently as a dwelling or temporarily for short-term rental accommodation.

B. No. 9 Bunbury (Marlston North Precinct): Lot 505 Jetty Road, within column three at ‘2.1’ delete “*Serviced apartment uses are*” and “*short term accommodation purposes, except for ground floors*” and replace with ‘*Unhosted short-term rental accommodation is*’ and ‘*short-term rental accommodation*’ such that it reads as follows:

- 2.1 *Unhosted short-term rental accommodation is to be developed in the form of multiple dwellings in accordance with the R-Codes and the specific requirements of Building Class 3 of the Building Codes of Australia and must be able to be occupied either permanently as a dwelling or temporarily for short term rental accommodation.*

Scheme Text Amendment 9

In Schedule 4 – Table 7 - Car Parking Table

A. at column one ‘Land Use Classes’ and column two ‘Minimum Car Parking Requirements’ delete the following entries:

- *Bed and Breakfast*
- *Holiday Accommodation*
- *Holiday House*
- *Motel*
- *Serviced Apartment*
- *Tourism Development*

B. at column one ‘Land Use Classes’, insert “*Hosted Short-Term Accommodation*”, with a minimum parking standard (column two) provided as follows:

Hosted Short-Term Rental Accommodation	In accordance with the Residential Design Codes
--	---

C. at column one 'Land Use Classes' insert 'Tourism and Visitor Accommodation', with minimum parking standards (column two) provided as follows:

Tourist and Visitor Accommodation	<ul style="list-style-type: none"> • 1 bay per bedroom or accommodation unit; plus • 1 bay per 15 square metres nla of floorspace other than that used for accommodation purposes
-----------------------------------	---

D. at column one 'Land Use Classes' insert 'Unhosted Short-Term Rental Accommodation', with minimum parking standards (column two) provided as follows:

Unhosted Short-Term Rental Accommodation	<ul style="list-style-type: none"> • 1 dedicated parking bay, plus 0.5 bay per additional guest bedroom or equivalent – i.e.: <ul style="list-style-type: none"> 1 bedroom/studio unit: = 1 bay 2 bedrooms: 1 plus 0.5 = 2 bays 3 bedrooms 1 plus 2x 0.5 = 2 bays 4 bedrooms 1 plus 3x 0.5 = 3 bays • in conjunction with Unrestricted Length of Stay, as above but not less than the relevant R-Code deemed to comply standard
--	--

10. Scheme Map Amendment (sheet 4 and sheet 7)

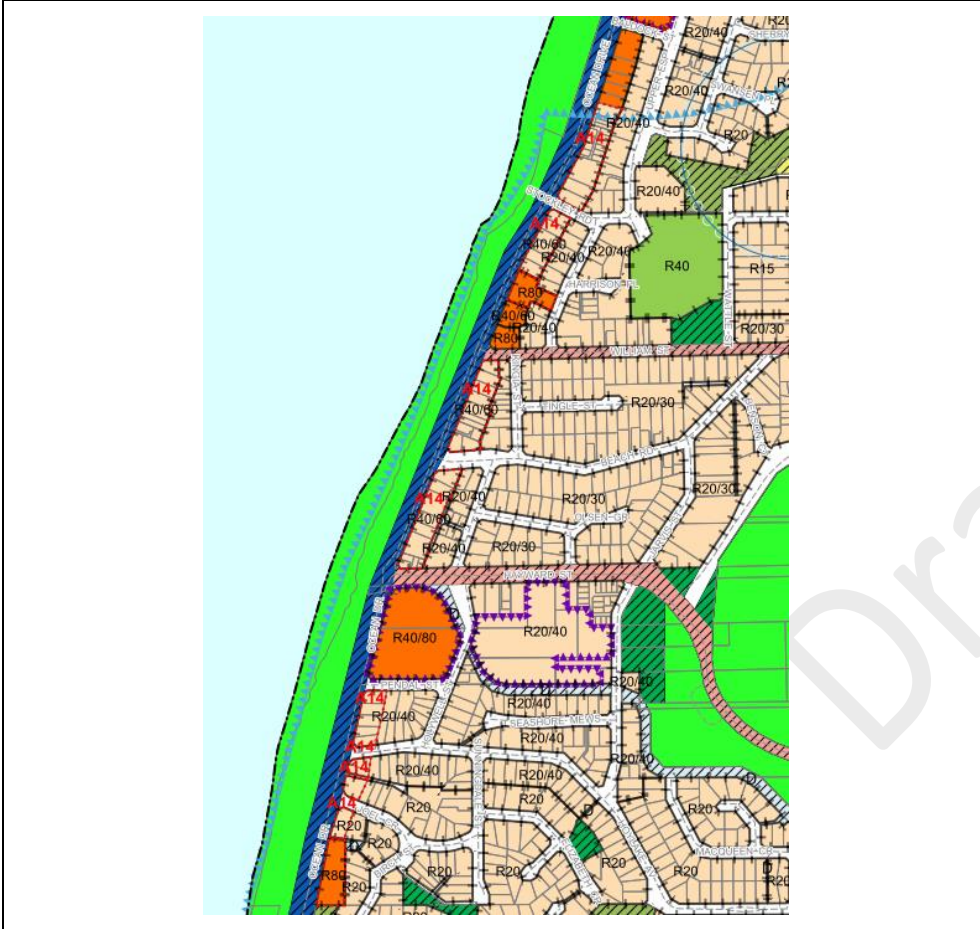
Delete all references to 'A14' (boundary delineation and notations), as depicted on the following page:




Scheme Map Amendment

Existing Map

Proposed Map (A14 delineation and notation removed)





**CITY OF
BUNBURY**

REGIONAL SCHEME RESERVES (GBRS)

- Regional open space
- Waterways

LOCAL SCHEME ZONES

- R-codes
- SCA Development Area
- DISTRICT DISTRIBUTOR ROAD
- ENVIRONMENTAL CONSERVATION
- LOCAL ROAD

OTHER CATEGORIES

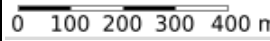
- PUBLIC OPEN SPACE
- PUBLIC PURPOSES - DRAINAGE
- RESIDENTIAL
- TOURISM
- LOCAL DISTRIBUTOR ROAD

OTHER CATEGORIES

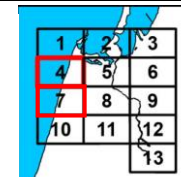
- Cadastre
- ADDITIONAL USES

OTHER CATEGORIES

- Cadastre



City of Bunbury
Scheme Amendment 14
Map Sheets 4 & 7



Adoption Page

Final Approval

Adopted for final approval by resolution of the City of Bunbury at its Ordinary Meeting of the Council held on the day of, 2025 (Decision Number /2025); and the Common Seal of the City of Bunbury was hereunto affixed by the authority of a resolution of the Council in the presence of:

Mayor
Jaysen de San Miguel Signed:

Chief Executive Officer
Alan Ferris Signed:



Recommended/Submitted for Final Approval

Delegated under section 16 of the *Planning and Development Act 2005* Signed: Date: ___ / ___ / _____

Final Approval Granted

Minister for Planning Signed: Date: ___ / ___ / _____

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

N/A

Officer Comments

The Commercial Leases and Licenses Council Policy was presented to the PRDC meeting held 30 October where the committee resolved to defer the review of the policy until this meeting. The reason that the policy was deferred was for officers to consider if it was possible to include additional clauses within the to ensure that City leases remain current, all lessees have current insurance, and that all City properties receive property inspections.

A copy of the revised policy with tracked changes is presented at appendix 8.2-A.

A report detailing the outcomes of the Lease Management Internal Audit was presented to and noted by Council at the Ordinary Council meeting held 26 November 2024 (Council Decision 249/24). It was noted within this report that as part of the 2025/26 Services Facilities Plan process, additional FTE resources will be investigated to facilitate property inspections.

Analysis of Financial and Budget Implications

Nil as there are no changes proposed to the existing policy.

Community Consultation

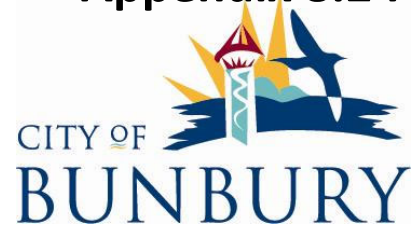
Nil

Elected Member/Officer Consultation

This matter is presented to the Policy Review and Development Committee for consideration.

Timeline: Council Decision Implementation

Any changes to the policy will become effective immediately once adopted by Council.



COMMERCIAL LEASES AND LICENCES COUNCIL POLICY

POLICY STATEMENT

The City of Bunbury owns various freehold Properties and manages Crown land by way of Management Order and may elect to enter into Leases or Licences to third parties. The City of Bunbury seeks to ensure that all Lessees and Licensees have an understanding of the City's Policy in relation to such Leases and Licences.

This Policy is developed in accordance with the *Local Government Act 1995* and all applicable laws and regulations.

POLICY SCOPE

To provide principles to ensure that all requests to Lease or Licence City of Bunbury owned, managed or controlled Property, including Crown Land are dealt with in a fair, equitable, and where possible, consistent manner.

To ensure compliance with s3.58 of the *Local Government Act 1995* and any other relevant laws, and consistency with the City of Bunbury policies.

POLICY DETAILS

DEFINITIONS

Term	Meaning
City	The City of Bunbury.
Crown Land	Land owned by the Crown and vested in the City of Bunbury through the granting of a Management Order by the relevant State department.
CT (Retail Shops) Act	Commercial Tenancy (Retail Shops) Agreements Act 1985.
Lease	A legally binding agreement by which one party (Lessor) in consideration of rent, grants exclusive use and possession of real Property to a third party for a specified purpose and term.
Licence	Permits a person to occupy Property on particular conditions but does not permit exclusive possession.
Management Order	An authorisation provided by the Crown giving the City of Bunbury both the power and authority to manage a parcel of land on behalf of the Crown.
Policy	This City of Bunbury Council Policy titled "Commercial Leases and Licences Policy".
Property	The Property that is subject to or intended to be subject to a Lease or Licence.
Retail Shop Lease	A legally binding agreement granted in accordance with the CT (Retail Shops) Act.

TERM

The maximum tenure of a Lease or Licence granted by the City on Crown Land will be in accordance with the terms of the relevant Management Order.

The maximum tenure of a Lease or Licence granted by the City on freehold land will be at the discretion of the City.

COMMERICAL LEASES

Rent for Commercial Leases or Licences will be determined by Market Valuation.

The cost of obtaining a market valuation (provided by a licensed Property Valuer) for the initial Lease or Licence rental assessment and during the term of the Lease or Licence will be paid by the Lessee at the discretion of the City.

Rent reviews will be conducted on the anniversary date of the Lease or License by a Market Valuation at intervals as specified in the Lease or Licence and by the Consumer Price Indexation, All Groups (Perth) for the previous quarter for intervening years.

The Lessee or Directors may be required to provide a personal guarantee if the Lease is through a company or trust.

The Lessee may be required to provide a bank guarantee or security bond at the discretion of the City (unless otherwise prohibited by the CT (Retail Shops) Act).

The Lessee is required to maintain and provide the City with a Certificate of Currency demonstrating General Liability coverage of at least \$20 million.

CT (RETAIL SHOPS) ACT LEASES

If the CT (Retail Shops) Act applies, Leases will be prepared in accordance with the CT Act.

Subject to the CT (Retail Shops) Act, a minimum term of 5 years will be granted. The term can be a combination of initial term and options totalling 5 years.

EXPIRY OF TERM AND EXPRESSIONS OF INTEREST

Unless prohibited by the CT (Retail Shops) Act, at least 6 months prior to the expiry of a Lease term (in circumstances where there are no further options available under the Lease or Licence), the City will at the City's discretion, determine whether the City will enter into a further new Lease or Licence.

In circumstances where the Lease or Licence term has expired and the City has indicated that no further Lease or Licence will be entered into, the City will conduct an Expression of Interest (EOI) process to determine a suitable Lessee or Licensee for the City Property.

The decision to conduct an EOI process in respect of City Property will be at the discretion of the City. At the completion of the EOI process the City will enter into a new agreement with the preferred proposed Lessee.

PLANNING, CONSENT AND APPROVALS

Where the City manages Crown Land, the grant of the Lease or Licence and each renewal, if any, will be conditional on Minister for Lands approval.

COSTS

Lessee or Licensee must pay the City for all reasonable costs associated with the development and implementation of the Lease or Licence (unless prohibited by the C T (Retail Shops) Act). These costs may include legal fees, document preparation fees and advertising (in accordance with the City's Fees and Charges), valuation/surveyor fees and Landgate registration fees.

REGISTRATION

Crown Land

The City requires registration of Leases over Crown Land –

- a) where a Lease is required to be registered pursuant to the terms of a Management Order in respect of the Crown Land; or
- b) in circumstances where the term of the Lease over Crown Land is greater than 12 months.

Freehold

The City requires that all Leases with a term of greater than 5 years must be registered with Landgate.

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Local Government Act 1995*
- *Land Administration Act 1997*
- *Commercial Tenancy (Retail Shops) Agreements Act 1985*

Document Control					
Document Responsibilities:					
Owner:	Director Strategy & Organisational Performance	Owner Business Unit:	Property and Procurement		
Reviewer:	Manager Finance	Decision Maker:	Council		
Document Management:					
Adoption Details	Res 12/15 20 January 2015	Review Frequency:	biennial	Next Due:	2024
Review Version	Decision Reference:	Synopsis:			
DOC/455614[v3]	Council Decision 290/22 20 December 2022	Policy reviewed with significant changes including name change to <i>Commercial Leases and Licences Council Policy</i> from <i>Commercial Leases Council Policy</i> .			
DOC/455614[v2]	Council Decision 114/21 29 June 2021	Policy Reviewed with no changes			
DOC/455614[v2]	Council Decision 049/20 17 March 2020	Consolidate policies and corporate guidelines in accordance with revised Policy Framework. Convert CG to Management Policies			
DOC/455614[v1]		Converted from Mydocs to CM9			
CP-027048 v 2.0	Res 052/19 19 March 2019	Minor changes			
CP-027048 v 1.0	Res 104/17 21 March 2017				
Date Printed	20 January 2025 17 December 2024 2024 16 December 2024				

8.3 Review of Council Policy: Elected Member Entitlements

File Ref:	COB/6306
Applicant/Proponent:	Internal
Responsible Officer:	Greg Golinski, Manager Governance & Integrated Planning
Responsible Manager:	Greg Golinski, Manager Governance and Integrated Planning
Executive:	Karin Strachan, Director Corporate and Community
Authority/Discretion	<input checked="" type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.3-A: Revised Council Policy Elected Member Entitlements

Summary

The purpose of this report is to facilitate a review of the Council Member Entitlements Policy. Following general discussion in relation to this matter at previous meetings of this committee, as well as at Council and also strategic workshops, Officers have made proposed updates to the policy reflecting the sentiment of these discussions.

Executive Recommendation

That the Policy Review and Development Committee recommend that Council:

1. Adopt the revised Council Policy: Elected Member Entitlements as presented at Appendix 8.3-A.
2. Agree that the provision of ICT hardware as per clause 2.1 of the policy will take effect from 1 July 2025.

Voting Requirement: Simple Majority Vote

Strategic Relevance

Pillar: Performance
 Aspiration: Leading with purpose and robust governance
 Outcome 13: A leading local government
 Objective 13.1: Provide strong and accountable leadership and governance.

Regional Impact Statement

This policy only applies within the City of Bunbury.

Background

The policy was last reviewed in December 2022. At the Policy Review and Development Committee (PRDC) meeting held on 30 October 2024, the policy was deferred for further refinement to be presented back to the PRDC on 29 January 2025.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

Local Government Act 1995

Western Australia Salaries and Allowances Act 1975

- Local Government Chief Executive Officers and Elected Members Determination No 1 of 2024

Officer Comments

Following general discussion in relation to this matter at previous meetings of the Policy Review and Development Committee, as well as at Council, and strategic workshops, Officers have made proposed updates to the policy reflecting the sentiment of these discussions (see tracked changes at Appendix 8.3-A).

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Councillor/Officer Consultation

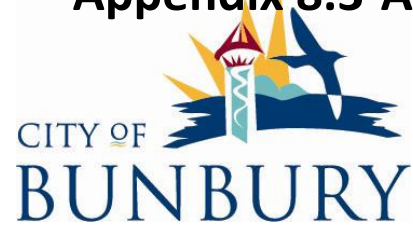
This matter is presented to the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

The policy will apply immediately following Council decision, noting that recommendation point 2 stipulates that the provision of ICT hardware as per clause 2.1 of the policy will take effect from 1 July 2025.



ELECTED MEMBER ENTITLEMENTS COUNCIL POLICY

POLICY STATEMENT

To outline the support that will be provided to Elected Members through the payment of allowances, reimbursement of expenses incurred, insurance cover and supplies provided in accordance with the *Local Government Act 1995* while performing the official duties of office.

POLICY SCOPE

This policy applies to Elected Members.

POLICY DETAILS

1. Allowances

1.1 Mayoral Allowance

[Local Government Act 1995 s.5.98(5)]

As a policy position, the Mayor shall be entitled to an annual local government allowance that is the maximum (100%) of the minimum/maximum range as determined annually by the Salaries and Allowances Tribunal. The exact quantum of the Mayoral Allowance is determined annually by Council when adopting the annual budget within the prescribed range.

1.2 Deputy Mayor Allowance

[Local Government Act 1995 s.5.98A]

The Deputy Mayor shall be entitled to an annual local government allowance equivalent to 25% of the Mayoral Allowance.

1.3 Meeting Attendance Allowance

[Local Government Act 1995 s.5.98(1)(b)]

The Mayor and Elected Members shall be entitled to an annual Meeting Attendance Allowance within the applicable band range as determined by the Salaries and Allowances Tribunal.

As a policy position, Councillors shall be entitled to an annual Meeting Attendance Allowance that is the maximum (100%) of the minimum/maximum range as determined annually by the Salaries and Allowances Tribunal.

As a policy position, the Mayor shall be entitled to an annual Meeting Attendance Allowance that is the maximum (100%) of the minimum/maximum range as determined annually by the Salaries and Allowances Tribunal.

The exact quantum of the Meeting Attendance Allowance is determined annually by Council when adopting the annual budget within the prescribed range.

1.4 ICT Expenses Allowance

[Local Government Act 1995 s.5.99A and Local Government (Administration) Regulations 1996 Reg.31 and 32]

Elected Members shall be entitled to an annual Information Communication and Technology (ICT) allowance equal to the maximum amount permitted to be paid as determined by the Salaries and Allowances Tribunal to cover all information and communications technology costs that are a kind of expense for which Elected Members may be reimbursed as prescribed by Regulations 31(1)(a) and 32(1) of the *Local Government (Administration) Regulations 1996*.

~~Consistent with the definition of ICT Expenses by the Salaries and Allowances Tribunal, the ICT allowance is intended to cover costs associated with the provision of:~~

- ~~— Rental charges for one facsimile and one telephone as prescribed by Regulation 31(1)(a) of the *Local Government Administration Regulations 1996*;~~
- ~~— Other expenses that relate to ICT (Regulation 32(1)) including, telephone call charges, cost of rental/purchase of a laptop/tablet/mobile device and associated security licencing, internet service provider charges, any related plans or contracts, plus any consumables.~~

2. Information and Communication Technologies (ICT)

2.1 Electronic Device

The City of Bunbury recognises the benefits of digital communications and information sharing. The City's preferred technology for disseminating and managing Council documentation is via an online format, ~~for which the City will provide each Elected Member appropriate IT hardware (laptop, tablet or similar) for the duration of their elected term.~~ At the request of individual Elected Members, hard copy material can also be made available.

~~Notwithstanding the end-of-useful-life purchasing arrangements detailed within this clause, the hardware will at all times remain property of the City and be subject to the City's existing ICT policies. Where possible, once the issued hardware reaches the end of its useful life as determined by the relevant asset replacement plan or the Manager Information Services, the first right of refusal regarding the purchase of the hardware at its current market value as determined by the Manager Information Services will be with the Elected Member.~~ At the request of individual Elected Members, hard copy material can also be made available.

~~Each Elected Member is responsible for sourcing a suitable device/s as soon as possible following election to Council (see 1.4 ICT Expenses Allowance). In non-election years, the ICT Allowance will be paid in June of that financial year. In an ordinary election year, retiring and newly Elected Members will receive the annual ICT Allowance on a pro-rata basis, which will be paid as soon as practicable following the election to assist newly Elected Members in purchasing hardware. Continuing Elected Members will be paid their allowance in June as in non-election years.~~

~~At the Elected Members request, the City can provide advice regarding the various devices available on the market and their compatibility with City systems, including threat and vulnerability scanning.~~

The hardware provided to Elected Members will include City will install requisite any relevant software (including City of Bunbury email), on individual devices at the earliest opportunity post election, which will facilitate Elected Members being able to access relevant information and

discharge the duties of an Elected Member of Council. ~~The software and applications installed on the electronic device by the City are required to remain on the device in usable condition and be readily accessible at all times.~~ From time to time the City may contact Elected Members regarding upgrades or additional software applications, ~~and as such where~~ Elected Members ~~are requested will be required~~ to provide their device to the City for periodic updates and synchronising.

~~It is suggested that electronic devices be replaced every 2 years, to enable City systems to advance at the same or a similar rate as technology.~~

2.2 Business Cards

The City will provide each Elected Member with a quantity of 500 printed business cards for relevant City business use within each term of office. The business card format will be in accordance with the City's Style Guide.

2.3 Letterhead

An electronic letterhead template will be provided to each Elected Member for relevant City business use within each term of office.

3. Reimbursable Expenses

3.1 Travel Expenses

[Local Government Act 1995 s.5.98(2)(b) and (3) and Local Government (Administration) Regulations 1996 Reg.31(1)(b) and (c)]

Elected Members shall be entitled to reimbursement of travelling expenses incurred while using their own private motor vehicle in the performance of the official duties of their office, subject to claims being related to travel to a destination from their normal place of residence or work and return in respect to the following:

- a. Council Meetings, Civic functions, Citizenship Ceremonies or briefings called by Council, the Mayor or the Chief Executive Officer.
- b. Committees to which the Councillor is appointed a delegate or deputy by Council.
- c. Meetings, training and functions scheduled by the Chief Executive Officer or Directors.
- d. Conferences, community organisations, industry groups and local government associations to which the Elected Member has been appointed by Council as its delegate or a deputy to the delegate.
- e. Functions and presentations attended in the role as an Elected Member or whilst deputising for the Mayor, that are supported by a copy of the relevant invitation or request for attendance.
- f. Gatherings or events (i.e. funerals, local business or community events), approved by the Chief Executive Officer for attendance by the Mayor or the Mayor's nominated deputy as a representative of the City.
- g. Any other occasion in the performance of an act under the express authority of Council.

- h. Site inspections in connection with matters listed on any Council Agenda paper (Members to state the Item Number listed on any Council Agenda paper along with the date and time of the visit on the claim form).
- i. In response to a request to meet with a ratepayer/elector but excluding the day of Council Elections. (Members to state the time and purpose of the visit and the name and address of the ratepayer/elector on the claim form).
- j. Completing the compulsory training for Council Members pursuant to section 5.126(1) of the *Local Government Act 1995*.

Reimbursement will be in accordance with the requirements outlined in annexure D.

3.2 Intrastate or Interstate Travel and Accommodation

[Local Government Act 1995 s.5.98(2)(a) and (3) and Local Government (Administration) Regulations 1996 Reg.32(1)]

- a. The cost of accommodation for Elected Members and staff when staying on Council business either:
 - i. overnight in a hotel or motel; or
 - ii. at a place other than a hotel or motel;
 shall be reimbursed to the maximum amount stated in the Public Service Allowance Schedule I – Travelling, Transfer and Relieving Allowance (shown at Annexure C).
- b. All costs are to be fully substantiated by receipts and invoices; or if staying in accommodation other than a hotel or motel, a signed statutory declaration with certification from the owners of the premises shall be provided.
- c. All costs for breakfast, lunch, dinner and other incidental costs shall be paid in accordance with the rates stated in Annexure C.
- d. In addition to the rates contained in Annexure C, Elected Members and staff members shall be reimbursed reasonable incidental expenses such as train, bus and taxi fares, official telephone calls and IT expenses and laundry and dry cleaning expenses, on production of receipts.
- e. Where an Elected Member or staff member is accompanied at an event, all costs for or incurred by the accompanying person, including, but not limited to, travel, breakfast, lunch and dinner, registration and/or participation in any event programs, are to be borne by the Elected Member or staff member or accompanying person and not by the City. The cost for an accompanying person attending any official event dinner where partners would normally be expected to attend shall be met by the City.
- f. An accompanying person's registration, or accompanying person's program fee, is to be paid to the conference organiser, at the time of registration. The City will administer the registration and payment process for the accompanying person if the relevant forms and payment are made to the City in advance for the accompanying person.
- g. Expenses will generally be reimbursed from the time an Elected Member or staff member leaves home to attend an event to the time the Elected Member or staff member returns home. Should a person extend a visit by leaving prior to the time necessary to arrive for the event or return after the time at which the person could have returned following the event, reimbursements will be paid:
 - i. for the days of the event only (including travel periods); and
 - ii. for the cost of travel to and from the airport to the accommodation to be used for the event.

3.3 Child Care Costs

[Local Government Act 1995 s.5.98(2)(a) and (3) and Local Government (Administration) Regulations 1996 Reg.31(1)]

Elected Members shall be entitled to reimbursement of the lesser amount of actual child care costs or the amount prescribed by the Salaries and Allowances Tribunal for care of children, of which they are parent or legal guardian, whilst attending a Council meeting or a meeting of a committee of which he or she is a member, or completing the compulsory training for council members pursuant to section 5.126(1) of the Act.

Any reimbursement of costs under the terms of this Policy shall be made within 30 days of being invoiced for such expenditure.

4. OTHER SUPPORT / SUPPLIES

4.1 Insurance

The City will insure or provide insurance cover for Elected Members for:

- a. Personal accident whilst engaged in the performance of the official duties of their office, with the cover being limited to non-Medicare medical expenses as defined within the Insurance Policy.
- b. Spouses/partners of Elected Members are entitled to the same level of cover when attending meetings, conferences or functions with the express approval of the Chief Executive Officer.
- c. Professional indemnity for matters arising out of the performance of the official duties of their office provided the performance or exercise of the official duty is in the opinion of Council, not illegal, dishonest, against the interests of the City or otherwise in bad faith.
- d. Public liability for matters arising out of the performance of the official duties of their office but subject to any limitations set out in the policy of insurance.

4.2 City Vehicle provided to the Mayor

Private use of the Mayoral Vehicle will be in accordance with the *Council Policy: Private use of Mayor Vehicle*.

4.3 Name badges

The City will provide each Elected Member with a name badge to be worn at official functions and meetings

4.4 Car Parking

The City will provide each Elected Member with an annual car parking permit which enables free car parking whilst on Council-related business within the specified areas of the permit.

4.5 Clothing

The City will provide each Elected Member with an embroidered City of Bunbury blazer upon request. A maximum of two blazers per member per elected term will be made available.

The City will provide each Elected Member with two polo shirts upon request. Options available will be in accordance with the City's nominated colours/style. The City's logo with the word MAYOR or COUNCILLOR underneath the logo will be embroidered on the shirts. A maximum of two polo shirts per member per elected term will be made available.

4.6 General

The Mayor shall, in carrying out the duties and responsibilities of that Office, be entitled to receive the benefit of the following facilities without the reduction of the fees and allowances approved by Council under Section 5.98, 5.98A, 5.99 and 5.99A of the *Local Government Act 1995*:

1. Access to the Marion Hudson room lounge and refreshments;
2. Suitable contemporary office accommodation within the Administration Building; and
3. Administrative assistance associated with any Council functions, meetings, publications and the like, that relate to the discharge of the duties of the Officer of Mayor.

The Deputy Mayor and Elected Members shall, in carrying out the duties and responsibilities of their Office, be entitled to receive the benefit of the following facilities without the reduction of the fees and allowances under Section 5.98, 5.98A, 5.99 and 5.99A of the *Local Government Act 1995*:

1. Access to the Marion Hudson room lounge and refreshments;
2. Access to suitably equipped shared office accommodation, reading room, meeting and conference rooms within the Administration Building with photocopying, printing, facsimile, internet and telephone facilities via the Executive Assistant to the Mayor; and
3. Some administrative support as resources allow, including limited word processing, photocopying, and postage, that relate to the discharge of the duties of the Officer of Deputy Mayor or Councillor.

All equipment, facilities and support listed above are provided to the Mayor, Deputy Mayor and Councillors on the absolute understanding that they will not be used for any election purposes.

COMPLIANCE REQUIREMENTS

LEGISLATION

- [Local Government Act 1995](#)
- [Local Government \(Administration\) Regulations 1996](#)
- [Salaries and Allowances Act 1975](#)
- [Salaries and Allowances Tribunal Determination on Local Government Elected Council Members](#)

INDUSTRY

ORGANISATIONAL

- *Council Policy: Private Use of Mayoral Vehicle*




Private Use of
Mayoral Vehicle Cou

- [Annexure A: Accommodation and Incidental Allowances Claim Form](#)
- [Annexure B: Private Vehicle Allowance Claim Form](#)
- [Annexure C: City of Bunbury Travelling Allowance Schedule](#)
- [Annexure D: City of Bunbury Motor Vehicle Allowance Schedule for Elected Members](#)

Document Control			
Document Responsibilities:			
Owner:	Chief Executive Officer	Owner Business Unit:	Manager Governance
Reviewer:	Manager Governance	Decision Maker:	Council
Document Management:			
Adoption Details	Res 363/17 3 October 2017	Review Frequency:	biennial
		Next Due:	2026
Review Version	Decision Reference:	Synopsis:	
DOC/442460[v7]	Council Decision 281/22 20 December 2022	Reviewed and amended – minor changes to ensure consistency with amended legislation.	
DOC/442460[v6]	Council Decision 087/22 17 May 2022	Reviewed and amended – updated policy to clarify definition of ICT allowance and process of Elected Members setting up an ICT device.	
DOC/442460[v5]	Council Decision 045/22 22 February 2022	Reviewed and amended – updated policy position relating to Elected Member payments as a percentage. Increase from 50% to 100%.	
DOC/442460[v4]	Council Decision 261/20 8 December 2020	Reviewed and amended – clarification of personal accident insurance coverage in point 4.1(a)	
DOC/442460[v3]	Council Decision 220/20 29 September 2020	Reviewed and amended – inclusion of a policy position relating to Elected Member payments as a percentage	
DOC/442460[v2]	Council Decision 005/20 21 January 2020	Reviewed and amended – updating technical requirements for electronic devices and clarifying the process for payment of annual ICT Allowance.	
DOC/442460[v1]		Converted from Mydocs to CM9	
CP-039952	Res 305-18 16 October 2018	Review and amended	
Date Printed	20/01/2025 14/01/2025 12/09/2024		

Annexure A

 <p>CITY OF BUNBURY</p>	<p>Accommodation and Incidental Allowances Claim Form</p>
---	--

DEPARTMENT EMPLOYEE NAME

GL NUMBER ADDRESS.....

CLAIM PARTICULARS – Please ensure receipts or invoices are attached

I hereby make claim for expenses incurred whilst attending the following event:

Conference/Seminar Name:

Name of Town/City and State in which event was held:

Type of Accommodation Claimed: [] Hotel [] Private Accommodation

Hotel Name:

Period Claimed: (from) to

Total Number of Days Claimed

Number of Days @ (daily rate) \$..... **Sub-total** \$.....

Other Incidental Expenses:

Type Amount \$.....

Type Amount \$.....

TOTAL THIS CLAIM \$.....

If claiming for travelling expenses, complete the section below:

Date	Departure Place	Time	Arrival Place	Time

I HEREBY CERTIFY THAT THE EXPENSES CLAIMED WERE INCURRED ON OFFICIAL COUNCIL BUSINESS AND COMPLY WITH COUNCIL POLICY AND ALL COSTS ARE SUBSTANTIATED WITH RECEIPTS AND/OR INVOICES.

SIGNATURE OF APPLICANT: **DATE:**

OFFICE USE ONLY:

SIGNATURE OF AUTHORISING OFFICER:

Annexure C

City of Bunbury Travelling Allowance Schedule*(An extract from the Public Service Award 1992 Schedule 1 – Travelling, Transfer and Relieving Allowance)***ALLOWANCE TO MEET INCIDENTAL EXPENSES (Must be substantiated with receipts)**

- | | | |
|-----|----------------------------------|---------------------------|
| (1) | WA – South of 26° South Latitude | \$14.55 per day (Maximum) |
| (2) | WA – North of 26° South Latitude | \$21.70 per day (Maximum) |
| (3) | Interstate | \$21.70 per day (Maximum) |

ACCOMMODATION INVOLVING AN OVERNIGHT STAY IN A HOTEL OR MOTEL INCLUDING THE COST OF ALL MEALS *(Must be substantiated with receipts or invoice)*

- | | | |
|-----|--------------------------------------|------------------------------|
| (4) | WA Metropolitan Hotel or Motel | \$305.45 per day (Maximum) |
| (5) | Locality South of 26° South Latitude | \$208.55 per day (Maximum) |
| (6) | Locality North of 26° South Latitude | \$ Variable Rate (Refer CEO) |
| (7) | Interstate – Capital City: | |
| | Sydney | \$304.90 per day (Maximum) |
| | Melbourne | \$288.55 per day (Maximum) |
| | Other Capitals | \$270.10 per day (Maximum) |
| (8) | Interstate Other than Capital City | \$208.55 per day (Maximum) |

ACCOMMODATION INVOLVING OVERNIGHT STAY AT OTHER THAN HOTEL OR MOTEL INCLUDING THE COST OF ALL MEALS

- | | | |
|------|--------------------------------|----------------------------|
| (9) | WA South of 26° South Latitude | \$93.65 per day (Maximum) |
| (10) | WA North of 26° South Latitude | \$128.25 per day (Maximum) |
| (11) | Interstate | \$128.25 per day (Maximum) |

TRAVEL NOT INVOLVING AN OVERNIGHT STAY *(All expenses must be substantiated with receipts)*

Location	Breakfast	Lunch	Dinner
WA – South of 26° South Latitude	\$16.30 (Maximum)	\$16.30 (Maximum)	\$46.50 (Maximum)
WA – North of 26° South Latitude	\$21.20 (Maximum)	\$33.20 (Maximum)	\$52.20 (Maximum)
Interstate	\$21.20 (Maximum)	\$33.20 (Maximum)	\$52.20 (Maximum)

**Current as at 28 August 2017*

ANNEXURE D

Extent of expenses to be reimbursed

The extent to which a council member of a local government can be reimbursed for reasonable travel costs referred to in regulation 31(1)(b) of the LG Regulations is:

- a. if the person lives or works in the local government district or an adjoining local government district, the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or
- b. if the person does not live or work in the local government district or an adjoining local government district, the actual cost, in relation to a journey from the person's place of residence or work and back:
 - i. for the person to travel from the person's place of residence or work to the meeting and back; or
 - ii. if the distance travelled referred to in subparagraph (i) is more than 100 kilometres, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.

The extent to which a council member of a regional local government can be reimbursed for reasonable travel costs referred to in regulation 31(1)(b) of the LG Regulations is the actual cost for the person to travel from the person's place of residence or work to the meeting and back.

Travel costs incurred while driving a privately owned or leased vehicle (rather than a commercially hired vehicle) are to be calculated at the same rate contained in Section 30.6 of the Local Government Officers' (Western Australia) Award 2021 as at the date of this determination. For members with Electric Vehicles, the 1600cc Motor Vehicle Allowance rate should be applied.

Section 30.6 of the Local Government Officers' (Western Australia) Award 2021

Rates of hire for use of an Officer's own motor vehicle on official business shall be as follows:

Area and Details	Engine displacement (in cubic centimetres)		
	Over 2600cc	Over 1600cc to 2600cc	1600cc and under
	Cents per Kilometre		
Metropolitan area	93.97	67.72	55.85
South West Land Division	95.54	68.66	56.69
North of 23.5 Latitude	103.52	74.12	61.21
Rest of state	99.01	70.87	58.37
Motor cycle	Rate c/km		
Distance travelled	42.55		

30.6.1 Motor vehicles with rotary engines are to be included in the 1600 - 2600 category.

30.6.2 Metropolitan area means that area within a radius of 50 kilometres from the Perth Railway Station.

30.6.3 South West Land Division means the South West Land Division as defined by Section 28 of the Land Act.

30.6.4 Other areas means that area of the State south of 23.5 degrees South Latitude, north of 23.5 degrees South Latitude, excluding the Metropolitan area and the South West Land Division.

8.4 Review of Council Policy: Elected Member Requests

File Ref:	COB/306
Applicant/Proponent:	Internal
Responsible Officer:	Greg Golinski, Manager Governance & Integrated Planning
Responsible Manager:	Greg Golinski, Manager Governance & Integrated Planning
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.4-A: Council Policy Elected Member Requests

Summary

The purpose of this report is for the Policy Review and Development Committee to review existing Council Policy Elected Member Requests.

A copy of the current policy is contained at Appendix 8.4-A

Executive Recommendation

That the Policy Review and Development Committee recommend that Council note the review of existing Council Policy Elected Member Requests, with no changes recommended.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar: Performance
Aspiration Leading with purpose and robust governance.
Outcome 13: A leading local government.
Objective 13.1: Provide strong, accountable leadership and governance.

Regional Impact Statement

This Policy applies only to the City of Bunbury.

Background

The purpose of the Elected Member Requests Policy is to ensure that the City has a streamlined process in which it responds to requests made by elected members in a timely and professional manner.

The existing policy was last reviewed in October 2022 and is now due for review.

Council Policy Compliance

This report facilitates the review of an existing Council Policy.

Legislative Compliance

Not applicable.

Officer Comments

Officers have reviewed the current policy and do not propose any changes.

As part of the Local Government Reforms, it is anticipated that regulations will outline a communication agreement required between Council Members and the CEO, which may have impacts on this policy. The Policy will be presented to the committee for review should any changes be required as a result of the reforms.

Analysis of Financial and Budget Implications

Nil as there are no changes proposed to the policy.

Community Consultation

Nil

Elected Member/Officer Consultation

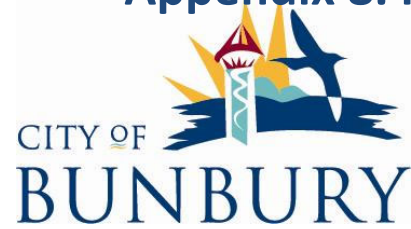
This matter is presented to the Policy Review and Development Committee for consideration.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Immediately following Council decision.



ELECTED MEMBER REQUESTS COUNCIL POLICY

POLICY STATEMENT

The City will respond to requests made by Elected Members in a timely and professional manner in accordance with the details stipulated within this Policy.

POLICY SCOPE

This policy applies to: Elected Members, City of Bunbury Staff.

POLICY DETAILS

1. Any Elected Member wishing to lodge a service request or obtain any information regarding an operational/strategic issue shall contact the City through the established Elected Member enquiries process outlined within this Policy.
2. Elected Members should email all requests or queries to records@bunbury.wa.gov.au.
3. Receipt of the request will be acknowledged; the email will be registered and the relevant workflow applied depending on whether it is a service request or a request for information/question regarding an operational/strategic matter.
4. A service request is defined as a request that will require City officers to take some form of action to provide or improve a City asset or service (ie. repair a pothole, prune a tree, clean graffiti etc).
5. Where the matter is a service request, the Executive Assistant from the relevant Directorate will respond to the Elected Member who lodged the service request within 10 working days to advise that either:
 - (a) The service request has been actioned and completed; or
 - (b) The service request has been scheduled for action together with any relevant details; or
 - (c) The service request will not be actioned together with any relevant details.
6. Where the matter is a question or a request for information regarding an operational or strategic matter, the Executive Assistant to the Mayor will provide a response directly to the Elected Member with a cc to all Elected Members within five (5) working days. If the matter is deemed confidential in accordance with clause 8, only the referring Elected Member shall receive the response.
7. Should any matters within the scope of this Policy not be resolved within the nominated timeframes, the Director or Chief Executive Officer (as appropriate) shall provide an update report every ten days (10) (or as otherwise agreed with the Elected Member) on the matter until resolved.

8. In addition to the process outlined above, any Elected Member who wishes to raise a matter on a confidential basis is to send the request direct to the Chief Executive Officer only, with a specific request that the matter be dealt with in confidence and a reason/s outlining why. Where there is conjecture as to the sensitivity or otherwise of such matters raised, the Chief Executive Officer will consult with the Mayor to ascertain whether the request be dealt with as being confidential. The Chief Executive Officer will prepare a response and provide this back to the individual Elected Member in line with the parameters stipulated in clauses 6 and 7.

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Local Government Act 1995 – Regulation 10(1)(a) of the Local Government (Rules of Conduct Regulation 2007)*
- *State Records Commission – Local Government Elected Members Policy*

INDUSTRY

ORGANISATIONAL

- *City of Bunbury Code of Conduct for Elected Members, Committee Members and Candidates*



City of Bunbury
Code of Conduct fo

- *City of Bunbury Customer Service Charter*



Customer Service
Charter and Custom

Document Control					
Document Responsibilities:					
Owner:	Chief Executive Officer		Owner Business Unit:	Manager Governance	
Reviewer:	Manager Governance		Decision Maker:	Council	
Document Management:					
Adoption Details	Res 639/99 7 December 2018	Review Frequency:	biennial	Next Due:	2024
Review Version	Decision Reference:	Synopsis:			
DOC/442459[v2.1]	CD 224/22 18 October 2022	Reviewed with no changes			
DOC/442459[v2.1]	Senior Governance & Risk Officer 11.09.22	Updated the organisational reference to refer to the City of Bunbury Code of Conduct for Elected Members, Committee Members and Candidates 2021			
DOC/442459[v2]	Council Decision 219/20 29/09/2020	Reviewed with changes. Amendments to streamline requests from Elected Members			
DOC/442459[v1]		Converted from Mydocs to CM9			
CP-043789	361/18 11 December 2018	Reviewed			
	Res 99/17 21 March 2017	Reviewed and Updated			
	Res 157/16 17 May 2016	Reviewed and Updated			
	Res 07/16 19 January 2016	Reviewed and Updated			
	Res 338/14 2 September 2014	Reviewed and Updated			
Date Printed	20 January 2025				

8.5 Review of Council Policy: Temporary Appointment of CEO

File Ref:	COB/5458
Applicant/Proponent:	Internal
Responsible Officer:	Greg Golinski, Manager Governance & Integrated Planning
Responsible Manager:	Greg Golinski, Manager Governance & Integrated Planning
Executive:	Karin Strachan, Director Strategy and Organisational Performance
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input checked="" type="checkbox"/> Legislative
Attachments:	Appendix 8.5-A: Temporary Appointment of CEO Policy

Summary

This report is presented to the Policy Review and Development Committee to facilitate a review of Council’s existing policy regarding the temporary appointment of a Chief Executive Officer for the City of Bunbury (Acting CEO).

A copy of the current policy is **attached** at Appendix 8.5-A

Executive Recommendation

That the Policy Review and Development Committee recommend that Council note the review of Council Policy Temporary Appointment of CEO, with no changes recommended.

Voting Requirement: Absolute Majority

Strategic Relevance

Pillar	Performance
Aspiration	Leading with purpose and robust governance
Outcome 13	A leading local government
Objective 13.1	Provide strong, accountable leadership and governance

Regional Impact Statement

This Policy applies only to the City of Bunbury

Background

Section 5.36 of the *Local Government Act 1995* (the Act) requires a local government to employ a CEO and such other persons as the Council believes are necessary to enable the functions of the local government and the functions of the Council to be performed.

Section 5.39 (1a) of the Act states that an employee may act in the position of a CEO or a senior employee for a term not exceeding one year without a written contract for the position in which he or she is acting.

The introduced section of 5.39C of the Act requires that a local government must prepare and adopt by an absolute majority a policy that sets out the process to be followed by the local government in relation to the employment of a person in the position of CEO for a term not exceeding 1 year.

This policy was last reviewed by Council in March 2023 and is presented to the Policy Review and Development Committee for its biennial review.

Council Policy Compliance

This report facilitates a review of existing Council Policy: Temporary Appointment of CEO.

Legislative Compliance

Sections 5.36, 5.39 and 5.39C of the *Local Government Act 1995* apply.

Officer Comments

Officers have reviewed the existing policy in the context of the relevant legislation and suggest that the policy remains appropriate in its current form.

Analysis of Financial and Budget Implications

Nil

Community Consultation

Nil

Elected Member/Officer Consultation

This report is presented to the Policy Review and Development Committee for consideration and recommendation to Council.

Applicant Consultation

Not applicable.

Timeline: Council Decision Implementation

Once adopted by Council, any amendments to the Policy become effective immediately.



TEMPORARY APPOINTMENT OF CEO COUNCIL POLICY

POLICY STATEMENT

To provide for the arrangements to temporarily replace the Chief Executive Officer (CEO) for a period less than twelve months for either planned or unplanned leave.

POLICY SCOPE

This policy impacts the administration of the City of Bunbury (the City).

POLICY DETAILS

1. Section 5.36(1) of the *Local Government Act 1995* (the Act) requires a local government to employ a CEO and such other persons as the Council believes are necessary to enable the functions of the local government and the functions of the Council to be performed.
2. Section 5.36(2) and (3) of the Act also requires that a person is not to be employed in the position of CEO unless the Council believes that the person is suitably qualified for the position, and is also satisfied with the provisions of the proposed employment contract. That section of the Act also requires that a person is not to be employed by the local government in any other position unless the CEO believes that the person is suitably qualified for the position, and is satisfied with the proposed arrangements relating to the person's employment.
3. Section 5.39C of the Act requires a local government to prepare and adopt a policy that sets out the process to be followed by the local government on the temporary employment of a CEO not exceeding one year.
4. In accordance with the requirements of the *Local Government Act 1995*, section 5.36(2)(a), the Council has determined that the persons appointed as the permanent incumbent to the position of a Director are suitably qualified to perform the role of Acting Chief Executive Officer.
5. Directors will be appointed to the role of Acting Chief Executive Officer on a rotational basis at the discretion of the Chief Executive Officer, subject to performance and dependent on availability and operational requirements.
6. Appointment to the role of Acting Chief Executive Officer shall be made in writing for a defined period that does not exceed four weeks. A Council resolution is required for periods exceeding four weeks.

COMPLIANCE REQUIREMENTS

LEGISLATION

- *Local Government Act 1995 s.5.36 – a local government is to employ a person to be the CEO of the local government.*
- *Local Government Act 1995 s.5.39C Requires a local government to have a policy for the temporary employment or appointment of CEO*
- *Local Government Act 1995 s.5.44 CEO may delegate powers and duties to other employees.*

INDUSTRY

ORGANISATIONAL

- *City of Bunbury Code of Conduct for Council Members, Committee Members and Candidates 2021*



City of Bunbury
Code of Conduct fo

Document Control					
Document Responsibilities:					
Owner:	Director Strategy & Organisational Performance	Owner Business Unit:	Governance		
Reviewer:	Manager Governance	Decision Maker:	Council		
Document Management:					
Adoption Details	Council Decision 132/20 23 June 2020	Review Frequency:	biennial	Next Due:	2025
Review Version	Decision Reference:	Synopsis:			
DOC/576740[v2.1]	Council Decision 042/23 14 March 2023	Policy reviewed with no changes			
DOC/576740[v2]	Council Decision 70/21 27 April 2021	Policy revised and amended to ensure compliant with legislation and best practice principles.			
DOC/576740[v1]		5.39C <i>Local Government Legislation Amendment Act 2019</i> requires a local government to prepare and adopt by an absolute majority a policy that sets out the process in relation to employment or acting position of a person in the position of CEO not exceeding 1 year.			
Date Printed	20/01/2025				

8.6 Amendment of Local Planning Policy 3.4 Outbuildings and Minor Structures

File Ref:	COB/4290
Applicant/Proponent:	Internal
Responsible Officer:	Alice Baldock, Team Leader City Planning
Responsible Manager:	Barbara Macaulay, Manager Planning & Building
Executive:	Andrew McRobert, Director Sustainable Development
Authority/Discretion	<input type="checkbox"/> Advocacy <input type="checkbox"/> Quasi-Judicial <input checked="" type="checkbox"/> Executive/Strategic <input type="checkbox"/> Information Purposes <input type="checkbox"/> Legislative
Attachments:	Appendix 8.6-A - Local Planning Policy No. 3.4 Outbuildings and Minor Structures

Summary

The City’s Planning Department continues its staged review of the City’s Local Planning Policies (LPPs). The objective of the review process is to provide for a more streamlined and navigable planning framework, eliminating inconsistency of development standards and improving planning outcomes and decision-making.

The State government released the 2024 Residential Design Codes Volume 1 (R-Codes) in April 2024 which contained a series of amendments to the former State Planning Policy 7.3 Residential Design Codes 2021. The revised R-Codes has resulted in some inconsistencies with the City’s Local Planning Policy 3.4 Outbuildings and Minor Structures. As such the policy is being amended to reflect consistency for with the revised R-Codes.

The amendments are considered minor in nature and therefore are not considered to require advertising pursuant to Schedule 2, Part 3, Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Executive Recommendation

That the Policy Review and Development Committee recommends that Council resolves to:

1. In accordance with the *Planning and Development Act 2005* (as amended), amend Local Planning Policy 3.4 Outbuildings and Minor Structures (as contained in Appendix 8.6-A) in accordance with Part 2, Schedule 2, Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
2. Publish a notice of the amendment in a newspaper circulating in the Scheme area.

Voting Requirement: Simple Majority

Strategic Relevance

Pillar	Place
Aspiration	An integrated, vibrant and well planned City
Outcome 7	A community with high-quality urban design and housing diversity
Objective 7.1	Promote responsible planning and development

Regional Impact Statement

The Local Planning Policy review will not have any regional impact.

Background

The City's Local Planning Policy 3.4 - Outbuildings and Minor Structures (LPP3.4) was adopted in December 2021, as part of the review of the Local Planning Policy framework. The policy provides a clear framework for the assessment of outbuildings, carports and patios, varying the deemed-to-comply provisions of the Residential Design Codes Volume 1 (R-Codes).

The State government released the 2024 R-Codes in April 2024 which contained a series of amendments to the former State Planning Policy 7.3 Residential Design Codes 2021. The key change to the revised R-Codes is that it is now split into two different parts (Part B and Part C), which provide different development standards based on the type of development and density coding of the lot.

The review of LPP3.4 aligns to the State Government's Planning Reform priorities for reduction of red tape, simplification and streamlining of planning processes, and improved navigability of the planning framework.

Council Policy Compliance

Not applicable.

Legislative Compliance

Part 2, Schedule 2, of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) sets out the procedural requirements for amending a Local Planning Policy.

Officer Comments

LPP3.4 modifies deemed-to-comply requirements of the R-Codes in respect of building height, lot boundary setbacks and size of outbuildings, patios and carports. The proposed amendments to the policy are considered minor, including updated provisions, clause references and exemptions aligning with the updated R-Codes which came into effect in April 2024.

The differing development standards across Part B and Part C of the R-Codes (particularly relating to outbuildings, patios and carports) and clause references have resulted in some inconsistencies with the City's LPP3.4. As such the policy is being amended to reflect consistency for with the revised R-Codes. The key changes are summarised below:

- Updating of terms referenced in policy to be consistent with R-Codes changes.
- Simplification of clause references in Table 1a and Table 1b.
- Amendment of Table 2, specifically increasing the maximum wall height and floor area of outbuildings for lots less than 500m², to be consistent with the R-Codes Part C requirements (maximum wall height of 3m and floor area of 60m²).
- Addition of relevant R-Codes assessment clauses when considering variations under the policy.
- Updated definitions to reflect consistency with the R-Codes.

A full copy of the tracked changes to the policy can be found in Appendix 8.6-A.

Analysis of Financial and Budget Implications

No financial or budget implications.

Community Consultation

Pursuant to Schedule 2, Part 3, Clause 5(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, a local government may make an amendment to a local planning policy without advertising if the amendment is considered minor. Given the administrative nature of the amendment, it was considered minor and therefore was not advertised.

A notice of the amendment will be published in a newspaper circulating the Scheme area.

Councillor/Officer Consultation

The amendment of the Policy has been referred to the City of Bunbury's City Planning and Building team for professional advice prior to the finalisation of this report.

Applicant Consultation

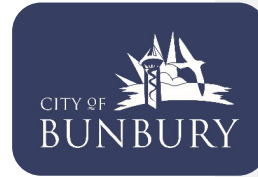
Not applicable.

Timeline: Council Decision Implementation

The recommendation of the Policy Review and Development Committee will be included in the agenda item presented to Council.

Where Council determines to adopt a local planning policy, a notice will be published, and a copy of the policy made available in accordance with clause 89 of the Regulations. A policy has effect on publication of the notice.

Local Planning Policy 3.4 Outbuildings and Minor Structures



1.0 Citation

This Local Planning Policy is prepared under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

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2.0 Introduction

This policy provides guidance and development standards in relation to outbuildings and minor structures (carport/patio) on matters of design, scale, and amenity. The provisions of this policy vary the deemed-to-comply requirements of ~~State Planning Policy 7.2~~ the Residential Design Codes Volume 1 (R-Codes) in relation to building height, size and setbacks for outbuildings and other minor structures.

3.0 Objectives

- a. To provide a consistent approach to the planning assessment of development applications for outbuildings and minor structures.
- b. To set out the desired built form, including siting, design and appearance of outbuildings and minor structures.
- c. To ensure outbuildings and minor structures do not detract from the streetscape or amenity of neighbouring properties.
- d. To ensure outbuildings and minor structures are commensurate in scale, bulk, and height to dwelling and lot size, and meet community expectations regarding building appearance and use.

4.0 Applications subject of this Policy

- 4.1 This policy applies to all outbuildings and minor structures where the R-Codes apply.
- 4.2 Where a proposal relates to a heritage-protected place, the standards and requirements of the City's local planning polices relevant to heritage conservation shall prevail over any inconsistency.

5.0 Exemptions from Development Approval

- 5.1 Except for properties located in a heritage-protected place, a development that complies with the deemed-to-comply requirements of the R-Codes, as modified by this policy, does not require development approval.

6.0 Policy Provisions

Minor Structures (Carports/Patios)

6.1 Minor structures that are compliant with Table 1a or Table 1b below do not require development approval. Any variations are to be considered under Section 7 of this Policy.

Table 1a: Development Standards for Minor Structure (Carport)

Column A	Column B
Maximum Height	Development Standards
1. Maximum wall/pole height of 3.0m. 2. Maximum roof height of 4.2m.	<p>a. primary street and secondary street setbacks comply R-Codes.</p> <p>b. comply with the open space <u>and site cover</u> requirements of <u>Table 1</u> of the R-Codes.</p> <p>c. lot boundary setbacks may be reduced to nil to the posts where the carport is:</p> <ul style="list-style-type: none"> (i) not more than 10m in length and 3m in height (<u>pole/wall</u>) (ii) located behind the <u>primary</u> street setback, and (iii) eaves, gutters and roofs setback at least 450mm from the lot boundary <p>Notes: ¹ As per <u>Part B clause 5.2.1</u> and <u>Part C 3.3 C3.3.5/3.6 C3.6.6</u> of the R-Codes, the <u>primary street</u> setback of carports may be reduced by up to 50% <u>of the primary street setback</u> where the width of the carport is no more than 60% of the frontage, the roof pitch, colours and materials are compatible with the dwelling, <u>the carport is setback 1.0m from the side lot boundary, and the structure provides an unobstructed view to the dwelling.</u></p>

Table 1b: Development Standards for Minor Structure (Patio)

Column A	Column B
Maximum Height	Development Standards
1. Maximum wall/pole height of 3.0m. 2. Maximum roof height of 4.2m	<p>a. primary and secondary street setbacks comply with <u>3.3 C3.3.1 and 3.3 C3.3.2</u> clause 5.1.2 and 5.1.3 of the R-Codes.</p> <p>b. comply with the open space <u>and site cover</u> requirements of <u>Table 1</u> of the R-Codes.</p> <p>c. At least two thirds of the required outdoor living area <u>or primary garden area</u> without permanent roof cover.</p> <p>d. lot boundary setback may be reduced to nil to the posts where the patio is:</p> <ul style="list-style-type: none"> (i) not more than 10m in length and 3m in height (<u>pole/wall</u>) (ii) located behind the <u>primary</u> street setback, and (iii) eaves, gutters and roofs setback at least 450mm from the lot boundary

Outbuildings

6.2 Outbuildings that are compliant with Table 2: Maximum Height and Area of Outbuildings, do not require development approval. Any variations are to be considered under Section 7 of this

Local Planning Policy: Outbuildings and Minor Structures

Policy.

Table 2: Maximum Height and Area of Outbuildings

Column A	Column B	Column C	Column D	Column E
Lot Size	Maximum Wall Height (m)	Max Ridge Height (m)	Maximum Collective Area of Outbuildings (m ²)	Development Standards
< 300m ²	3.0-7	4.2	6035	Outbuildings a. are not attached to a dwelling. b. are non-habitable. c. are not located within the primary or secondary street setback area. d. do not reduce the amount of <u>site cover</u> , open space, <u>primary garden area</u> , <u>soft landscaping</u> , <u>minimum tree</u> or outdoor living area required in the site cover or primary garden area 3.1 C3.1.1 and 1.1 C1.1.1 under the R-Codes <u>Table 1</u> of the R-Codes. e. <u>Lot boundary setbacks</u> in accordance with <u>Table 2a</u> of the R-Codes. e.f. <u>Notwithstanding Column B, where an outbuilding is designed to be compatible with the colour and materials of the dwelling on the same site, the wall height may be increased to 3.5m.</u>
301m ² – 400m ²	3.0-7	4.2	6045	
401m ² – 500m ²	3.0	4.2	6055	
501m ² – 600m ²	3.0	4.2	65	
601m ² – 700m ²	3.0	4.5	70	
701m ² – 800m ²	3.0	4.5	75	
> 801m ²	3.0	4.5	80	

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Note: Building and Environmental Health Advice

A Building Permit may be required prior to the construction of an outbuilding or minor structure. Applicants are advised to contact the City of Bunbury’s Building Department to discuss the requirements of the Building Code of Australia (BCA).

Buildings are to be setback from onsite wastewater management systems in accordance with Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974.

Restriction of Use

6.3 The erection of a minor structure or outbuilding on vacant land in residential areas is not permitted.

6.4 Outbuildings and minor structures shall be used for purposes incidental to the use of the dwelling for residential purposes.

7.0 Variations of Development Requirements

7.1 In exercising any discretion, the Local Government is to ensure that the variation meets the objectives of the Local Planning Policy and the relevant Design Principles of the following R-Codes clauses:

- a. ~~Clause 5.1.2~~ Street setback
- b. ~~Clause 5.1.3~~ Lot boundary setback
- c. ~~Clause 5.1.4~~ Open space/site cover
- d. ~~Clause 5.2.1~~ Setback of garages and carports
- e. ~~Clause 5.3.1~~ Outdoor living areas/private open space
- f. Solar access and natural ventilation
- ~~e.g.~~ Solar access for adjoining sites
- h. ~~Clause 5.4.3~~ Outbuildings

7.2 Where advertising is required to be undertaken or is deemed to be required due to impacts on residential amenity and streetscape, advertising will be undertaken in accordance with Part 4 of the R-Codes.

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8 Meaning of Terms

Attached to the dwelling	Means a building that is designed to be integrated with the existing dwelling. Compliance with the definition will be at the discretion of the City having regard to the extent of any physical attachment, functional relationship, and design. Design is to be complementary and compatible to the existing dwelling (i.e., similar roof pitch, and colours and materials to match existing dwelling).
Minor Structure	<p>Carport</p> <p>As defined by the R-Codes. A roofed structure designed to accommodate one or more motor vehicles unenclosed except for the extent that it abuts a dwelling or a property boundary on one side, and being without a door unless that door is visually permeable</p> <p>Patio</p> <p>As defined by the R-Codes. An unenclosed structure covered in water impermeable material which may or may not be attached to the dwelling.</p>
Heritage Place	Means a place that is on the heritage list or located in a heritage area.
R-Codes	State Planning Policy 7.3 Residential Design Codes Volume 1.
Outbuilding	As defined by the R-Codes: An enclosed non-habitable structure that is detached from any dwelling.
Walls up to the boundary (nil setback)	For the purposes of this policy, shall be any wall, column, or post within 1.0m of a side or rear boundary.
Responsible Department	City Growth <u>Planning and Building</u>
LPP Category	Development and Engineering

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Local Planning Policy: Outbuildings and Minor Structures

Adoption Date (original)	18 August 2009, Reviewed 7 June 2011
Adoption Date (amended)	14 December 2021
<u>Adoption Date (amended)</u>	<u>28 February 2025</u>
Review Date	<u>February 2030</u>
Superseded Policy	5.7

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9. Questions from Members

9.1 Response to Previous Questions from Members taken on Notice

At the Policy Review and Development Committee Meeting held on 30 October 2024, Cr Quain asked the following questions which were taken on notice and are now presented below with a response.

Question 1

Which policy speaks to the provision of soap in public bathrooms and can this be presented to the Committee for review.

Response

The City of Bunbury Health local laws 2001 states that soap or other hand cleaning substances and hand drying facilities are not required in unattended public toilets.

These local laws are due to be reviewed in 2025/26 and community and stakeholder engagement will occur as part of this process.

Question 2

Which policy speaks to the provision of hot water in public ablutions and can this be presented to the Committee for review.

Response

There is no Council Policy which relates to the provision of hot water in public ablutions as this is an operational matter. The provision of hot water is considered on a case-by-case basis as facilities are constructed or upgraded.

9.2 Questions from Members

11. Date of Next Meeting

The next PRDC meeting is scheduled for Wednesday, 26 February 2025.

10. Urgent Business

12. Close of Meeting

The Presiding Member closed the meeting at _____.