

5.1 NO. 20 (LOT: 9; PLAN: 1237) GROSVENOR ROAD, MOUNT LAWLEY - PROPOSED CHANGE OF USE FROM SINGLE HOUSE TO HOLIDAY HOUSE

Ward: South Ward

Attachments:

1. Consultation and Location Map
2. Development Plans
3. Management Plan
4. Code of Conduct
5. Applicant Justification
6. Clause 67 Assessment
7. Summary of Submissions - Applicant Response
8. Summary of Submissions - Administration Response

RECOMMENDATION:

That Council, in accordance with the provisions of the City of Vincent Local Planning Scheme No. 2 and the Metropolitan Region Scheme, **REFUSES** the application for Change of Use from Single House to Holiday House at No. 20 (Lot: 9; Plan: 1237) Grosvenor Road, Mount Lawley for the following reasons:

1. Pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015*, the objectives of the Residential zone of the City of Vincent's Local Planning Scheme No. 2, and the objectives of the City's Local Planning Policy – Short Term Accommodation, the proposed development would be incompatible with its setting and would have adverse impacts on the amenity and character of locality as:
 - 1.1 Pursuant to 67(m) and (n) in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed Holiday House would not enhance the amenity of the locality. The surrounding context is characterised by single residential dwellings, and the introduction of a Holiday House, which is by nature more intensive and transient, would be incompatible with the established residential character and amenity of the area;
 - 1.2 Pursuant to the objectives of the Residential Zone in the City of Vincent's Local Planning Scheme No. 2, the proposed Holiday is not compatible with, nor complimentary to, surrounding properties. The introduction of a commercial land use into the low-density residential area would generate levels of noise and activity that are inconsistent with the established residential character, resulting in an undue impact on the amenity of neighbouring properties; and
 - 1.3 Pursuant to the objectives of the City's Local Planning Policy – Short Term Accommodation, the proposed Holiday House is not appropriately located or designed to mitigate potential noise impacts on surrounding residential properties. The outdoor living area directly adjoins the private open spaces of neighbouring properties and is situated within a quiet residential streetscape. This setting is particularly sensitive to increased noise and activity, increasing the likelihood of disturbance and resulting in a detrimental impact on the amenity of adjoining properties.

EXECUTIVE SUMMARY:

The purpose of this report is to consider an application for development approval for a change of use from Single House to Holiday House.

The subject site is zoned Residential R40 under the City of Vincent Local Planning Scheme No. 2 (LPS2). The site and adjoining properties fall within the Residential Built Form Area under the City's Local Planning Policy No. 7.1.1 – Built Form (Built Form Policy).

The site is bounded by Arnold Lane to the north, Grosvenor Road to the south, and single-storey single houses to the east and west. The site consists of a single storey dwelling with four bedrooms, two

bathrooms, an outdoor living area at the rear, and two tandem car parking bays accessed from Grosvenor Road. No building works are proposed.

The application seeks approval to use the subject site as a Holiday House, which is un-hosted short-term accommodation, for up to eight guests, with a minimum two-night stay. The property would be managed by a third-party short-term accommodation provider.

Discretion is sought in relation to the appropriateness of the land use within the Residential zone and context.

The proposed Holiday House use would not be compatible with the immediate and broader residential character of the area. The subject site is located mid-block within low-density residential street and is surrounded entirely by single houses. The proposed Holiday House would introduce a commercial land use into a setting with no immediate commercial interface or background activity to reduce impacts of increased intensity, turnover of guests, and associated noise and movement of the Holiday House.

There is a clear transition between the commercial activity of Beaufort Street and the subject site, with an intervening public car park, low-intensity commercial uses, and residential properties creating a physical separation between the District Centre land uses and the quieter, residential character of Grosvenor Road. As a result, the subject site is experienced as part of a distinctly residential environment, where the introduction of a high-intensity, short-term accommodation use would be inconsistent and would unduly impact local amenity.

Administration recommends that the application be refused for the reasons set out in the recommendation.

PROPOSAL:

The application proposes a change of use of the subject site from Single House to Holiday House. A location plan is included as **Attachment 1**.

Details of the proposed operation of the Holiday House is summarised as follows:

- The accommodation would be un-hosted.
- The accommodation would host a maximum of eight guests per booking.
- A minimum stay of two nights would be required for all bookings.
- Two on-site car parking bays would be available for guest use.
- The property would be managed by 'HostYou,' a third-party short-term accommodation management company.

The applicant's Development Plans are included as **Attachments 2**. A Management Plan and Code of Conduct have been submitted to guide the operation, included as **Attachments 3** and **4**, respectively. The applicant has also prepared written justification in support of the application as included as **Attachment 5**.

The subject site is currently lawfully operating as 'Un-hosted Short Term Rental Accommodation' (defined as Holiday House) under an exemption from requiring development approval provided by the *Planning and Development (Local Planning Schemes) Regulations 2015* (Deemed Provisions). This exemption permits the site to operate as un-hosted short-term rental accommodation for up to 90 nights (non-consecutive) within a 12-month period. The 90-days are taken from the date the property is registered with the state government.

The property was registered on 22 December 2024 and has been used for un-hosted short term rental accommodation for 84 days as of 22 April 2025.

The application is seeking development approval for a Holiday House, which would allow the site to be used for un-hosted short-term accommodation in perpetuity.

There are no internal or external building works proposed as part of this application.

Delegation to Determine Applications:

This application is being referred to Council for determination in accordance with the City's Register of Delegations, Authorisations and Appointments.

This is because the delegation to Administration to determine applications does not extend to applications for development approval that receive more than five objections during the community consultation period.

The application received 11 objections during the community consultation period.

BACKGROUND:

Landowner:	Stanislaw Dzieciol
Applicant:	Kate Hawker and Clare McLean
Date of Application:	14 November 2024
Zoning:	MRS: Urban LPS2: Zone: Residential R Code: R40
Built Form Area:	Residential
Existing Land Use:	Single House
Proposed Use Class:	Holiday House – 'A' use
Lot Area:	577 square metres
Right of Way (ROW):	Yes – Arnold Lane, Crown land, 4 metres wide, paved, and drained
Heritage List:	No

Site Context and Zoning

The subject site is bound by Grosvenor Road to the south, Arnold Lane to the north, and single storey single houses to the east and west, as shown in the Location Plan included as **Attachment 1**.

The subject site and adjoining and adjacent properties are zoned Residential R40 under LPS2 and are within the Residential Built Form Area under the City's Built Form Policy.

The subject site contains a single-storey four-bedroom, two-bathroom single house. The outdoor living area that is directly accessible from the primary living area of the house is located at the rear of the site. This outdoor space includes a roofed patio and a large, open landscaped and paved area. There is also a roofed verandah located at the front of the site.

Vehicle access for the site is from Grosvenor Road. A carport and driveway on the eastern side of the property provides space for two vehicles to park in a tandem arrangement. An existing garage and hardstand area at the rear of the site is not proposed to be used for car parking.

Holiday House Operation History

As detailed in the Proposal section, the subject site is lawfully operating as 'Un-hosted Short Term Rental Accommodation' under an exemption from requiring development approval provided for under the Deemed Provisions.

A review of the booking data available to the City through the Short-Term Rental Accommodation Register identifies that the property has typically accommodated an average of five guests per stay, with occupancy ranging from a minimum of three to a maximum of eight guests. Stays have varied from four to 13 nights, with an average length of six nights.

Following the conclusion of the 90-day exemption period, the un-hosted short-term accommodation use is required to cease unless development approval is granted. The applicant is now seeking approval to formally continue operating the property as a Holiday House in perpetuity.

Surrounding and Future Context

Immediate Surrounding Context

The context of the immediate adjoining properties is summarised as follows:

- No. 18 Grosvenor Road – A single storey single house immediately located to the east of the subject site, comprising:
 - A living room and kitchen with two west-facing major openings positioned 2.4 metres from the shared boundary and 8.6 metres from the subject site's outdoor living area.

- An outdoor living area at the rear, located 6.7 metres from the subject site's outdoor living area, comprising a landscaped garden and open alfresco.
- No. 22 Grosvenor Road – A single-storey dwelling located immediately west of the subject site, comprising:
 - A major opening on the eastern elevation, 3.3 metres from the shared boundary and directly adjacent to the subject site's outdoor living area.
 - A rear outdoor living area that directly adjoins the subject site's outdoor living area, consisting of an open grassed area and an alfresco space.
- Nos. 11 and 13 Raglan Road – Two single-storey dwellings on separate lots, each 7.5m wide, are located immediately north of the subject site. These properties have their outdoor living areas separated from the subject site's outdoor living area by Arnold Lane.

Broader Surrounding Context

The surrounding locality is predominantly characterised by low density one and two storey single houses. This includes the three adjoining properties to the east, all properties to the west, and all properties adjacent to the north and south of the subject site.

Beyond these residential properties are the two closest commercial properties located at No.13 and 10 Grosvenor Road. These properties are 28 metres to the south-east and 40 metres to the east of the subject site, respectively and operate as follows:

- No. 13 Grosvenor Road operates as Medical Centre with a maximum of five staff members and three customers at any one time, between 8:00am and 6:00pm Monday to Friday.
- No. 10 Grosvenor Road operates as a Consulting Room (Psychologist), with two staff members and four customers at any one time, between 9:00am and 6:00pm Monday to Thursday, and 1:00pm to 5:00pm Friday.

The area transitions eastward to No. 8 Grosvenor Road, a privately owned lot zoned District Centre under LPS2, located approximately 50 metres from the subject site. This property is currently used as part of the Raglan Road public car park operated by the City.

Further east, approximately 80 metres from the subject site, Nos. 639-643 Beaufort Street comprises a two-storey building that marks the beginning of the Beaufort Street Town Centre. This site is occupied by 'The Elford' Tavern, which has a maximum capacity of 478 patrons and operates from 11:00am to 11:00pm Monday to Wednesday, and from 11:00am to 12:00am Thursday to Sunday.

Beaufort Street is then located 125 metres to the east of the subject site and provides for a variety of commercial land uses including hospitality venues, shops, consulting rooms, offices medical centres, and retail.

A map showing the land uses of the surrounding locality is provided in **Figure 1**, below.

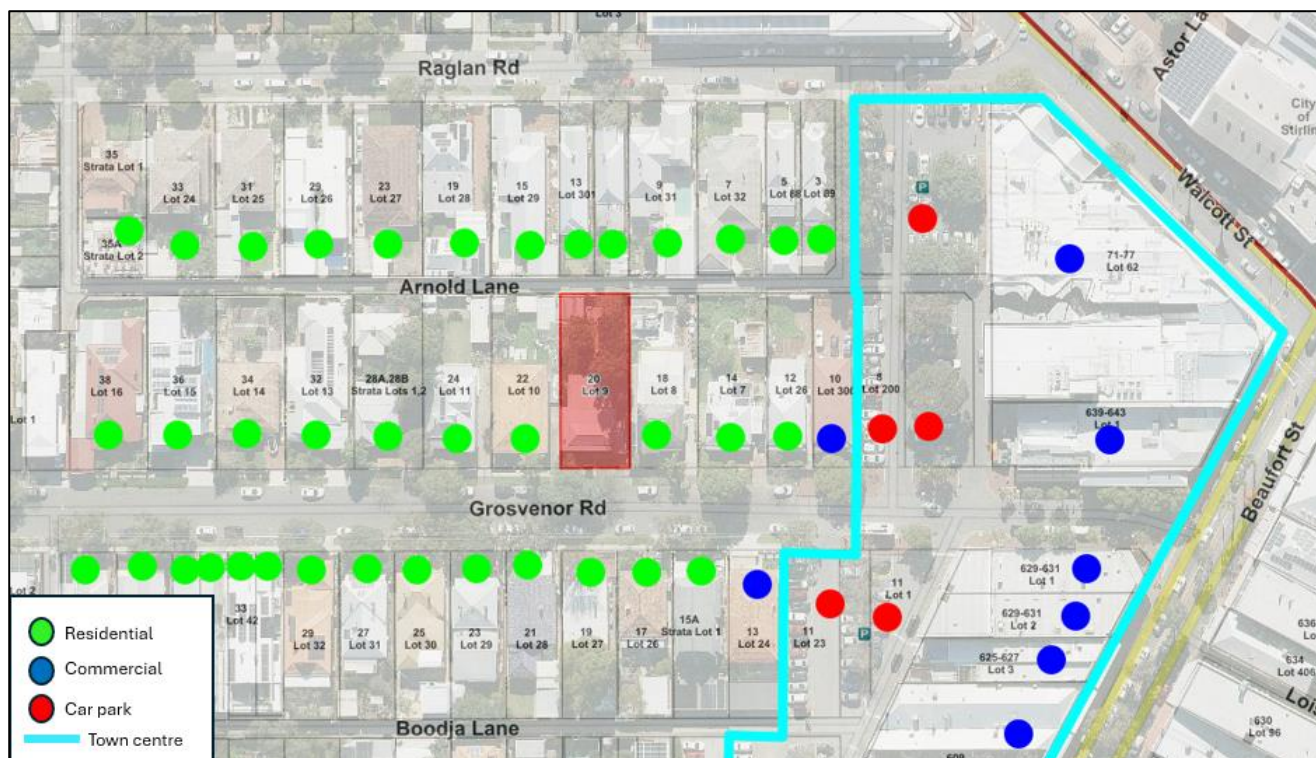


Figure 1: Subject site and surrounding land uses

Future Planning Context

The City's Local Planning Strategy identifies the surrounding portion of Grosvenor Road to remain as a medium density residential area, based on [Figure 1 of the Strategic Plan](#).

The overall density of the immediate context is unlikely to increase significantly. This is because most lots to Grosvenor Road cannot be developed beyond two dwellings, meaning the existing low-to-medium density character is likely to remain in the future.

While the area is zoned Residential R40 under the City's LPS2, subdivision potential is limited due to lot sizes (ranging from 220 to 575 square metres) and due to Clause 26(6) of LPS2 which restricts development to a maximum of two dwellings per lot.

Draft Planning Instruments - Proposed Amendment No. 13 to LPS2 & Amendment to Short Term Accommodation Policy

At its 11 February 2025 meeting, Council resolved to prepare and advertise Amendment No. 13 to LPS2 and proposed amendments to the City's Draft Short Term Accommodation Policy (refer to [Agenda](#) and [Minutes](#)).

These amendments are in a draft form and community consultation has not yet commenced. On this basis, the draft amendments are not seriously entertained planning instruments, and no weight should be given to them in the assessment or decision-making of this application.

Further detail is provided in the Legal/Policy section of this report.

Draft Planning Instrument – Beaufort Street Town Centre Planning Framework (Draft BSTCPF)

The City is currently preparing a new planning instrument to guide future development along Beaufort Street and surrounding properties. This is being progressed through the Draft BSTPF, which sets a vision and development guidance for the precinct.

At its meeting on 11 February 2025, Council resolved to proceed with public consultation on the Draft BSTPF (refer to [Agenda](#) and [Minutes](#)). The draft framework applies to properties within the core of the Town Centre, commencing at the intersection of Nos. 10 and 12 Grosvenor Road. The boundary of the Draft BSTCPF area is shown below in **Figure 2**.

The subject site and adjoining properties fall outside the draft framework area and would not be affected by its future adoption.

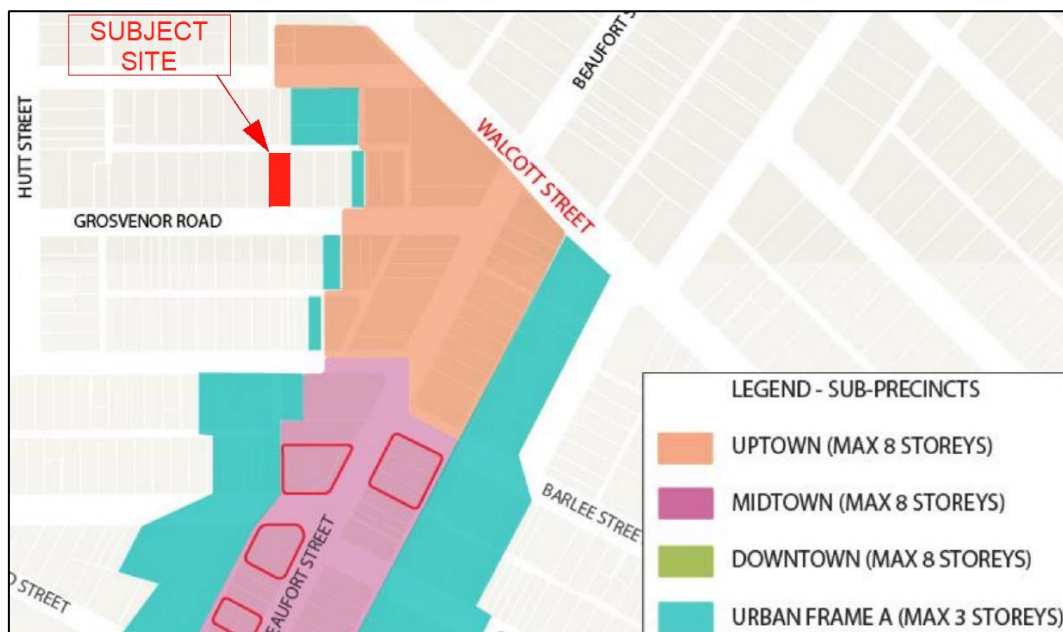


Figure 2: Subject site in relation to Draft BSTCPF precinct boundary

DETAILS:

Summary Assessment

The table below summarises the planning assessment of the proposal against the provisions of the LPS2, the Short-Term Accommodation Policy, and the Non-Residential Parking Policy. In each instance where the proposal requires the discretion of Council, the relevant planning element is discussed in the Detailed Assessment section following from this table.

Planning Element	Use Permissibility/ Deemed-to-Comply	Requires the Discretion of Council
Land Use		✓
Non-Residential Parking Policy	✓	
Short Term Accommodation Policy		✓

Detailed Assessment

The elements that require the discretion of the Council is as follows:

Land Use	
Use Class Permissibility	Proposal
LPS2 – Zoning Table	
'P' use.	<i>Residential Zone:</i> Holiday House – 'A' Use
Short Term Accommodation Policy	
Acceptable Development Provisions	Proposal
Locational Context	
Accommodation proposes sufficient distance and separation from the outdoor living areas of adjoining properties.	The outdoor living areas of Nos. 18 and 22 Grosvenor Road adjoin the of the subject site's outdoor living area.

Accommodation that has a direct interface with noise generating (non-residential) uses or where ambient noise/activity already exists	The subject site does not adjoin noise generating uses and is not in an area where ambient noise/activity already exists.
Host Present A host is to be present on site or a management plan and other measures are proposed which achieve the objectives of the policy.	A host is not present on site. The application proposes operational measures as per the submitted Code of Conduct and Management Plan. The measures would not achieve the objectives of the policy.

Planning and Development (Local Planning Schemes) Regulations 2015

In accordance with Clause 67(2) of the Deemed Provisions and in determining a development application, Council is to have due regard to a range of matters to the extent that these are relevant to the development application.

Administration's comment on each matter requiring consideration is provided in **Attachment 6**.

LPS2

In considering the appropriateness of the use, Council is required to consider the objectives of the Residential zone under the LPS2, as follows:

- *To provide for a range of housing and a choice of residential densities to meet the needs of the community.*
- *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
- *To provide for a range of non-residential uses, which are compatible with and complementary to residential development.*
- *To promote and encourage design that incorporates sustainability principles, including but not limited to solar passive design, energy efficiency, water conservation, waste management and recycling.*
- *To enhance the amenity and character of the residential neighbourhood by encouraging the retention of existing housing stock and ensuring new development is compatible within these established areas.*
- *To manage residential development in a way that recognises the needs of innovative design and contemporary lifestyles.*
- *To ensure the provision of a wide range of different types of residential accommodation, including affordable, social, and special needs, to meet the diverse needs of the community.*

The Residential zone objectives are one matter to which Council is to give due regard in the consideration of this application under the Deemed Provisions. Other relevant matters to be given due regard are set out below.

The above elements of the proposal that do not meet the specified acceptable development provisions are discussed in the Comments section.

CONSULTATION/ADVERTISING:

Community consultation was undertaken in accordance with the Deemed Provisions for a period of 14 days from 4 December 2024 to 17 December 2024. The method of consultation included a notice on the City's website, the erection of a sign to the Grosvenor Road elevation of the site and 12 letters being mailed to the owners and occupiers of the adjoining properties, as shown in **Attachment 1**, in accordance with the City's Community and Stakeholder Engagement Policy.

During the consultation period, the City received 11 submissions, all of which objected to the proposal.

The number of submissions received during the community consultation period are not a relevant planning consideration. Instead, the decision-maker should focus on the substance of the comments made regarding the proposal, which are summarised as follows:

- Impact of short-term accommodation during the housing crisis on housing availability.

- Establishment of a commercial use in a residential area and setting an unwanted precedent for the area.
- Lack of information provided on how neighbours can contact host about issues with the operation of the premises.
- Uncertainty on how off-site management can adequately address problems.
- Increased noise and anti-social behaviour from short-stay guests.
- Noise disturbances, especially at night, affecting nearby residents.
- Frequent turnover of guests disrupting community relationships.
- Decreased sense of safety due to constant guest turnover.

As summary of submissions and the Applicant's response is included as **Attachment 7**. Administration has provided a response to submissions which is included as **Attachment 8**.

Design Review Panel (DRP):

Referred to DRP: No

The proposal was not referred to the DRP. This is because the application does not propose any modifications to the existing built form and does not meet the requirements for referral outlined in the DRP [terms of reference](#).

LEGAL/POLICY:

- *Planning and Development Act 2005*;
- *Planning and Development (Local Planning Schemes) Regulations 2015*;
- City of Vincent Local Planning Scheme No. 2;
- Community and Stakeholder Engagement Policy;
- Local Planning Policy: Short Term Accommodation;
- Draft Short Stay Accommodation Policy; and
- Non-Residential Development Car Parking Policy.

Planning and Development 2005

In accordance with Schedule 2, Clause 76(2) of the Deemed Provisions and Part 14 of the Planning and Development Act 2005 (P&D Act), the applicant would have the right to apply to the State Administrative Tribunal for a review of Council's determination.

Local Planning Policy: Short Term Accommodation

In considering the appropriateness of the Holiday House, Council is to have regard to the objectives of the Short-Term Accommodation Policy:

The objectives of this policy are to ensure short term accommodation in the City of Vincent:

1. *Positively contributes to the surrounding locality and diversity of accommodation types offered in the area.*
2. *Are managed in a manner that protects the amenity of the surrounding community to the level necessary for its context.*
3. *Are located, designed, and operate in a manner that minimises the level of noise generated by guests and impact that noise has on the surrounding community.*
4. *Do not negatively impact on the heritage integrity of a place or its historical and social value.*
5. *Do not have an undue impact on the amenity of the area, including surrounding residential properties and businesses.*
6. *Provide sufficient car parking or access to alternative transport modes to minimise negative impact on the amenity of the area.*

Amendment No.13 to the LPS2 & Amendments to Short Term Accommodation Policy

On 25 September 2024, the City received notification from the Minister for Planning advising that the City's LPS2 must be amended to align with changes to the Planning Regulations, which were gazetted in September 2024.

At its 11 February 2025 Ordinary Council Meeting, Council resolved to:

- Support the preparation and advertising of Amendment No. 13 to the City's LPS2, to align the Scheme with recent changes made the Planning Regulations.
- Support public advertising of amendments to the City's Short Term Accommodation Policy.

The proposed amendments to LPS2 and the Short Term Accommodation Policy are not seriously entertained planning instruments at this stage. This is because public consultation has not yet commenced, and both the draft Scheme Amendment and Policy are subject to further consideration and approval by Council and, in the case of the Scheme Amendment, the Western Australian Planning Commission.

In accordance with Clause 67(2)(a) of the Planning Regulations, due regard must be given to any local planning policy that is in effect or is seriously being considered by Council.

In this instance, the draft Scheme Amendment and draft Policy do not meet the threshold of a seriously entertained planning proposal, as they are neither certain, final, nor imminent.

As such, no weight should be given to the objectives or provisions of the draft instruments in determining this application.

RISK MANAGEMENT IMPLICATIONS:

There are minimal risks to Council and the City's business function when Council exercises its discretionary power to determine a planning application.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's Strategic Community Plan 2022-2032:

Innovative and Accountable

Our decision-making process is consistent and transparent, and decisions are aligned to our strategic direction.

SUSTAINABILITY IMPLICATIONS:

This application does not contribute to any environmental sustainability outcomes. There is limited ability for the development to influence the environmental impact of the building on the site through this application. This is because it relates to a change of use from Single House to Holiday House, with no proposed works.

PUBLIC HEALTH IMPLICATIONS:

There are no public health implications from this application.

FINANCIAL/BUDGET IMPLICATIONS:

There are no financial/budget implications from this application.

COMMENTS:

Summary Assessment:

In assessing the application against the planning framework, it is recommended for refusal. The following comments are of relevance:

- The subject site is located mid-block on a residential street and is surrounded entirely by single houses. The proposed Holiday House introduces a commercial land use into an established low-density residential area, inconsistent with the prevailing residential character.
- The use would result in a higher intensity of activity to the subject site, with increased turnover of guests and associated noise, parking demand, and general disruption. This is exacerbated by the absence of commercial interfaces or consistent background activity in the immediate area.

- The outdoor living area is located at the rear of the site, directly adjacent to neighbouring outdoor living spaces and major openings. This proximity, combined with the transient nature of guests would result in elevated noise levels, adversely impacting adjoining residential amenity.
- While a Management Plan and Code of Conduct have been provided, these measures rely on self-regulation and do not address the fundamental design limitations of the site. There are site separation measures to reduce the impact of the use on neighbours.
- The proposal does not meet the objectives of the City's Short-Term Accommodation Policy, which seeks for such uses to be located, designed, and operated in a way that minimises the impact of noise and activity on the surrounding community.

Land Use

In considering the acceptability of the Holiday House land use, Council is required to consider the [objectives](#) of the Short Term Accommodation Policy, [objectives](#) of the Residential zone under LPS2, and the [matters to be considered](#) under Clause 67 of the Deemed Provisions.

Applicant Justification & Management Plans

The applicant has prepared written justification and Management Plan and Code of Conduct to support the proposal, included in **Attachment 5, 6 and 7**, respectively.

The applicant's written justification is summarised as follows:

- The subject site is at the interface of the Beaufort Street commercial area, which plays a significant role in defining the character of the area. There is a clear relationship between the subject site and non-residential land uses.
- The subject site is located 50 metres to the west of a well-utilised car park. The noise from vehicles using this car park, including door closing and truck deliveries, creates ambient noise in the area.
- The noise of gatherings of people conversing in the alfresco area of The Elford and other Beaufort Street restaurants creates additional ambient noise.
- The outdoor living area of the subject dwelling is not in close proximity to any sensitive areas on the adjoining residential dwellings. Although the subject site and adjoining dwellings have the outdoor living areas located at the rear, these spaces are sufficiently separated.
- The east and west adjoining properties have provided written support for the subject site to be used as a Holiday House.
- The Management Plan and Code of Conduct includes a list of rules for guests to adhere to, which will mitigate the potential undue impacts of the Holiday House land use.

The Management Plan and Code of Conduct propose measures and strategies that the Holiday House operation would implement. A summary of the key measures and strategies are provided below:

- Guest screening, which requires guests to provide their contact details, a government issued identification, written reviews from other hosts, and their reason for booking the property.
- Prohibition of parties and gatherings.
- A maximum of eight guests. No additional guests other than those booked at permitted at stay at the property.
- Excessive noise would be monitored through a noise monitoring system. This system would identify when guests are making excessive noise, particularly during the identified quiet times between 10:00pm and 7:00am Monday to Saturday, and 10:00pm to 9:00am Sunday and public holidays. The system would notify the operator when excessive noise is detected, allowing the operator to take immediate action to resolve the issue. This could include eviction of guests or extra charges applied.
- A complaints procedure, including the provision of contact details of the operator to adjoining and adjacent properties to ensure any issues can be resolved promptly.

Administrations Comment

Council is to consider whether the proposed land use is appropriate for this location and whether it would have any adverse impacts on the amenity of neighbouring properties or the broader locality.

The Deemed Provisions defines amenity as “...all those factors which combine to form the character of an area and include the present and likely future amenity.”

Land Use Acceptability

The proposed holiday house would be incompatible with the existing and desired future amenity for the following reasons:

- Increased Intensity of Site: The proposed Holiday House introduces a commercial use into a residential setting, with the subject site surrounded entirely by single house residential properties. Unlike a dwelling, its short-term rental nature, regular turnover of guests, and revenue driven operation create a higher level of intensity. With capacity for up to eight guests every two nights, the use would generate frequent comings and goings, increased noise, and greater activity linked to outdoor living, entertaining, and parking. This intensity is inconsistent with the surrounding residential character and would result in undue impacts on neighbouring properties, particularly in terms of noise and disruption to residential amenity.
- Impact on the Immediate Context:
 - Adjoining Residential Properties: The subject site is surrounded by low-density residential development, with the adjoining lots to the east and west most directly impacted. As shown in **Figure 3** below, both neighbouring properties contain single-storey homes with outdoor living areas located near the subject site's own outdoor space, as well as major openings that directly face the site, including toward the proposed tandem parking area.

The proposal does not meet the objectives of the Short Term Accommodation Policy, which seeks for Holiday Houses to be located and designed to minimise noise generated by guests and its impact on surrounding properties. Given the proximity of outdoor living areas and major openings, and the absence of any mitigating features, such as higher than standard fencing, buildings, landscaping, or transitional land uses, the proposed use would result in adverse impacts on the residential amenity of adjacent properties.
 - Use of Outdoor Living Areas: Holiday Houses often result in more frequent, irregular, and intensive use of outdoor spaces, particularly during evenings and weekends, when surrounding residential properties typically seek quiet enjoyment. The City's Short Term Accommodation Policy recognises this risk and requires adequate separation to protect residential amenity. The proximity of neighbouring outdoor living areas means the proposed use would result in increased noise and activity, adversely affecting the amenity of adjacent properties.

Figure 3 below illustrates the location of outdoor living areas, major openings, and car parking areas for the subject site and the adjoining properties.

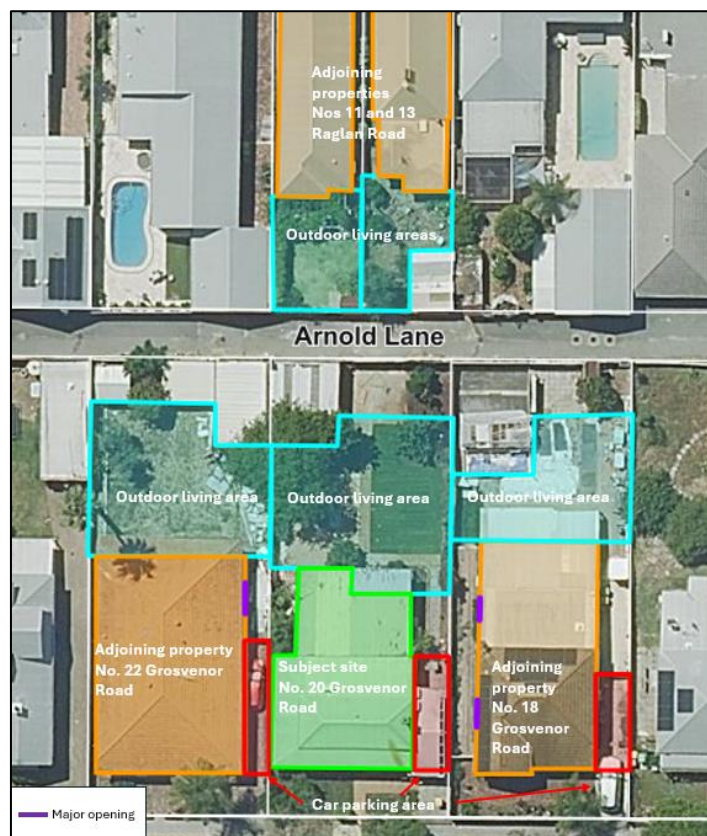


Figure 3: Subject site and adjoining properties site layouts

- Impact on the Broader Context:

- Incompatibility with Residential Character: The subject site is located within an established residential area that is characterised by low levels of ambient noise. The subject site does not interface with any commercial properties that could assist in offsetting the noise impacts of the Holiday House.

The nearest commercial uses are located 40 metres and 28 metres away at Nos. 10 and 13 Grosvenor Road, comprise a consulting room and a low-scale medical centre. These are low intensity uses that operate during standard business hours and generate minimal noise. They also serve as a transitional interface between the Beaufort Street District Centre and the quieter residential character of Grosvenor Road.

Due to their limited scale and operation, these commercial uses do not contribute significantly to local ambient noise. The absence of consistent background activity in the immediate area highlights the potential for the proposed use to introduce noticeable disruptions, particularly in relation to noise, parking demand, and general activity.

- Separation from Commercial Land Use: Beyond Nos. 10 and 13 Grosvenor Road is the Beaufort Street District Centre. The closest land use within the District Centre is the Raglan Road public car park, with the nearest commercial tenancy, The Elford, located 80 metres to the west of the subject site. The site is physically separated from this commercial activity by three residential properties, low-intensity commercial uses (mentioned above), and the public car park.

These intervening built form and land uses provides a distinct transition from the low-density residential context of Grosvenor Road to the higher activity commercial zone. This distinct transition is to mitigate any noise or activity associated with the car park and Beaufort Street hospitality venues.

As a result, the subject site is experienced as part of a residential streetscape rather than an extension of the Town Centre. The surrounding context maintains a high level of residential amenity, and the introduction of a more intensive, short-stay Holiday House would be inconsistent with the established character and would unduly impact the surrounding locality.

Code of Conduct and Management Plan

The applicant has submitted a Management Plan and Code of Conduct, included as **Attachment 3** and **4**, outlining measures relating to car parking, noise control, waste management, complaints management, and security.

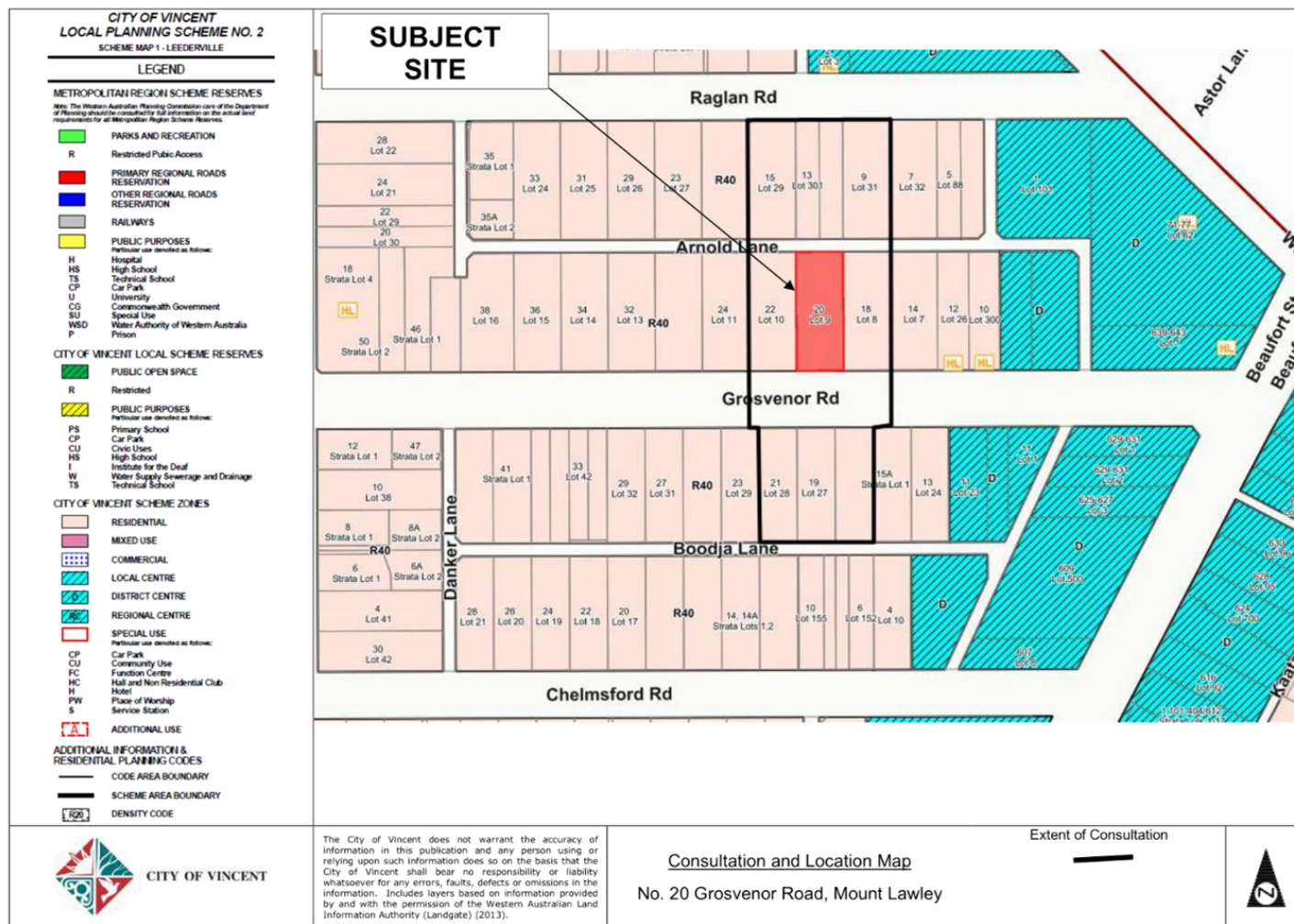
While tools such as noise monitoring devices may assist in managing issues, their effectiveness is limited. Residential amenity is more influenced by the physical layout of a site and its relationship to adjoining properties than by operational controls alone.

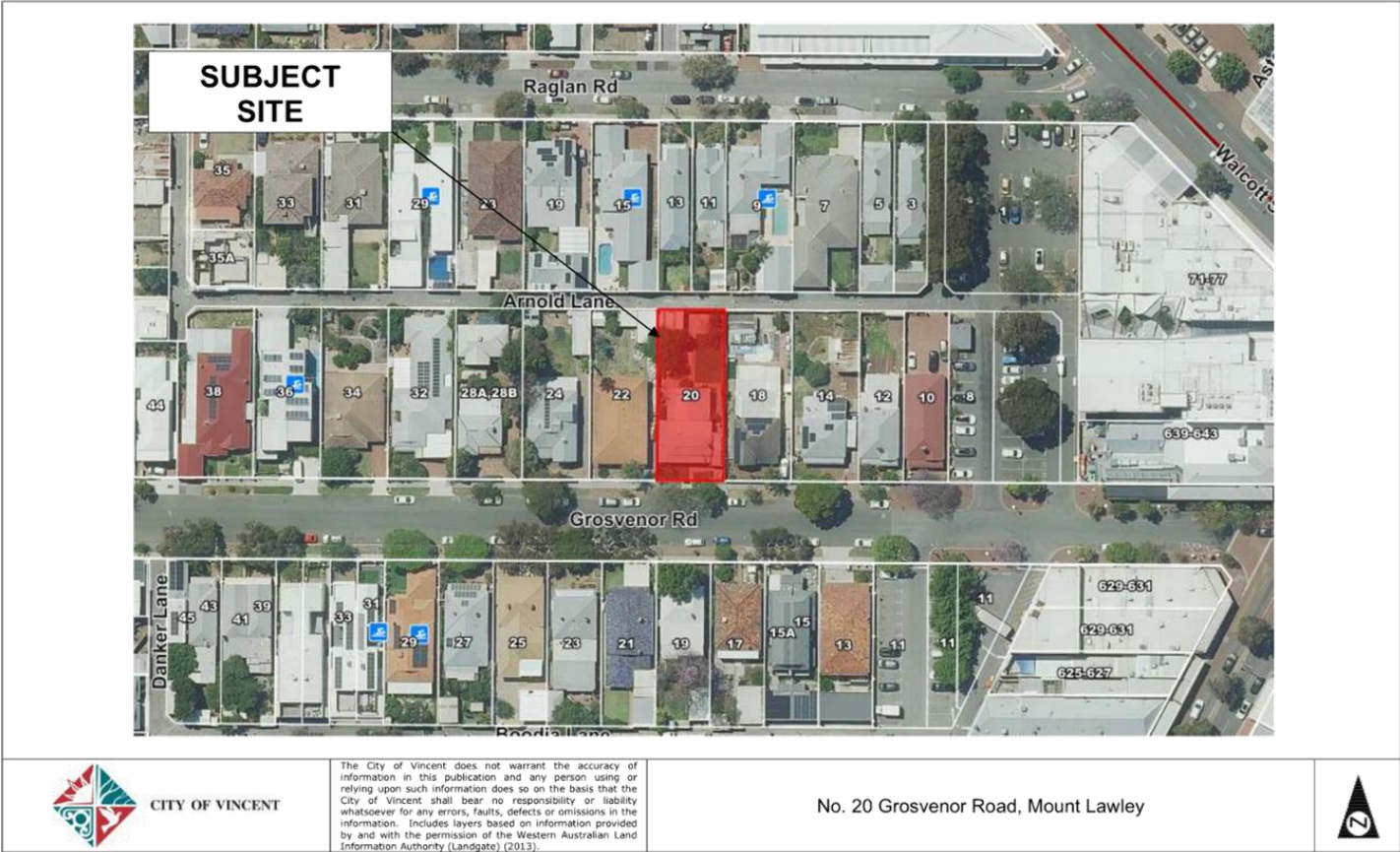
In this case, the subject sites outdoor living area directly adjoins those of neighbouring properties, increasing the potential for noise and disruption. Although the property may be able to be managed responsibly, the proposed measures are largely reactive and do not adequately address the risks posed by the site's layout and immediate context. As such, management alone cannot ensure that the use will not result in an undue impact on the surrounding residential amenity.

Time Limited Approval

The City's Short Term Accommodation Policy allows consideration for time-limited approval where a proposal does not meet the Acceptable Development criteria, providing an opportunity to assess performance before permanent approval is considered.

In this case, a time-limited approval is not supported. The subject site does not present an appropriate setting for short-term accommodation due to its close interface with adjoining residential properties. The likely noise and amenity impacts cannot be adequately mitigated through temporary approval or management measures.

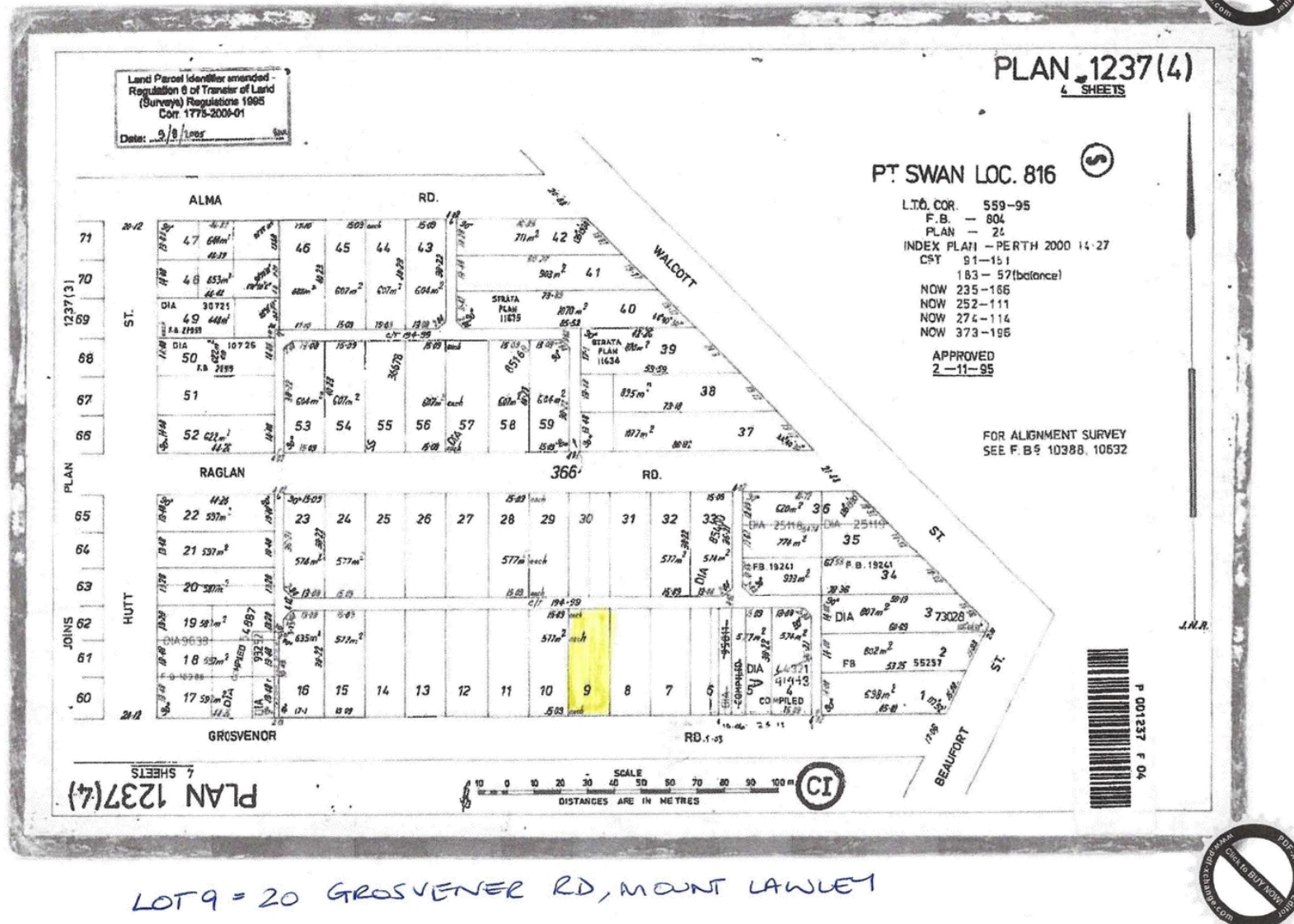




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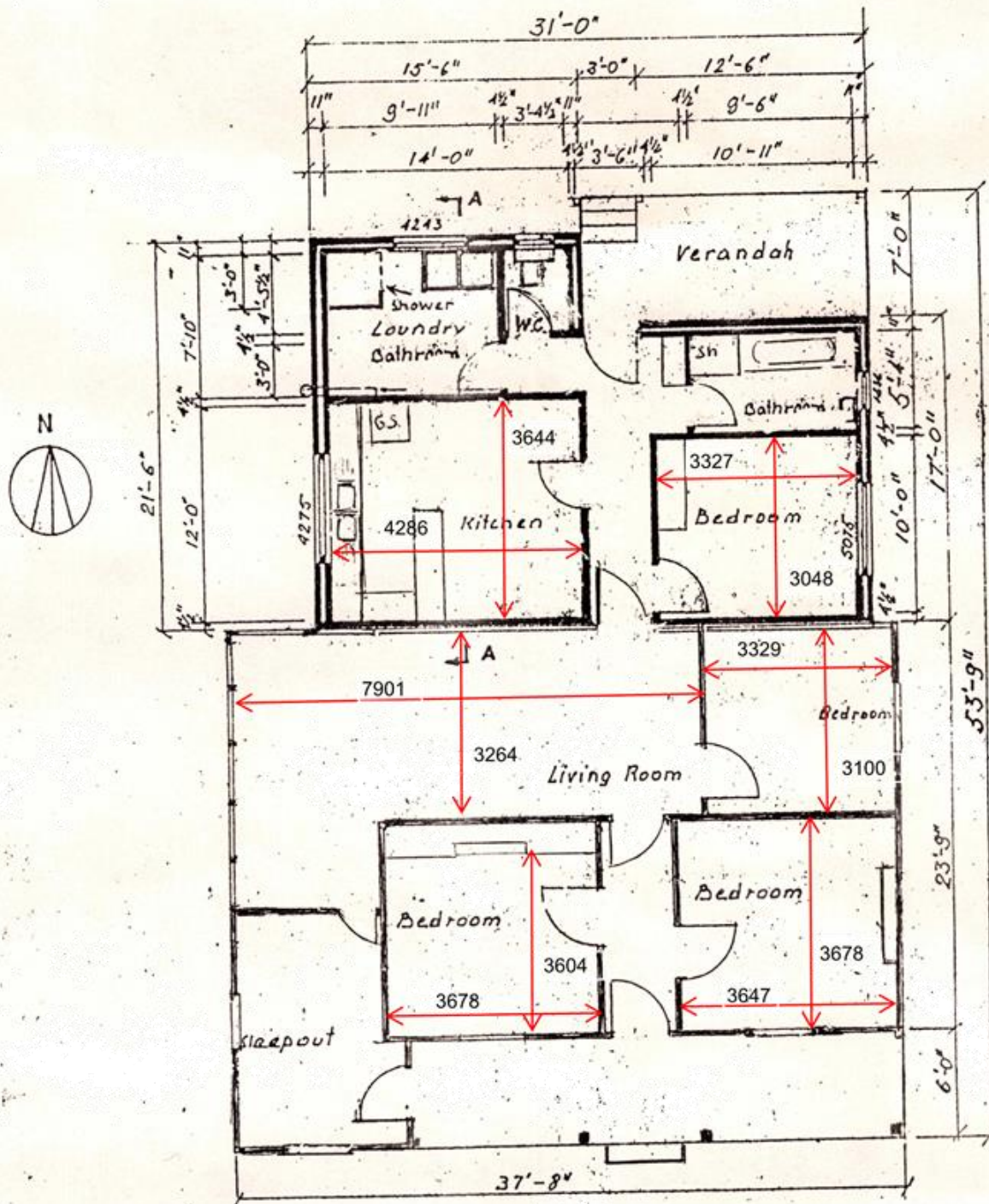


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14 Nov 2024

splits required due to
concrete roof

Section B-B
Slab Reinforcement Details
Scale $\frac{1}{2}" = 1'-0"$

Min. cover $\frac{3}{4}"$
Concrete $F_c' = 300$ p.s.i.



Plan of proposed Extension to existing building

PROPOSED EXTENSION & MODIFICATION
TO RESIDENCE at 20 GROSVENOR Rd.
MT. LAWLEY

For Mr & Mrs K. Dzieciol

Scale: $\frac{1}{8}" = 1'-0"$
 $\frac{1}{16}" = 1'-0"$

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**Short Stay Accommodation
Property Management Plan
for
20 Grosvener St, Mount Lawley 6050**

October 2024

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4. Summary

1. Background and overview

HostYou is a Perth based short-term accommodation management company providing full property management services to property owners in Perth metro and surrounds.

HostYou intends on becoming the Exclusive Managing Agent for the property at 20 Grosvenor St Mount Lawley 6050 and subsequently has developed this management plan on behalf of the owners in accordance with requirements stipulated by the City of Vincent.

The property in question is seeking permission for change of use to short stay accommodation. This property hosts a maximum of eight (8) guests and is a two (2) bathrooms, four (4) bedroom single storey - house with two (2) allocated parking bays inside the gate on the long double driveway. The bedding configurations will be one (1) King bed and three (3) Queen beds.

The property is conveniently located just 160m (2-minute walk) from its closest high frequency bus stop on Beaufort Street (ID 12139 Buses 66 67 68 and 950). This is where there are many restaurants, cafes and retail stores closeby. Additionally, 2nd Avenue Plaza is just a quick 15-minute walk or a 4-minute drive away, surrounded by a variety of restaurants like Lotus Cafe, Okay Restaurants, and Viet Hoa. Additionally, you'll find Perth CBD is a short 8-minute drive.

HostYou is located in Doubleview WA 6018 and is within a 20-minute drive from 20 Grosvenor St, Mount Lawley 6050. For simple contact and availability of the hosts, Michelle Mac Siomoin and Kate Hawker of HostYou will be the main points of contact:

Michelle Mac Siomoin : 0436 800 655 / michelle@hostyou.com.au

Kate Hawker: 0436 800 655 / info@hostyou.com.au

Operations: 0436 800 655 / operations@hostyou.com.au

Our contact details are made available to all guests for properties under our management. We are contactable 24/7 and typically able to attend to properties in person within an hour for emergencies. In addition, we are more than happy to provide our contact details to all adjacent neighbors in the rare chance of an issue arising.

Airbnb and short-term accommodation deliver an enormous economic contribution to Western Australia and to its Local Government Authorities. In a 5-page report commissioned by Deloitte into the economic effects of Airbnb in Western Australia, Airbnb guests spent \$155 million supporting 780 jobs and \$100 million in GSP. These figures have grown exponentially in recent years and are of enormous benefit to local businesses, residents, guests and the tourism sector.

We provide guests with handbooks which include local recommended tips for nearby shops, restaurants, cafes, entertainment, sights, attractions and so much more. This local spending allows local businesses in the council area to thrive and continue or expand their operations with this added

revenue. We find from talking with local business owners and staff that they are very grateful for the contribution we provide.

2. Objectives of Management Plan

To clearly outline and demonstrate the professional management procedures implemented by HostYou to ensure effective operational management.

3. Management Strategies

3.1 Management

3.1.1 Booking requirements

We anticipate approximately one to two bookings per week and our average trip length is between 3-8 nights. This is based on historical data from our existing portfolio.

We specify a mandatory minimum stay length of two (2) nights as we find this significantly deters any unwanted targeting for parties or gatherings. The maximum length of stay is 89 nights. We have a booking cut-off time after 7:00pm so that last minute and late night bookings are impossible, again lessening the risk of undesirable guests.

3.1.2 Guest screening procedures

When a guest requests or books a stay at this property, we require the following guest verification steps:

- ☐ Contact details including full name(s), phone number & e-mail address
- ☐ Acceptance of our stipulated house rules
- ☐ Confirmed payment
- ☐ Profile photo (if set)
- ☐ Government issued ID (such as driver's licence or passport)
- ☐ Written reviews/recommendations from other hosts
- ☐ Total number of guests & location guests are travelling from
- ☐ Their reason for visiting Perth & booking the property

To add an extra level of confidence in relation to the identity of a booking guest we then cross reference guest information details by using social media platforms. We can further screen the potential guest/booking by obtaining names of all guests, requiring government issued ID that all guests are required to submit upon successful booking confirmation.

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Once we have carried out a thorough check of the prospective guest, we then have a right to refuse, accept or cancel the reservation. Prior or after acceptance of the booking, each guest is sent a "HOUSE RULES and PARTY screening" message. This reiterates our stance on no parties, no gatherings, and no events. This further encourages guests with differing intentions to cancel their booking, as NO deviation from these rules will be tolerated.

Our set of house rules are displayed on the online listing and in the hard-copy guest handbook inside the property in the kitchen for the guest to refer to.

All bookings are backed by Airbnb's Professional Host support and their 'AirCover' which provides a \$1m USD host guarantee & \$1m USD host protection insurance, underwritten by Lloyds of London. The guest receives our contact number upon confirmation of their booking for any emergencies or required communication. We keep records of all messaging on the platforms.

3.1.3 Guest Handbook

Each guest on the property is provided with a physical handbook that provides them with all information required for an enjoyable, safe and compliant stay. When a guest checks in, they are encouraged to read our 'Guest Handbook.' This lists the property managers contact details, emergency contact details, emergency plan, house rules, parking rules, bin collection days, public transport, nearby amenities, sights, and attractions in the area and more.

The guest handbook which we have created is very comprehensive, which significantly mitigates any queries, risks and issues regarding their stay.

3.1.4 House Rules

Our set of house rules are displayed both on the online listing and in our comprehensive guest handbook which is located inside the property in the kitchen. As mentioned above, guests are also re-directed to the house rules via screening procedures and a message sent upon booking. We can add additional house rules to suit the property, location, neighborhood, or landlord's desires.

Rules:

- No parties or gatherings permitted
- Guests and visitors must not create noise which is offensive and excessive to occupiers of neighboring properties especially between 10pm and 7am Monday to Saturday and 10pm – 9am on Sunday and public holidays, during arrival, and during departure, and at any time throughout the occupancy
- Maximum of 8 guests are permitted to stay at this property

- No additional guests other than those booked are permitted to stay at the property
- No pets
- Offensive and excessive noise is prohibited and may result in termination of permission to occupy the property, eviction, and extra charges for damage, security, and other expenses, which may be deducted under the terms and conditions
- Guests must not engage in any anti-social behavior and must minimize their impact upon the residential amenity of neighbors and local community
- Professionals and/or Police may be engaged to attend during & after normal business hours.

3.2 Check in and check out procedures

Check-in is from 3:00pm until late, this is to allow guests arriving from international/interstate flights the ability to check in. We communicate with all guests in relation to their check-in time. All guests receive detailed check-in instructions prior to their arrival, on day 7, day 2 and 1 day prior to check-in.

Check-in is achieved using a digital front door lock whereby each guest gets a unique entry code valid for the duration of their stay only. This code is sent to the guest through the booking platform 1-2 days prior to check-in to ensure the process is seamless.

Guests will also receive a photo of the property they are staying at; how to access the front door, a photo of their parking spot and where the council bins are located.

Check-out is at 10am or earlier on their departure date.

3.3 Mitigation and Complaints procedures

We are contactable 24/7 and our phone numbers and e-mail addresses are provided to our guests upon confirmation of booking and are also advertised in the property guest handbook for easy access. As previously stated, we are more than happy to provide these details to nearby neighbors for us to be even more effective in managing our properties.

In our online listing, which the guest(s) must agree to before booking and in our guest handbook, we have extensively listed our house rules in respect to the property and other nearby residents of the surrounding area & amenity. Priority is given to the adherence of our noise and parking policy.

In the unlikely event that a complaint does occur at the property, we have developed a systemised approach to address and eliminate concerns. First and foremost, the guest will be notified of the complaint and requested to make the necessary adjustments to comply with the house rules. It is rarely needed to take further action. The guest will be informed that any continued breach of the house rules could result in the reservation being terminated.

In the unlikely case that contact cannot be made with the guest or a suitable resolution is not reached, HostYou will be expected to appear at the property and settle the dispute. Thanks to the vicinity of the HostYou Directors/ Operations team and managers, they can be onsite within 10-60

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minutes. If deemed necessary, professionals and or Police may be engaged to attend during and after normal business hours to minimise disruptions to neighbours.

Guests and visitors must not create noise which is offensive and excessive to occupiers of neighboring properties especially between 10pm and 7am Monday to Saturday and 10pm – 9am on Sunday and public holidays, during arrival, and during departure, and at any time throughout the occupancy.

Offensive and excessive noise is prohibited and may result in termination of permission to occupy the property, eviction, and extra charges for damage, security, and other expenses, which may be deducted under the terms and conditions.

Guests and visitors must not engage in any anti-social behaviour and must minimize their impact upon the residential amenity of neighbors and local community. Any complainant will be kept informed throughout the process and will be encouraged to provide evidence to support the cause of us taking swift action. From receipt of a complaint, it is extremely rare for an issue to extend beyond just a few minutes, and we aim to resolve all issues within 30 minutes – 1 hour total.

If required and to further ensure the smooth operational management of the property *Real time noise monitoring* can be installed in the property for noise mitigation. This technological device will manage non- conformance to the House Rules outlining “excessive noise after 10pm”. This software allows assurance that if a noise nuisance is created by guests, the management is aware before complaint calls need to be made. Time stamped data allows management to quickly validate or invalidate a complaint about noise, in real-time or post check-out as guests are often easy targets for false, perceived, or real noise complaints.

3.4 Use and Maintenance

Property upkeep and maintenance is an essential component of effective short-term rental management and is an aspect we take extremely seriously. The HostYou team will inspect the property after each guest leaves the premise to allow for rapid repair of maintenance issues within or outside the property and ensures that the property's appearance meets or exceeds the standard of neighboring properties.

The HostYou maintenance team is responsible for all maintenance requirements in relation to this property. Likewise, any maintenance issues are flagged immediately by HostYou staff and dealt with accordingly. No Furniture will be removed by any persons other than by HostYou and in the event of this happening the old or disused furniture will be taken from the property completely.

The storeroom is for the exclusive use of the owners and will not be available to potential guests throughout their stay.

3.5 Safety, Hygiene and Security

3.5.1 Safety

The property is equipped with compliant RCDs and Smoke Alarms. To ensure compliance and safety, a licensed electrician may be required to provide an electrical safety certificate periodically. Additionally, we also provide first aid kits, fire extinguishers and a fire blanket. Our detailed guest handbook includes contact information for the local police station, hospitals, and fire station, as well as our emergency contact number, which is '000'.

3.5.2 Hygiene and Comfort

All waste, including FOGO (green lid), general waste (red lid), recycling (yellow lid) must be disposed of according to local council policies and procedures and placed in the appropriate allocated bins for weekly/fortnightly collections. The housekeeping team are tasked with removing any excess rubbish and will promptly remove it from the public view.

We remind guests to place all rubbish and recycling in the allocated bins at the property and provide assistance with rubbish disposal during checkout and when the property is vacant. This is done through an automated message along with instructions in our house manual.

The housekeeping team monitors bin location and contents at each check-out and may take photos or gather evidence to ensure efficient bin maintenance and reduce the risk of problems.

In addition, the property features a fully functional kitchen with a fridge and pantry for food storage, and we take measures to prevent vermin and pest problems.

The linen and towels are removed off-site following each check-out clean and provided to a professional commercial laundering service to wash, dry, and return to our storage facility upon completion.

We regularly check exhaust fans and air conditioning/heating appliances and repair or replace them as needed. Guests are encouraged to report maintenance issues to us immediately so that we can resolve them quickly.

Finally, we provide a washing machine and dryer for guest convenience to use during their stay to wash their clothes as required.

3.5.3 Security

As mentioned in 3.2 check in /out is done via a digital lock. This allows for easy check-in but elevates the security of the property. As previously mentioned, we can also install an internal intuitive decibel device named <https://www.minut.com/solutions/hosts-and-owners> which monitors the decibel level within the household and is customised to SMS and call the relevant guests and/or us if levels peak and persist at certain pre-set decibel ranges which will allow mitigation of noise and compliance with the noise policy, particularly between hours of 10:00pm – 7:00am.

3.6 Car Parking

The property has two (2) allocated parking spaces. The parking area is located at the side of the property in the driveway. All parking configurations allow for 2 cars to be parked safely and securely within the boundaries of the property behind the gate without parking on the road. At no stage is it necessary for there to be any vehicles parked outside of the property boundary.

Fig.1: Parking area as shown in the driveway area with 2 cars and the gate closed



Fig.2: Here is a side view of the location clearly showing ample room for 2 cars in the driveway behind the closed gate within the property boundary



Fig.3: Parking area as shown in the driveway area with 2 cars and the gate open



Fig.4: Parking area as shown in the driveway area with 2 cars and the gate closed



Please review photos detailing property parking.

Fig.1: Parking area as shown in the driveway area with 2 cars and the gate closed

Fig.2: Here is a side view of the location clearly showing ample room for 2 cars in the driveway behind the closed gate within the property boundary

Fig.3: Parking area as shown in the driveway area with 2 cars and the gate open

Fig.4: Parking area as shown in the driveway area with 2 cars and the gate closed

As the property will be used for residential purposes, we expect no excessive trips to and from the property. This property will be listed with families in mind and guests can have up to 2 vehicles. For bookings from local guests and during the booking process, guests will be able to provide us with further information regarding whether they will need to park a vehicle at the premises as we allow for only two (2) allocated car spaces at the property and will advertise this accordingly.

Guests will always be made aware that there is also NO street parking, and we will advertise this accordingly. As stated in our online listing, in the house rules section under 'Things to Know' will be our parking information, it will also be listed again in the 'Space' section of the listing & guest handbook. Furthermore, we provide details for ride share companies such as Uber and Ola. We also promote our local taxi companies and locations of bus stops and local transport.

4. Summary

Short-stay accommodation is not subject to the same stringent rules of the Residential Tenancy Act of 1987 in favour of a tenant and their rights to occupy a premise; and therefore we have significant power to be able to manage any potentially antisocial behaviour.

You can be assured that under our management, 20 Grosvenor St, Mount Lawley 6050 will be undertaken with the upmost respect and best of intentions for the neighboring community. HostYou is a highly experienced short-term rental management company dedicated to meeting all applicable laws, regulations and policies set forth by the Council. For all these reasons, we request your favourable consideration of our application to change the use of this property to approved short stay accommodation.

Please do not hesitate to contact me should you seek any additional information relating to the management of the property.

Yours faithfully,

Kate Hawker
HostYou 0458 771 734
info@hostyou.com.au



20 GROSVENOR ROAD, MOUNT LAWLEY***Code of Conduct***

- This is a home and treat it as your own.
- We have fabulous neighbours and ask that you are respectful of them.
- Guests must park their vehicles (up to two (2) cars) inside the gate.
- Please do not park in the street.
- Strictly no pets are allowed.
- Parties and gatherings are not permitted to be held at this home.
- Strictly no smoking/vaping or e-cigarettes.
- Any excessive noise will not be tolerated.
- Quiet time is between 10:00pm and 7:00am on Monday to Saturday, and 10:00pm to 9:00am on Sunday and public holidays.
- When you leave the property, please leave it as you find it.
- Security/Damage Deposit will be refunded as long as the provisions and house rules are met.
- Please refer to the Guest Book which provides further details on the rules of use of our home.

prepared on 17 March 2025



17 March 2025

File ref: PLAN_49_RFI

Chief Executive Officer
City of Vincent
email: mail@vincent.wa.gov.au

Attn: Mr Callum Radecki – Urban Planner
email: callum.radecki@vincent.wa.gov.au

Dear Sir

**Re: APPLICANT RESPONSE – CHANGE OF USE APPLICATION
Lot 9 (No. 20) GROSVENOR ROAD, MOUNT LAWLEY**

This is to advise that *PLAN. (Town Planning & Urban Design)* has been recently appointed to act on behalf of Mr Stanislaw Dzieciol (the registered owner) of Lot 9 (No. 20) Grosvenor Road, Mount Lawley.

This submission is lodged as part of the Change of Use Application for the subject property which is currently under assessment by the City of Vincent (**City's Ref: 5.2024.421.1**).

The Application seeks approval for a change of use from 'Single House' to '*Unhosted Short Term Rental Accommodation*' (**Unhosted STRA**).

It is relevant to note that Mr Dzieciol formally registered the property for unhosted STRA use purposes in December 2024. The property is currently being advertised and utilised for this purpose under the 90 night (non-consecutive) exemption permitted for landowners to lease out their property without the need for planning approval to be obtained. The City was notified and confirmed its agreement for the use to commence under the STRA provisions whilst the Application was under assessment. It is important to highlight that the unhosted STRA use of this property did not commence until after the close of the advertising period for this Application. The comments received during the advertising process are therefore of a general nature, referring only to perceived impacts which might be caused by this use, rather than being specifically related to the unhosted STRA use of the subject property.

This submission includes:

1. Relevant background to the Application.
2. Summary of the proposal: Locational Characteristics.
3. A formal Planning Response to the City's Request for Additional Information as outlined in its correspondence dated 30 January 2025.

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Perth WA 6000

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Lot 9 (No. 20) Grosvenor Road, Mount Lawley

4. A response to the summary of matters raised in submissions lodged during the formal advertising period.

1.0 RELEVANT BACKGROUND TO THE APPLICATION

This property is the family home of Mr Dzieciol, who grew up in the house with his Mother, Father and siblings.

Mr Dzieciol acquired the property from his siblings after the passing of his Mother, with the intention of preserving the home and keeping it in the ownership of the family. The purpose of providing this personal information is to assure the City that the property is personally significant to Mr Dzieciol and his family. The family has restored the home and takes particular care in ensuring it is booked by families and groups of visitors who will treat the home and their neighbourhood with the highest level of respect.

The restored dwelling is intentionally furnished to appeal to families and groups of people travelling together who are seeking short and extended stays in a residential home. This type of accommodation offering meets the needs of certain visitors seeking a more authentic local stay experience on a property which provides both privacy and space, with a far more relaxing neighbourhood feel, when compared to hotel stays.

The following photographs provide a selection of the images included with the current listing on Airbnb, which as mentioned above, is being advertised and used as unhosted STRA purposes in accordance with the STRA Regulations.



PHOTOGRAPH 1: Standing in front setback of the property looking north west towards the front façade of the restored dwelling.

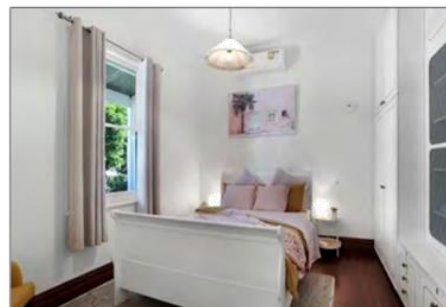
Planning Submission
 Lot 9 (No. 20) Grosvenor Road, Mount Lawley



PHOTOGRAPH 2: The living and dining room, which is furnished to present for use as a family stay or for a group of adults travelling together.

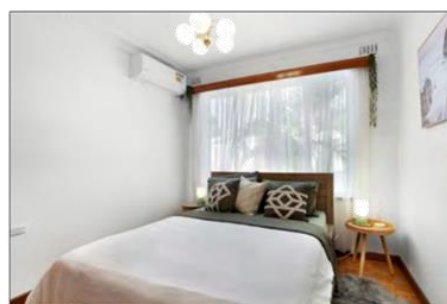


PHOTOGRAPH 3: The kitchen, which similarly presents as a family home.



PHOTOGRAPH 4: The master bedroom and first bedroom, which again is furnished to appeal to families.

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Lot 9 (No. 20) Grosvenor Road, Mount Lawley



PHOTOGRAPH 5: The second and third bedrooms providing for additional separate bedrooms for families.



PHOTOGRAPH 6: The bathroom and laundry rooms.

This property is located at the doorstep of the thriving commercial main street of the Beaufort Street Town Centre. It is ideally located to attract families visiting Perth who seek a stay in a house (not a hotel) which has direct access to both day and night entertainment and shopping activities, together with the full range of convenience goods and services.

This property is also well suited for this type of accommodation due to the high frequency bus transportation service which runs along Beaufort Street, connecting visitors to the City Centre and all of the other tourist attracting sites and venues across the Perth Metropolitan Region.

The specific locational characteristics of this property are further described below.

2.0 SUMMARY OF THE PROPOSAL: LOCATIONAL CHARACTERISTICS

The City's correspondence dated 30 January 2025 includes statements which refer to consideration of the locational context criteria of the City's *Local Planning Policy – Short Term Accommodation (LPP - STA)*.

This section of the submission provides a description of the locality in order to establish the locational context within which the subject property is situated. It is necessary to define the locational context of this area in order to properly consider the proposed use against the relevant criteria of LPP – STA. The defined locational context allows for a position to be formed as to whether the use might in anyway create an adverse impact on the existing amenity of this particular area. The amenity impacts which are considered in relation to the Application include any possible

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issues associated with the use of the property in terms of traffic, parking, and noise contributing factors.

Locational context

This particular location is immediately adjacent and with a direct connection to the section of Beaufort Street described in the advertised *Beaufort Street Town Centre Planning Framework* as the 'Uptown' Sub-Precinct. This Sub-Precinct is described in the Framework as being an area of Beaufort Street which is 'a **vibrant hub for entertainment, hospitality and culture, anchored by landmark venues such as The Elford and RTRFM. Its elevated position offers views across the surrounding suburbs, reinforcing its role as a destination for locals and visitors. Future development will build on the existing character, enhancing street-level activity and creating a dynamic atmosphere.**' (*Emphasis added.*)

The locational context of the property includes the geographical features listed below, with the boundaries of this area being as defined in [Figure 1](#).



FIGURE 1: Locational context boundary as defined by red line.

Source: google maps.

Geographical features of the location:

1. The direct connection and interaction of this property with the commercial uses operating at the eastern end of Grosvenor Road at its intersection with Beaufort Street, which area forms part of the 'Uptown Sub-Precinct' of the Beaufort Street Town Centre.
2. The residential and non-residential land uses fronting Grosvenor Road on both sides of the access road, extending from the intersection at Beaufort Street (in the east) to the raised median in the west which prevents traffic from travelling any further west on Grosvenor Road.
3. The large public car parking facilities located at the eastern end of Grosvenor Road.
4. Arnold Lane, which is the sealed and drained Right of Way extending along the rear boundaries of the properties on the northern side of Grosvenor Road.

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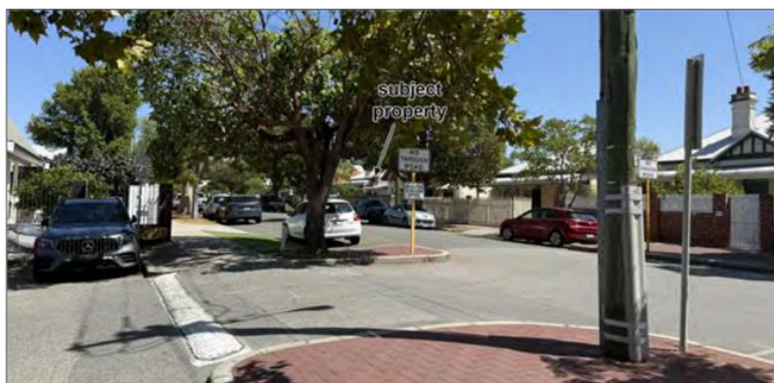
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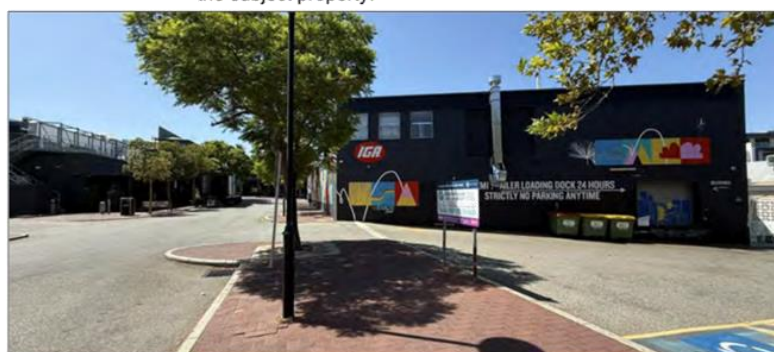
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 Lot 9 (No. 20) Grosvenor Road, Mount Lawley

5. Boodja Lane, which is the sealed and drained Right of Way extending along the rear boundaries of the properties on the southern side of Grosvenor Road.
6. The access to and from both Arnold and Boodja Lanes from the internal areas of the adjoining public car parking facilities.

This locational context comprises of a mix of residential and non-residential uses on properties with individual frontages to Grosvenor Road, and the bustling, noisy and vibrant commercial land uses operating in the Beaufort Street Town Centre. Of particular note is The Elford pub, Fresh Provisions, IGA, and Beaux Lane, including the many restaurants, cafes and other shopping tenancies, which together with the adjoining well utilised public car park areas, exist at the eastern end of Grosvenor Road and within 50 metres to 100 metres walking distance of the subject property. The interface of this thriving commercial area of Beaufort Street with the subject property plays a significant contributing role in defining the character of this area. The following photographs demonstrate the relationship between the residential and non-residential land uses and the commercial uses operating on the same section of street.



PHOTOGRAPH 7: Standing on the brick paved verge of the car park on the southern side of Grosvenor Road, looking in a north western direction towards the subject property.



PHOTOGRAPH 8: Standing on the brick paved verge of the same car park shown in Photograph 7 on the southern side of Grosvenor Road looking across the easternmost access to the car park and IGA, with The Elford pub to the left of photograph.

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 Lot 9 (No. 20) Grosvenor Road, Mount Lawley



PHOTOGRAPH 9: Standing on the southern side of Grosvenor Road looking towards the non-residential uses and the subject property.



PHOTOGRAPH 10: Standing on the southern side of Grosvenor Road looking towards the crossovers and car parking area on the northern side of the road, together with Fresh Provisions and the many other commercial uses of the Alexander Buildings. Note: The Elford is to the right of the photo.

The subject property sits on the doorstep of the Beaufort Street Town Centre, which is accessible from the pedestrian footpath which runs along the front verge of the land to meet the intersection with Beaufort Street.



PHOTOGRAPH 11: Looking east along Grosvenor Road towards intersection with Beaufort Street. Property to left of photograph.

The residential properties on both sides of Grosvenor Road comprise of single and double storey built forms on freehold lots, with individual primary frontages which address the road. All properties have rear boundaries which abut sealed and drained laneways.

The majority of the dwellings in this immediate area have generous front setbacks to Grosvenor Road and setbacks to the side boundaries shared with adjacent properties. The separation distances between the individual dwellings together with the setbacks to the road and wide frontages of the lots indicates that the residential properties in this particular location are not confined or sensitive to noise to the point where any such perceived impact is not capable of being managed.

Grosvenor Road has a total reservation width of 20.0 metres with a carriageway width of 10.0m (approx.). The substantial width of the carriageway allows for ample street parking opportunities for visitors to residential properties in this area.

The residential and non-residential use properties enjoy on-site parking in the form of double garages, or carports providing tandem parking, for at least two (2) vehicles, with most being accessible from individual crossovers on Grosvenor Road and/or the rear laneways.

All properties have parking opportunities at the rear, which are accessible from Arnold and Boodja Lanes via the respective adjoining public car parking areas and side streets. The on-street parking availability on both sides of the road, coupled with the wide verges and the residential properties providing on-site parking for their vehicles, suggests that parking is not a constraining factor in terms of amenity in this area.

The public car parking facilities are located within 50m of the subject property which can be accessed by vehicles entering Grosvenor Road from Beaufort Street. It is extremely well utilised with vehicle and pedestrian movements occurring at the western end of Grosvenor Road and across both carparking areas throughout the day and evening on the seven days of the week. Only local traffic travels west beyond the car parking entrances on Grosvenor Road, as this section is sign posted as a 'no-through road'. The vehicle movements associated within this section of road are therefore already suitably managed to not be considered a constraining factor on the amenity of this area.

The diverse range of land use activities operating in this immediate locality play an integral part in shaping the identity and existing noise amenity impacting this location. These activities combine with high volumes of traffic on Beaufort Street, which traffic noise extends into the adjoining carparking areas to generate a substantial level of existing noise impact, which is audible in this location and at the subject property during the day and late into the evening.

The noise of the traffic on Beaufort Street is intensified as vehicles slow down and accelerate near the intersection of this section of Grosvenor Road due to it being close to the traffic lights at Walcott Street. The location is also impacted by the noise contributing factors associated with vehicles entering Grosvenor Road to access the adjoining car parks. This includes the noise of vehicles moving across the parking areas together with the sounds of car doors closing as people enter

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and exit their vehicles; as well as the noise associated with the truck deliveries to the various commercial uses, including Fresh Provisions, the IGA and The Elford.

Other noises which contribute to the amenity of this location include the conversations of groups of people walking along footpaths and moving within the car park throughout the day and night. The noise of gatherings of people conversing in the alfresco area of The Elford, together with the amplified music emitted from this venue, and similar noises of the many other restaurants and cafes in this immediate location, is also a contributing factor to the existing noise amenity.

All of these noise contributing factors create an ambient noise level greater than which exists in other residential areas nearby Beaufort Street. It is reasonable to conclude that the noise amenity of this particular location combines the activities of residential and non-residential uses with the day and night economy land uses of the Beaufort Street commercial main street, all of which interact within the same stretch of local access road. It is therefore considered that the use of this property is well located for unhosted STRA purposes and compatible with this existing noise amenity. The noise of the guests is similar if not the same as the noise generated by longer term rental occupants and will not adversely impact on the amenity in terms of noise to a degree which cannot be suitably managed through the restrictions included in the attached updated Management Plan and in the manner which the property is currently managed.

Site context

The subject dwelling is located within 50m walking distance of the Beaufort Street Town Centre and only 40m to the west of the non-residential uses of dwellings adjacent to the public parking areas adjoining the Town Centre on Grosvenor Road.

The subject property comprises of a single storey traditional dwelling on a green title lot which has a land area of 577m². A carport provides on-site parking for two (2) vehicles in tandem and is located along the eastern side of the dwelling.

The property has a southern primary frontage to Grosvenor Street of 15.09 metres, side boundary lengths of 38.22 metres, and a rear boundary width of 15.09 metres.

Arnold Lane runs along the rear boundary of the land, which is a 4.02 metre wide sealed and drained Right of Way. Arnold Lane is accessible from the public car park of the Town Centre and Raglan Road to the north.



PHOTOGRAPH 12:

Standing on Arnold Lane at the rear of the subject property looking east directly at a truck delivery to Fresh Provisions which forms part of the Beaufort Street Town Centre.

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Photograph 12 shows a clear line of sight from the rear boundary of the subject land to a truck delivery at the front of Fresh Provisions. This photograph demonstrates the connection and direct interaction of the property with the uses operating within the commercial main street.

The dwelling is set back to the eastern side boundary by approximately 3.0m. The neighbouring dwelling to the east is setback from the shared common boundary by a further 3.0m. The separation distance between the dwelling wall of the subject property and the dwelling to the east (and any sensitive rooms within it) is therefore approximately 6.0m.

The dwelling is setback from its western side boundary by approximately 1.0m. The crossover to this neighbouring (western) property which provides access to onsite tandem parking bays is located along the eastern common boundary shared with the subject property. The dwelling is setback from the boundary approximately 3.0m to accommodate the tandem parking for this neighbouring dwelling. The separation distance between the subject property and this dwelling to the immediate west is therefore approximately 4.0m.

The dwelling is setback from the rear boundary of the land by approximately 17.0 metres and separated from residential dwellings to the north by Arnold Lane. Refer below to **Figure 2: Site Context**.



FIGURE 2: Site Context (source: SLIP)

3.0 APPLICANT RESPONSE TO ADDITIONAL INFORMATION REQUEST

3.1 Response to City's statement in the RFI Correspondence of 30 January 2025

Reference is now made to the following statement contained in the City's RFI correspondence dated 30 January 2025 and provide a response below.

*'The proposal is not supported **due to the dwelling, and its associated outdoor living areas, being in close proximity to sensitive areas of the adjoining residential properties.** It is noted that short stay accommodation properties within established residential areas are susceptible to increased amenity impacts to **neighbouring units.** This results in complications in achieving satisfactory management measures. This is due to the **proposed dwellings (specifically the outdoor living area) proximity to the surrounding dwellings rooms and outdoor living areas.** For this reason, the City is **not supportive** of the proposal **irrespective** of the provided and/or any amended Management Plan or Code of Conduct.' (Emphasis added.)*

Planning response:

Respectfully, the above summary statement outlining the City's preliminary views of this proposal and given as the reason justifying an unsupportive position has given little consideration to the locational context of this area or the specific dwelling characteristics of the land the subject of this Application. Through this submission, we therefore respectfully request the City's further consideration of this proposal on the basis of the planning justification provided and having consideration for the individual merits of this Application.

The following points are provided which specifically respond to the above statement, for the City's consideration.

1. It is inaccurate for the City to describe the adjoining residential properties as 'neighbouring units'. There are no dwelling units adjoining this property. The neighbouring properties comprise of traditional single storey residential dwelling built forms which are centrally positioned on their individual freehold lots. Both neighbouring dwellings have common boundary fencing shared with the subject property and are substantially setback to the shared respective side boundaries.
2. This Application does not seek approval for 'proposed dwellings' on the land. The Application does not include any works component. Approval is sought to use the existing dwelling on the land for unhosted STRA.
3. The outdoor living area of this dwelling is not in close proximity to any sensitive areas on the adjoining residential dwellings.
4. The traditional dwelling on the land and those on the neighbouring lots have private open space areas in the backyards. **Photograph 13** below shows the private open space of the dwelling and its separation to the adjoining properties.

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PHOTOGRAPH 13: The private open space with moveable outdoor setting and small rear verandah sitting area.

5. The subject dwelling has a small rear verandah which currently offers guests a covered outdoor space to sit and relax on a couch outdoor setting. Refer below to **Photograph 14**.



PHOTOGRAPH 14: The private open space with moveable outdoor setting and small rear balcony sitting area.

6. There is also a brick paved area in the backyard which has an unfixed outdoor dining setting, as shown in **Photograph 13**.
7. The back verandah area is setback from the eastern side boundary by 3.0m (approx.). The dwelling on the property to the east is set back at a similar 3.0m approximate distance to the side boundary fence. This provides a total 6.0m (approx.) separation distance from the

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eastern side of the verandah to the closest wall of the neighbouring dwelling. The setback of the dwelling to the eastern boundary is perhaps best considered when viewing the property from Grosvenor Road, as illustrated below at **Photograph 15**.



PHOTOGRAPH 15: Standing on Grosvenor Road looking north at the on-site parking and substantial setback of the dwelling to the neighbouring eastern dwelling, which is similarly setback, providing a total separation distance of approx. 6.0m.

8. The paved area with the outdoor dining setting is positioned adjacent to the western side boundary. The parking for the property to the west runs along this boundary. The setback of the dwelling to the western dwelling is shown below in **Photograph 16**.



PHOTOGRAPH 16: Standing on Grosvenor Road looking north at the on-site parking and substantial setback of the dwelling to the west and the use of the land along its eastern side boundary for on-site parking and boat storage. A large shed is also located on this neighbouring property at the north eastern corner of the rear of the land.

9. There are no adjoining outdoor living areas or sensitive dwelling rooms on either of the neighbouring properties.
10. The separation distances between the subject dwelling and the dwellings on the neighbouring properties to the east and west are substantial. It is therefore difficult to rationalise the position of the City's Administration that the proximity of the outdoor living areas to the neighbouring outdoor living areas and dwelling rooms of a sensitive nature provides sufficient planning reasons for it not to support this Application.

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11. The landowners of the property have also met with the neighbours of these properties to discuss the Application and the recent use of the premises as unhosted STRA. The neighbours raised no concerns and have provided my client with signed letters of written support for the use of this dwelling as unhosted STRA. A copy of these letters of support are provided at [Attachment 1](#).
12. Finally, we respectfully request that the City not dismiss consideration of the attached Management Plan and Code of Conduct, as it had suggested it would do so in the above statement. The attached Management Plan and Code of Conduct are submitted in an updated format, which includes a list of rules for guests to adhere to, which address the perceived impacts raised in submissions received during the advertising process for this Application. Refer to [Attachment 2](#).

3.2 COMPLIANCE OF APPLICATION WITH OBJECTIVES OF LPP - STA

The City's RFI correspondence specifically refers to the Application being required to be considered against the overarching objectives of the LPP – STA. It states in its correspondence that the Application does not currently align with these objectives, with Objective Nos. 3 and 5 being specifically mentioned.

For completeness, each objective of the LPP is listed below together with planning justification which establishes that the proposed use of this dwelling is overwhelmingly compliant with all relevant objectives of this LPP.

LPP OBJECTIVE 1:

Positively contributes to the surrounding locality and diversity of accommodation types offered in the area.

Planning Response:

The built form characteristics of this property and its specific location on Grosvenor Road in connection with the Beaufort Street Town Centre is well suited to positively contribute to the locality by adding to the diversity of accommodation types offered in this area.

The proposed use of the subject property for unhosted STRA purposes therefore comfortably meets with the intent of this objective.

LPP OBJECTIVE 2:

Are managed in a manner that protects the amenity of the surrounding community to the level necessary for its context.

Planning Response:

The property is managed by a Perth based short term rental management company alongside the landowner. A series of questions are asked at the point of booking the accommodation, including

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how many people will be staying, the reason for the visit, and confirmation that it is understood there can be no parties or gatherings at the house, together with other specific house rules.

The attached Management Plan is the document which is displayed in the living room of the home. It is the 'Guest Book' and includes all the rules and procedures to be followed. A copy of the Management Plan is attached at [Attachment 2](#).

The proposed use of the subject property for unhosted STRA is therefore capable of being managed to protect the amenity of the community in this location to the level necessary for its locational context and is therefore compliant with this objective.

LPP OBJECTIVE 3:

Are located, designed and operate in a manner that minimises the level of noise generated by guests and impact that noise has on the surrounding community.

Planning Response:

The location and design of the single storey dwelling on the land together with the high quality management of the use means that the level of noise generated by people occupying the property is similar and not more than the noise of people using the property under a longer term lease arrangement.

The operational management of the dwelling ensures it is occupied respectfully by guests, which is assisted by the inclusion of restrictions on the guest numbers; minimum stay and booking requirements; restrictions on the use of the outdoor space during the noise sensitive hours of the evening; and no pets of guests being permitted.

All guests and cleaners employed to service the dwelling after each stay are required to park in the on-site parking provided on the property.

The proposed use of the subject property for unhosted STRA is therefore compliant with this objective.

LPP OBJECTIVE 4:

Do not negatively impact on the heritage integrity of a place or its historical and social value.

Planning Response:

The subject property is not listed as a place of heritage significance. This objective is therefore not relevant to the consideration of the merits of this Application.

LPP OBJECTIVE 5:

Do not have an undue impact on the amenity of the area, including surrounding residential properties and businesses.

Planning Response:

The City's RFI correspondence advises that it considers the proposed use of the dwelling as not aligning with this LPP Objective No. 5. The City suggests that the amenity is impacted as it has formed a preliminary view that the dwelling does not provide sufficient distance and separation between the outdoor living areas on the subject land to sensitive areas of the adjoining properties to the west and east in order to minimise noise generated by guests.

In order to address this particular objective, it is first necessary to establish the existing amenity, before considering the impact of the proposal on that amenity, and the weight of that impact. The amenity requires consideration of the immediate locality which includes the characteristics of the land, the surrounding properties, and the streetscape of Grosvenor Road, including both parking and noise related amenity characteristics of both the residential area and the specific commercial uses operating on this same street within the Beaufort Street Town Centre. The area which defines the locational context is described in detail at [Section 2.0](#) of this submission.

The amenity of this area consists of the diverse range of day and night economy land uses operating in the Town Centre within 50m of the subject property. The most notable contributing factor to the amenity of this area is the noise generated from the activities of the Town Centre.

The contributing factors to the noise amenity of this location is established as including the residential and non-residential uses combined with the day and evening activities associated with Fresh Provisions, IGA, The Elford pub, the various restaurants and cafes which adjoin the public car parks accessible from Grosvenor Road, combined with the noise of vehicles on Beaufort Street, which is clearly audible from the premises.

Grosvenor Road is well managed with only local traffic entering the residential section of this location. The use of the property for unhosted STRA will not adversely impact on the existing amenity in terms of noise generated by traffic volumes or movements in this area.

The property provides sufficient parking on-site to support the use. The use does not rely on street parking and therefore will not create an adverse amenity impact on the streetscape. It is also relevant to note that the property has immediate accessibility to the high frequency bus services which run along Beaufort Street, which further reduces the dependency on private car use by guests.

The dwellings in this location are sufficiently separated from each other to provide adequate buffers to ameliorate noise of an occupant of the subject property or the neighbouring properties, whether the occupants be permanent or guests enjoying a short stay.

The existing amenity of this particular section of Grosvenor Road is therefore not purely residential in nature. It is an amenity comprising of residential and non-residential land uses with a clear

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interface with the activities occurring in the commercial main street. Some of these activities are in such close proximity to the property that the house is clearly visible when standing midway along the side boundary of the Mount Lawley IGA and directly adjacent to the alfresco area of the major openings of The Elford to Grosvenor Road. Refer to [Photograph 17](#).



PHOTOGRAPH 17: Standing on the southern side of Grosvenor Road near the intersection with Beaufort Street, looking west towards the subject property.

The use of the property for unhosted STRA purposes will not result in an undue impact on the amenity of the surrounding properties. The dwelling does not share any boundary wall with another dwelling. It is sufficiently set back from the neighbouring properties to ensure that the amenity of the area in terms of noise is not in any way adversely impacted by the use of the residential premises for short term rental accommodation purposes.

The outdoor living areas of the dwelling are not located within close proximity to the adjacent dwellings. The private open space and outdoor living areas of this property are shown in [Photograph 18](#) and [19](#).



PHOTOGRAPH 18



PHOTOGRAPH 19

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It is not accurate to describe the outdoor living areas of this property as being adjacent or in any way adjoining the neighbouring properties to the east or the west. The mere fact that the land shares common boundaries with other properties is not sufficient grounds to form the view that the use will create an adverse impact.

The dwelling on the property to the east extends further north and is not impacted to an extent beyond what is reasonably expected of residential properties with backyards located to the rear of the built form.

The dwelling to the east has its onsite parking area extending along the common boundary. There is no outdoor living area adjacent to the boundary which might be considered to be adversely impacted by the use of this space by guests, which use the home in the same way as persons using the property on a longer term basis.

In addition to that, as explained in the section titled [Site Context](#), these properties are set back and separated by fencing and substantial lot boundary setbacks. These properties do NOT share common boundary walls, and they are certainly not residential units.

The revised Management Plan includes restrictions on the numbers of guests of visitors, the times that the outdoor areas can be occupied and other noise mitigating requirements to ensure that this home will continue to operate as it does currently, without causing any concerns in regard to noise generating impacts above the existing noise amenity of this location.

LPP OBJECTIVE 6:

Provide sufficient car parking or access to alternative transport modes to minimise negative impact on the amenity of the area.

Planning Response:

The dwelling provides on-site parking, which is accessible from Grosvenor Road, as well as vehicle access onto the property at the rear of the land via Arnold Lane.

The guests and the professional cleaning company employed to service the dwelling are required to park vehicles in the carport on the property. The use therefore does not rely on street parking. Any perceived impact on amenity as a result of parking is therefore not relevant to this Application.

In addition to that, the property is located within close proximity to the high frequency bus services operating along Beaufort Street, in accordance with this objective.

In further support of this Application, the following planning justification is provided in response to the relevant criteria of *Part 2 – Residential and Mixed Use Zones* of the LPP.

It is highlighted that the following acceptable development criteria is to be given 'due regard' when assessing Applications for this type of use on a residential property.

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'In assessing proposals for short term accommodation in Residential and Mixed Use zones, the City will have due regard to the following Acceptable Development criteria:'

a) Proposals in medium/high density areas.

Planning justification: the property is located with a medium R40 density area.

b) Proposals within 400m of high frequency public transport services or a range of commercial, entertainment or tourist activities or within 1 km of the Perth CBD.

Planning justification: The property is located well within 400m of the high frequency bus transport service operating along Beaufort Street.

c) Accommodation that proposes sufficient distance and separation from the outdoor living areas of adjoining properties to minimise noise generated by guests.

Planning justification: The dwelling on the land is sufficiently separated and provides adequate distances between the outdoor living areas on the land and those on adjoining properties to ensure minimal impact of noise.

d) Accommodation that has a direct interface with noise generating (non-residential) uses or where ambient noise/activity already exists.

Planning justification: The dwelling on the land is located within an area where ambient noise and activity already exists, as established through this submission.

e) Proposals that demonstrate that the use would positively contribute to the geographic location or diversity of accommodation types offered in the area.

Planning justification: The use of the property offers visitors with stays in an appropriate location with convenient access to all amenities required of guests. It is a well suited location and property which provides the City with an opportunity to ensure diversity of accommodation is provided for visitors in a location which supports the local businesses operating in the Town Centre.

f) Proposals that do not involve works that alter the external appearance of the building.

Planning justification: The Application does not involve any works component.

Host present:

Yes, or management plan and other measures are suitable to achieve the objectives of the policy.

Planning justification: No host is proposed to be present during visitor stays. An updated Management Plan and Code of Conduct are provided at [Attachment 2](#).

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Minimum night stay:

2 nights (does not apply to Bed and Breakfast uses and other uses where a host is present).

Planning justification: The minimum stay is two (2) nights.

Management Plan and Code of Conduct: Yes

Planning justification: Please refer to the Management Plan/Guest Book and Code of Conduct at [Attachment 2](#).

The attached Management Plan (Guest Book) ensures that the family home is not used for anything other than short stay accommodation purposes.

The house rules are clearly stated in the Management Plan to ensure the occupants will use the home as a place for quiet enjoyment and relaxation during their stay. The rules include a defining statement that parties or gatherings are prohibited. In addition to that, the following statements are included:

1. We have fabulous neighbours and ask that you are respectful of them.
2. Please treat this property with care and consideration.
3. No additional persons are allowed on the premises unless approved by the host.
4. Strictly no pets are allowed.
5. Strictly no smoking/vaping or e-cigarettes.
6. Any excessive noise will not be tolerated. Quiet time is between 10:00pm and 7:00am on Monday to Saturday, and 10:00pm to 9:00am on Sunday and public holidays.
7. Guests are required to park two (2) cars inside the gate. Please do not park in the street.
8. Security/Damage Deposit will be refunded as long as the provisions and house rules are met.

4.0 APPLICANT'S RESPONSE TO SUMMARY OF SUBMISSIONS

A formal Applicant's response to each of the submissions received during the advertising period is provided in the attached schedule included at [Attachment 3](#).

In addition to that, we provide the following list of recent and upcoming stays at the home, as part of the 90 days exemption period.

The guests are all required to acknowledge the house rules, including that there are to be no parties or gatherings of guests at the property. All visitors have been family members or mature guests visiting family.

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GUEST DESCRIPTION	LENGTH OF STAY	TOTAL NIGHTS OF STAY
2 Adults and 3 Children. A Mother, Son and his children. (International) Holiday visit.	28 December 2024 to 3 January 2025 Check-in at 3pm, check-out at 10am.	6 nights
4 Adults. (Portugal and UK) Holiday visit.	15 to 19 January 2025 Check-in at 3pm, check-out at 10am.	4 nights
2 Adults and 3 Children. (Geraldton) Holiday visit.	22 to 27 January 2025 Check-in at 3pm, check-out at 10am.	5 nights
2 Adults and 3 Children. (Local) Building works at place of residence.	2 to 15 February 2025 Check-in at 3pm, check-out at 10am.	13 nights
4 Adults and 1 Infant. (Broome) Visiting sick family member.	18 to 23 February 2025 Check-in at 3pm, check-out at 10am.	5 nights
2 Adults and 1 Child. (USA) Visiting family.	3 to 7 March 2025 Check-in at 3pm, check-out at 10am.	4 nights
3 Adults. (Ireland) Visiting family and playing golf.	10 to 16 March 2025 Check-in at 3pm, check-out at 10am.	6 nights
3 Adults and 2 Children. (Interstate) Family visiting Perth to visit UWA for their Son.	28 March to 1 April 2025 Check-in at 3pm, check-out at 10am.	4 nights

5.0 CONCLUDING SUMMARY

The property is a high quality and beautifully restored family home which provides stays for families in an area which is residential in form but with direct interaction and connection with the Beaufort Street Town Centre.

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The guests approved to stay in the home are stringently assessed by the Accommodation Manager in consultant with the owner of the land. Approval for each stay is only given to mature guests, comprising of a single family unit or a group of adults visiting Perth following consideration of the reasons for that visit and confirmation that the house will not be used for parties or gatherings of people.

We therefore respectfully request that the City consider this submission and the attached Management Plan together with the Code of Conduct and assess this Application on its merits, based on the justification provided.

Should staff have any queries regarding the information provided in this submission, the writer is available on 0414 384 972 or clare@planwa.au, at their convenience.

Yours sincerely



Clare McLean
Director

Clause 67 – Relevant Matters to be Considered by Local Government Assessment

Clause 67 – Matters to be Considered	
Matter	Administration Comment
a) The aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area.	<p>LPS2 contains broader aims applicable to the entire Scheme area, separate to objectives for each zone. LPS2 aims relevant to this proposal include:</p> <ul style="list-style-type: none"> (a) <i>to cater for the diversity of demands, interests and lifestyles by facilitating and encouraging the provision of a wide range of choices in housing, business, employment, education, leisure, transport and access opportunities;</i> (b) <i>to protect and enhance the health, safety and general welfare of the City's inhabitants and the social, environmental and cultural environment;</i> (c) <i>to ensure that the use and development of land is managed in an effective and efficient manner within a flexible framework which –</i> <ul style="list-style-type: none"> (i) <i>recognises the individual character and needs of the five community precincts within the Scheme area; and</i> (ii) <i>can respond readily to change;</i> <p>In summary, the proposal is inconsistent with the aims of LPS2. The site is not suitably located for the introduction of a Holiday House land use, given its context within a residential area. The increased intensity and commercial nature of the proposed use, when compared to a typical dwelling, is likely to result in unreasonable impacts on the amenity of the surrounding area, particularly in relation to noise. As such, the proposal is not aligned with the objectives of the zone.</p>
b) The requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving.	<p>At its 11 February 2025 Ordinary Council Meeting, Council resolved to repaper and advertise a revised Local Planning Policy: Short Term Accommodation parallel with Local Planning Scheme Amendment No. 13 to Local Planning Scheme No. 2.</p> <p>As discussed in the Legal/Policy section of the report, these proposed amendments have not yet been advertised and therefore cannot be given regard as part of the assessment or decision of this proposal.</p>
g) Any local planning policy for the Scheme area.	<p>An assessment has been undertaken against the City's relevant local planning policies, including the Short-Term Accommodation Policy and the Non-Residential Parking Policy. The proposed use is not supported as it does not meet the objectives of the Short-Term Accommodation Policy, for the reasons outlined in the Comments section of this report.</p>
<p>m) The compatibility of the development with its setting including –</p> <ul style="list-style-type: none"> (i) The compatibility of the development with the desired future character of its setting. (ii) The relationship of the development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development. 	<p>The proposed development is not considered compatible with its residential setting, as the introduction of a Holiday House land use would adversely impact the future character of the area and the amenity of adjoining properties. The commercial nature of the use within a residential context is likely to result in unreasonable noise impacts, particularly from guests making more intensive and extended use of the outdoor living area than would typically occur in a permanent residence.</p> <p>While the applicant has proposed management measures to address noise, these are largely reactive rather than proactive, and do not provide sufficient assurance that unacceptable levels of noise will be avoided.</p>
n) The amenity of the locality including the following –	<p>Further detail is provided in the Comments section of this report.</p>
<ul style="list-style-type: none"> (i) environmental impacts of the development; (ii) the character of the locality; (iii) social impacts of the development. 	

w) the history of the site where the development is to be located	<p>The site and immediately adjoining properties were constructed as single houses and have historically been used for permanent residential purposes.</p> <p>The subject site is currently operating as an un-hosted Short-Term Rental Accommodation under an exemption granted by the Planning Regulations, which allows such use for up to 90 nights without requiring development approval.</p> <p>The temporary nature of the exemption does not provide sufficient justification or planning weight to support the ongoing approval of the Holiday House use in perpetuity.</p> <p>The acceptability of the proposed use must be assessed on its long-term implications, rather than its short-term operation under an exemption.</p>
y) any submissions received on the application	<p>The key matters raised in the submissions that are relevant planning considerations have been addressed within this report. A summary of the submissions and the Applicant's response is provided in Attachment 7, with the Administration's response included in Attachment 8.</p> <p>While the number of submissions received for or against the proposal is not, in itself, a determining factor, the substance of the submissions is relevant to the assessment. Objections were received raising concerns relating to amenity impacts, parking, and noise. These matters are discussed in further detail throughout the Consultation section of the report.</p>

Summary of Submissions:

The tables below summarise the comments received during the advertising period of the proposal, together with the Applicant's response to each comment.

Comments Received in Objection:	Applicant Comment:
<u>General</u> <ul style="list-style-type: none"> General concerns regarding the short term accommodation use being proposed in the current housing crisis. 	<p>The use of this property for unhosted STRA purposes is not contributing to the housing crisis issue in any way. There are a number of listed residential properties currently available for long term rental purposes in this immediate location.</p> <p>The use of this home offers another former of accommodation, which addresses the need for diversity in this area.</p> <p>As mentioned in the covering submission, due to delays in the assessment of the Application, the subject property has now been registered for the 90 day exemption period for unhosted STRA use and is being used for unhosted STRA purposes. It has so far provided short stay opportunities for families and groups of adults to meet the need for this accommodation type in this location adjacent to the Beaufort Street Town Centre.</p>
<ul style="list-style-type: none"> Concerns regarding the short term accommodation resulting in the existing predominantly residential area, with limited commercial/mixed-use properties, becoming semi-commercial. 	<p>The locational context of this area is not predominantly residential. The characteristics of this location are described in the detailed submission which accompanies this response. The amenity is a mix of residential living, home businesses, non-residential uses, and the commercial land uses and activities operating in thriving commercial precinct of the Beaufort Street Town Centre, within a two minute walk from the home, at the eastern end of this short section of Grosvenor Road.</p> <p>The managed use of this property for STRA purposes for short stay rental purposes will not result in any change to this existing amenity of this location.</p>
<ul style="list-style-type: none"> Concerns regarding the precedent that this application would have in the immediate area for other short term accommodation, leading to an increase in short-stay accommodation in the neighbourhood. Particularly due to its close location to nearby tourist attractions and commercial precincts. 	<p>Precedent is not a valid planning consideration. Each Application is required to be assessed and determined on its merits.</p>
<ul style="list-style-type: none"> Concerns relate to the increased turnover of occupants straining local infrastructure and services, including waste management, parking, and public transport systems. 	<p>The use of the property by a single family or group of adults for short term rental purposes will not impact on the existing infrastructure and essential services provided for this property. The guests staying at the house do not generate waste beyond that of a longer term rental occupant. The bins are placed out on the verge for collection each week, with the information included in the Management Plan/Guest Book.</p>

Summary of Submissions:

Comments Received in Objection:	Applicant Comment:
	<p>Occupants of the house are required to place the bins on the verge and return them as stated in the attached Management Plan/Guest Book.</p> <p>More than sufficient parking is provided on site with convenient and easily located access to the carport on Grosvenor Road by the existing crossover to the home.</p> <p>The property is within close proximity to the high frequency bus services which run along Beaufort Street, with bus stops being located close by the intersection of Grosvenor Road.</p>
<ul style="list-style-type: none"> Concerns relate to property values decreasing due to the presence of a short term accommodation property. 	<p>Property values are not considered a valid planning reason of objection.</p>
<ul style="list-style-type: none"> Concerns regarding the proposal not meeting two Residential Zone objectives of providing a range of housing that meet the needs of the community and of providing a wide range of different types of residential accommodation that meets the needs of the community as the community opposes the proposal. 	<p>The comments made in this submission are of the submitter only and cannot be made on behalf of the community.</p> <p>The two (2) immediately adjoining neighbours are supportive of the property being used for unhosted STRA purposes and have provided signed letters of support.</p> <p>In response, to the comments of this submitter, the proposal is entirely within the two stated objectives of the Residential zone. This residential property comprises of a single dwelling form on a freehold lot, which type of housing is well represented within this immediate locality. The use of this dwelling for short stay accommodation will therefore have no adverse impact on the existing housing type in this area. Further, the short stay use of the property is considered to provide a different type of rental residential accommodation. The proposal being to use the dwelling to offer short stay accommodation in this area, which is a location sharing a direct interface with the commercial main street of the Beaufort Street Town Centre.</p>

Summary of Submissions:

<u>Management/Management Plan</u> <ul style="list-style-type: none"> Concerns relate to the lack of information within the Management Plan on how affected neighbours can contact the hosts regarding noise and other socially disruptive issues. 	<p>The Management Plan/Guest Book displayed in the home includes contact details of the hosts, a copy of which is provided with the planning submission.</p>
<ul style="list-style-type: none"> Concerns regarding the Management being remote and non-local, which may not provide sufficient attention or responsibility to mitigate associated issues that arise. 	<p>The management of this property is undertaken by a local management team and overseen by the Perth based owner of the land.</p>
<u>Noise and Amenity</u> <ul style="list-style-type: none"> Concerns relate to increased noise levels anti-social behaviour and disturbances associated with short-stay guests, impacting the quality of life for permanent residents. 	<p>The matter of noise and amenity are addressed in detail in the attached submission.</p>
<ul style="list-style-type: none"> Concerns relate to the noise impact, caused by the short-term tenants, will cause to adjoining and adjacent residents, particularly at night. 	<p>The matter of noise and amenity is addressed in detail in the attached submission.</p>
<ul style="list-style-type: none"> Concerns relate to the turnover of short-stay guests impacting the relationship within the community, leading to a less engaged community. 	<p>The use of this property will not lead to a less engaged community.</p>
<ul style="list-style-type: none"> Concerns relate to decreased sense of safety due to guests accessing the property throughout the year. 	<p>This comment is not considered appropriate. Guests occupying the home are not engaging in criminal behaviour.</p>
<ul style="list-style-type: none"> Concern regarding guests not following the parking requirements. 	<p>This is an unfounded and generalised statement. It is also not clear as to the parking requirements which might be of concern.</p>
<ul style="list-style-type: none"> Concerns regarding the potential noise from dogs if the property is pet friendly. 	<p>No pets are permitted.</p>

Summary of Submissions:

The tables below summarise the comments received during the advertising period of the proposal, together with the Administration's response to each comment.

Comments Received in Objection:	Administration Comment:
<p>General</p> <ul style="list-style-type: none"> Concerns about the use of housing to provide short-term accommodation in the current housing crisis. Concerns about the short-term accommodation resulting in the existing predominantly residential area, with limited commercial/mixed-use properties, becoming semi-commercial. Concerns regarding the precedent that this application would have in the immediate area for other short-term accommodation, leading to an increase in short-stay accommodation in the neighbourhood. Particularly due to its close location to nearby tourist attractions and commercial precincts. Concerns relate to the increased turnover of occupants straining local infrastructure and services, including waste management, parking, and public transport systems. 	<ul style="list-style-type: none"> Administration acknowledges the broader community concern regarding housing availability. However, the planning framework requires that each application is assessed on its individual merits and in accordance with the relevant legislation and planning policies. <p>In this instance, the proposed use for short-term accommodation must be considered as submitted. The potential for the site to be used for an alternative purpose, such as permanent residential housing, is not a relevant planning consideration under Clause 67 of the Planning Regulations.</p> <ul style="list-style-type: none"> Holiday Houses can be expected to be used more intensely than standard dwellings and are best considered as a commercial land use. The Holiday House land use is not supported in this location because it is introducing a noise generating land use in a residential area, which would adversely impact the amenity of the locality. Administration acknowledges concerns regarding the potential cumulative impact of short-term accommodation in the area. However, all development applications are assessed on a case-by-case basis, with consideration given to the specific context of each proposal, including its location, scale, and potential impact on the surrounding area. <p>The approval of one application does not establish a precedent, as any future proposals would be subject to assessment against the relevant planning framework and policies in place at the time of lodgement.</p> <ul style="list-style-type: none"> The proposal meets specific technical requirements, including the provision of two on-site parking bays in accordance with the Short-Term Accommodation Policy, and waste management arrangements comparable to a standard residential dwelling. If the application were approved, guests would be responsible for bin placement and collection as outlined in the applicant's Management Plan. <p>However, while these aspects of the proposal are supported, the City maintains concerns regarding the potential amenity impacts on neighbouring properties. In particular, the frequency of guest turnover may lead to increased vehicle movements and greater use of the site's outdoor areas. The location of parking and associated comings and goings may contribute to noise and disturbance that would not typically be expected from a permanent residence. These impacts are discussed in further detail in the Comments section this report.</p>

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Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none"> Concerns relate to property values decreasing due to the presence of a short term accommodation property. The proposal does not meet the Residential Zone objectives relating to the provision a range of housing that meet the needs of the community and providing of a wide range of different types of residential accommodation that meets the needs of the community. This is evidenced by the community opposition to the proposal. 	<ul style="list-style-type: none"> Property values are not a valid planning consideration identified under Clause 67 of the Planning Regulations. The application proposes to retain the existing dwelling but introduce a temporary form of accommodation rather than a permanent residential use. This results in a more intensive use of the site due to the higher turnover of occupants and increased activity typically associated with short-term stays. While the dwelling itself remains residential in form, the nature of the Holiday House land use introduces a level of intensity and transience that is not consistent with the objectives of the Residential Zone. In particular, the use is considered incompatible with the established residential character of the area, with potential for undue amenity impacts, especially in relation to noise and activity from guests. Community submissions are a relevant consideration in the assessment process, particularly where they raise valid planning concerns. However, the number of submissions alone is not a determining factor in the outcome of the application. The planning framework requires that proposals be assessed on their individual merits and the potential impacts on the locality.
<p><u>Management of the Property</u></p> <ul style="list-style-type: none"> A lack of information within the Management Plan on how affected neighbours can contact the hosts regarding noise and other socially disruptive issues. Concerns regarding the operator of the site being off site, which may lead to insufficient attention or action to mitigate issues should they arise. 	<ul style="list-style-type: none"> The management plan includes the contact details of the proposed management company for the property. If the application were approved, a condition of approval could be applied requiring the Holiday House to operate in accordance with the management plan and for it to be distributed to adjoining and adjacent properties. While the applicant has provided a management plan and code of conduct to guide guest behaviour, Administration is not satisfied that these measures alone would be sufficient to ensure the protection of residential amenity in this context. <p>The effective management of short-term accommodation within a residential setting is not solely reliant on operational measures, but also on the suitability of the dwelling layout, proximity to neighbouring properties, and the site's overall context. In this case, the absence of on-site management heightens the risk of amenity impacts, particularly in relation to noise, parking, and guest behaviour, which may not be addressed in a timely or effective manner.</p>

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<p>Noise and Amenity</p> <ul style="list-style-type: none"> Concerns relate to increased noise levels anti-social behaviour and disturbances associated with short-stay guests, impacting the quality of life for permanent residents. Concerns relate to the noise impact, caused by the short-term tenants, will cause to adjoining and adjacent residents, particularly at night. Concerns relate to the turnover of short-stay guests impacting the relationship within the community, leading to a less engaged community. 	<ul style="list-style-type: none"> The outdoor living area of the subject site is directly adjacent to the outdoor living areas of the neighbouring properties at 18 and 22 Grosvenor Road. Given this proximity, the proposed use of the site as a Holiday House is likely to result in undue amenity impacts, particularly from noise generated by guests. <p>Short-stay guests are likely to use the outdoor living area more intensively, for longer periods, and at less predictable times than typical permanent residents. This pattern of use would have an adverse impact on the adjoining properties, disrupting the residential amenity expected in this location. The layout of the site and its relationship to neighbouring dwellings increases the likelihood of conflict, which cannot be fully mitigated through management measures alone.</p> <ul style="list-style-type: none"> The applicant has advised that noise monitoring devices would be installed, which would activate once a pre-set noise threshold is exceeded. These devices are intended to notify the off-site management company if elevated noise levels are detected. <p>While this represents an attempt to manage guest behaviour, the measure is reactive in nature and would not prevent the occurrence of noise or nuisance in real time. As there is no host or operator present on-site, any response to issues may be delayed and therefore not effective in mitigating impacts as they arise. This is of particular concern in a residential setting where noise generated during night-time hours can significantly affect the amenity and quiet enjoyment of neighbouring properties.</p> <ul style="list-style-type: none"> Administration have considered the potential social impacts of the proposal in accordance with Clause 67(m) of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>, which requires consideration of the social impacts of a development. <p>In this instance, it is acknowledged that a frequent turnover of short-stay guests may affect the sense of community and neighbour familiarity within a predominantly permanent residential area. While social cohesion is not a standalone planning objective, the broader social implications – such as impacts on neighbourhood character and residential amenity – have been taken into account as part of the overall assessment of the proposal.</p>

Summary of Submissions:

Comments Received in Objection:	Administration Comment:
<ul style="list-style-type: none">Concerns relate to decreased sense of safety due to guests accessing the property throughout the year.Concern regarding guests not following the parking requirements.Concerns regarding the potential noise from dogs if the property is pet friendly.	<ul style="list-style-type: none">If approved, guests would be required to comply with all relevant laws and the approved management plan, including respecting neighbouring properties. Matters relating to unlawful behaviour fall outside the scope of planning controls and should be referred to the police or appropriate authority if they arise.The proposal includes the provision of two on-site car parking bays, which meets the requirements of the City's Short-Term Accommodation Policy. While the application meets the technical parking standard, concerns regarding guest behaviour and the potential for overflow parking or non-compliance have been noted.The applicant's management plan confirms that pets are not permitted on the premises. This restriction would form part of the operational requirements of the short-term accommodation use, should the application be approved.