PS ref: 6510

9 March 2021

Chief Executive Officer City of Melville Locked Bag 1 BOORAGOON WA 6954

Attention: Planning Services

Dear Sir/Madam,

STRATA LOTS 1, 2 AND 3 (8) MACRAE ROAD, APPLECROSS APPLICATION TO AMEND DEVELOPMENT APPROVAL SHORT-TERM (AND LONG-TERM) ACCOMMODATION

Planning Solutions acts on behalf of Macrae 8 Pty Ltd, the registered proprietor of Strata Lots 1, 2 and 3 (8) Macrae Road, Applecross (**subject site**) and the proponent of the four-storey apartment building under construction on the subject site.

This letter has been prepared in support of an application to amend the development approval for the four-storey apartment building to permit the apartments to be occupied on a short-term (as well as long-term) basis.

With regard to the above, please find enclosed:

- 1. The City of Melville's Development Application Form, signed by applicant/landowner.
- 2. MRS Form 1 Application for Development Approval, signed by the applicant.
- 3. DAP Form 2 Application for amendment or cancellation of a Development Assessment Panel determination, signed by the applicant/landowner.
- 4. A signed letter of consent of the landowner, authorising Planning Solutions to lodge the subject application.
- 5. A copy of the Certificate of Title applicable to the subject site.
- 6. Proposed short term management plan.
- 7. A copy of the development approval made by the Metro Central Joint Development Assessment Panel (**DAP**) at its meeting held on 20 March 2017.
- 8. A copy of the development approval made by the City of Melville on 30 July 2019.

The following submission discusses various matters pertaining to the proposal, including:

- Site details.
- Background.
- Proposal.
- Town planning considerations.

PLANNING SOLUTIONS

Level 1,251 St Georges Tce, Perth WA (08) 9227 7970 GPO Box 2709 Cloisters Square PO 6850

SITE DETAILS

The subject site is within the municipality of the City of Melville (City).

The subject site is approximately 1.2km west of the Canning Bridge Station, with frequent trains to/from Perth where transfers can be made to Perth Airport. The subject site is also 200m from high frequency bus services along Canning Highway connecting to Fremantle, Booragoon, and Perth.

The subject site is approximately 350m from retail and food premises located to the east located along Canning Highway.

BACKGROUND

On 20 March 2017, the DAP approved the development of a four-storey multiple dwelling development comprising 30 multiple dwellings, subject to conditions. A copy of the DAP approval is **enclosed** with this application.

An extension to the approval timeframe was granted approval by the City on 24 October 2018, and on 31 July 2019 minor amendments to the building design were granted approval by the City. A copy of the approved amended plans is **enclosed** with this application.

The approved development is under construction.

In previous years, the City had advised the rent or lease of a dwelling for short-term accommodation was not a separate land use and approval was not required. On 16 February 2021 the Council considered a report from the City's officers on the subject. The officers' report proposed a new interpretation being that short term accommodation is a separate land use requiring development approval. The Council resolved to accept the officers' recommendation to prepare a local planning policy (LPP 1.21 Short Term Accommodation) and scheme amendment for controlling short-term accommodation. The draft LPP 1.21 has since been put out to public consultation, and in planning terms it is a seriously considered planning proposal to which due regard must be had.

While the intent of the draft LPP 1.21 is to clarify that short term accommodation is a use not listed, the adoption of the policy is not required for the interpretation to have effect. The officers' report to the 16 February 2021 Council meeting references as a key outcome from a recent decision of the State Administrative Tribunal:

The operation of a local planning policy cannot require planning approval for a use not listed under the scheme. The requirement for planning approval arises if the use is determined to be a use not listed under the scheme.

Therefore if the interpretation is that short term accommodation is a use not listed, then adoption of the draft LPP 1.21 is not necessary for that interpretation to take effect.

PROPOSAL

It is proposed to amend the DAP approval to permit the approved multiple dwellings on the subject site to be used for either permanent or short-term accommodation. This will give the ability for the owner of any one apartment to use or lease that apartment on either a long-term or a short-term basis, at their discretion.

Apartments let out on a short-term basis will be individually managed. Owners will be responsible for managing clients and for arranging the cleaning of apartments. Further detail regarding proposed management measures is included in the short stay management plan **enclosed** with this application.

The short stay management plan is based on the management plan that was approved by the DAP on 5 September 2018 for 47 Clydesdale Road, Como (DAP17/01235). It also responds to the requirements of the draft LPP 1.21.

No physical alterations to the approved development are proposed.

TOWN PLANNING CONSIDERATIONS

We have provided the following information to address the relevant planning considerations applicable to this proposal.

City of Melville Local Planning Scheme No. 6

Under the provisions of the City's Local Planning Scheme No. 6 (LPS6), the subject site is zoned Residential with a residential coding of R-AC0. Pursuant to clause 16(2) of LPS6, the objectives of the Residential zone are:

- a) To provide for a range of housing and a choice of residential densities to meet the needs of the community.
- b) To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- c) To provide for a range of non-residential uses, which are compatible with and complementary to residential development to promote sustainable residential development.
- d) To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.

The proposed use of the approved apartments for both permanent and short-term residential accommodation is consistent with the objectives of the Residential zone. In particular, the short-term accommodation is a use which is residential in nature, as it provides habitation for people in a building which has already been approved for residential purposes. The proposed use has no impact on the residential streetscape and helps to meet the short-term accommodation needs of the community.

Occupation of an apartment on a short-term basis is a use best classified as a 'use not listed' under LPS6, based on the interpretation presented in the officers' report to the 16 February 2021 Council meeting. Clause 18(4) of LPS6 sets out the land use permissibility for a use not listed:

The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table —

- (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by local government; or
- (b) determine that the use may be consistent with the objectives of the particular zone and give notice under clause 64 of the deemed provisions before considering an application for planning approval for the use of the land; or
- (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted in the zone.

As identified in the preceding paragraphs, the proposed use is consistent with the objectives of the Residential zone and it is therefore permitted.

Canning Bridge Activity Centre Plan

The subject site is located in the Q1 quarter of the Canning Bridge Activity Centre Plan (**CBACP**) in the H4 zone. Pursuant to requirement 1.1.3 of CBAPC, the following uses are preferred land uses in the H4 zone of Q1:

Multiple Dwelling, Grouped Dwelling, Aged or Dependant Person's Dwelling, Single Bedroom Dwelling, Residential Building, Recreation - Private, Recreation – Public, Home Occupation, Home Office

The CBACP sets the following desired outcomes:

Q1 will be the premier retail and entertainment destination within the CBACP area.

Uses within the Residential zone will remain as residential only to establish an appropriate buffer between the centre and the surrounding suburb.

The proposed use of the approved apartments for both permanent and short-term residential accommodation is consistent with the desired outcomes of the CBACP. In particular, the short-term accommodation is a use which is residential in nature, as it provides habitation for people in a building which has already been approved for residential purposes. The proposed use does not require a non-residential building, and has no impact on the residential character of the street. Nor does short-term accommodation result in more visitation than an apartment let out on a permanent basis – there are no on-site reception or staff, and cleaners will use parking spaces vacated by guests who have departed.

The proposed use is consistent with the CBACP and warrants approval accordingly.

Draft Local Planning Policy 1.21 Short Term Accommodation

At the Ordinary Meeting of Council held on 16 February 2021, the City resolved to adopt the draft LPP 1.21 for the purpose of public advertising. The draft LPP 1.21 is being advertised for public comment, with the comment period closing on 26 March 2021.

Pursuant to clause 67(2)(b) of the Deemed Provisions in Schedule 2 of the *Planning and Development (Local planning Schemes) Regulations 2015*, the draft LPP 1.21 is a seriously considered planning proposal for which due regard is to be had.

The draft LPP 1.21 establishes a framework for the assessment of applications for short term accommodation to ensure the appropriate location and management to protect the amenity of residential areas. The proposed use of the approved development is compliant with the draft LPP1.21 for the following reasons:

- The subject site is well located in close proximity to the Canning Bridge Activity Centre, schools, community facilities, public open space, and high frequency public transport routes.
- While the subject site is approved as a strata development, this application seeks approval for short term accommodation uses across the entire complex which will enable all owners to utilise apartments for this use reducing conflict within the development.
- The number of guests will be as per the short stay management plan enclosed with this application. The management plan limits each apartment with the following occupancy requirements:
 - Maximum number of guests for a 2 bedroom apartment = 4 adult occupants.
 - Maximum number of guests for a 1 bedroom apartment = 2 adult occupants.
- Car parking is to be provided as per the existing development approval and compliant with the CBACP.

- No signage is proposed on the subject site which relates to the use of the apartments for short term accommodation.
- Detail regarding proposed management measures is included in the short stay management plan **enclosed** with this application.

As demonstrated, the proposed use is consistent with the draft LPP 1.21 and it warrants approval accordingly.

CONCLUSION

It is considered the proposal for permanent and short-term accommodation is consistent with the applicable planning framework and warrants approval.

We respectfully request an invite to attend and present at any meeting of Council or DAP at which the application is considered.

Should you have any queries or require further clarification in regard to the proposal, please do not hesitate to contact the writer.

Yours faithfully,

SCOUT WALSH PLANNING CONSULTANT

210309 6510 DA Amendment re-Submission (short term accommodation) - 8 Macrae

Short-term Accommodation Management Plan

Prepared by:	Planning Solutions	Job No:	6510	
		Date:	8 March 2021	
Subject site:	Lots 1, 2 and 3 (8) Macrae Road, App	olecross		

Preamble

Development approval has been granted for 30 apartments on the subject site. The approval allows owners of individual apartments to elect to use their apartment for short-term (as well as long-term) accommodation.

This Management Plan has been prepared for the purpose of managing short-term accommodation. Short-term accommodation is defined by the City of Melville *Local Planning Scheme No.* 6 as:

temporary accommodation provided either continuously or from time to time with no guest accommodated for period totalling more than 3 months in any 12 month period.

The operation of short-term accommodation at the subject site shall be in accordance with the Management Plan provisions below. This Management Plan does not apply to permanent occupation.

A management statement will be prepared incorporating this Management Plan in accordance with section 5C of the *Strata Titles Act 1985* and incorporated into the strata company by-laws by amending the by-laws contained in Schedules 1, 2 and 2A accordingly.

Management Plan

1. <u>Code of Conduct</u>

Prior to the commencement of any short-term accommodation use, a code of conduct shall be prepared by the strata manager which will set out the expected behaviour of guests and penalties of non-compliance in accordance with this Management Plan. The code of conduct will form part of this Management Plan. The code of conduct must be provided to all guests at the time of booking, and a copy shall be made kept for viewing in the apartment.

2. <u>Access</u>

Persons occupying the short-term accommodation will be able to access the property 24 hours per day, 7 days a week. No noise is permitted by persons accessing or egressing the apartment.

3. Check-in / check-out procedures

At the time of making a booking, all guests are to be provided with directions and instructions on how to access the on-site car parking bay and the apartment. The instructions are to be in a form which is readily viewed on a smartphone and is able to be readily printed on A4 paper by the guest.

It is not necessary for the owner or any other person to be on-site to greet guests. The owner of the apartment is to provide the guest with their telephone contact details (or contact details of a person authorised by the owner to act on their behalf), and advise the guest to contact that person to resolve any issues with the accommodation. Where the guest is arriving after hours, the owners is to ensure they are contactable. Guests are not to be advised not to contact or disturb other residents / occupants within the complex.

Keys are to be placed in a key safe or other similar device, accessible adjacent to the apartment entry or, subject to approval by the strata manager, in the building's lobby.

All bags and other items are to be immediately taken to the apartment upon arrival, and are to only be removed from the apartment when leaving. Bags and items are not to be left unattended (other than inside the apartment) anywhere on the subject site at any time.

When leaving, guests are to return the key to the key safe, leave the subject site in a tidy condition, and notify the owner that the apartment has been vacated.

4. Occupancy requirements

Each apartment used for short-term accommodation shall operate in accordance with the following occupancy requirements:

- Maximum number of guests for a 2 bedroom apartment = 4 adult occupants
- Maximum number of guests for a 1 bedroom apartment = 2 adult occupants

There is no minimum duration of stay. A maximum stay of three months applies for short-term guests (longer occupancy constitutes permanent accommodation not regulated by this management plan).

5. Control of noise and anti-social behaviour

Guests must comply with the strata by-laws and local government requirements in relation to noise and antisocial behaviour.

All guests are to keep noise at a level commensurate with that expected in an apartment building, and to be considerate of other residents in the building at all times. All guests are to be expressly advised on the expected conduct.

6. <u>Security</u>

All guests and cleaners are to ensure doors to the building are kept closed at all times.

Guests are not to access any area which is dedicated to another apartment, including any car parking bay, open space or storage area.

Owners and residents within the complex are not to obstruct guests, or to interact with guests in a manner which would be perceived as intimidating or threatening. Owners and residents shall direct all issues to the Strata Manager.

7. <u>Complaints management</u>

This Management Plan is to be incorporated by the by-laws of the strata complex.

Prior to commencing any short-term accommodation, the owner shall notify the Strata Manager and provide their contact details to the Strata Manager. The owner is to confirm and acknowledge to the Strata Manager that will abide by this Management Plan in full, and will take action to advise all guests of their obligations under this Management Plan. This includes agreeing to the complaint resolution measures of this Management Plan.

The Strata Manager of the complex shall, on 1 July of each year, provide their contact details to the owners and occupiers of the properties which directly adjoin the subject site.

Every owner using apartments for short term accommodation must provide their contact details to the Strata Manager prior to commencing short term accommodation. Any complaints from residents within the complex or adjoining properties shall in the first instance be directed to the Strata Manager, who is responsible for resolving the issue and advising the complainant of the outcome. The Strata Manager shall take all reasonable endeavours to amicably resolve the complaint to the parties' satisfaction.

If the complaint relates to a disturbance and is ongoing and has not been resolved within 12 hours, the Strata Manager is to attend the subject site in person. If the disturbance is ongoing, the owner and/or Strata Manager is to terminate any agreement with the guest in relation to occupancy of the apartment and is to require the guests to leave the subject site immediately. The owner cannot commence or cause to commence the short-term accommodation use of the apartment unless they agree to these terms.

This complaints management procedure does not derogate from any other rights that may exist, including the right for any person to ask the local government to investigate a possible breach of a condition of development approval.

8. <u>Property management</u>

Common property areas will be managed by the strata company, which will be responsible for property maintenance and cleaning of common property areas. Each individual apartment will be managed by the owner of the apartment, who will be responsible for cleaning and maintenance of the apartment.

Owners are to provide guests with instructions on waste management procedures, including the location of bin areas and information on how to correctly dispose of waste.

9. Parking management

The owner of the apartment shall ensure the on-site car parking bay which is allocated to the apartment is available for use of guests and cleaners at all times. Persons occupying an apartment for short term accommodation shall have access to the car bay allocated to the particular apartment only.

Regardless of the number of guests per apartment, guests shall not bring more than one car per apartment. Guests shall not park more than one vehicle at the subject site at any time.

Guests and cleaners are to be directed to park vehicles in the allocated car bay only. Where an access code or dongle is required to access the parking bay, the code or dongle is to be provided to guests.

10. Use of communal facilities

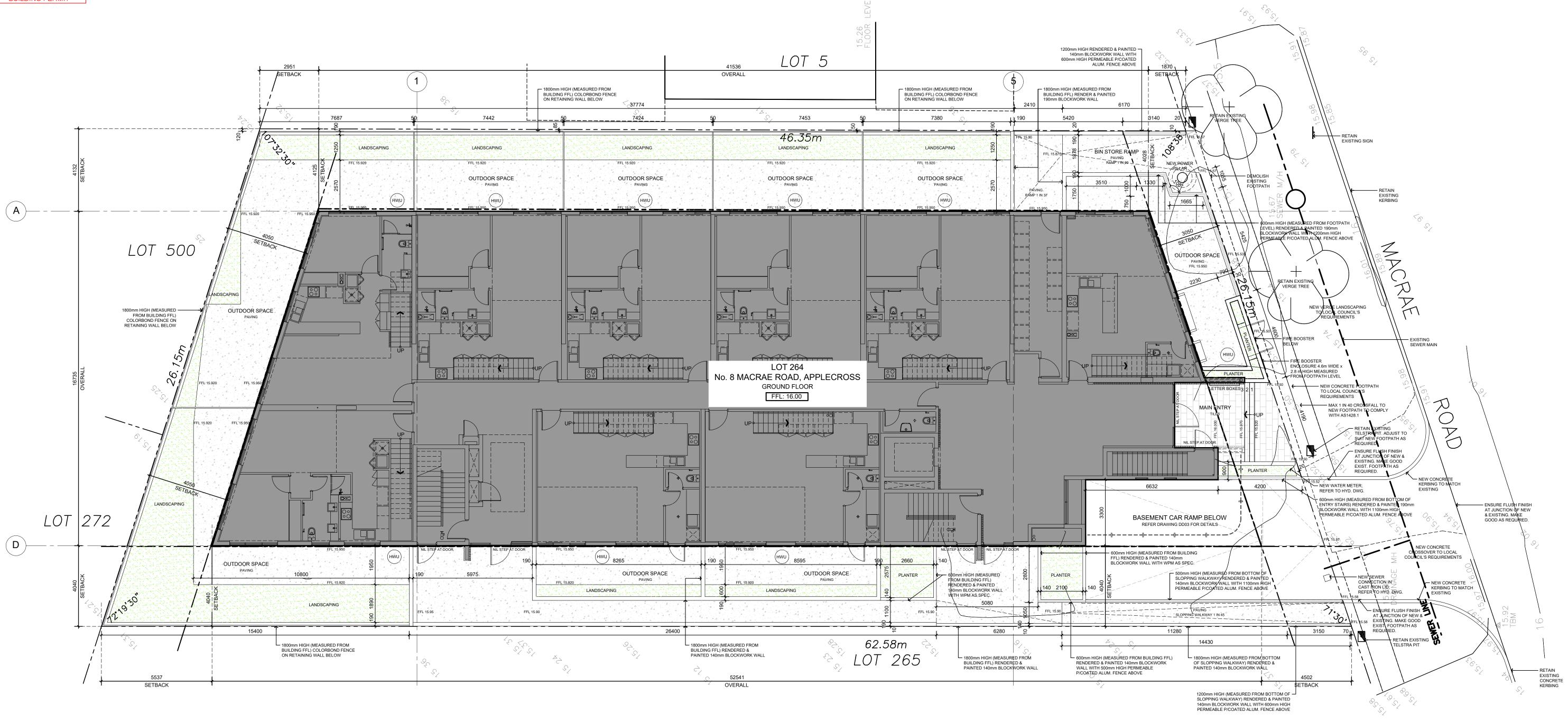
All guests shall have access to communal facilities, including the roof-top garden. Guests are not to obstruct or otherwise use communal areas to the exclusion of any other person.

Guests may use the lobby only for short periods of time (for example, to wait for a taxi / rideshare / lift).

All guests are to keep common property areas tidy at all times.

11. <u>Guest register</u>

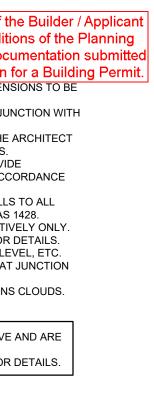
All owners are to provide a register of all persons occupying the short-term accommodation, showing the name and address of every person staying within the apartment, to the Strata Manager.



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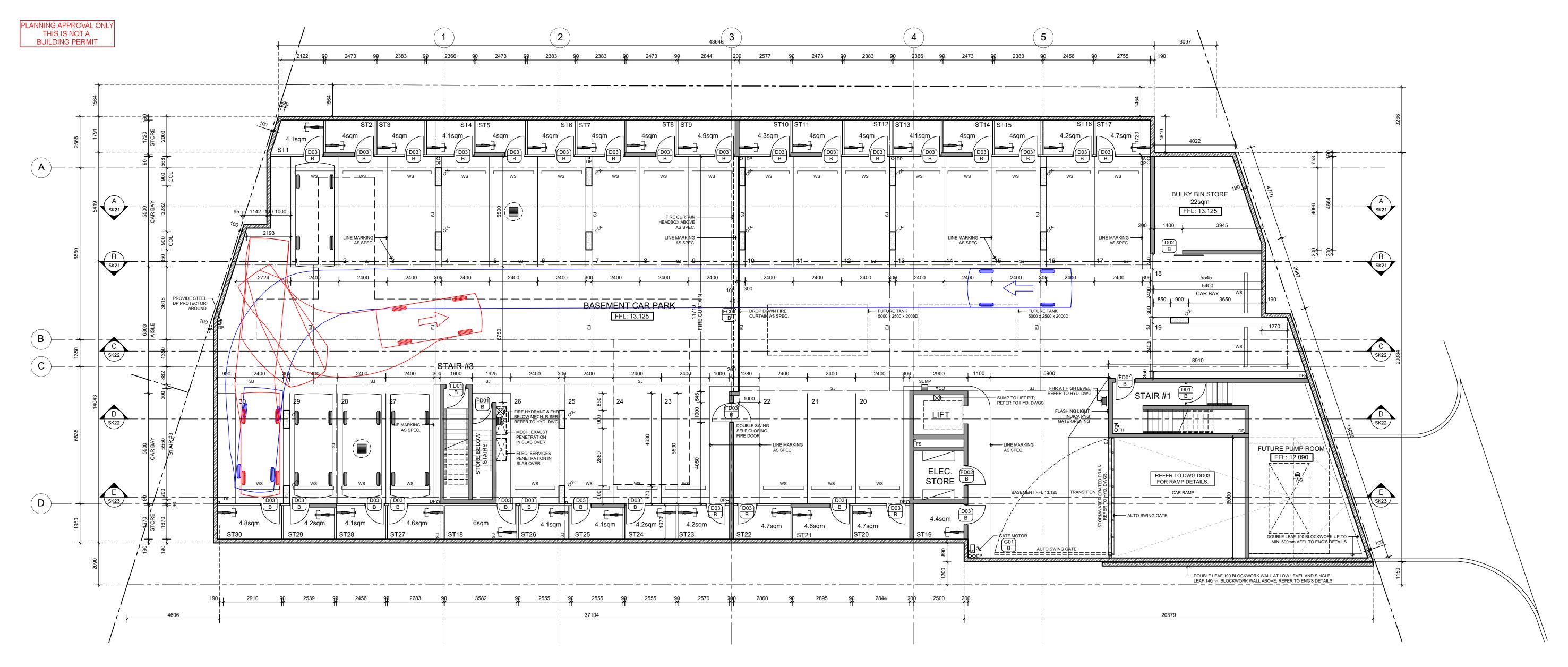
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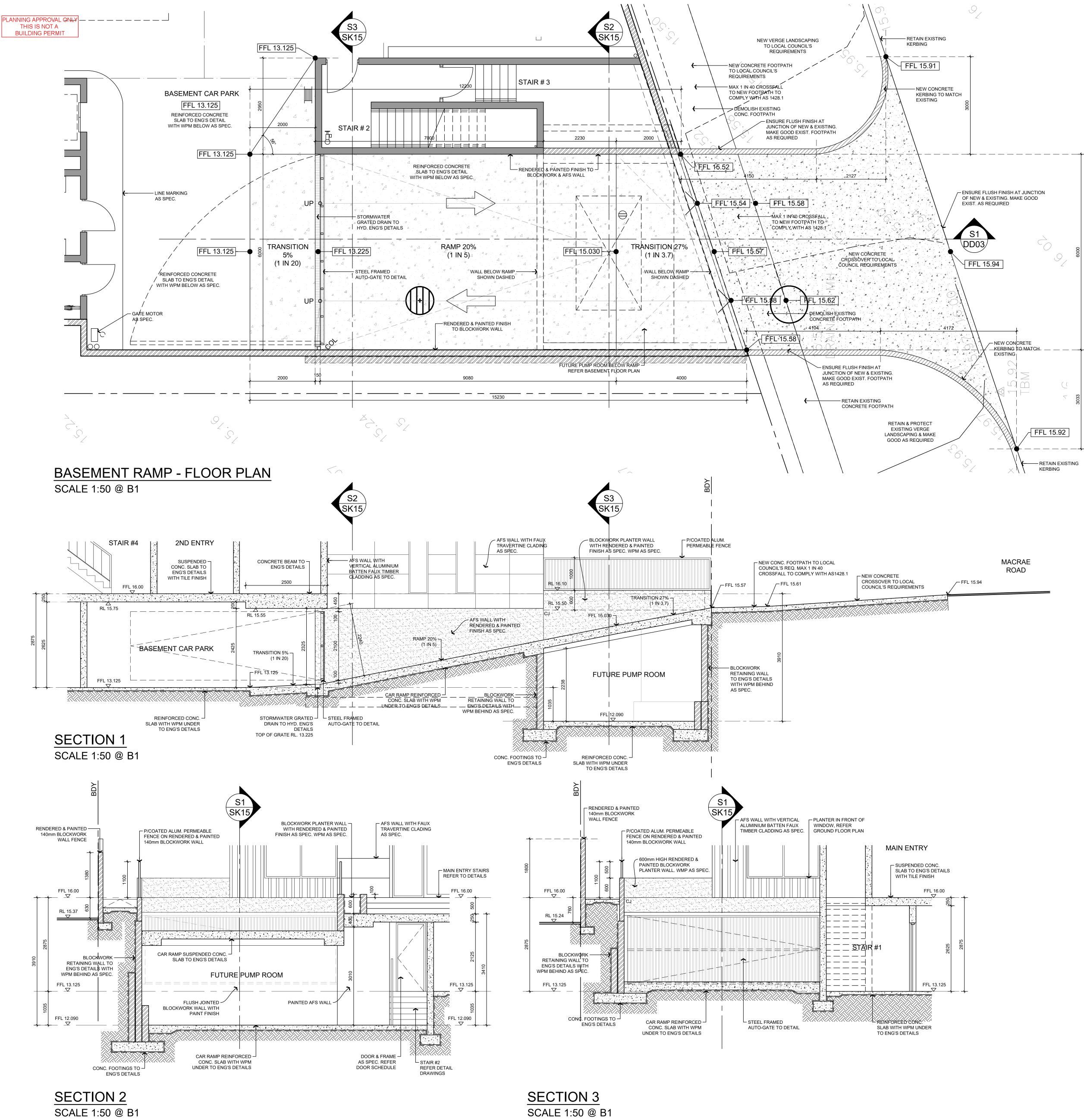
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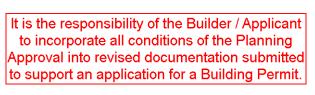
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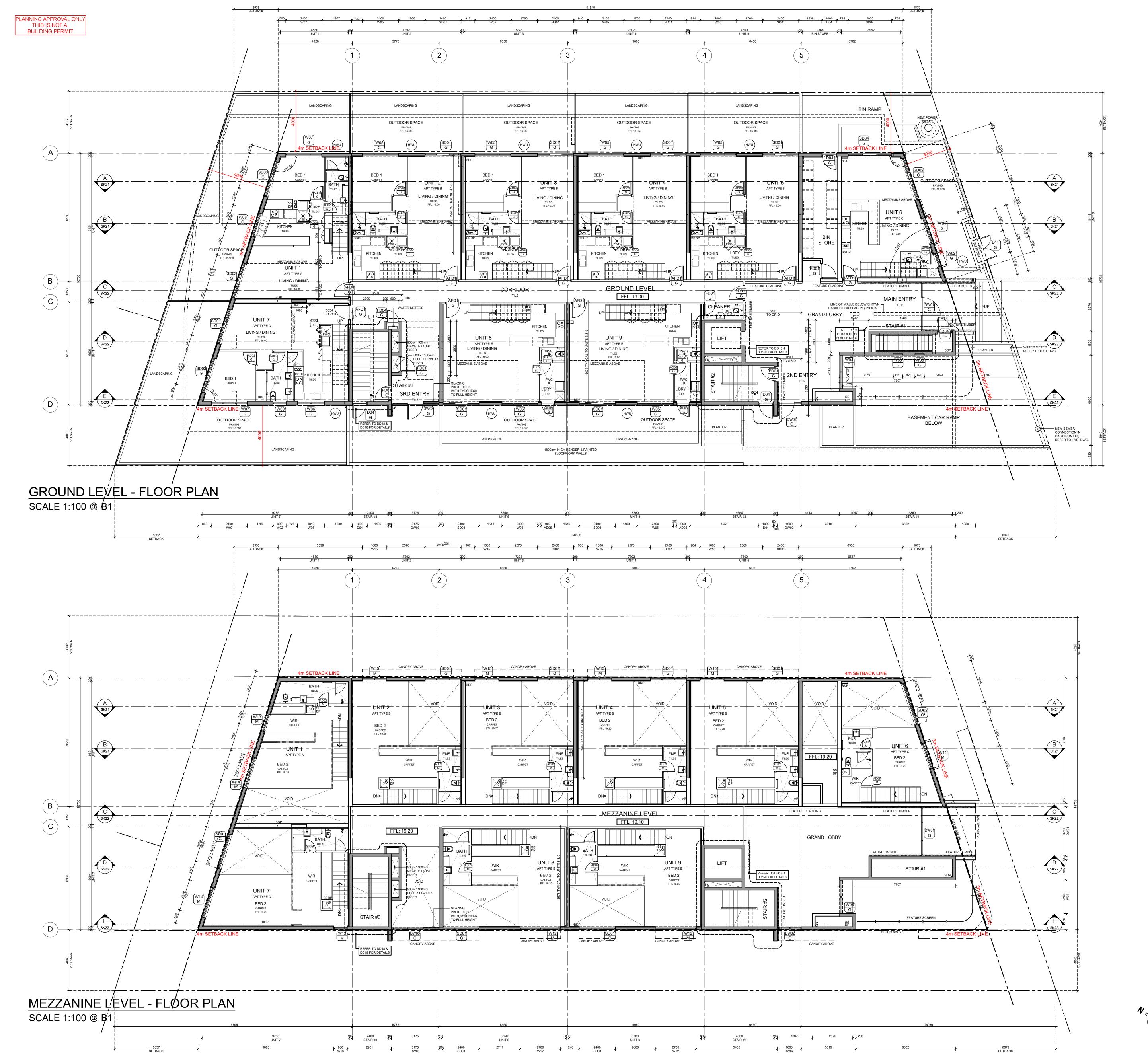


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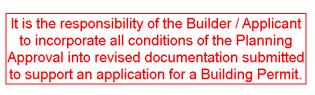
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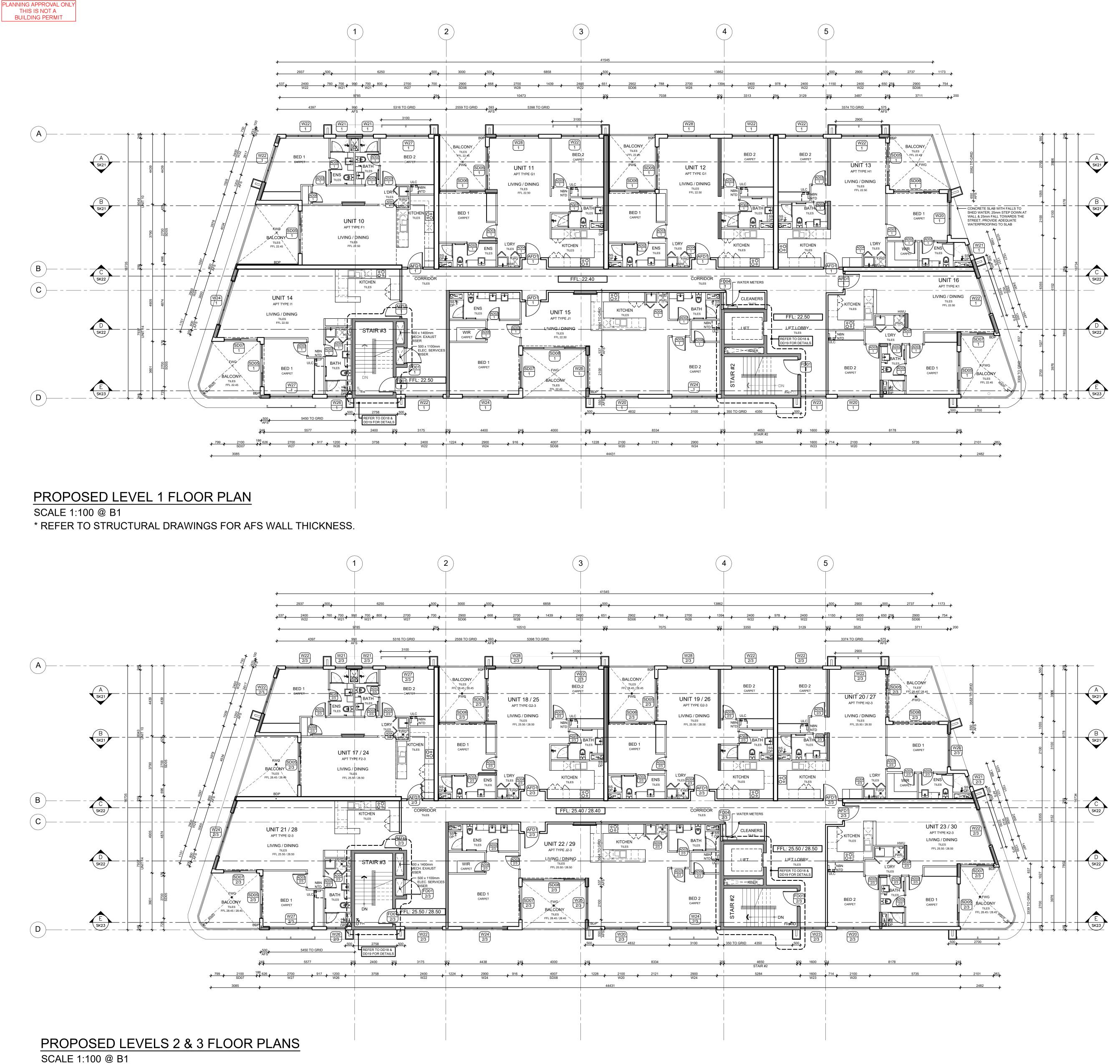




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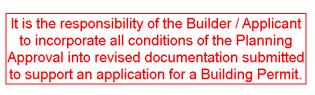




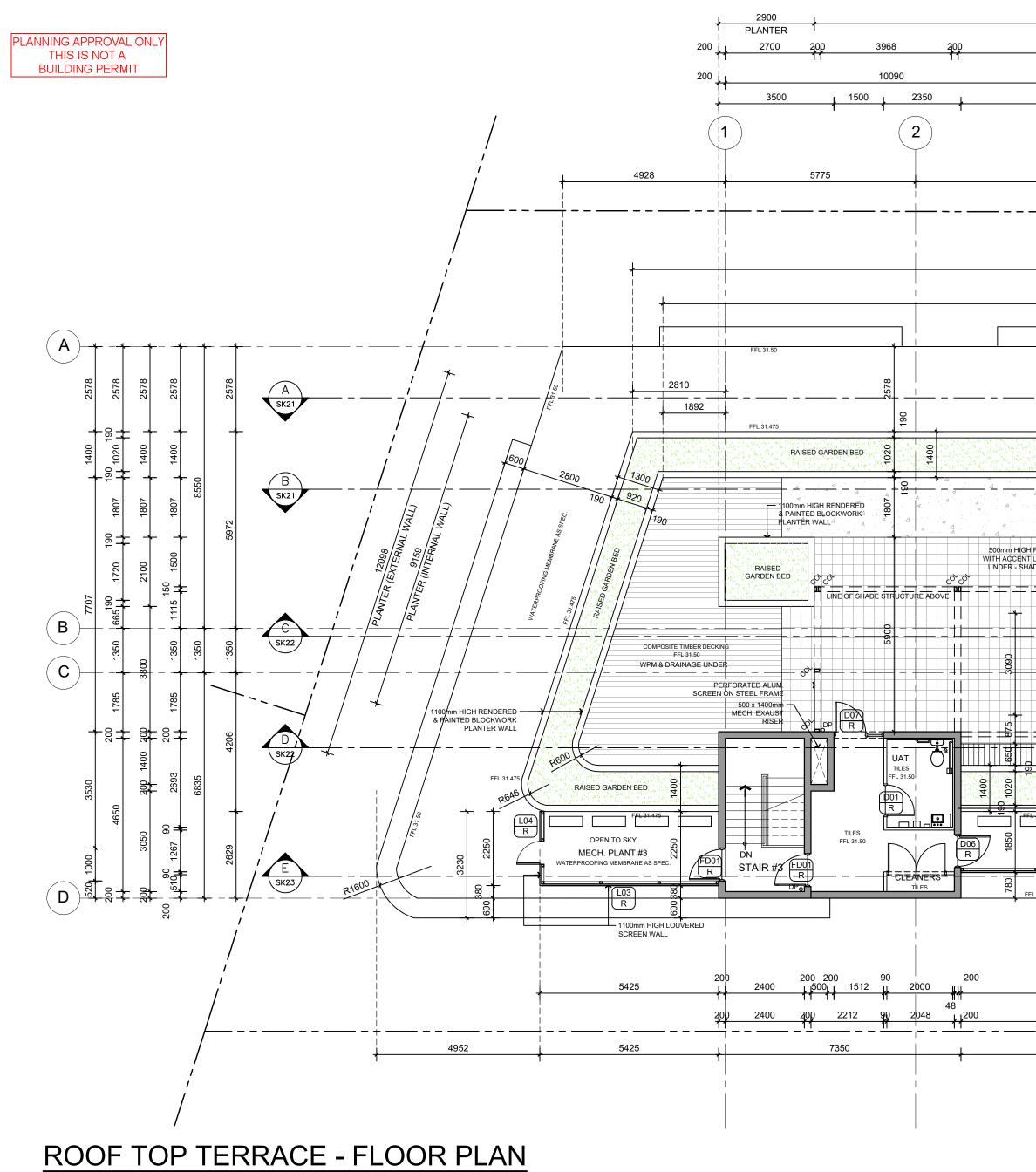


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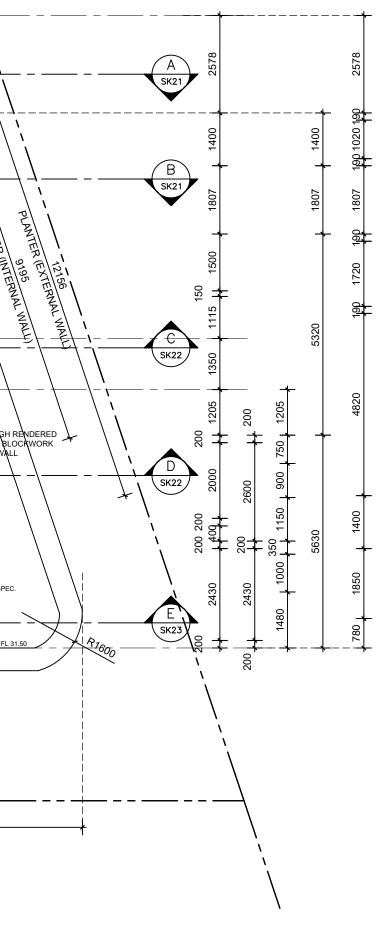




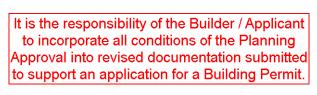


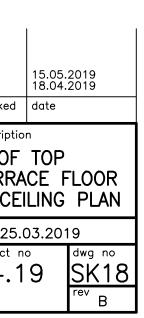
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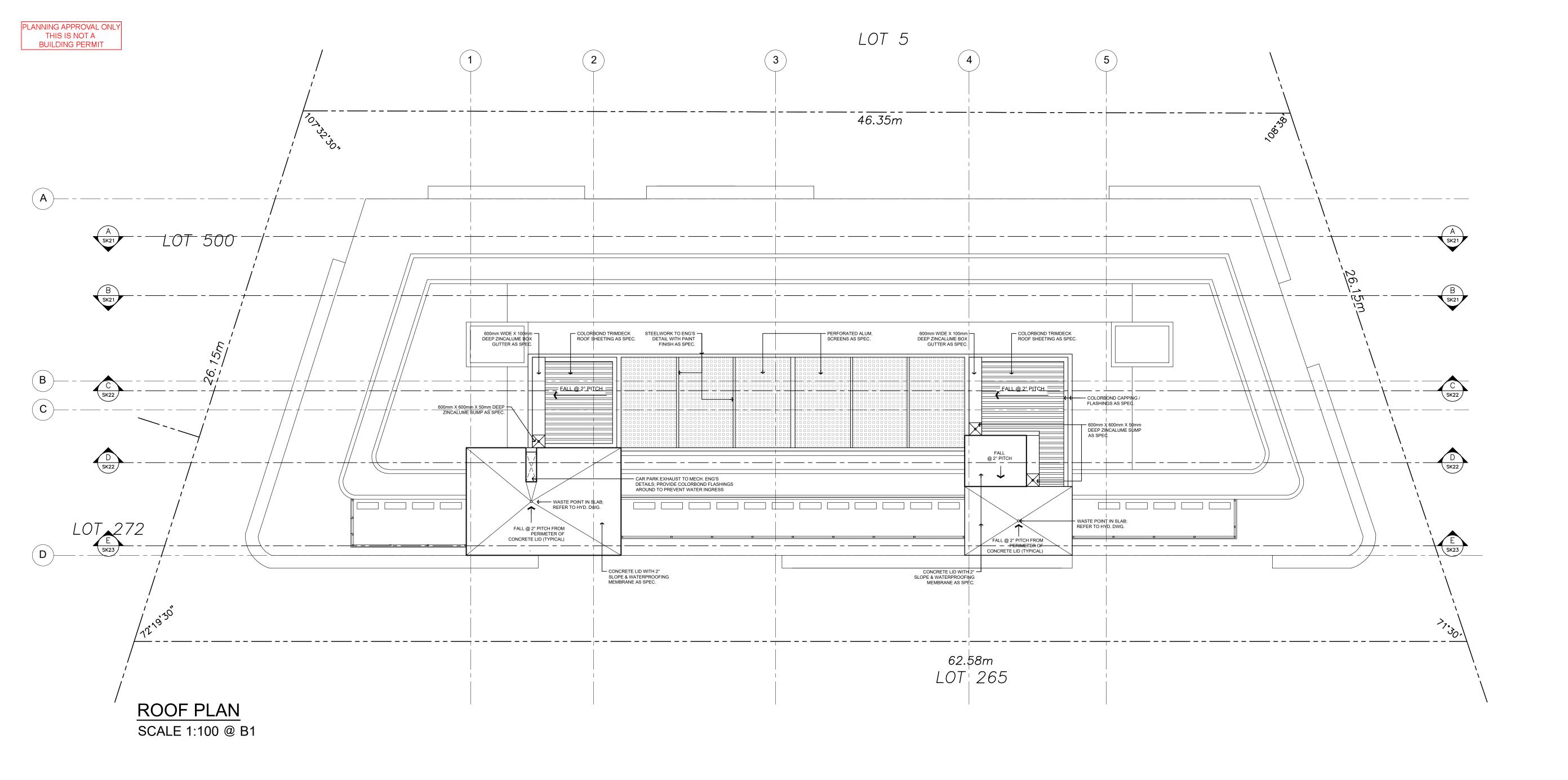
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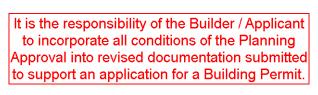
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	PROPOSED APARTMENT DEVELOPMENT location #8 MACRAE ROAD, APPLECROSS					
*	Hodg	e Collard	Preston architects	Third Floor, 38 Richardson Street, West Perth, WA 6005 PO Box 743, West Perth, WA 6872 Ph: (08) 9322 5144 Fax: (08) 9322 5740 Email: admin@hcparch.com	scale 1:100 @B1	^{date} 25.0 project n 14.1

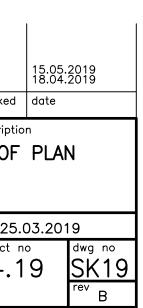






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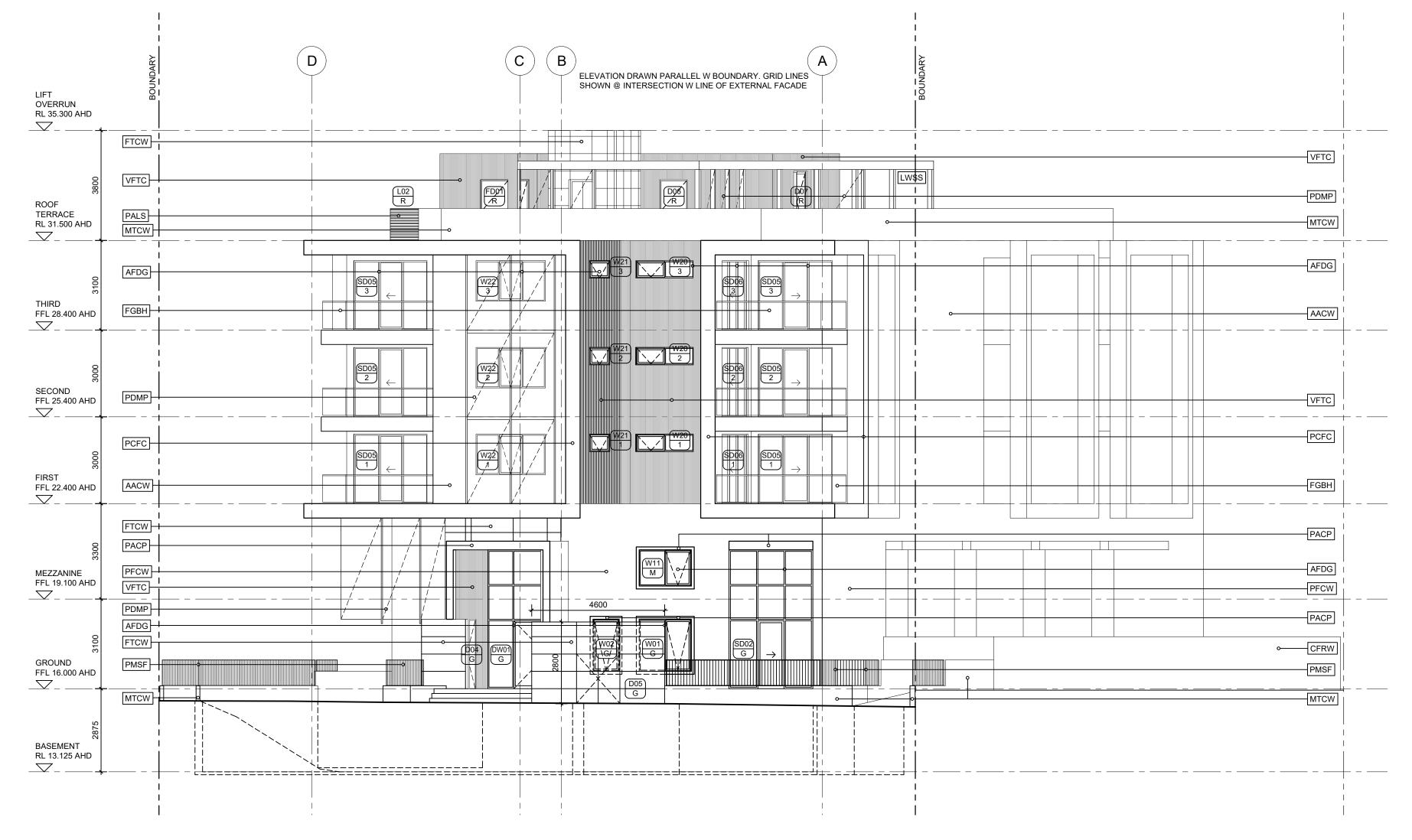




PLANNING APPROVAL ONLY
THIS IS NOT A
BUILDING PERMIT

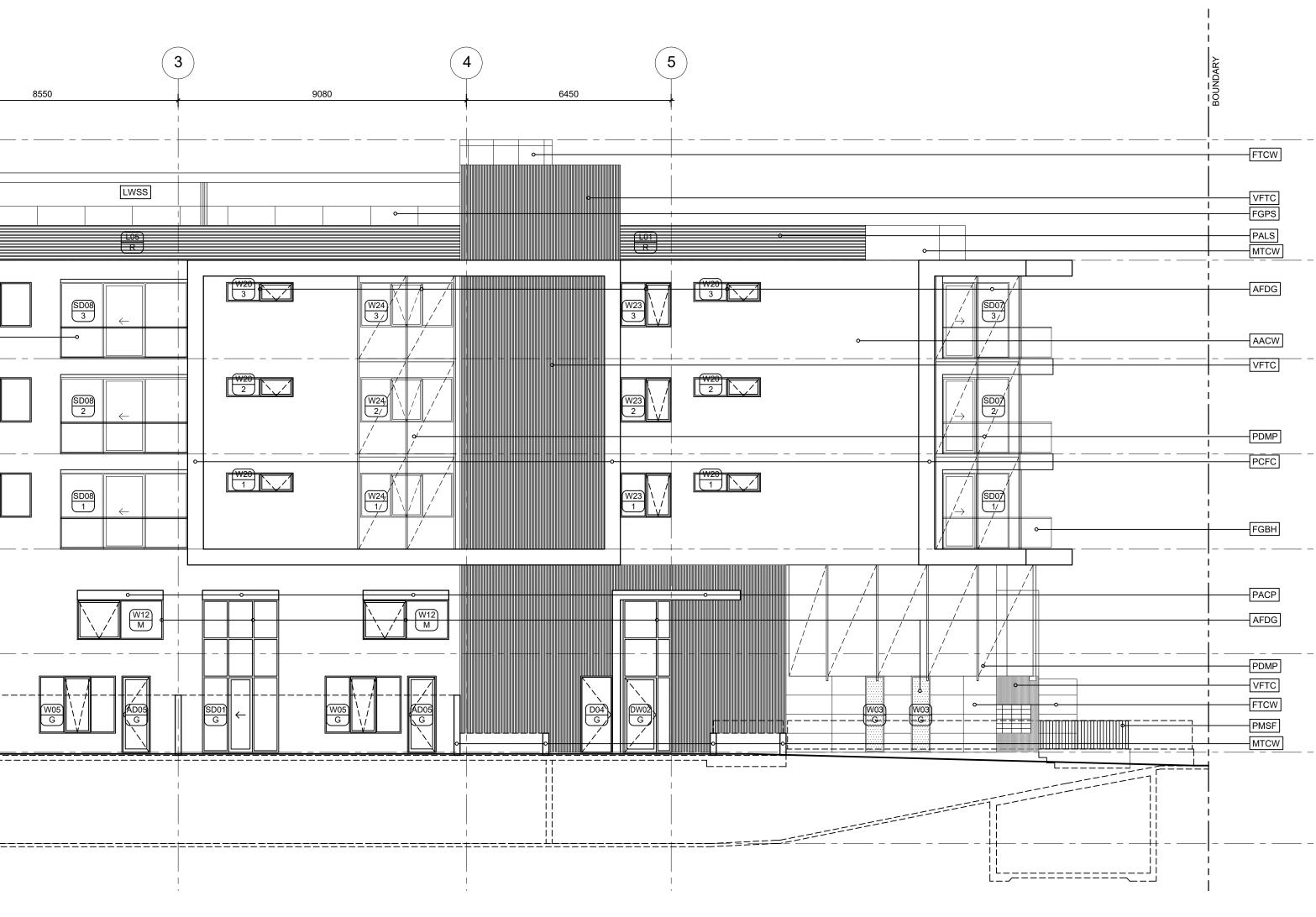
LIFT OVERRUN RL 35.300 AHD	BOUNDARY		5775	2)
ROOF TERRACE RL 31.500 AHD	VFTC PALS MTCW			
THIRD FFL 28.400 AHD	AFDG FGBH			
SECOND FFL 25.400 AHD				
FIRST FFL 22.400 AHD	[AACW]-			
MEZZANINE FFL 19.100 AHD	PACP-	/13 M		
GROUND FFL 16.000 AHD	AFDG CFRW- MTCW-			
BASEMENT RL 13.125 AHD		 	 	

SOUTH WEST	ELEVATION
SCALE 1:100 @ B1	



SOUTH EAST ELEVATION

SCALE 1:100 @ B1



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LEGEND	
AACW	AUTOCLAVED AERATED CONCRETE WALL V ACRYLIC RENDER TEXTURE COATING FINIS
AFDG	POWDERCOATED ALUMINIUM FRAMED DOUBLE GLAZED WINDOWS & DOORS
CBFE	COLORBOND FENCE
CFRW	COLORBOND FENCE W RETAINING WALL BE
FGBH	FRAMELESS GRADE A SAFETY GLASS BALUSTRADE W S/S HANDRAIL
FGPS	FRAMELESS GRADE A SAFETY GLASS PARA WALL SCREEN
FTCW	FAUX TRAVERTINE CLAD MASONRY WALL
LWSS	LIGHTWEIGHT SHADE STRUCTURE
MTCW	MASONRY GARDEN/PLANTER BOX WALL W ACRYLIC RENDER TEXTURE COATING FINIS
PACP	POWDERCOATED ALUMINIUM NON-COMBUSTIBLE CORE CLADDING PANE
PALS	POWDERCOATED ALUMINIUM LOUVRE SCREEN
PCFC	PRE-FINISHED CFC CLADDING PANEL ON SECONDARY STEEL FRAMING
PDMP	PERFORATED DECORATIVE METAL PANELS
PFCW	FC PERMANENT FORMWORK CONCRETE WALL W ACRYLIC RENDER TEXTURE COATI
PMSF	PAINTED MS FLAT BAR FENCE W VERTICAL INTERMEDIATE EQUALLY SPACED SQ BARS
VFTC	VERTICAL ALUMINIUM BATTEN FAUX TIMBE

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Hod	ge Collard Preston	Third Floor, 38 Richardson Street, West Perth, WA 6005 PO Box 743, West Perth, WA 6872 Ph: (08) 9322 5144 Fax: (08) 9322 5740	scale 1:100 @B1	^{date} 25 project 1 4

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CONCRETE WALL W URE COATING FINISH NIUM FRAMED OWS & DOORS

ETAINING WALL BELOW

AFETY GLASS PARAPET

NTER BOX WALL W URE COATING FINISH

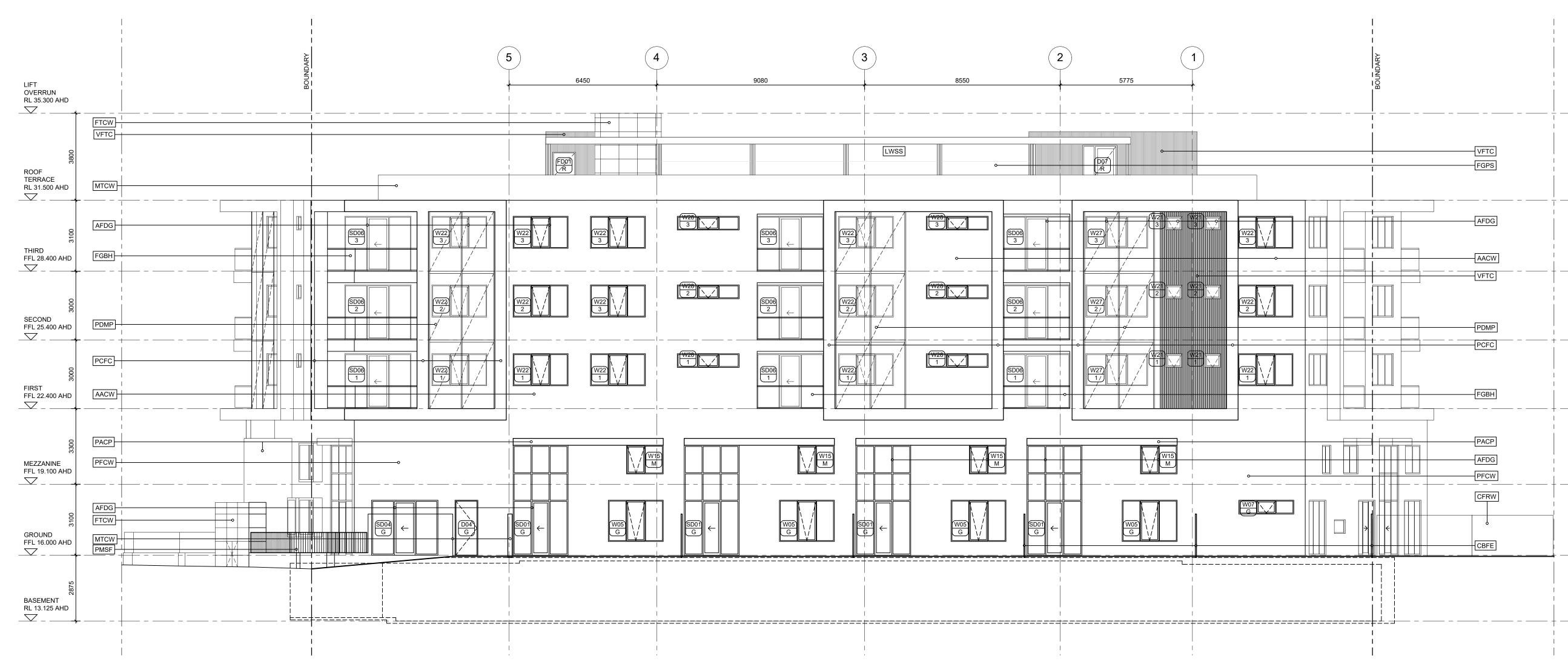
IIUM RE CLADDING PANEL

TIVE METAL PANELS

VORK CONCRETE ER TEXTURE COATING ENCE W VERTICAL

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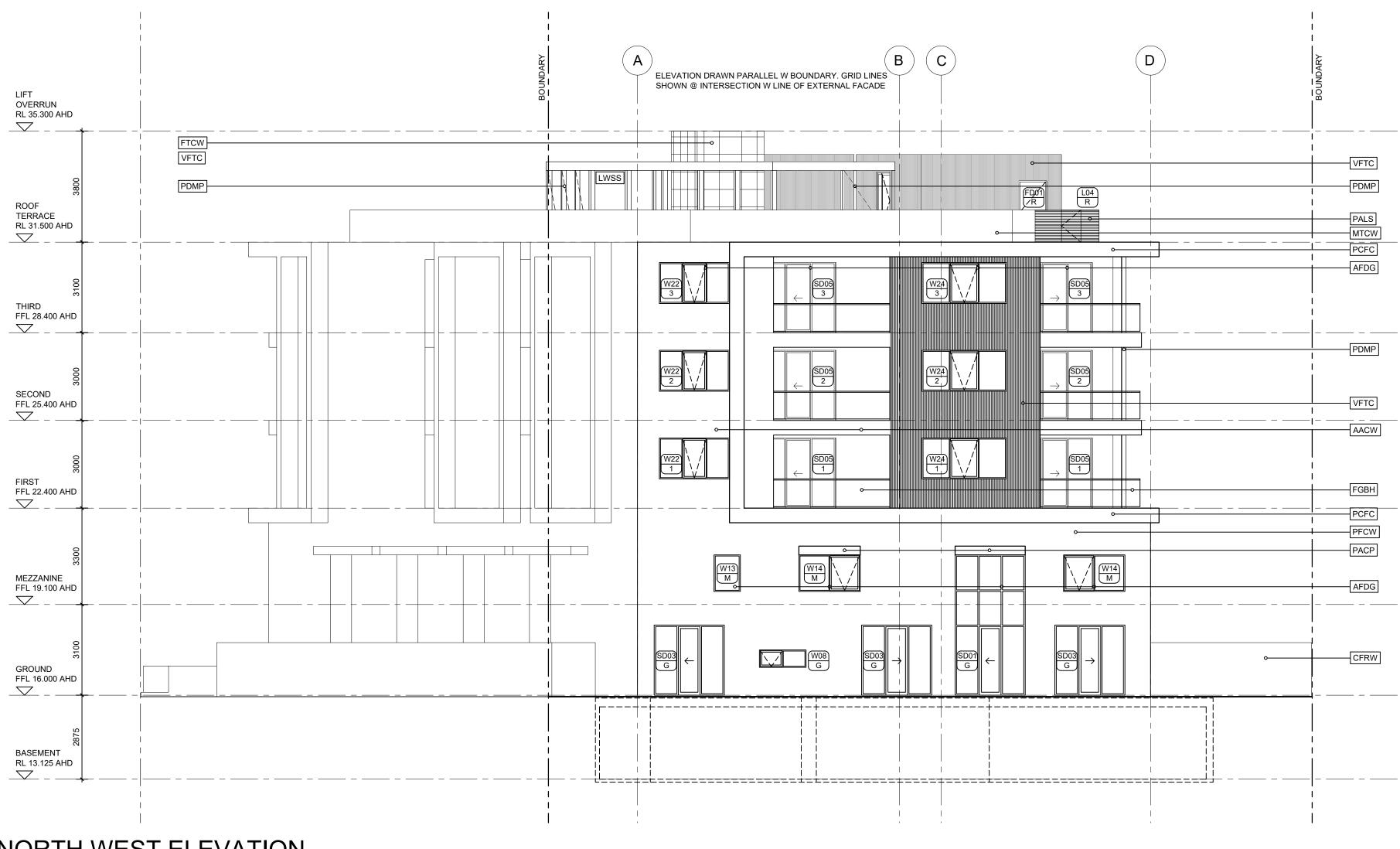
NORTH EAST ELEVATION

SCALE 1:100 @ B1

PLANNING APPROVAL ONLY

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NORTH WEST ELEVATION SCALE 1:100 @ B1

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EGEND	
ACW	AUTOCLAVED AERATED CONCRETE WA ACRYLIC RENDER TEXTURE COATING FI
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