



Shire of Toodyay
Local Planning Scheme No. 5

Amendment No. 2

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

SHIRE OF TOODYAY

LOCAL PLANNING SCHEME NO.5 – AMENDMENT NO.2

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

1. In clause 37, 'Terms Used':

A. Delete the 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;*

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

D. Insert the definition for *short-term rental accommodation* as per Schedule 2 of the deemed provisions for local planning schemes:

(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;*

- E. Insert the definition for *short-term rental arrangement* as per Schedule 2 of the deemed provisions for local planning schemes:

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;*

2. In clause 38, 'Land Use Terms Used':

- A. Delete the definitions for:

- A. *bed and breakfast;*
- B. *holiday accommodation;*
- C. *holiday house;*
- D. *motel;*
- E. *serviced apartment;*
- F. *tourist development; and*

- B. Amend the existing land use term for *road house* by deleting paragraph (d) and inserting:

- (a) *accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period.*

- C. Insert the definition for *hosted short-term rental accommodation* as per Schedule 2 of the deemed provisions for local planning schemes:

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.*

D. Insert the definition for *unhosted short-term rental accommodation* as per Schedule 2 of the deemed provisions for local planning schemes:

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

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

E. Insert the definition for *tourist and visitor accommodation* as per Schedule 1 – Model Provisions:

- (c) *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*
- (d) *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*
- (e) *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.

F. In clause 17, 'Zoning Table' insert in alphabetical order the following land uses and permissibility:

Use & Development Class	Residential	Urban Development	Rural	Rural Residential	Rural Smallholdings	Rural Enterprise	Environmental Conservation	Light Industry	Industrial Development	Commercial	Mixed Use	Special Use	Service Commercial	Private clubs, institutions and places of worship
Hosted short-term rental accommodation	P	Refer to Clause 32	P	P	P	P	P	X	Refer to Clause 32	P	P	Refer to Clause 32	X	P
Tourist and visitor accommodation	A		A	A	A	X	X	X		A	A		X	I
Unhosted short-term rental accommodation	A		A	A	A	X	X	X		A	A		X	X

G. In clause 17, 'Zoning Table', delete all references to:

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

H. In Schedule 1 – Additional uses:

- deleting reference to “holiday accommodation”, “motel” and “tourist development” and replacing with “tourist and visitor accommodation”, as required from A7, A10, A12 and A14.
- deleting Condition 2 in A7 and renumbering accordingly.

I. In Schedule 2 – Special use zones:

- deleting reference to “holiday accommodation” and “tourist development” and replacing with “tourist and visitor accommodation”, as required from SU1, SU3, SU4, SU6, SU8, SU9, SU11 and SU13.
- deleting reference to “bed and breakfast” and replacing with “hosted short-stay rental accommodation” from SU13.

J. In Schedule 6 – Car parking requirements:

- In Residential Uses, Line 1, deleting reference to “Holiday House” and replacing with “Unhosted Short-term Rental Accommodation”;
- In Residential Uses, Line 2, deleting reference to “Bed and Breakfast” and replacing with “Hosted Short-term Rental Accommodation”;
- In Tourism Uses, Line 1, deleting reference to “Holiday Accommodation”, “Motel”, “Serviced Apartments” and “Tourist Development” and replacing with “Tourist and Visitor Accommodation”.

K. In Schedule 7 – Exempt advertisements, deleting reference to “holiday houses” in Line 2 and replacing with “Unhosted short-term rental accommodation”.

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

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

Dated this Second. day of July 2026

(Chief Executive Officer)


