

City of Melville
Agenda Briefing Forum
9 February 2021

Short Stay Accommodation

Dayle Kenny

Context- Planning and Building

8 Macrae Road, Applecross

- On the 6 August 2020 the Developer lodged an *Application for Planning Approval* for both 8 Macrae Road and 21 Kishorn Road, Applecross
- It is understood the Applications sought to enable short stay accommodation at both addresses
- Both Applications were subsequently withdrawn before being presented to the Council or JDAP, on the advice of City planning officers

Context- Planning and Building

8 Macrae Road, Applecross

- An email from the City Planning Department, 9 December 2020, in relation to short stay accommodation, advised, that the City “*has confirmed to the developer that additional land use approvals are not required.*”

Context- Planning and Building

8 Macrae Road, Applecross

- Short stay accommodation and the subsequent impact on amenity were not mentioned or considered in the **Responsible Authority Report** presented to JDAP on the 20th March 2017
- There was no consideration of short stay accommodation in the Planning Approval
- The Certificate of Design Compliance, 19 July 2019, evaluated and certified the 8 Macrae Road, Applecross development under the BCA as Class 2 and 7a only
- Again no consideration was given to short stay accommodation when the Building Surveyor issuing a Certificate of Design Compliance

For Sale

- Whole building for sale in Australia
- Advertised as approved for short stay accommodation



8 Macrae Road,
Applecross, WA 6153




Development Sites & Land • Other

Price information

Sale


For Sale via Expressions of Interest

Key property information

 Land area
1352 m²

 Property extent
Whole

 Floor area
2360 m²

 Tenure type
Vacant Possession

For Sale

EXCEPTIONAL BUILD-TO-RENT INVESTMENT OPPORTUNITY

- 30 apartments under construction
- 24 x two bedroom, 6 x 1 bedroom
- Large living areas & balconies

8 Mcrae Road is well located within the affluent and popular suburb of Applecross in close walking distance to café's restaurants, shopping, essential services, parks and recreation facilities including the beautiful Swan River. This striking designed building will ultimately boast 30 large well-appointed apartments each with balcony and car bay plus access to a communal rooftop garden providing tremendous amenity and convenience.



Approved for short stay accommodation and medium term accommodation the property provides versatility of occupancy to maximise rental returns.

Currently under construction this notable development provides the ability to acquire now and benefit significant stamp duty savings.

The property is being offered for sale via an Expressions of Interest campaign closing Thursday 10th December 2020 at 2.00pm AWST.

For Sale

CBRE

8 Macrae Road, Applecross, WA 6153

Land/Development • Other

- Whole building for sale in China.
- Advertised as a commercial property.



EXCEPTIONAL BUILD-TO-RENT INVESTMENT OPPORTUNITY

 For Sale via Expressions of Interest

This land/development is located in Applecross, WA. The land size of this commercial property is on 1352.00m² around. Now this commercial property is on sale.

* Search **503703990** on **au.myfun.com** to find more information



Property Details

Number of Listing: Single
Property Type 1: Land/Development
Property Type 2: Other
Authority: For Sale
Land Size: 1352.00 m² (approx)
Floor Area: 2360.00 m² (approx)
Tenure Type: Vacant Possession
Building: Whole
Last Updated: 2020-12-17 02:13 PM
Australia Time

Contact in China

Short Stay Accommodation

Canning Bridge Activity Centre Plan

- 8 Macrae Road, Applecross is in the H4 Zone of the CBACP
- CBACP Sections 1.2.3 and 1.4.3 lists allowable land uses in the residential H4 and H8 Zones; short stay accommodation is not included
- CBACP Sections 1.2.1, 1.2.2, 1.4.1 and 1.4.2 lists allowable land uses in the mixed use M10 and M15 Zones; “Tourist Accommodation” is included
- CBACP Section 8, page 44, defines tourist accommodation: *“The term includes motel and **serviced apartment and the like**, but does not include Hotel, Residential Building or Bed and Breakfast Accommodation.”*

Short Stay Accommodation

Local Planning Scheme No 6

Table 3 – Zoning Table, pages 22, 23

- Serviced apartments and bed and breakfast in residential areas (not including District Centres) are *“not permitted unless the local government has exercised its discretion by granting development approval”*
- Serviced apartments in the Canning Bridge District Centre require *“due regard to be given to the Canning Bridge Activity Centre Plan.”*
- Definition **short-term accommodation**, page 47, *“means temporary accommodation providing either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period.”*

Short Stay Accommodation

Local Planning Scheme No 6

Table 3 – Zoning Table - Definitions

- Definition serviced apartment, page 54, “means a group of units or apartments providing-
 - (a) self-contained short-stay accommodation for guests; and
 - (b) any associated reception or recreational facilities.”
- Definition bed and breakfast, page 48-
 - “(a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
 - (b) containing not more than 2 guest bedrooms.”

Short Stay Accommodation

Building Code of Australia

- The 8 Macrae Road development is classified as Class 2 and 7a in its Certificate of Design Compliance and Building Permit,
- BCA Vol 1 A6.2(1) *“A Class 2 building is a building containing two or more sole-occupancy units.”*
“Sole-occupancy unit means a room or other part of a building for occupation by one or joint owner, lessee, tenant or other occupier for the exclusion of any other owner, lessee, tenant or other occupier”
- BCA Vol 1 A6.3 *“A Class 3 building is a residential building providing long-term or transient accommodation for a number of unrelated persons”*
- Under these definitions a multi-level building providing short stay accommodation is Class 3

Short Stay Accommodation

Building Code of Australia

Class 2 versus Class3 – Class 3 provides a higher level of safety

- Fire sprinkler system
- Fire isolated stairways and ramps
- Disability access
- Disability parking required for Class 3
- Internal signage
- Smoke alarms
- Provision of natural light
- Provision of artificial lighting
- Air conditioning
- Glazing

Short Stay Accommodation

Current Situation

- If 8 Macrae Road is to be used for short stay accommodation:
 - CBACP and LPS6 require approval for changes to land use,
 - BCA stipulates assessment as a Class 3 building,
- This approval and assessment have not been undertaken
- Advice given to the Developer by the City was incorrect
- The building is for sale on the basis that it has been approved for short stay accommodation
- This leaves the City is in a dangerous financial and legal situation, which must be corrected immediately

Short Stay Accommodation

Draft LPP 1.21

Policy Objective

- To establish a clear framework for the identification, assessment and determination of applications for short term accommodation
- To ensure appropriate location and management of short term accommodation that protects the amenity of residential areas or nearby residents

Short Stay Accommodation

Draft LPP 1.21

Policy Scope

This policy applies to all short term accommodation land uses throughout the City.

The policy does not apply to land uses such as Bed and breakfast, Serviced apartments and tourist accommodation which are defined elsewhere in the City's planning framework.

- Conventional Bed and breakfast is covered under LPP1.13, but not Airbnb style accommodation
- Serviced apartments and tourist accommodation as defined in the CBACP and LPS6 are the very types of accommodation the Council is seeking to manage. **This Scope does not fit with the Policy Objectives.**

Short Stay Accommodation

Draft LPP 1.21

Policy Statement

- Must include serviced apartments and tourist accommodation and is an opportunity deal with airbnb style accommodation and to include bed and breakfast.
- Clause 1.2 gives no explanation of what the City is planning to do in establishing separate land uses. Is this something the Council asked the City to undertake?
- Residential zones must be kept as residential zones with limited amounts of bed and breakfast and airbnb style accommodation
- Clause 7.1 is open to wide interpretation in Activity Centre residential zones and should be clarified

Short Stay Accommodation

Draft LPP 1.21

Policy Statement

- Greater emphasis on over arching policies:
 - LPS6 rules
 - Genuine due regard for Activity Centre Plans
 - Premises must be fit for purpose under the BCA and other health and safety regulation. This may not fit with the Fremantle model.
- Greater emphasis on local amenity and security:
 - Remember the Melville drug bust and Murdoch riots last year
 - Local density limits for short stay and bed and breakfast accommodation
- Establish a register of short stay across the City.
- The Council should have the ability to rescind approval for non-compliance,
- All applications for short stay accommodation must be approved by the elected Councillors