

File Number:	DA19/0479
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Officer:	Danielle Castaldini



File Note

Subject: DA19/0479 - Planning Assessment – Lot 1 (32) Calcite Place, Forrestfield

The City of Kalamunda *Local Planning Scheme No.3* (the Scheme) does not have a land use definition that appropriately defines the proposed Short-Term Accommodation. Rather, the land use is appropriately defined as a 'Holiday House' by Clause 37 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations).

While the use is defined, it is not listed in Table 1 of the Scheme and is required to be assessed as a 'Use Not Listed' in accordance with Clause 4.4.2 of the Scheme. Uses which are not listed in the Scheme, are subject to a planning assessment against the relevant '*matters to be considered*' listed in Clause 67 of the LPS Regulations (see table below).

Relevant Clause	Assessment / Comment
<i>(a) The aims and provisions of this scheme and any other local planning scheme operating within the scheme area;</i>	The proposed change of use is considered to be consistent with the relevant aims of the Scheme listed in Clause 1.6. The adjoining landowners have raised concerns (Attachment Two) regarding the impact of the use on the current residential amenity. However, subject to the recommended conditions, it is considered that all potential amenity impacts can be mitigated.
<i>(d) Any environmental protection policy approved under the Environmental Protection Act 1986 section 31;</i>	The Environmental Protection (Noise) Regulations 1997 are a prescribed standard set under the Environmental Protection Act 1986 and sets limits on noise emissions. Accordingly, any noise impacts from the proposed use will be regulated and assessed under the above regulations.
<i>(m) The compatibility of the development within its setting including the relationship of the development to 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;</i>	The proposed change of use will not physically alter the existing single house. Accordingly, there is no impact on the height, bulk, scale, orientation or appearance of the development.



<p><i>(n) The amenity of the locality including the following –</i> <i>(i) Environmental impacts of the development;</i></p>	<p>The proposed change of use to Holiday House will not physically alter the subject site in any manner. The only environmental impacts that could be linked to the change of use could be a possible increase in power and water usage.</p>
<p><i>(ii) The character of the locality;</i></p>	<p>The proposed Holiday House is surrounded by a Residential context/character. In a recent decision (2019 WASAT75) at the State Administrative Tribunal (SAT), the SAT upheld that the use of a dwelling for Air Bnb (Short Term Accommodation) is commercial use. That ‘the manner in which temporary accommodation is used differs in intensity from residential uses and that amenity impacts, in the form of noise, were likely to result’.</p>
<p><i>(iii) Social impacts of the development;</i></p>	<p>In addition to the above, there were concerns raised by the surrounding landowners regarding, parties and antisocial behaviour occurring at the proposed Holiday House. With respect to the above concerns, the applicant has provided a detailed Guest Handbook and list of House Rules in which the City recommends conditioning as part of this development approval. Within the guest book it is detailed that a minimum of 2 nights stay is required, and occupants are unable to book last minute on the evening of their stay, which reduces the likelihood of antisocial behaviour occurring at the property.</p>
<p><i>(s) The adequacy of –</i> <i>(i) the proposed means of access to and egress from the site;</i></p>	<p>The existing single house and proposed holiday house use are serviced by a double crossover from the Calcite Place road reservation.</p>
<p><i>(ii) arrangements for the loading, unloading, manoeuvring and parking of vehicles;</i></p>	<p>The adjoining landowners have raised concerns regarding the containment of vehicles onsite, within the double garage. Accordingly, the City has recommended two conditions of development approval to both contain the vehicles on site and limit the number of occupants permitted on site at one time.</p>



<p><i>(t) The amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;</i></p>	<p>As the proposed use will be conditioned to a maximum number of 2 occupants per bedroom, the traffic likely to generated by the proposed change of use is considered consistent with the existing traffic generated by a two-car household.</p>
<p><i>(u) The availability and adequacy for the development of the following – (i) Public transport services;</i></p>	<p>The proposed Holiday House is well connected to public transport services, as it is located 260m from a Hale Road bus stop.</p>
<p><i>(ii) Public utility services;</i></p>	<p>The proposed Holiday House is located 400m from Hartfield Park.</p>
<p><i>(iii) Storage, management and collection of waste;</i></p>	<p>The existing single house is serviced by the City's waste collection service.</p>
<p><i>(iv) Access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);</i></p>	<p>The existing single house includes a garage for storage of bicycles and two bathrooms for showers.</p>
<p><i>(v) Access by older people and people with disability;</i></p>	<p>The existing single house is single storey with no steps preventing access by older people or people with a disability.</p>
<p><i>(v)The potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;</i></p>	<p>The proposed change of use would increase the number of tourists visiting the locality and would likely increase spending locally. The applicant has provided information within the submitted cover letter which states that 'in one year in Western Australia 171,500 Air bnb guests spent \$155m supporting 780 jobs and \$100 million in GSP'. Accordingly, the local and extended tourism economy may then benefit from the approval of this development application.</p>
<p><i>(y)Any submissions received on the application;</i></p>	<p>The application was advertised in accordance with Local Planning Policy 11 – Public Notification of Planning Proposals. Concerns raised by three objections included Residential Amenity, Noise, Traffic, Parking & Antisocial Behaviour. All comments have been included verbatim in the submission table (Attachment Two).</p>

